

Monday, 30th January, 1939

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THE
COUNCIL OF STATE DEBATES

VOLUME I, 1939

(23rd January to 18th April, 1939)

FIFTH SESSION

OF THE

FOURTH COUNCIL OF STATE, 1939

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COUNCIL OF STATE.

Monday, 30th January, 1939.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBER SWORN :

The Honourable Mr. Maurice William Murray Yeatts (Nominated Official).

QUESTIONS AND ANSWERS.

TOTAL ROUTE MILEAGE UNDER THE MANAGEMENT OF THE A.B.R., ETC.

47. THE HONOURABLE MAULVI ALI ASGAR KHAN: Will Government state :

(a) The total length of the railway line under the management of the A.B.R. ? and

(b) The length of the same that has fallen within the Province of Bengal and in the Province of Assam ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) The total route mileage on the 31st March, 1938 was 1,305·55.

(b) In Bengal 437·55 miles, and in Assam, approximately 868 miles.

TOTAL NUMBER OF EMPLOYEES SERVING ON THE A.B.R., ETC.

48. THE HONOURABLE MAULVI ALI ASGAR KHAN: Will Government state :

(a) The total number of employees serving under the A.B.R. ? and

(b) The number of the same belonging to the Provinces of Assam and Bengal, and other provinces ?

THE HONOURABLE SIR GUTHRIE RUSSELL: (a) 17,310 on the 31st March, 1938.

(b) The information is not available as statistics relating to the staff are not maintained on a provincial basis.

LASCARS BELONGING TO THE SYLHET DISTRICT.

49. THE HONOURABLE MAULVI ALI ASGAR KHAN: (a) Will Government state the total number of lascars from the District of Sylhet serving in sea-going vessels ?

(b) Have many of them have to wait for a long time at the Calcutta Port before their employment ?

(c) Are Government aware that during this period of waiting these lascars borrow money from people at a high rate of interest ?

THE HONOURABLE MR. H. DOW : (a) to (c). Government have no information.

ASSAM RIFLES.

50. THE HONOURABLE MAULVI ALI ASGAR KHAN : (a) Will Government state (i) the total cost for maintenance of the Assam Rifles ? and (ii) what part of the cost is borne by the Assam Government and how much by the Central Government ?

(b) Are these regiments maintained exclusively for the protection of the Eastern Frontier ?

(c) Do Government propose to relieve the provincial exchequer of this heavy burden ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : (a) (i) About Rs. 18 lakhs.

(ii) The cost is apportioned between the Assam and the Central Governments in the proportion of 15 to 40. The Assam Government's share for 1937-38 was Rs. 4.67 lakhs.

(b) and (c). No. Fifteen platoons of the total strength of 55 are maintained for preservation of peace and order in the Naga Hills, Lushai Hills and the Sadiya, Balipara Lakhimpur Frontier Tracts which are excluded areas and consequently a provincial liability. The cost of the platoons engaged on the above duties is a proper charge on provincial revenues.

REVENUE DERIVED FROM TEA, OIL AND PETROL EXPORTED FROM ASSAM.

51. THE HONOURABLE MAULVI ALI ASGAR KHAN : Will Government state the total amount of revenue derived by the Central Government from each of the following items exported from the Province of Assam :

(a) tea, (b) oil and (c) petrol ?

THE HONOURABLE MR. J. F. SHEEHY : No export duty is leviable on the articles mentioned. The proceeds of the cess levied on exports of tea from British India are not retained by the Central Government but are made over to the Tea Cess Committee. There are no separate statistics of the excise revenue from kerosene oil and petrol produced in Assam but consumed outside the province.

LEVY OF A POLL TAX ON FOREIGNERS IN FRENCH SETTLEMENTS.

52. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state whether a poll tax is being levied on all foreign subjects residing in French India ? If so, at what rate and what steps do Government propose to take in the matter ?

THE HONOURABLE KUNWAR SIB JAGDISH PRASAD : The Government of India understand that the Government of the French Settlements in India had proposed to levy a poll tax upon all foreigners resident in those settlements. The latest information is however to the effect that the imposition of this tax has been postponed.

FACILITIES FOR INDIAN TRADERS IN THE UNITED STATES OF AMERICA.

53. THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY : Will Government state what facilities, if any, do Indians enjoy in the United States of America for carrying on trade and business there and what steps do Government propose to take to improve them ?

THE HONOURABLE MR. H. DOW : As far as Government are aware, Indians enjoy the same facilities as any one else, but there are certain restrictions placed on their entry into, and continued residence in, the country. The question of improving the position of Indians in this latter respect is under active consideration.

CONCLUSION OF A COMMERCIAL TREATY WITH THE UNITED STATES OF AMERICA.

54. THE HONOURABLE MR. RAMADAS PANTULU (on behalf of the Honourable Mr. B. N. Biyani) : (a) Has the attention of Government been drawn to the statement of Shri J. J. Singh, President of the Indian Chamber of Commerce, America, in connection with the restrictions on Indian Traders in the United States of America, published in the *Advance* of Calcutta, dated 20th December, 1938 ?

(b) If so, do Government contemplate to enter into a trade agreement with the Government of the United States of America for helping the Indian traders in the United States of America ?

(c) Are Government aware that the Government of the United States of America are enthusiastic for such an agreement and have that Government assured Mr. Singh to enter into such an agreement if the Indian Government so desire ?

(d) If the answer to (c) is in the affirmative ; do Government propose to consult the Central Legislature and the commercial interests of India before concluding any such negotiations ?

THE HONOURABLE MR. H. DOW : (a) Yes.

(b) The Government of India have under consideration the question of concluding a treaty of commerce and navigation with the United States.

(c) No. The Government of India have no knowledge of any assurances given to Mr. Singh.

(d) Does not arise.

MISSIONARIES IN THE TRIBAL AREAS OF ASSAM.

55. THE HONOURABLE MR. RAMADAS PANTULU (on behalf of the Honourable Mr. B. N. Biyani) : (a) Do the Christian Missionaries in the Tribal Areas of Assam impart education only to the children of such people who convert themselves to Christianity ?

(b) Do Government allow grants to these Christian Missionaries ?

(c) Has the Director of Public Instruction of Assam recommended the withdrawal of grants from these Christian Missionaries? If so, do Government propose to withdraw all grants from the Christian Missionaries?

(d) Do Government give grants to the Christian Missionaries in the non-excluded area of Assam also?

(e) Has the Provincial Government of Assam withdrawn the grant from these Christian Missionaries and banned their activities?

(f) Do Government propose to withdraw their grant also? If not, why not?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The information is being obtained and will be laid on the table of the House in due course.

ARREST AND DEPORTATION OF TWO INDIAN JOURNALISTS FROM PARIS.

56. **THE HONOURABLE MR. RAMADAS PANTULU** (on behalf of the Honourable Mr. B. N. Biyani): (a) Will Government state whether some Indians have been expelled from France in the last few months by the French Government? If so, how many and who are they?

(b) Have Government inquired of the reasons of their expulsion?

(c) Have Government tried for the withdrawal of the expulsion order?

(d) Do Government propose to make a statement on the subject?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : The attention of the Honourable Member is invited to the answer to question No. 43 of the Honourable Raja Yuveraj Datta Singh given in this House on the 26th January, 1939.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT : I have received two Messages from His Excellency the Governor General. They read as follows :

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 Monday, the 13th February, 1939, for the presentation to the Council of State, and Saturday, the 18th February, 1939, 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.

(Sd.) LINLITHGOW,
Viceroy and Governor General."

New Delhi,
The 28th January, 1939.

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 Tuesday, the 28th February, 1939, at 5-30 p. m., for the presentation to the Council of State, and Thursday, the 9th March, 1939, 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.

(Sd.) LINLITHGOW,
Viceroy and Governor General."

New Delhi,
The 28th January, 1939.

GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

THE HONOURABLE THE PRESIDENT : With reference to the announcement made by me on the 26th January, 1939, regarding nomination to the Governing Body of the Indian Research Fund Association, I have to announce that the Honourable Mr. Ramadas Pantulu has been nominated to it. As there is only one candidate for one vacancy I declare him duly elected.

AJMER-MERWARA MUNICIPALITIES REGULATION (AMENDMENT) BILL.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, I move :

“ That the Bill further to amend the Ajmer-Merwara Municipalities Regulation, 1925, for the purpose of lowering the educational qualification entitling a person to be enrolled as an elector, as passed by the Legislative Assembly, be taken into consideration.”

I think the House knows that the present qualification of an elector in the Ajmer-Merwara Municipality is a degree of an Indian University established by law in British India. It is proposed under the Bill to reduce this qualification to the upper primary examination or its equivalent. During the course of the discussion in another place the point was raised whether the people who had higher qualifications than the upper primary but who could not produce the upper primary certificate would be entitled to be enrolled as voters and a promise was made that the position would be examined. We understand that under the Bill it is possible to make regulations to enfranchise people of higher qualifications than the upper primary. Honourable Member will have also noticed that an amendment was carried in the Lower House by which when circumstances permit the qualification can be still further lowered. The present lowering of the qualification has the support of the Municipal Committee of Ajmer and of public opinion there. It has also the blessing of the members in another place. I hope that the lowering of the qualifications will have the effect of raising the standard of administration. At least, let us hope so. I commend the Bill to the favourable consideration of the House.

THE HONOURABLE THE PRESIDENT : Motion moved :

“ That the Bill further to amend the Ajmer-Merwara Municipalities Regulation, 1925, for the purpose of lowering the educational qualification entitling a person to be enrolled as an elector, as passed by the Legislative Assembly, be taken into consideration.”

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhamadan) : It is difficult for us to understand why there should be a qualification of the kind mentioned in this Bill. Of course I am not very familiar with the conditions of Ajmer-Merwara. In most provinces the payment of a particular amount of tax is generally the qualification for a voter. As for educational standard, I do not understand why Ajmer-Merwara should have the test so high as an upper primary standard examination. I have not been able to find any reason for distinguishing this particular province centrally administered from the rest of India in regard to qualification of electors to municipalities. However, I do not wish to oppose the Motion made by the Honourable Member ;

[Mr. Ramadas Pantulu.]

I only wish he had enlightened us a little more on the subject to enable us to vote with a knowledge of the conditions in Ajmer-Merwara.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sir, there is in many municipalities an educational qualification. For instance, in Calcutta, one of the qualifications for district municipalities is a graduate or a licentiate of any university or the matriculation examination of the Calcutta University. In the same way we have it in Bihar, "a barrister or pleader or a mukhtear or a matriculate of a university". I did not imply when I stated that the educational qualification was that one must be a graduate, that there were no other qualifications laid down, there must be other qualifications; there are property qualifications, for instance, but this is one of the qualifications,—that if a gentleman happens to have no property at all but he is a graduate, he is entitled to vote; and this principle has been accepted in many municipalities in other parts of the country; and the only question was whether this educational qualification was or was not too high, and now it has been brought down to the upper primary, and therefore it is lower than that prescribed in any municipality in India except Madras, where the municipality has prescribed qualifications even lower than the upper primary. In all other municipalities in India the educational qualification is higher than the upper primary. That is the explanation and I hope that satisfies my Honourable friend.

THE HONOURABLE MR. RAMADAS PANTULU : Thank you.

THE HONOURABLE THE PRESIDENT : The Question is :

"That the Bill further to amend the Ajmer-Merwara Municipalities Regulation 1925, for the purpose of lowering the educational qualification entitling a person to be enrolled as an elector, as passed by the Legislative Assembly, be taken into consideration."

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, be passed."

The Motion was adopted.

INDIAN COTTON CESS (AMENDMENT) BILL.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, I move :

"That the Bill further to amend the Indian Cotton Cess Act, 1923, as passed by the Legislative Assembly, be taken into consideration."

If Honourable Members will turn to the Statement of Objects and Reasons, they will find a full explanation of the reasons for bringing in this Bill. The Cotton Cess Act already applies to Berar, but for the reasons given in the Statement of Objects and Reasons, the definition of British India which occurs in certain sections of the Act will not apply to Berar because, by the

Adaptation Orders, the connotation of British India with reference to laws passed after Part III of the Government of India Act, 1935, came into operation, would not extend to Berar and that is the only reason why we are making this amendment.

The Motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT : Clause 3.

THE HONOURABLE MR. SHAVAX A. LAL (Nominated Official) : Sir, I move :

"That in clause 3 of the Bill, after the words ' the said Act ' the following be inserted, namely :—

' for the word " ten " the word " eleven " and ' . "

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sir, I should like to explain why this amendment has been moved. At present, under section 4 (viii) of the Act the composition of the Central Cotton Committee is given and the total number of representatives is ten. As under the Bill we propose to restore the representation of Bombay to two instead of one, the total number of provincial representatives will be increased from ten to eleven. The reason why we are increasing the representation of Bombay from one to two is given in paragraph 2 of the Statement of Objects and Reasons and the reason, in short, is that the area under cotton in Bombay is so important that it is considered desirable to give Bombay two representatives.

The Motion was adopted.

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

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sir, I move :

"That the Bill, as passed by the Legislative Assembly, and as amended by the Council of State, be passed."

The Motion was adopted.

DESTRUCTIVE INSECTS AND PESTS (AMENDMENT) BILL.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, I move :

"That the Bill further to amend the Destructive Insects and Pests Act, 1914, as passed by the Legislative Assembly, be taken into consideration."

If Honourable Members will turn to the Statement of Objects and Reasons they will find a complete explanation of the reason for bringing in this Bill. At present the Destructive Insects and Pests Act does not apply to Berar and last year, as Honourable Members will remember, we passed legislation here to regulate or prohibit the transport from province to province of insects or articles likely to cause infection and unless we pass this legislation the Destructive Insects and Pests Act and the new sections which were added to it will

[Sir Jagdish Prasad.]

not apply to Berar. It is desirable that there should be uniformity and that Berar should be treated in the same way as the other provinces.

The Motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sir, I move :

“ That the Bill, as passed by the Legislative Assembly, be passed.”

The Motion was adopted.

MOTOR VEHICLES BILL—*contd.*

THE HONOURABLE THE PRESIDENT : We shall now proceed to the second stage of the Motor Vehicles Bill.

Clauses 2 to 6 were added to the Bill.

Clause 7.

THE HONOURABLE MR. K. G. MITCHELL (Nominated Official) : Sir, I move :

“ That in sub-clause (4) of clause 7 of the Bill, for the word ‘ two ’ occurring in the third line the word ‘ three ’ be substituted.”

This is a comparatively simple amendment. The Bill requires that every application for a licence to drive as a paid employé and also for a licence to drive a transport vehicle shall be accompanied by copies of a recent photograph of the applicant. One photograph is to be pasted into the licence and one has to be recorded in the records of the licensing authority. But it is also provided in the form of the medical certificate at Form C in the First Schedule that a photograph must be attached for purpose of identification. Therefore there should be three photographs and not two.

Sir, I move.

The Motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8, 9 and 10 were added to the Bill.

Clause 11.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

“ That in sub-clause (2) of clause 11 of the Bill, for the word ‘ and ’ occurring in the third line the words ‘ provided that ’ be substituted.”

Sir, this is merely an improvement in drafting.

The Motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 was added to the Bill.

Clause 13.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

“ That in clause 13 of the Bill,—

(a) in sub-clause (2) for the words commencing ‘ and any order made in such appeal ’ and ending ‘ before passing any orders on the appeal ’ the following be substituted, namely :—

‘ who shall decide the appeal after giving the licensing authority an opportunity of being heard, and the decision of the appellate authority shall be binding on the licensing authority.’; and

(b) after sub-clause (2) the following sub-clause be inserted, namely :—

‘ (3) The order of a licensing authority shall, unless the appellate authority, conditionally or unconditionally, directs otherwise, be in force pending the disposal of an appeal under sub-section (2) ’.”

Sir, there is no alteration in substance in this ; it is merely a drafting improvement. The two provisos to sub-clause (2) of clause 13 of the Bill were inserted by an amendment in the other place, but it has been agreed that they are not really provisos but substantive provisions and they have been re-arranged accordingly.

Sir, I move.

The Motion was adopted.

Clause 13, as amended, was added to the Bill.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : (East Bengal : Non-Muhammadan) : Sir, may I ask one question ?

THE HONOURABLE THE PRESIDENT : You ought to have asked that question before I put the Motion. Now the Motion has been carried.

Clauses 14 to 27 were added to the Bill.

Clause 28.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I beg to move :

“ That for the words ‘ registration certificate ’ or ‘ registration certificates ’ where they occur in the following places in the Bill, namely—”

THE HONOURABLE THE PRESIDENT : Will you please confine yourself at this stage to clause 28, and when we come to clause 29 you can move the other amendment.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

“ That for the words ‘ registration certificate ’ or ‘ registration certificates ’ where they occur in sub-clauses (i) and (4) of clause 28 of this Bill the words ‘ certificate of registration ’ or ‘ certificates of registration ’, as the case may be, be substituted.”

The Motion was adopted.

Clause 28, as amended, was added to the Bill.

Clause 29.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I beg to move :

“ That for the words ‘ registration certificate ’ or ‘ registration certificates ’ where they occur in sub-clause (2) of clause 29, the words ‘ certificate of registration ’ or ‘ certificates of registration ’ as the case may be, be substituted.”

The Motion was adopted.

Clause 29, as amended, was added to the Bill.

THE HONOURABLE THE PRESIDENT : I will come to Form G afterwards
Clauses 30 to 36 were added to the Bill.

Clause 37.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

“ That in sub-clause (1) of clause 37 of the Bill, for the words, figures, letter and brackets commencing ‘ (c) (i) the registered laden weight ’ and ending ‘ pertaining to the several axles of the vehicle ’ the following be substituted, namely :—

- ‘ (c) the registered laden weight of the vehicle and the registered axle weights pertaining to the several axles thereof, fixed in accordance with sub-section (2) with reference to the particulars of the tyres entered in the certificate of registration ; and
- (d) if the vehicle is used or adapted to be used for the carriage of passengers solely or in addition to goods, the number of passengers for whom accommodation is provided.’ ”

Sir, the object of these clauses, if I may explain, is to provide a remedy against overloading of transport vehicles. It is therefore necessary that the permissible laden weights and axle weights of these vehicles shall be stated on the Certificate of Registration, and that is to be arrived at in two ways. The registering authority has no way of himself determining absolutely what weight a vehicle can carry. It is therefore provided in clause 36 that a vehicle shall be covered by a certificate signed by the manufacturer of the vehicle stating the laden and axle weights for which it is designed. But in case the manufacturer gives an excessive weight, which might happen in the case of foreign manufacturers who have not very great interests in India, there is the further provision that in no case shall the weight exceed that permitted by the load on the individual tyres as set out in the Schedule. The difficulty here is that there is a slight error in drafting. In (c) (i) and (ii) as drafted, it would appear that the registering authority has to settle the registered laden weight and the axle weights solely with reference to the tyres and without reference to the certificate of the manufacturer. That is not the intention and the clause has therefore been corrected by a slight rearrangement.

There is one other point—a minor one. You will see that in part (i) of sub-clause (c) it says in the case of passenger vehicles “ or the number of passengers ”. A passenger vehicle may occasionally be used for the carriage of goods in which case it must have a registered laden weight ; and it is also possible in certain cases that the registered laden weight will govern the number of passengers for whom accommodation may be provided. It is merely a rearrangement carrying out the original intention.

The Motion was adopted.

Clause 37, as amended, was added to the Bill.

Clause 38.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I beg to move :

“ That in sub-clause (1) of clause 38 of the Bill, for the words ‘ this Act ’ occurring in the seventh line the word and figure ‘ Chapter V ’ be substituted.”

Chapter V is the Chapter which deals with fitness and construction and equipment of motor vehicles and that is all with which the certificate of fitness is concerned and therefore it is more appropriate that the reference should be to the Chapter and not to the Act.

The Motion was adopted.

Clause 38, as amended, was added to the Bill.

Clauses 39 and 40 were added to the Bill.

Clause 41.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

“That for the words ‘registration certificates’ where they occur in parts (c), (d), (f) and (h) of sub-clause (2) of clause 41, the words ‘certificates of registration’ be substituted.”

The Motion was adopted.

Clause 41, as amended, was added to the Bill.

Clause 42.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I beg to move :

“That for part (g) of sub-clause (3) of clause 42 of the Bill, the following be substituted, namely :—

‘(g) to any transport vehicle owned by, and used solely for the purposes of, any educational institution which is recognised by the Provincial Government of whose managing committee is a society registered under the Societies Registration Act, 1860 ;’”

The part as it stands was inserted by amendment in another place and it is slightly defective in two respects. One is that “registered body” is not a precise definition and the second is that there are a number of educational institutions who may have occasion to use school buses and whose managing body may not be registered and therefore the additional provision of recognition by the Provincial Government is inserted.

Sir, I move.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

“That in sub-clause (4) of clause 42 of the Bill, for the words ‘Sub-section’ in the first line the words ‘Subject to the provisions of sub-section (3), sub-section’ be substituted.”

Sub-section (3) sets out a certain number of classes of vehicle which are exempted from the necessity of obtaining a permit. A transport vehicle includes a vehicle which carries passengers for hire or reward. That lets out private buses and in the event of a Provincial Government finding it necessary to require that private buses not used for hire or reward should have a permit, then the provisions of sub-section (4) will apply ; but it is not intended, and it never was the intention, that sub-clause (4) should over-ride sub-clause (3) and enable rules to be made withdrawing the specific exemptions. Therefore the operation of sub-clause (4) has been made subject to the provisions of sub-clause (3).

The Motion was adopted.

Clause 42, as amended, was added to the Bill.

Clause 43.

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muhammadan) : Sir, I move :

“That in sub-clause (1) of clause 43 of the Bill—

‘(i) part (c) be omitted, and the existing part (d) be re-lettered as part (c)’.”

[Mr. Ramadas Pantulu.]

I consider this to be an amendment of substance. I know that it is likely to be opposed very strongly by my friend Mr. Mitchell on the other side. I am as anxious as the framers of this Bill to see that everything is done to really co-ordinate the railway and motor road services; but when I find that too many restrictions are imposed on motor traffic I felt it my duty that some of them should be relaxed. With regard to this particular amendment, it relates to only one item out of four enumerated in clause 43. Clause 43 gives power to the Provincial Government to prohibit or restrict throughout the province or in any area or on any route within the province, subject to such conditions as it may think desirable, the conveying of long distance goods traffic generally or of prescribed classes of goods by private or public carriers. The Provincial Government may do so having regard to (a) the advantages offered to the public, trade and industry by the development of motor transport, and (b) the desirability of co-ordinating road and rail transport, and (c) *the desirability of preventing the deterioration of the road system*, and (d) the desirability of preventing uneconomic competition among motor vehicles. Sir, I leave sub-clauses (a), (b) and (d) intact, but I find it difficult to understand exactly the import of sub-clause (c) which gives the Provincial Government power to prohibit or restrict long distance traffic on the ground of the desirability of preventing the deterioration of the road system. That, Sir, it seems to me, is very vague. They do not speak of a particular road or route but of the road system in general. I felt that under this clause the Provincial Governments who may be unable to keep their road system in proper condition, may say motor traffic should be prohibited or restricted on a particular road of 200 or 300 miles length because the road system will deteriorate. The proper thing should be for the Provincial Government to construct proper roads and maintain the system in proper condition in order to develop motor transport as far as possible. Roads are made for vehicles, and not vehicles for roads. Therefore, these very vague powers given to Provincial Governments, I am afraid, may lead to some of the less efficient Provincial Governments who are not able to keep their road system in proper condition to prohibiting long distance motor traffic to a large extent.

Sir, there are in this Bill numerous restrictions and very wide powers given to provincial authorities in regard to prohibiting and limiting the number of stage carriages, the number of contract carriages, and so on. If you read sections 46 to 63, you will see that there is a formidable array of conditions imposed, and if they are all to be adhered to I do not think it will be possible for any motor vehicle to run in this country. The restrictions are so many. Each section runs to half a page and there are so many sub-clauses regarding all sorts of conditions and restrictions. It would be practically impossible to get a licence or permit to run a motor vehicle. In addition to this if there is to be such a wide power for refusing or restricting long distance motor traffic, simply if the Provincial Government thinks that it is desirable to do so to prevent deterioration to its road system, whatever it may mean, then I think we shall be greatly discouraging the development of motor transport in the country side. So, Sir, I move this amendment, and I hope Government will consider the desirability of accepting it.

THE HONOURABLE MR. S. N. ROY (Communications Secretary): Sir, as my Honourable friend anticipated, Government must regretfully oppose this amendment and oppose it very strongly. We quite agree that it is the business of the Provincial Governments to provide good roads for motor traffic but we have got to take into account facts as they stand and these facts are that Provincial Governments are not in a position at present to maintain the

roads that they already have, not to speak of roads which are being added from year to year, in a sufficiently satisfactory condition to allow unrestricted motor traffic. The Provincial Government may be faced with the alternative either of prohibiting long-distance goods traffic in the interests of local traffic or of letting the road go to pieces. Well, Honourable Members would not allow railway trains to run on tracks on which the lines are not properly laid and there is a very serious danger, from the motoring public's point of view, in allowing a bad road to be used without any restriction by motor traffic. Apart from that, of course, the more a road is damaged, the more will be the cost of putting it into proper condition. We consider this part of the Bill to be vital and I may mention to my Honourable friend that it received the full and unanimous support of his Party in the other place. I must therefore oppose his amendment.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That in sub-clause (1) of clause 43 of the Bill—

‘ (i) part (e) be omitted, and the existing part (d) be re-lettered as part (c) ’.”

The Motion was negatived.

THE HONOURABLE MR. N. K. DAS (Orissa : Non-Muhammadan) : Sir, I move :

“ That in sub-clause (1) of clause 43—

In item (i)—

- (1) The words ‘ prohibit or ’ and ‘ long distance ’ be omitted.
- (2) For the words ‘ goods traffic ’ the words ‘ goods and passenger traffic ’ be substituted.
- (3) The words ‘ or of prescribed classes of goods by private or public carriers ’ be omitted.”

Sir, the amended item of this clause will read :

“ The Provincial and Regional Transport Authorities concerned may, be notification in the official Gazette,—

- (i) restrict throughout the province or in any area or on any route within the province, subject to such conditions as it may think desirable, the conveying of goods and passenger traffic generally.”

The main purpose of bringing forward this amendment, Sir, is to divest the Provincial Government, as a matter of fact to take away from the Bill altogether the power of prohibiting certain classes of motor traffic from certain roads. I believe, Sir, that under this section that we are discussing and as also in several other sections in the Bill that follow this, Government, I mean the Provincial Government, have the power to put restrictions on and even limit the number of vehicles plying on a particular route. I do consider that this power of putting restrictions and limitations on the motor transport trade should be enough and for all purposes really more than is required. Well, Government may with regard to the advantages offered to the public trade and industry, having regard also to the desirability of preventing uneconomic competition, limit the number of vehicles on a particular route to whatever number or units as they please. As if that should not be enough, Sir, it is sought to give too wide powers to Provincial Governments to prohibit motor transport operations altogether. Sir, I would like that the much too significant word (I mean the word “ prohibited ”) be deleted.

[Mr. N. K. Das.]

Then, Sir, the prohibition of long distance goods traffic generally, whatever Government might say, has certainly been made with a view to give all the goods traffic to the railway. I could not put any other construction on this except that this was meant to stifle altogether the motor transport activities in respect of the conveyance of goods. I think this should not be done and if the Motor Transport Agency offers to carry goods over long distances at lower rates than the railway, I think in all fairness they should be permitted to do so for, as a matter of fact, this should be a distinct advantage to the traders of the country in general. And then, Sir, there is no meaning in prescribing the classes of goods to be carried by a motor transport agency. The demands of the traders may be varied and may be urgent at the same time. So it will not only involve a great deal of disadvantage but also a great amount of confusion to traders in general and to carriers in particular when they have to get endorsed in their permits this class and that class of goods when such a class of goods does not happen to be mentioned in their permits originally.

THE HONOURABLE MR. S. N. ROY : Sir, this is the only clause in the Bill which relates to co-ordination, and the power of co-ordination is vested in the Provincial Government. It seems to me that the Provincial Government must have the power to prohibit if on a particular road, for any reason, particularly with reference to the point that we were discussing a moment ago, namely, deterioration of the road, they consider that it is desirable to prohibit that traffic. I do not think you can take away that power from the Provincial Government itself. It is not a power given to the regional transport authorities. It is a power given to the Provincial Government, and the Provincial Government will only exercise that power under very compelling circumstances. Indeed, Sir, the amendments which my Honourable friend wishes to move will, except in this particular point, increase the power of the Provincial Government. His amendments, if they are introduced, would make the clause run as follows :—

“ restrict throughout the province or in any area or on any route within the province subject to such conditions as it may think desirable, the conveying of goods and passenger traffic generally ”.

We have said nothing about passenger traffic here. Provincial Governments are not vested with the power either to prohibit or restrict the passenger traffic. My Honourable friend wants to give them the power to do it. With regard to goods traffic, it is only long distance goods traffic which they are empowered to prohibit, not any other traffic. As regards the justification in limiting long distance goods traffic I would refer my Honourable friend to the four considerations which are laid down at the beginning of the clause. The Provincial Government will only, having regard to those considerations, have to take a decision in a particular case. If in any particular case long distance goods traffic is to the public advantage and does not contravene any of those principles that have been laid down, then obviously it is open to the Provincial Government to allow long distance goods traffic. I am afraid we must oppose this amendment.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That in sub-clause (1) of clause 43—

In item (i)—

(1) The words ‘ prohibit or ’ and ‘ long distance ’ be omitted.

- (2) For the words 'goods traffic' the words 'goods and passenger traffic' be substituted.
- (3) The words 'or of prescribed classes of goods by private or public carriers' be omitted."

The Motion was negatived.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, I move :

"That in sub-clause (1) of clause 43 of the Bill, to paragraph (i) the following *Explanation* be added, namely :—

'*Explanation*.—Long distance means distance which is more than one hundred and fifty miles, unless the Provincial Government notifies otherwise in regard to any specified area.'

Sir, I do not suspect the Provincial Governments. I can assure you that we have every confidence in them. Nevertheless, you should not make things so vague as to allow each Provincial Government to put its own interpretation upon some of these clauses. Long distance is defined nowhere in this Bill. One Provincial Government may say they will not allow goods traffic for more than 50 miles, while another province may say that they will allow up to 150 miles. It all depends no doubt upon local conditions and the requirements of the traffic but some indication must be given as to what long distance means. Therefore, without unduly restricting the powers of the Local Government to curtail the distance for any reason, I have put down 150 miles. At the same time, I have stated that any Local Government may, for special reasons and in specified areas, cut it down to any distance or increase it to any distance as it likes. Therefore, this amendment is a harmless one. Even as my amendment stands, the power of the Local Government to notify that even 150 miles is too long is not taken away. I have made it elastic purposely. Therefore, I hope that this amendment, which gives some indication of what long distance traffic is, will be accepted because it does not do any harm to the main clauses of the Bill.

Sir, I move.

THE HONOURABLE MR. S. N. ROY : Sir, it is always difficult to contest the sweet reasonableness of my Honourable friend opposite. But here again I think we can advance reasons, which I hope my Honourable friend will regard as reasonable, against adopting his amendment. There are countries, of course, where long distance has been defined. In Europe and in America I believe a definition has been given of what long distance is.

THE HONOURABLE MR. RAMADAS PANTULU : 200 miles.

THE HONOURABLE MR. S. N. ROY : Yes, 200 miles in America and about 20, I think, in Switzerland. In England no definition has been given and I do believe that in the early stages of the operation of a measure of this kind, a certain amount of interpretative freedom should be left to Regional Transport Authorities. I daresay that in years to come, after considerable experience has been gained, it may be desirable to define what long distance means, and when the right time comes we shall only be too glad to make such changes as may be required. But, at the moment, I think we must oppose it on the ground, that until experience has been gained of the various distances for which various kinds of traffic may be allowed, it is better to leave a certain amount of latitude to the Regional Transport Authorities.

THE HONOURABLE THE PRESIDENT : Amendment moved :

"That in sub-clause (1) of clause 43 of the Bill, to paragraph (i) the following *Explanation* be added, namely :—

'*Explanation.*—Long distance means distance which is more than one hundred and fifty miles, unless the Provincial Government notifies otherwise in regard to any specified area.'

The Motion was negatived.

THE HONOURABLE MR. N. K. DAS : Sir, I move :

"That in sub-clause (1) of clause 43, item (ii) be omitted."

Sir, in respect of fixing of maximum and minimum fares, powers have been given under this sub-clause to Provincial Governments. I think this is wholly unfair to the motor transport trade in general. This, as the Government have said, Sir, was originally intended to eliminate unfair and uneconomic competition between bus owners on a particular line. But I should think the limitations of a number of vehicles on a particular road is a sufficient safeguard against such uneconomic or unfair competition. Wherever there is a parallel or alternative route, I mean a railway route, the fares are bound to be very competitive and hence low. So the contingency of providing for fixing of maximum and minimum fares does not arise. It may be argued that on a route where there is no alternative route and where a limited number of motor vehicles are plying, in such circumstances it may be argued that the owners of vehicles, being in the practical position of monopolists, may charge monopolist prices. But that is merely imaginary, for in the interests of the business itself owners of vehicles are not likely to charge a very high price and they would certainly not charge a price beyond the paying capacity of the ordinary man or trader who wants to use that route. Even if at the early stage of a service, bus owners combine and charge a high price which does not appear reasonable on the face of it, I am sure things are bound to adjust themselves within a short space of time. And even if they do charge a little high, considering the fact that there are in India today large tracts of country where no speedier transport facilities are available except a motor transport service and where these services have to work under very difficult and arduous conditions involving abnormal deterioration of machines and parts, it is only fair that they should be allowed to charge a little more than normal fares on those particular routes. As a matter of fact, Sir, when Government is opposed to fixing maximum and minimum fares for steamers and coastal shipping, I do not see why they should do so in the case of the day to day business of this motor industry.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, I would like to support this amendment. I entirely agree with my Honourable friend that interference in prices is something which we should all avoid.

THE HONOURABLE MR. S. N. ROY : Sir, as I said before, this is the only clause dealing with co-ordination in the whole Bill and it is the only clause in which this particular provision occurs. If you are going to have co-ordination I think you must give to whatever authority you vest with that power the power of fixing maximum and minimum fares, should circumstances require it. It is not a power which Provincial Governments are going to use indiscriminately or which they will use in favour of railways. I think a very strong case will have to be made out before this power comes into operation at all.

As regards the point that my Honourable friend made that virtual monopolies might exist on certain routes but actually that does not lead to the pushing up of fares, I think the general experience is that wherever there is a monopoly there is a tendency to push fares beyond the legitimate limits. Therefore, in the interests of the public, where no alternative route offers and where conditions of monopoly exist, it is right that the Provincial Government should have power to lay down the maximum fares.

Sir, on these grounds mainly I must oppose this amendment, and let me again emphasise the fact that this clause, obnoxious as it may seem to many of us, is a clause which was very strongly supported by my Honourable friend's Party in another place.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That in sub-clause (1) of clause 43, item (ii) be omitted. ”

The Motion was negatived.

Clause 43 was added to the Bill.

Clause 44.

THE HONOURABLE MR. N. K. DAS : Sir, I beg to move :

“ That in sub-clause (2) of clause 44—

1. After the words ‘ think fit to appoint ’ the following be inserted, namely :—
‘ and shall include in its composition such persons or representatives of persons or of bodies as own as proprietors or exercise direct control over roads in that region, province or district ’.
2. That all the words beginning with the words ‘ but no person ’ and ending with the words ‘ shall vacate office ’ be omitted.”

As amended, the sub-clause would read thus :

“ A Provincial Transport Authority or a Regional Transport Authority shall consist of such number of officials and non-officials as the Provincial Government may think fit to appoint, and shall include in its composition such persons or representatives of persons or of bodies as own as proprietors or exercise direct control over roads in that region, province or district ”.

Sir, my intention in moving this amendment is to point out to Government the practical difficulties which have been felt with regard to the control of roads where in large areas such roads belong to different bodies or institutions. In my part of the country there are roads, lengths of which belong to district boards and lengths may be owned by private owners and parts by Government. By private owners I mean zemindars who are often the proprietors of such roads.

THE HONOURABLE MR. S. N. ROY : Are they public places on which motor traffic plies ?

THE HONOURABLE MR. N. K. DAS : Yes, they are private roads used by the public.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar : Non-Mohammadan) : We have a number of instances of such roads in our own zemindari, where motors ply with permission.

THE HONOURABLE THE PRESIDENT : That is another thing ; but there is no legal right.

THE HONOURABLE MR. N. K. DAS : As a matter of fact, Sir, in my province where there are a number of small States, that is parts which are not British India, there are large tracts of roads which belong partly to Government and partly to some of these States. If the Transport Authority is constituted as proposed and none of the representatives of these various bodies who own the roads are included in it, it will involve a really serious difficulty. For instance, if a district board is required to maintain a certain length of road, if the Regional Transport Authority or the Provincial Authority have the power to permit any number of vehicles on that particular road, the road may certainly deteriorate very much and as a consequence the district board or the State, whoever it may be, may have to meet very much higher maintenance costs. So, in such cases in some later sections, section 47 after item (f) for example, it has been provided that :

“ They shall also take into consideration any representations made by persons already providing road transport facilities along or near the proposed route or routes or by any local authority or police authority”, etc.

I think here by “ local authority ” is meant “ local bodies ”. Then only the Provincial Transport Authority or the Regional Transport Authority may consider them disadvantageous, but not till then. I should think, Sir, that when a road is involved in which parts of the road belong to different individuals or different bodies, in the composition of the territorial or Provincial Transport Authority the owners of those roads or the representatives of the owners of those roads should also be included.

THE HONOURABLE THE PRESIDENT : But we are not legislating for the States.

THE HONOURABLE MR. N. K. DAS : No, Sir. But we are considering roads that belong to local bodies.

THE HONOURABLE MR. S. N. ROY : Sir, I am sorry that I have been unable to appreciate the difficulty of my Honourable friend. I would invite his attention to the wording of this sub-clause :

“ A Provincial Transport Authority or a Regional Transport Authority shall consist of such number of officials and non-officials as the Provincial Government may think fit to appoint ”.

It seems to me to be inconceivable that a Provincial Government would entirely ignore the interests of any district board or local board whose road may come under consideration and it seems to me that in constituting the Regional Authority the natural course would be to include in the body representatives of the district or local board concerned. My Honourable friend has himself drawn the attention of the House to a later clause which enables representations to be made, so that if in any particular case it so happened that a representative of these bodies was not included it would still be open to the local body or the local authority concerned to make representations to the Regional Transport Authority. I do not really think, Sir, that the Bill would be improved by making any changes here. As regards the second part of the amendment which seeks to omit the clause disallowing any person having a financial interest from sitting on the Regional Transport Authority, I would point out that this was a matter which was discussed at considerable length

in the Select Committee and the Select Committee definitely came to the conclusion that having regard to the fact that the Regional Transport Authority would have to take independent decisions which might affect the interests of various transport organisations it was desirable that it should be entirely an independent body. Having regard to that decision which Government accepted, I am afraid we are unable to accept these amendments.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That in sub-clause (2) of clause 44—

1. After the words ‘ think fit to appoint ’ the following be inserted, namely :—
‘ and shall include in its composition such persons or representatives of persons or of bodies as own or exercise direct control over roads in that region, province or district ’.
2. That all the words beginning with the words ‘ but no person ’ and ending with the words ‘ shall vacate office ’ be omitted.”

The Motion was negatived.

Clause 44 was added to the Bill.

Clauses 45 to 52 were added to the Bill.

Clause 53.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, I move :

“ That in sub-clause (2) of clause 53 of the Bill, for the words ‘ be carried ’ the words ‘ ordinarily be carried in connection with the business of the applicant ’ be substituted.”

Sir, this again is one of those clauses which I fear will place undue restraint upon the activities of private carriers. Sir, the amendment that I move is a very simple one. This clause enables the transport authority to compel conditions to be specified in the permit relating to the description of goods which will be carried. This clause consists of three sub-clauses. The first sub-clause is all comprehensive with regard to the powers of the transport authority. It says :

“ The Regional Transport Authority shall, in deciding whether to grant or refuse a private carrier’s permit, have regard to the condition of the roads to be used by the vehicle or vehicles in respect of which the application is made, and shall satisfy itself that the vehicle or vehicles for which the permit is required will not be used except in connection with the business of the applicant ”.

I thought it was all comprehensive, but there is over abundance of caution in enacting sub-clause (2), which says :

“ The Regional Transport Authority may in granting a private carrier’s permit impose conditions to be specified in the permit relating to the description of goods which may be carried, or the area in which the permit shall be valid, or the maximum laden weight and axle weights of any vehicle used ”.

I do not touch any of these conditions. All that I say is that having laid down in clause (1) that the permit will say that the vehicle will not be used except in connection with the business of the applicant, the description of goods to be carried which is to be given under clause (2) should not be put in that very specific form, because it may lead to very great hardship. A general merchant, for instance, who has a shop carried all kinds of goods. Usually he carries specified classes of goods but on certain occasions he may carry a different class of goods in connection with his business as a general merchant. To compel him to specify every class of goods that he may carry—for a general merchant—would be an impossibility. If he does not mention one particular article he will incur penalties. For instance, with regard to

[Mr. Ramadas Pantulu.]

distributive co-operative stores of which I have seen a great many both in England and in Scotland, especially in the interior parts, they carry all sorts of goods to their members living in the suburbs and it will be almost impossible if this condition were there for any distributive co-operative store to satisfy either in the interior of Scotland or England, to enter these particulars. They will certainly not be able to comply with it unless the list is a printed list containing an exhaustive catalogue of all things which the stores may possibly stock. I propose a very very modest amendment and all that it says is that the description required should be that of all goods *ordinarily* carried in relation to the business of the applicant. That ought to be enough and if that description is given, it ought to satisfy all reasonable requirements of the framers of this Bill. My trouble is that my friend Mr. Roy, like a father who is excessively fond of his child, does not like even a suggestion for a little change in the dress of his child, to improve its appearance. He would have no change in this Bill. I do not expect him to be sympathetic even to this small amendment, but if he gives a little consideration to my request, he will find that I am not asking for any extravagant thing or for anything which will give away anything substantial from the clause as it stands.

With these words, Sir, I move the amendment.

THE HONOURABLE MR. R. H. PARKER : I should like to support the amendment of the Honourable Mr. Ramadas Pantulu. It is a very important suggestion. I should like to suggest to him that the words "in connection with the business of the applicant" are unnecessary; the only word required is "ordinarily". The words that I want to omit are already covered by the definition. I suggest this for the consideration of the Honourable Mr. Ramadas Pantulu.

THE HONOURABLE MR. RAMADAS PANTULU : I accept the suggestion.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I am afraid that even as now whittled down, I must oppose the amendment. I do not think as a matter of fact that the result will be very different from that which is contemplated by the Honourable Mr. Ramadas Pantulu. But there is a danger in the word "ordinarily" which I will explain presently. The general theory of the provisions in these clauses is that a *bona fide* private carrier shall receive a permit and without objection by other party and will hold it so long as there is no abuse of the terms thereof. So long as he observes the terms of his permit and uses his vehicle *bona fide* for the carriage of his own property or materials in connection with his own business, nobody will object. But unfortunately in this world, and in particular in this line of business, there are people who are prepared, if possible, to abuse any concession if it is to their profit to do so. It is going to be extraordinarily difficult to check the abuse of private carriers' permits and to prevent the vehicles being used for public carrying in competition with *bona fide* public carriers who have permits to ply on the roads. The private carrier is in an advantageous position *vis-a-vis* the public carrier in that during the time that his vehicle is not being used for his own purpose, he can carry things at almost below the cost price and still make a profit, whereas the man who has to ply his lorry for hire the whole time has to make a reasonable profit on each operation. So there is great inducement for abuse of private carriers' permits. That is why we fear that they will be abused. But are the restrictions as severe as they are said to be ?

A man comes forward for a private carriers' permit and if the Regional Transport Authority thinks it necessary he will be asked to specify the general classification so that the permit shall show the class of goods he will carry. If he is a general merchant, he will specify general merchandise. If the Regional Transport Authority considers that reasonable, it will not tie him down to a detailed list. If it is a co-operative society distributing oilman's stores and provisions generally, the permit will say so. Of course such permits would not extend to carrying of fabricated steel and bales of cotton. It is only a very general indication in order to provide a *prima facie* check on abuse. Now, Sir, if a man is found carrying something which is not covered by the very general specification, as it will usually be, in his permit, he will be asked to explain and if he is caught once or twice and his explanation is not accepted by the Regional Transport Authority, they may cancel his permit. But if you put in the word "ordinarily", you would have to catch a man a great many times before anything could be done. Even so he might, in 25 per cent. of his journeys, be carrying something not stated in his permit and he would be able possibly to claim that he was ordinarily carrying the things specified in his permit during the remaining 75 per cent., and that therefore he was complying with the terms of the permit. I do not think that the difficulties which the Honourable Mr. Ramadas Pantulu envisages are in fact likely to arise. The Regional Transport Authority will be composed of reasonable beings and I think that the insertion of the word "ordinarily" is dangerous and therefore I must oppose the amendment.

THE HONOURABLE THE PRESIDENT : Amendment moved :

"That in sub-clause (2) of clause 53 of the Bill, for the words 'be carried' the word 'ordinarily be carried' be substituted."

The Motion was negatived.

Clause 53 was added to the Bill.

Clauses 54 to 58 were added to the Bill.

Clause 59.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I beg to move :

"That in part (c) of sub-clause (3) of clause 59 of the Bill, for the figures '42' the figures '43' be substituted."

This is merely an error in re-numbering.

The Motion was adopted.

Clause 59, as amended, was added to the Bill.

Clauses 60 to 62 were added to the Bill.

Clause 63.

THE HONOURABLE MR. RAMADAS PANTULU : I have given alternative amendments to this clause. The one that is printed as No. 12 and the other a typewritten one in Supplementary List No. 2. If you permit me, I shall move the second one, that is the typewritten one and not the printed one.

THE HONOURABLE THE PRESIDENT : I take it that you want to move only one amendment. In that case, you will not be permitted to move the other.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, I move :

“That in sub-clause (2) of clause 63 for the words ‘or may’ the words ‘and may likewise’ be substituted.”

Sir, the object of this amendment is very simple and I do not think it will meet with any opposition from the other side. It will be seen that in the first part of sub-clause (2) of clause 63 it is laid down that a Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit. The scheme of the provision is that if a vehicle is to go beyond the jurisdiction of a Regional Authority or a provincial authority, the other authority through whose territory it goes will have to countersign the permit. In doing so it may not allow the vehicle to run on the permit which was originally granted by the authority which issued it but may impose other conditions when it countersigns the permit. It may impose a condition which it could have done if it originally issued the permit. That is as the first part of this sub-clause stands. This sub-clause says :

“A Regional Transport Authority when countersigning the permit may attach to the permit any condition which it might have imposed if it had granted the permit”,

I do not touch this portion. The second part of the sub-clause, however, says :

“or may vary any condition attached to the permit by the Authority by which the permit was granted”.

So it may in varying the original condition impose restrictions which it could not have imposed if it granted the permit in the first instance. That is to say this variation or modification may go much beyond its own power in regard to the condition which it could itself impose. I do not think this was really intended by the draftsman. So to bring the second part of the clause into line with the first part, I have given notice of my amendment. When I gave notice of my original amendment, I thought so many words were necessary to bring out my meaning. I am now glad to say that the Honourable Mr. Mitchell himself has suggested to me a simpler form of amendment which serves the same purpose and which I have accepted and which I have just moved, namely, that for the words “or may” the words “and may likewise” be substituted. That will show that even the variation or the modification should be under the same restrictions as may be originally imposed and no stricter conditions may be imposed. That is my object.

With these words, Sir, I commend my amendment for the acceptance of the House.

THE HONOURABLE MR. S. N. ROY : Sir, the Government accept the amendment.

The Motion was adopted.

Clause 63, as amended, was added to the Bill.

Clause 64.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I beg to move :

“That in part (f) of clause 64 of the Bill, for the word ‘has’ occurring in the third line the word ‘having’ be substituted.”

This is purely formal.

The Motion was adopted.

Clause 64, as amended, was added to the Bill.

Clause 65.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, I beg to move :

"That after sub-clause (1) of clause 65 of the Bill, the following new sub-clause be inserted, and the remaining sub-clauses be re-numbered accordingly, namely :—

'(2) The Provincial Government may, by rules made under section 68, modify the provisions of sub-section (1) in their application to drivers of motor vehicles generally or of prescribed classes of motor vehicles or in prescribed circumstances in all or any of the following ways, namely :—

- (a) by increasing the interval of rest specified in clause (a) to one hour, or
- (b) by reducing the period specified in clause (b) to eight hours, or
- (c) by reducing the period specified in clause (c) to forty-eight hours'."

The clause as it stands now says :

"No person shall cause or allow any person who is employed by him for the purpose of driving a transport vehicle or who is subject to his control for such purpose to work—

- (a) for more than five hours before he has had an interval of rest of at least half an hour ; or
- (b) for more than nine hours in one day ; or
- (c) for more than fifty-four hours in the week".

Without touching the clause as it stands I seek to give power to Provincial Governments to modify this clause to a certain extent. With regard to continuous work it is provided here that a man must be given at least half an hour interval if he is required to work for more than five hours. All I want to do is to give the Local Government power to raise the interval from half an hour to one hour. I am not asking for anything extravagant. A motor driver who works for five hours continuously may humanely be given one hour's rest. We get one and a half hours in this House between our morning work and afternoon work and certainly we are not more over-worked than motor drivers. The clause says that he shall not work more than nine hours a day. I seek to give power to Local Governments to bring it down to eight hours. Eight hours a day is not a new one. There is a great clamour for an eight-hour labour day all over the world and I think some of the International Labour Conferences whose recommendations have been transmitted to this Government for acceptance have already been asking for eight hours a day. I do not put it down as a necessary condition of uniform applicability but I am giving power to the Local Government to bring it down to eight hours. In the clause as it stands 54 hours work for a week is provided. I give power to the Local Government to make it 48 hours a week, which is again a very familiar demand. In doing this, I may at once say that I do not belong to any labour union nor have I taken an important part in the work of labour unions in this country. The suggestions I have made are conceived and advocated from a humanitarian point of view. Local Governments may be pressed by local trade unions of motor drivers or labour organisations to bring down the limits to the standards demanded by International Labour organisations. Therefore, it will make it easy for Local Governments to comply with demands in the provinces of their own local labour organisations if they are put forward.

THE HONOURABLE THE PRESIDENT : May I remind the Honourable Member of the statement made by His Excellency the Governor General in

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Bombay that in labour matters there ought to be co-ordination and one legislation ?

THE HONOURABLE MR. RAMADAS PANTULU : I am only making it easy for Provincial Governments to fall in line with international labour opinion on these matters. It will help such co-ordinated policy. I merely seek to give power to Provincial Governments whom the Central Government says that it trusts so much. The Local Governments are likely to act together if freedom is given to them. When I ask for a change in any clause they say, you should not distrust the Provincial Government, you should rely upon them, and in my turn may I ask Government not to distrust the Provincial Governments in this matter but to give this small power to them which will help a co-ordinated policy ?

THE HONOURABLE MR. S. N. ROY : For reasons I will presently explain, I do not propose to enter at any length into the merits of this amendment. There is one point, however, which I should like to make and that is in connection with a statement of my Honourable friend Mr. Ramadas Pantulu when he asked us not to distrust Provincial Governments. It is not a question of distrusting the Provincial Governments at all. It is a question of the inconvenience that is likely to arise if different Provincial Governments made different regulations. If province A fixes the hours at eight and province B fixes the hours at 9, the moment a driver from province B goes to province A he might have contravened the law in province A and found himself in difficulties. That is not a point which I want to elaborate at the moment for the simple reason that this particular amendment was fully debated and voted upon in another place and on that occasion Government gave their support to this clause but they were defeated. I think the defeat might be ascribed to a certain extent to the abstention of my Honourable friend's Party from the lobbies. However that may be, it would be inexpedient for Government now to go back upon the decision arrived at by means of debate and division in the Lower House. In those circumstances, Sir, I must oppose this amendment.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadan) : I accord my hearty support to the amendment of my Honourable friend Mr. Ramadas Pantulu. Whatever may have happened in the other House, I do not think we are by that fact precluded from giving our support to any amendment here that we consider reasonable. My Honourable friend Mr. Roy has cleverly put aside the question of the merits of the amendment. But that is precisely the thing which we have to consider. So far as the industries in general are concerned, when we seek to reduce the hours of daily work we are told that India might suffer in competition with industrialists in other parts of the world. No such question arises in connection with the amendment put forward by my Honourable friend Mr. Ramadas Pantulu. The amendment can easily be accepted without any detriment to any industry or without any contravention of any of the principles underlying this Bill. My Honourable friend Mr. Roy objected to the amendment on the ground—

THE HONOURABLE MR. S. N. ROY : On a point of personal explanation, Sir, may I just say a word ? I did not object. The point that I made was that this amendment received the support of Government in another place, but in the division they lost the Motion. Having regard to that fact Government feel that they are precluded from accepting the amendment here.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : What I was referring to was the discretionary power that would be vested in the Provincial Governments under the amendment that has been proposed. He feared that if different Provincial Governments made different rules on the subject complications might be created. Yet, it seems to me that one of the main principles of the Bill is the large discretionary power given to the Provincial Governments to administer the most important provisions of the Bill. It is only on that basis, I understand, that agreement has been arrived at between all the interests concerned and that but for the powers given to the Provincial Governments, probably this Bill would not have had a smooth passage in the other House. It will be seen that in respect of many other matters, for instance the definition of long distance traffic, the Provincial Governments have been left full discretion to decide in the light of local circumstances how the Act should be applied. Why should there be any nervousness then in leaving discretion to them on this point? I understand the position of the Government. They have been defeated in another House, and they think it is no use discussing this subject again but they will forgive us if we are unable to adopt their attitude and insist on the acceptance of an amendment which is perfectly reasonable.

Apart from this I have another reason for supporting the amendment moved by my Honourable friend Mr. Ramadas Pantulu. We are seeking in various ways to secure better conditions of living for our workers in countries other than India. Whenever, however, we put forward demands which would lead to an improvement in their conditions of living, we are asked what India itself is doing to raise the standards of living of the workers there. I think that is a very important consideration that we ought to bear in mind in laying down provisions relating to workers engaged in various lines of work in this country. This, in my opinion, is so vital a consideration that I would regardless of all other facts press the amendment strongly on the attention of the Government. We have asked for various improvements in the terms of Indian labour employed in other countries. The demands put forward by the Government of India are perfectly just but I think that their position will never be as strong as it ought to be unless they can point out that they are asking for nothing more for labour that has emigrated from India than what they themselves are giving to labourers in this country.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That after sub-clause (1) of clause 65 of the Bill, the following new sub-clause be inserted, and the remaining sub-clauses be re-numbered, accordingly, namely :—

(2) The Provincial Government may, by rules made under section 68, modify the provisions of sub-section (1) in their application to drivers of motor vehicles generally or of prescribed classes of motor vehicles or in prescribed circumstances in all or any of the following ways, namely :—

- (a) by increasing the interval of rest specified in clause (a) to one hour, or
- (b) by reducing the period specified in clause (b) to eight hours, or
- (c) by reducing the period specified in clause (c) to forty-eight hours’.”

The Motion was negatived.

Clause 65 was added to the Bill.

Clauses 66 to 74 were added to the Bill.

Clause 75.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

"That in sub-clause (2) of clause 75 of the Bill for the words commencing 'but the Provincial Government may' and ending 'not provided for in the Ninth Schedule' the following be substituted, namely :—

'but the Provincial Government or any authority empowered in this behalf by the Provincial Government may make or authorise the addition to any sign set forth in the said Schedule, of transcriptions of the words, letters or figures thereon in such script as the Provincial Government may think fit, provided that the transcriptions shall be of similar size and colour to the words, letters or figures set forth in the Ninth Schedule'."

It was always intended that the legends in English in these various signs in the Ninth Schedule should be repeated where necessary in the local script but we are advised that it is necessary to make a definite provision to enable that to be done. Honourable Members will observe also that in sub-clause (2), all the words commencing with the words "but the Provincial Government" have been deleted. They authorise the erection of signs not in conformity with the Ninth Schedule, for purposes not specified in the Ninth Schedule and I think the House is entitled to an explanation as to why that has been done. The explanation is this. Sub-clause (1) of clause 75 says :

"The Provincial Government or any authority authorised in this behalf by the Provincial Government may cause or permit traffic signs to be placed or erected", and so on.

Sub-clause (2) says that the traffic signs having the meaning of signs in the Ninth Schedule must conform to the Ninth Schedule. The power to erect signs not provided for in the Ninth Schedule is implicit and as these words have gone out incidentally, I thought it necessary to explain the reason.

The Motion was adopted.

Clause 75, as amended, was added to the Bill.

Clauses 76 to 93 were added to the Bill.

Clause 94.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

"That in sub-clause (1) of clause 94 of the Bill, the words 'except as a passenger' where they occur for the second time be omitted."

The clause as amended would read :

"No person shall use except as a passenger or cause or allow any other person to use a motor vehicle in a public place", and so on.

This is the clause which will come into force after four years which provides for compulsory insurance. As this has given rise to a good deal of discussion, I might explain why these words are now being deleted. The wording of the English Act, *viz.*, the Roads Traffic Act of 1930, section 35, says :

"It shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part of this Act".

Now, in the Lower House the view was that a provision on those lines would incriminate the innocent passenger sitting in a vehicle which is not covered

by a policy of insurance and therefore these words were inserted: "No passenger shall use except as a passenger", etc., etc., and in the course of the amendments they were inserted in two places. But on examination it is clear that they are not required in the second place; and they are not only redundant but may be mischievous. In the first place, where they occur, they say, "No person shall use except as a passenger", etc., etc. That lets out the passenger in any conceivable circumstances. In the second place, they are dangerous because a man in an uninsured vehicle might say to a friend; "You may use my car or other vehicle as a passenger but do not drive it", and the second man may get some one else to drive. The *Explanation* in turn may let out the driver if he has no cause to believe that the vehicle is uninsured and therefore while an offence will have been committed, it may be very difficult to pin it on to any person. The words are therefore possibly mischievous as well as redundant and I move their deletion.

The Motion was adopted.

Clause 94, as amended, was added to the Bill.

Clauses 95 to 107 were added to the Bill.

Clause 108.

THE HONOURABLE MR. RAMADAS PANTULU: Sir, I do not wish to move the amendments standing on the printed paper but I would like to move the amendment which appears on the typed paper to the same effect. Sir, I move:

"That for the word 'with' occurring in the third line the following be substituted, namely:—

'or deemed to have been registered under the Co-operative Societies Act, 1912, or under an Act of a Provincial Legislature governing the registration of Co-operative Societies'."

Sir, this is merely a drafting amendment. The clause as it now stands says:

"A Provincial Government may, on the application of a co-operative society of public service vehicle owners registered with and subject to the control of the Registrar of Co-operative Credit Societies of the province", and so on.

There is no such thing as a society being registered with the Registrar. It is registered under a particular Act and I am merely using words which will make the description correct. The necessity for using the words "or deemed to be registered" is that many societies were registered under the old Government of India Act of 1912 and when provincial Acts were subsequently passed new societies are registered under them and so as to include all these registered societies the words "registered or deemed to be registered" are used. Those words help to make a comprehensive definition. I do not interfere with the rest of the description.

Sir, I move.

THE HONOURABLE MR. S. N. ROY: Sir, as my Honourable friend just now said, this is merely a drafting amendment and I consider it an improvement. Government therefore accept this amendment.

The Motion was adopted.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, I move :

“That the word ‘Credit’ occurring in the fourth line be omitted.”

“Registrar of Co-operative Societies” is the expression, and not “Registrar of Co-operative Credit Societies”.

THE HONOURABLE MR. S. N. ROY : Sir, Government accept it.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I move :

“That in part (a) of sub-clause (1) of clause 108 of the Bill, after the word ‘for’ in the second line the word ‘the’ be inserted.”

This is a purely formal amendment, Sir.

The Motion was adopted.

THE HONOURABLE MR. RAMADAS PANTULU : Sir, I would prefer to move the second alternative amendment. Sir, I move :

“That in sub-clause (i) of clause 108 of the Bill,—

(ii) for the words, brackets, letter and figures ‘in clause (b) of sub-section (2) of section 95’ in part (b) the following be substituted, namely :—

‘by the Provincial Government who may make rules not inconsistent with any rules made by the Central Government to govern such societies’;

(iii) to part (f) the following proviso be added, namely :—

‘Provided that it shall be competent for the Provincial Government to alter or modify the conditions laid down in this sub-clause with reference to local conditions and to make rules for the purpose not inconsistent with any rules made by the Central Government.’”

Sir, both these amendments, one to sub-clause (b) and the other to sub-clause (f) have the same purpose in view. This clause 108 deals with co-operative insurance societies of motor vehicle owners. These societies will in future be regulated by the provisions of this clause. Sir, I want to give power to the Provincial Governments to relax the rigours of this clause to some extent where the local conditions so require. Sir, I may explain what a co-operative insurance society of motor vehicle owners is. If there are two hundred bus owners, they can form an association of mutual insurance for themselves and every one of these owners will contribute towards making good the damage or loss that will be sustained by the society; every owner will put something into the common fund and damages are met out of the common contribution to them by bus owners. It differs from commercial insurance companies in so far as funds are entirely drawn from contributions by members of the society who are vehicle owners associated for mutual benefit and not by capitalists subscribing to the capital or the working funds of the concern and earning dividends on their capital to the detriment of the motor vehicle owners who are compelled to insure under this Bill. It is just like a co-operative bank in its features as distinct from a joint stock bank and a co-operative life insurance society as distinguished from a joint stock insurance society. Where the one is a capitalistic concern of outsiders the other is a mutual society of members. These societies in my opinion ought to receive some favourable consideration at the hands of the Government. Sir, the Motor Vehicles Insurance Committee in their Report have made certain specific recommendations in regard to these societies. One such society is working very well in

the Bombay Presidency. I may at once tell this House that the system of compulsory insurance is already enforced there. The system which is sought to be brought into force in this Act is there already and has been in force

for the last seven years and they have been working under the rules made by the Provincial Government. They have got funds sufficient to meet the requirements of the present Bill and in the last seven years they have met 22 claims in full and their funds are not depleted. They are not using their security fund for meeting these claims and the cover is intact. They have also provision for making recurring premium payments when they are called upon to do so. Without following the principles of this clause they raised their funds at so much per vehicle,—for a one ton vehicle Rs. 400 and for a half ton vehicle Rs. 265. I am not now asking for the standard cover to be lowered. I am not asking for a cover of less than Rs. 20 or Rs. 25 thousand laid down by clause 95 to which this is related. Because after all the parties to be protected ought to get adequate compensation whether from the co-operative societies or other insurance companies. So far as that is concerned, it does not matter to them who pays the compensation. I am not therefore asking for anything which will injure the interests of passengers or other third parties. But in other respects certain concessions are necessary for co-operative societies. For instance, this clause 108 as it now stands is difficult for us to work. One part of it, clause (f) says :

“ the society shall operate on an insurance basis, that is to say,—

- (i) it shall levy its premiums in respect of a period not exceeding twelve months, during which period the insured shall be held covered in respect of all accidents arising, subject to the limits of liability specified in clause (b) of sub-section (2) of section 95 ;
- (ii) it shall charge premiums estimated to be sufficient, having regard to the risks, to meet the capitalised value of all claims arising during the period of cover, together with an adequate charge for expenses attaching to the issue of policies and to the settlement of claims arising thereunder ”.

Sir, the words “ capitalised value of claims ” has not been defined in this Bill anywhere. And in the case of motor insurance I do not know how it can be estimated. We have got no statistics to show the average number of accidents just as we have of deaths in the case of life insurance companies to show the average amount of risk that the society has got to cover on the basis of mortality tables. The frequency of motor cars crashing and of third parties dying is still not one within the sphere of statistical investigation by the Government in this country. Therefore, the words “ capitalised value of all claims arising during the period of cover ” might work great hardship to a motor insurance company formed on a co-operative basis. Again, section 95 (2), to which this clause refers back, says :

“ Subject to the proviso to sub-section (1) a policy of insurance shall cover any liability incurred in respect of any one accident up to the following limits, namely :—

- (a) where the vehicle is a vehicle used or adapted to be used for the carriage of goods, a limit of twenty thousand rupees ;
- (b) where the vehicle is a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, in respect of persons other than passengers carried for hire or reward, a limit of twenty thousand rupees ; and in respect of passengers a limit of twenty thousand rupees in all, and four thousand rupees in respect of an individual passenger, if the vehicle is registered to carry not more than six passengers excluding the driver or two thousand rupees in respect of an individual passenger, if the vehicle is registered to carry more than six passengers excluding the driver ”.

[Mr. Ramadas Pantulu.]

So, Sir, in respect of passengers and goods, the total cover should be Rs. 40,000. Third party insurance is to arise four years later. To that, Sir, I have no objection. You may provide that in no case should the fund to be raised by the society and also the other resources from which they have to meet the damages when they occur, go below the standard set by section 95. Subject to all these safeguards, I am asking for a little latitude to be shown. Sir, these societies work in very narrow areas and they have also definite membership. It is not like a commercial company which operates very widely and takes unlimited risks. For instance, in this particular society of which I am speaking, our membership stood steadily at about 200 and we work in a specified area, the district of Ratnagiri. So these motor owners who are members of co-operative insurance societies work under very different conditions from ordinary insurance companies. Therefore, I want Government to encourage them. In this connection I would read one passage from the Report of the Motor Vehicles Insurance Committee, in which they specifically recommend to the Government the desirability of making some concession to these societies. Sir, paragraph 88 of the Report says :

“ It is clearly desirable to encourage associations of this kind, as they are able to operate in local areas with much small overhead and commission charges than insurance companies, and have a cheaper agency for investigating claims ”.

This is quite correct. We do not file suits, we simply write to the Registrar of Co-operative Societies to determine the damages and assess them. And our documents do not bear stamps. The Report goes on :

“ Moreover the existence of co-operative liability will act as a binding force to keep together associations of public vehicle owners, which will enable the single owner to take his proper place in the development of the industry. This will result in keeping down the cost of transport in areas where such associations operate ”. (I find that to be a correct statement.) “ If co-operative societies are to take the place of insurance companies, it is obviously necessary that they must offer the same protection to the general public and it will be necessary for the Ratnagiri and similar societies to alter its constitution to secure this object ”. (I agree entirely.) “ In particular we do not consider that one lump-sum payment can take the place of annual premia ”.

It is a matter of detail which may be examined in due course. Our fund has been built up on a special scheme as I have already said. Each owner subscribing Rs. 400 per one ton car, and Rs. 265 per half ton car, after which payments cease although the liability remains to pay up to Rs. 30 per annum by instalments of Rs. 10 if it is necessary to obtain additional funds.

But I am not sticking to the constitution of the Ratnagiri Society now. It is probably capable of improvement. Sir, I have distinctly in view the possibility of motor vehicle co-operative associations springing up largely in this country, after this Bill is passed and after we gain experience of the system of control imposed on motor vehicles and of the effect of the improvements made in the general law governing motor vehicles, we co-operators would like to replace commercial insurance companies by co-operative institutions of motor vehicle owners. It will be a great advantage both to the public as well as to motor vehicle owners. Mutual insurance would be a great improvement on joint stock and commercial insurance. And the more we come to realise the great benefit which these co-operative enterprises confer upon the public in this business of insurance the better for future development of motor transport. After this Bill comes into force, we would like to organise some motor vehicles insurance companies in our province of Madras and we shall have an

opportunity of watching their working. But before we do that, we want some facilities to be given to them without in any way injuring the interests of the public, without in any way reducing the cover to provide for compensation in case of loss by death or injury to third parties. The cover may be the same in the case of co-operative companies as in that of commercial companies. Without touching the principles of the Act, I am once more seeking to enlist the sympathies of the Government for these co-operative enterprises. I am anxious that all Provincial Governments should pursue a kind of common policy in this matter. Local conditions may allow of slight variations in practice, but I am quite alive to the fact that there must be some uniformity in this matter.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That in sub-clause (1) of clause 108 of the Bill—

(ii) for the words, brackets, letter and figures ‘ in clause (b) of sub-section (2) of section 95 ’ in part (b) the following be substituted, namely :—

‘ by the Provincial Government who may make rules not inconsistent with any rules made by the Central Government to govern such societies ’ ;

(iii) to part (f) the following proviso be added, namely :—

‘ Provided that it shall be competent for the Provincial Government to alter or modify the conditions laid down in this sub-clause with reference to local conditions and to make rules for the purpose not inconsistent with any rules made by the Central Government ’ .”

THE HONOURABLE MR. S. N. ROY : Sir, my Honourable friend did me the courtesy of sending me a note on the Ratnagiri District Co-operative Association which I have had the advantage of reading. That note shows that this Co-operative Association had a membership of 206 and had an Insurance Fund of Rs. 57,713, but the total of the claims settled during the last seven years is Rs. 2,527—

THE HONOURABLE MR. RAMADAS PANTULU : That is all that we had. Those were the only claims.

THE HONOURABLE MR. S. N. ROY—which seems to indicate that either the claims were made very sparingly or that people did not realise that they could get more. Anyway, I thought at first that the intention of part (2) of the amendment was that the limit should be reduced. But I understand the Honourable Mr. Pantulu to say that he does not want that the limits laid down in the Bill should be reduced in favour of co-operative societies, so that, there is no dispute on that point. If that is so, I do not quite follow the necessity of giving powers to the Provincial Governments in respect of sub-clause (b).

As regards sub-clause (f), I can quite see that a co-operative society may find it difficult to estimate its premia on the basis of the capitalised value of claims arising during the period. I can well appreciate that. I gather that in the case of this particular Society the insurance fund has been raised by means of fixed contributions at the time that the members joined the Society, and I take it that the way in which these co-operative societies would find it most convenient to work would be that if they had an adequate insurance fund, they should be allowed to carry their own insurance. That was one of the things which we had proposed in the Bill originally—that certain bodies should be allowed to carry on their own insurance. That provision was deleted in the Select Committee. However, that is a point, I think, which is well worth considering. It is a very technical subject. Until the Honourable Mr. Pantulu drew our attention to the difficulties that co-operative societies

[Mr. S. N. Roy.]

are likely to find, I must confess that our attention had not been drawn to them. Nor have we had occasion yet to examine the position in all its bearings,—for example, the difficulties that co-operative societies are likely to have, the best method of meeting those difficulties, whether it is desirable that Provincial Governments should be given any power in this respect or whether the Central Government should make rules of their own, and so forth. As has been pointed out before, this Chapter does not come into force until four years after the Bill has been brought into force. In these circumstances, I hope my Honourable friend will be satisfied with an assurance that we will go into this question and we will see in the light of experience in the various provinces what amendments are necessary in the interests of co-operative societies, and if we find that there is a justification, we shall take the necessary action before this Chapter comes into force. I hope that on that assurance my Honourable friend will withdraw his amendment.

THE HONOURABLE MR. RAMADAS PANTULU: Sir, I am thankful to my Honourable friend for the assurance he has given me. As I said, the case of co-operative societies often goes by default. But I am glad that in this case Government have promised to examine the whole question. I myself felt some difficulty in fitting my amendment into the scheme of this particular clause. I also felt the necessity of consulting Provincial Governments before you undertake legislation of this sort. With the assurance given by my Honourable friend, I withdraw my amendment. I only hope that they will take speedy action.

THE HONOURABLE MR. S. N. ROY: Four years still.

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

Clause 108, as amended, was added to the Bill.

Clauses 109 to 114 were added to the Bill.

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

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

Clause 115.

THE HONOURABLE SIR DAVID DEVADOSS (Nominated Non-Official): Sir, I beg to move:

“That in sub-clause (1) of clause 115 of the Bill, for the words ‘one hundred rupees’ the words ‘five hundred rupees’ be substituted.”

With your permission, Sir, I will move the second part of this amendment afterwards. That is an addition to the clause.

THE HONOURABLE THE PRESIDENT: Very well.

THE HONOURABLE SIR DAVID DEVADOSS: My reason for asking the House to enhance the punishment from Rs. 100 to Rs. 500 is this. Most of the accidents are due to the uncontrollable speed with which motor cars and motor buses are driven; though the danger of so doing may be only to the occupants of the vehicle, I think the Legislature ought to prevent such uncontrollable speed being availed of by people. If you will pardon a personal

allusion, when I happened to be in Cambridge in the year 1927, two undergraduates—and very brilliant students they were, one of them being supposed to be in the running for the Senior Wranglership—took two Girton girls to London. They seem to have driven at a very high speed, and without coming into contact with any other vehicle or obstruction—nobody knows how it happened—their motor rolled over and over six times. Two people were killed on the spot and two others were seriously injured. Now, Sir, that is not a solitary instance. In India also we find that drivers, especially bus drivers, drive most furiously, with the result that when there is an accident it always involves serious injury to several persons. So, in order to prevent that, I have ventured to put forward this amendment that the fine may extend to Rs. 500. Of course magistrates need not necessarily inflict the maximum punishment. But the mere fact that there is that provision in the law which makes them liable to a fine of Rs. 500 would, I think, be a sufficient reason for their not exceeding the speed limit provided for in section 71.

With these words, Sir, I move.

THE HONOURABLE MR. S. N. ROY : Sir, this clause only seeks to penalise driving at excessive speed. The instance which my Honourable friend quoted at Cambridge would come under clause 116, that is to say it would be a case of driving recklessly or dangerously. And as he will find, if he refers to sub-clause (d) of clause 17,

“ A Court shall, unless for special reasons to be recorded in writing it thinks fit to order otherwise, order the disqualification of an offender who having been convicted of an offence punishable under section 116 is again convicted of an offence punishable under that section ”.

So that there is that power given to Courts to disqualify all reckless and dangerous driving.

I would point out also that in the Seventh Schedule no speed limit has been laid down for private motors. It is only with regard to other vehicles that speed limits have been imposed, and if that speed limit is found at any time to be exceeded, then this clause comes into operation.

As regards the punishment, if the Honourable Member will see the Bill as it was originally introduced, he will find that we proposed a fine of Rs. 200. Even that was cut down in another place. It seems to me that it is quite useless trying now to substitute Rs. 500 in place of what the Lower House have already decided upon.

I have incidentally dealt with the Honourable Member's other amendment too, so I hope my Honourable friend when he moves that will take it into account. In the circumstances I must oppose the amendment.

THE HONOURABLE THE PRESIDENT : You should now move the second portion of your amendment, and I will put the whole amendment together.

THE HONOURABLE SIR DAVID DEVADOSS : Sir, I move :

“ That in sub-clause (1) of clause 115 of the Bill, the following words be added at the end, namely :—

‘ and with suspension of the driver's licence for a period not exceeding one year ’. ”

I would point out, Sir, that in the case I mentioned you cannot punish a man after he is dead. It is only in cases where a person exceeds the limit laid down this punishment will be of some use. Excessive speed itself is a danger not only to the occupants of the speeding car but also to pedestrians.

[Sir David Devadoss.]

When I come to section 116 I will deal with that. That is for cases after conviction, but this is merely for exceeding the speed limit as provided in clause 71. Clause 71 says :—

“ No person shall drive a motor vehicle or cause or allow a motor vehicle to be driven in any public place at a speed exceeding the maximum speed fixed for the vehicle by or under this Act or by or under any law for the time being in force : ”.

So it is to prevent people exceeding that limit that I have brought forward this amendment.

With these words, I move, Sir.

THE HONOURABLE THE PRESIDENT : Do you wish to reply to that ?

THE HONOURABLE MR. S. N. ROY : No, Sir.

THE HONOURABLE MR. K. G. MITCHELL : Sir, the Honourable Mr. Roy has made the point that section 115 relates to what may be the purely technical offence of exceeding a speed limit. Section 116 relates to the offence of driving at a speed which is dangerous. The second part of this amendment which seeks to empower a Court to suspend a driver's licence for a period not exceeding one year, I venture to suggest, should not possibly have been moved because it is in contradiction to a clause which has already been accepted by the Council, namely, sub-clause (2) of clause 17 which says :

“ A Court shall not order the disqualification of an offender convicted for the first or second time of an offence punishable under section 115 ”.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That in sub-clause (1) of clause 115 of the Bill,—

(i) for the words “ one hundred rupees ” the words “ five hundred rupees ” be substituted ; and

(ii) that the following words be added at the end, namely :—

“ and with suspension of the driver's licence for a period not exceeding one year ”.

The Motion was negatived.

Clause 115 was added to the Bill.

Clause 116.

THE HONOURABLE SIR DAVID DEVADOSS : Sir, I beg to move :

“ That in clause 116 of the Bill,—

(i) after the words ‘ six months ’ occurring in the ninth line the words ‘ and with suspension of the driver's licence for a period not exceeding two years ’ be inserted, and

(ii) the following words be added to the end of the clause, namely :—

‘ and with cancellation of the driver's licence ’.

The fear of losing the driver's licence has a more deterrent effect upon rash driving than merely the fear of imprisonment, because the imprisonment may be only till the rising of the Court or for a day or two ; and as I said in connection with some other matter, the fear of jail—I will not say has been taken away—is almost nil now. Therefore, if a person fears that his driver's

licence would be taken away from him, he would be more careful and the Court if empowered to suspend the licence in the case of the first offence it will have a salutary effect upon motor drivers. As regards the second part, I think that a man who is convicted for a second time on such a serious offence ought not to be allowed to drive a motor vehicle at all. That is the reason for the second part of the amendment.

With these words, Sir, I move.

THE HONOURABLE MR. S. N. ROY : I would again draw the attention of my Honourable friend to the provision made in clause 17 (1). There it is stated :

“ Where a person is convicted of an offence under this Act, the Court by which such person is convicted may, subject to the provisions of this section, in addition to imposing any other punishment authorised by law, declare the person so convicted to be disqualified, for such period as the Court may specify, for holding any licence or for holding a licence to drive a particular class or description of vehicle ; ”

so that if a man is convicted of reckless driving the Court has full discretion to disqualify him for any period that it considers proper. And in sub-clause (5) of section 17 it has been laid down :

“ A Court shall order the disqualification of an offender who having been convicted of an offence punishable under section 116 is again convicted of an offence punishable under that section ; ”

so that the position is that the Court has full discretion to disqualify for a first offence and the Court is bound to disqualify for a second offence. In these circumstances, Sir, I do not think it is necessary to go any further.

THE HONOURABLE SIR DAVID DEVADOSS : The period is not specified.

THE HONOURABLE MR. S. N. ROY : The Court has full discretion and it will depend on the circumstances of the case.

THE HONOURABLE THE PRESIDENT : Amendment moved :

“ That in clause 116 of the Bill—

- (i) after the words ‘ six months ’ occurring in the ninth line the words ‘ and with suspension of the driver’s licence for a period not exceeding two years ’ be inserted, and
- (ii) the following words be added to the end of the clause, namely :—
‘ and with cancellation of the driver’s licence ’.”

The Motion was negatived.

Clause 116 was added to the Bill.

Clauses 117 to 124 were added to the Bill.

Clause 125.

THE HONOURABLE MR. K. G. MITCHELL : Sir, I will not move this amendment to clause 125, as it proposes the correction of a printing mistake which has already been set right in this corrigenda paper, since our amendment was tabled.

Clause 125 was added to the Bill.

• Clauses 126 to 134 were added to the Bill.

First Schedule.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I beg to move:

"That in Form C as set forth in the First Schedule to the Bill, for the words 'an authorised' occurring in the words in brackets under the heading the word 'a' be substituted."

This is consequential upon an amendment carried out previously in the Bill.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I move:

"That in Form D as set forth in the First Schedule to the Bill, after the entry 'Name' the entry 'son/daughter of (father's name).....' be inserted."

Sir, the object is obvious.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I move:

"That in Form D as set forth in the First Schedule to the Bill, the entry 'Photograph if necessary' enclosed in a rectangle and the adjoining entry 'signature or thumb impression' be transposed so that they appear immediately below the entry and dotted lines '(temporary address).....'."

Sir, this is a re-arrangement rendered necessary by the design of the actual licence which we propose, and I am told we have to move it.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I move:

"That for the words 'registration certificates' where they occur in parts (c), (d), (f) and (h) of sub-clause (2) of clause 41 the words 'certificates of registration' be substituted."

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I move:

"That in Form G as set forth in the First Schedule to the Bill, the words 'which terminates on.....' occurring in the Note be omitted."

Sir, this Note is in pursuance of a similar Note on Form E in which the termination is not mentioned and it is not necessary to mention it. This is for conformity with the previous form.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I move:

"That in Form H as set forth in the First Schedule to the Bill, for the words and figures 'Part IV of the Motor Vehicles Act, 1939' the words and figures 'Chapter V of the Motor Vehicles Act, 1939, and the rules made thereunder' be substituted."

Sir, this is a formal amendment.

The Motion was adopted.

The First Schedule, as amended, was added to the Bill.

The Second and Third Schedules were added to the Bill.

Fourth Schedule.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I beg to move:

"That in Part B of the Fourth Schedule to the Bill, for the words 'The Quarter Master General in India' the words 'The Master General of the Ordnance in India' be substituted."

Sir, it is a change in administration which has rendered this amendment necessary.

The Motion was adopted.

The Fourth Schedule, as amended, was added to the Bill.

The Fifth and Sixth Schedules were added to the Bill.

Seventh Schedule.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I beg to move:

"That in Tables A and B of the Seventh Schedule to the Bill, for the word 'pound' in the heading to the second column the word 'pounds' be substituted."

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I beg to move:

"That in the Seventh Schedule to the Bill,—

- (a) for the first five entries in both the columns in Table A the following entries in the first column and corresponding entries in the second column be substituted, namely:—

5-00-17	980	6-50-16	1400
5-25-17	1080	6-50-17	1550
5-25-18	1100	6-50-18	1700
5-50-17	1140	6-50-20	1850
5-50-18	1195	7-00-15	1500
5-50-20	1225	7-00-16	1675
6-00-16	1200	7-00-17	1850
6-00-17	1350	7-00-18	2050
6-00-18	1450	7-00-20	2200
6-00-20	1550	7-50-15	1700
6-25-16	1300	7-50-16	2050
		7-50-17	2150' and

(b) in the *Explanation* for the figures '6-00-20' the figures '5-00-17' be substituted."

Sir, since this Schedule was inserted in the Bill, tyre manufacturers have drawn attention to certain additional, usually smaller, sizes of tyres which are already in restricted use in India or which are likely to be used. In order that there may not be any difficulty in connection with these tyres, these additional sizes have been inserted in the Schedule.

Sir, I move.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I beg to move:

"That in the Seventh Schedule to the Bill, the following *Note* be inserted after the *Explanation*, namely:—

'*Note*.—Tyres may be calibrated in so-called metric sizes, for example, "170 × 20". In that case the first number represents the sectional diameter of the tyre in millimetres and the second number represents the diameter of the rim in inches. The permissible weight in pounds for each such tyre shall be determined by dividing the nominal sectional diameter of the tyre in millimetres by the figure 25·4, the quotient being the nominal sectional diameter in inches. The permissible weight given in Table A for the nearest equivalent nominal sectional diameter in inches and the actual rim-diameter shall be the permissible weight for that tyre.'

Sir, the point is that there are some so-called metric size tyres in use and it is necessary to provide for them.

Sir, I move.

The Motion was adopted.

The Seventh Schedule, as amended, was added to the Bill.

The Eighth Schedule was added to the Bill.

Ninth Schedule.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I beg to move:

"That in Part A of the Ninth Schedule to the Bill, the following be added to the *Note* appearing below sign No. 1, namely:—

'(3) Where the speed limit is, or is to be, imposed only on a certain class or classes of motor vehicle the class or classes will be specified on the "definition plate." Where in addition to a general speed limit applicable to other motor vehicles a special speed limit is, or is to be, imposed on vehicles of a certain class or classes, the general speed limit will be specified on the disc and the special speed limit together with the class or classes of vehicle to which it applies will be specified on the "definition plate".'

Sir, this is self-explanatory.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I beg to move:

"That in Part A of the Ninth Schedule to the Bill, the following *Note* be added below the design of sign No. 5, namely:—

'*Note*.—Sign No. 5 as here set forth may be amplified by instructions inscribed upon a definition plate placed below it as in the general arrangement set forth in sign No. 1 of this Part. Upon the definition plate may be set forth the times during which parking is prohibited. In like manner an arrow-head inscribed on the definition plate will indicate that parking is prohibited on that part of the street or road lying to the side of the sign to which the arrow-head points.'

Sir, this also is self-explanatory.

The Motion was adopted.

THE HONOURABLE MR. K. G. MITCHELL: Sir, I beg to move:

"That in Part C of the Ninth Schedule to the Bill, the *Note* in the margin opposite sign No. 2 be omitted."

Sir, the reason for this is that a general provision has been made by an amendment in this Council for the transcription of the letters into other scripts also and so this *Note* is not necessary.

The Motion was adopted.

The Ninth Schedule, as amended, was added to the Bill.

The Tenth and Eleventh Schedules were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. S. N. ROY : Sir, I move :

“ That the Bill, as passed by the Legislative Assembly, and as amended by the Council of State, be passed.”

THE HONOURABLE MR. RAMADAS PANTULU (Madras : Non-Muham-
 madan) : Sir, in rising to support this Motion, I wish to say a
 3 P. M. few words about the peculiar position which we on this side of
 the House occupy in regard to legislation. We quite realise our position as a
 revising Chamber and we are not very anxious to interfere with measures which
 come to us from the Legislative Assembly. At the same time we wish to make
 our own contribution to make legislation satisfactory in this country by taking
 such interest as we can in improving the measures. For the opportunities you
 have given us in regard to both these important measures, the Motor Vehicles
 Bill and the Income-tax Bill, by not allowing the Government to take them up
 at the fag end of the last session but by giving us ample time to study them
 and put forward our own amendments we are thankful to you. We labour
 under certain peculiar disadvantages as we see from what has transpired
 here in regard to both these Bills. Some of the provisions of these Bills, when
 they come to us, are the results of certain agreements between the several
 political Parties in the Assembly and the Government. Naturally we on this
 side of the House are anxious not to disturb those arrangements or put the
 Government in an inconvenient position by asking them to go behind the
 undertakings they have given in the other House. But there is a limit to this
 restraint on us. We have found today that not only the undertakings and
 compromises arrived at in the other House stand in the way of Government
 considering some of our amendments on their merits, but also their defeat in
 the other House. Whatever may be said about compromises and undertak-
 ings, the fact that the Government found that a particular amendment was
 sound on merits and they voted for it in the other House and lost it should not
 in future be urged as a reason for not accepting it in this House when they
 are convinced that it is sound on merits. They may take their chance again
 and if they do not succeed again in the Assembly, that is an end of the matter :
 and whether it has to go before a joint session is another matter. But such
 fears ought not to assail the Government in accepting reasonable amendments
 put forward in this House. Otherwise we cannot really improve Bills even as
 a revising Chamber when they are brought to us. I particularly feel strongly
 on this matter with reference to the fate of my amendment regarding the
 conditions of service as embodied in clause 65 of the Bill.

As regards the merits of the Bill I need not detain this House very long.
 The Mover of the Bill has stated rightly that the safety and convenience of the
 public and the development of a co-ordinated system of transport service
 are the main ideas underlying the Bill ; and they have been, I think, achieved
 to a very large extent. Analysing them further, they amount to regulation
 and control of motor traffic, the co-ordination of rail and road transport and
 compulsory insurance. The interest which this Bill has evoked among the

[Mr. Ramadas Pantulu.]

public at one time immediately after its introduction, was mainly due to the suspicion which was in the minds of the public that the Government were more intent on safeguarding the financial interests of the railways than on safeguarding the development of the motor transport or even public interests. But that suspicion has almost died down now. The readiness of the Government to accept the changes made in the Select Committee and the many important amendments moved by the nationalist Members of the Legislative Assembly to the Bill after it emerged from the Select Committee has convinced us that the Government had no such motives. Therefore I think that suspicion can now be taken to be practically abandoned. The unfortunate history of this Bill was that it followed on the heels of that famous Road Resolution which was carried in the Legislative Assembly in 1937 when the Congress Benches were empty. The operative part of it was that the Central Government could withhold the share of the road fund to the Provincial Governments unless they took adequate steps to control motor vehicle traffic, whatever those words might mean. However, that is past history and I am glad that the Government's attitude in the Assembly has convinced us that they had no sinister motive in trying to put this Bill on the Statute-book.

There has been very searching criticism of the provisions of this Bill from many quarters. The Federation of Indian Chambers which even now seems to be somewhat sceptical about the propriety or utility of some of the important provisions of the Bill, has started by laying down four tests to find out whether the Bill was a good one. They said that the provisions of the Bill should be tested according to the following four criteria :

- (1) that they seek to lay down regulations adequate enough to safeguard the interests of the public in respect of its safety and convenience :
- (2) that they seek to eliminate uneconomic competition within the motor transport industry itself :
- (3) that they do not handicap normal development of legitimate and alternate modes of transport to the public, and
- (4) that they seek to codify on uniform lines laws and regulations in various provinces with a view to remove the difficulties from which motor transport suffers in its movements from one province to another. .

Whatever the Federation of Indian Chambers may think, I feel satisfied that the Bill does fairly satisfy the first three of these tests. But with regard to the fourth test, namely, codification on uniform lines, I am not satisfied that the Bill has done all that it should. The difficulties of motor owners are very many and very serious, in attempting to pass from one province to another, and from the area of one regional authority to another. Each time we are required to get permits countersigned by provincial authorities and regional authorities and each time these authorities can impose other conditions which they could themselves have imposed if they originally granted the permit or modify or vary those conditions in the same manner. These are difficult conditions to satisfy. It ought not to be impossible for the Government of India to find some method whereby the regulations may be made as uniform as possible. It will add to the convenience of the motor owners and the development of motor transport if some uniform system is developed in due

course. I have some experience of the difficulties of motors passing from one region to another. I have sometimes occasion to travel on business from Madras to Mysore and from Mysore to Coorg and at every frontier we have to undergo certain hardships. It was very vexatious and sometimes at some frontier stations we do not find even the man in charge present there—we have to wait and send the driver to fetch him from his house if the motor happens to go at an hour which is not the usual hour when he expects vehicles to pass. We have to pay extra license fees and get all sorts of coloured receipts—red, blue and green. I think this is a real inconvenience and I think the provisions of the Bill in so far as they lay down conditions under which counter-signatures of provincial and regional authorities are required and the conditions under which such signatures can be obtained do work a real handicap, and I hope that as soon as possible by regulations or rules or by consultations with Provincial Governments the Government of India will give us some relief in the matter.

Sir, I hope that as a result of this measure some real co-ordination between road and rail will be brought about. There is really nothing very much in the Bill itself about it, though there is a good deal about the control and regulation of motor traffic itself and about preventing uneconomic competition. So far as the purpose of the Bill is concerned in regard to rail-road co-ordination it is very much to be inferred from its implications rather than from its express provisions. However, some control has been given to the Provincial Governments which, we all hope, will eventually lead to a certain amount of co-ordination. I am not one of those who always think that the railways are enemies of motor transport in this country. Both are national assets. In course of time, all railways in India will become State Railways, and I look upon the railways as a very great national asset whose interests also ought to be safeguarded. At the same time in a country like this, legislation regarding motor transport should not be unduly strict or harsh. The time may come when we can make this legislation very stringent. So far as the position of India at present is concerned as compared with other countries, our progress in the matter of motor transport is negligible. I have got certain figures to show these. The figures I have in respect of this country which are the latest available compare very unfavourably with every other country in the world. The figures I have for some foreign countries relate to 1931. They must have made much progress since then. Out of the 269,000 miles of road in India, metalled roads are only 76,082 miles. It is really a very small figure compared with 3,000 and odd miles in America and other countries. I do not propose to read to the House the whole list of this mileage, but what is more important is that the ratio of vehicles to mileage is literally the lowest in India. Even in comparison with South Africa and certain other thinly populated countries, the ratio of vehicles to mileage in India is the lowest, as I shall show from the figures I will read out—

U. S. A.	8·7
U. K.	12·5
Germany	7·1
France	5·3
Italy	3·7
Canada	3·0
Australia	1·3
South Africa	·9
British India	·6

[Mr. Ramadas Pantulu.]

Thus we have just half a vehicle for each mile as against 12½ vehicles for a mile in the United Kingdom. These figures show how insignificant our motor vehicle traffic is compared with other countries. Nevertheless our legislation attempts to be up to date, modern and abreast of the times and wants it to be as stringent as in the United Kingdom and other advanced countries. I do not object to the Bill on that ground, but I hope that in working this Act these features will be remembered.

One more word, Sir, and I have done. Though we are interested in the development of motor transport and the opening up of the country by the construction of more roads for the use of agriculturists and for the free movement and marketing of agricultural produce and although we are also equally interested in the railways, we still want the Government of India not to show excessive leanings to the railways but keep the balance evenly. That expression I am copying is from what Mr. Winston Churchill the then Chancellor of the Exchequer said in 1928 when the controversy between road and railway transport was raging there. He said it was the duty of the Government to hold the balance evenly between road and rail. I think it is a very sound policy and I commend it to the acceptance of the Government.

With regard to railways themselves, I hope they will not depend perpetually upon the support of the Government to cripple their rival. There is a suspicion in the public mind that the attitude of the railways has not been very fair towards the development of motor traffic. They are counting on their influence with the Central Government to discourage motor traffic. They should not do that. The example of America and Germany shows that by introducing technical and tariff reforms they have done a great deal to popularise the railways in those countries. I have seen in newspapers very interesting articles from correspondents in foreign countries which show how the reform of tariff and increase of amenities and affording better conveniences to passengers and various other things have tended to increase railway traffic enormously both in the United States and in Germany. Sir, but for the fact that you might pull me up for reading some extracts from the columns of the *Madras Mail* to show the improvements effected in those countries, I would have attempted to read those passages for the benefit of my Honourable friends.

Sir, in moving the amendments today, I have drawn attention to some very vague powers vested in the Provincial Governments such as requirements of the strict description to be entered in prohibition of long distance traffic and so on, and I only trust that the Government of India will give some central direction in order to co-ordinate the policy of the Provincial Governments in this matter and see that these vague powers are not interpreted by each Provincial Government in any way it pleases, because they are capable of putting a premium on the inefficiency of the Provincial Governments to maintain their road system. I think, Sir, the Bill is on the whole a useful and good measure, and I give my whole-hearted support to the Motion made by my Honourable friend opposite. I congratulate him on the ability with which he piloted the Bill in this House.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR Madras : Muhammadan) : Sir, I congratulate the Honourable Members opposite on having so successfully piloted this measure both in this House as well as in the other place. This House fully recognises and highly appreciates the amount of ability and industry which the Honourable Mr. Roy and the Honourable

Mr. Mitchell brought to their task in framing this Bill and also in piloting it so ably in both the Houses. This Bill, Sir, as has been observed by my Honourable friend Mr. Pantulu, is the result of a compromise. It has been also, like the Income-tax Bill which we passed the other day, passed with the consent of the leading Parties in that House, and, as a compromise measure, it represents only the best possible conciliation that could be brought about between various conflicting interests. Of course, we welcome such compromises, and we do not wish by any comments that we might make about the disadvantages of such compromises to deprecate these compromises, but we hope that when such compromises are arrived at they should not be acted upon so rigidly, as has been the case in respect of these two Bills. As has been complained by my Honourable friend Mr. Pantulu, we feel that this House is at a very great disadvantage when it is asked to consider measures which have been agreed to in the other House. In spite of the fact that the measure might represent the best possible solution of the problem in view of the clash of interests involved therein, we cannot help feeling that there are still a great many respects in which the Bill may be improved without any injury being done to the compromises arrived at or to any of the interests concerned. It might be, Sir, that this House might suggest some alterations by way of making the measure more acceptable and more helpful, but the view that the Government takes of the compromise is such that it feels itself unable to accept even the slightest modification notwithstanding the fact that such modification does not in any way touch the basis of the compromise. Therefore, to this extent it puts this House under some disability. Owing to the fact that this measure is a compromise measure there are sharp differences of opinion about the provisions of the Bill. The provisions embodied therein are such that they are not entirely to the satisfaction of one section or another. It is quite natural that there should be this difference of opinion. For instance, there has been a sharp difference of opinion as regards the powers given to the Provincial Governments. Some think that these powers are a little too wide but others think, like my Honourable friend Mr. Ramadas Pantulu, that these powers are rather meagre. Whatever that be, it is obvious that the powers that have been transferred are such as could under the present circumstances be delegated to Provincial Governments. As there is this clash of opinions, it is premature to say how far these powers would be used by the various Governments. But let us hope that the Provincial Governments would try to make the best possible use of these powers and that in trying to frame rules and regulations they would not lose sight of the interests of the country at large. Let us hope that they will take care, while making allowances for local conditions, to aim at uniformity of the law relating to the control and regulation of motor traffic. It is very necessary that this point of view should be before Provincial Governments since otherwise the powers given to them are apt to be used in different ways by different Governments. My Honourable friend Mr. Ramadas Pantulu has already instanced the difficulties that he even now experiences in going from one province to another, and it is not unlikely that if these powers are used not very carefully the difficulties might become even greater. As I have said, the one thing these provinces will have to keep in view is the interest of the country at large, and my humble opinion is that this offers one of those few tests by which the patriotism of the Provincial Governments will be tried. In so far as the provinces will be in a position to make fair and rational rules without fear or favour and at the same time try to advance their own interests without militating against the interests of the country at large, they will be proving their fitness for having such wide powers. It is felt that some of the punishments under this Bill are a little too severe. In view of the grave consequences of a breach of the rules that may be framed to provide for safety, it is just

[Saiyed Mohamed Padshah Sahib Bahadur.]

possible that these punishments are not out of proportion, but one thing will have to be kept in view in regard to these punishments as a whole. The Courts that will have to administer this Bill will have to remember that, after all, these offences are only new offences and just at the outset the magistrates who will have to decide these matters will have to see that they are not too severe in the beginning and do not award sentences that would go to put undue restrictions upon the growth of the motor transport industry.

THE HONOURABLE SIR DAVID DEVADOSS: What is the value of human life then ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR: As I said, undue ; they must not be over enthusiastic to make this measure a very severe one. I am perfectly alive to the paramount necessity that exists of making every possible arrangement for the safety and convenience of the public—not only the public that uses the motor buses but also the pedestrians. As my Honourable friend Mr. Ramadas Pantulu observed, the motor transport industry in India is still in a very infant condition. It has not grown to the extent to which it has done even in the least advanced countries in the world. Even in those countries which are having very stringent rules about road traffic motor transport still continues to be a very great source of highway accidents. I do not say that we should take a too lenient view of those provisions at the outset. While we should not in any way endanger the safety of either the travelling public or the people who use the roadside. I suggest that we should not be too severe as some of us are in judging these accidents. I feel, Sir, that this measure is a very useful and necessary measure, it is calculated to regulate and control the motor traffic and make the roads safe and make the motor vehicle a fairly safe means of transport.

THE HONOURABLE MR. R. H. PARKER (Bombay Chamber of Commerce) : Sir, I only wish to make a very brief reference to Chapter 8 which deals with insurance matters and with third party insurance in particular. On that Honourable Members will remember that I said a few words on the First Reading. I pointed out that there were apparently some few defects but after discussing the matter with the Honourable Mover, Mr. Roy, I came to the conclusion that these and any other defects which may be found out hereafter might more effectively be dealt with at a later stage by Government introducing amending legislation which I hope they will do during the four years before that Chapter comes into effect. I would like to congratulate the new Honourable Member for Communications on his first big baby of 134 clauses !

THE HONOURABLE SIR THOMAS STEWART (Communications Member) : Sir, if for a very few moments I take part in this debate it is not in order to perpetrate what my Honourable friend Mr. Hossain Imam called an after-dinner oration, but I think, Sir, it would be less than gracious on my part were I not to acknowledge here and now the industry and application of my two Honourable colleagues who have been in charge of the Bill in this House and without whose endeavours such a measure could not have come to fruition. (Applause.) Nor, Sir, is it my intention to deliver at this stage a speech I might have delivered at the consideration stage. But I should like to say why I have come and attended these debates. The first reason, Sir, is this, that I think it due to you and to the dignity of this House that, when a measure of the first importance is being discussed, the Member in charge of the Department concerned should be present. In the second place, I was particularly interested in this measure because of my dual responsibilities. Roads come

on one side of my portfolio and Railways, on the other. I had no doubt that my Honourable colleagues here would have been able to deal with any criticisms that might be put forward, but I was particularly concerned as Railway Member to be here so that I might meet the accusation that has been so widely made, that we had invented a measure designed to strangle motor transport in the interests of the railways. Now, Sir, I am happy to think that that contingency did not arise. It was not necessary for me to make any defence of railway policy. I was very happy to hear the reasoned and temperate statements that were made on the floor of this House. And I should like to reassure Honourable Members, to let them know that their confidence is not misplaced. It is not the object of the railways to strangle the rival motor transport. Of that already the Railway Department have given ample evidence. I quote one case that must be known to Honourable Members who come from Bombay. For many years there was a difference of opinion between the Railways and the Provincial Government regarding the construction of a trunk road between Bombay and Ahmedabad. I am very happy to say, Sir, that, as a result of mutual consultation and mutual accommodation, there has been an agreement between the Railways and the Bombay Government and the construction of that trunk road is going forward. There are other cases of the same nature, and I think I can assure Honourable Members here that the spirit of co-operation, of greater liberality, that has come about in the last year will for the future continue.

I do not think it is necessary for me to deal with some of the more detailed criticisms that have been made in the course of the final stages of this debate. My Honourable friend Mr. Ramadas Pantulu rather twitted us that we had not the courage of our convictions, that having supported a certain course of action in the other House we ran away from it in this. Well, I think, Sir, that in the course of legislation that sort of thing is inevitable. After all, what we are dealing with is not mere theories but we are confronted with practical politics and it would have been, I think, improper on our part to have risked the ultimate passage of an important measure like this merely to insist on a theory.

As regards the merits of this measure, I heard this afternoon a good deal of talk about compromise. I am not quite sure that I like the phrase myself because, as it is often used, it suggests that one or other party has given away something that they should not have given away. Now, I am content to accept this Bill as a compromise if Honourable Members will agree that a proper description of a compromise is that everybody gets together and they pool their wisdom and the result of their agreement, the compromise if you like, represents the *summum bonum*, the greatest possible accumulation of their wisdom. Well, after saying that, perhaps someone may ask me : Is this the absolute best in the way of a Bill ? I cannot answer that question. I rather suspect it is not. I should be very very surprised if it were. It is a long and complicated measure. That it will develop defects I have not the slightest doubt, but these defects are probably those that cannot be remedied by sitting round a table talking. Only by experience will they be discovered and so, though I do not claim that it is the best of all possible Bills, what I do think is that we today have assisted in putting on the Statute-book a measure which certainly to my belief will do much to resolve the traffic problems of India and will be in India's best interests. (Applause.)

THE HONOURABLE MR. KUMARSANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadian) : Sir, I wanted to say a few words. The Bill no doubt is a good Bill but, so far as the Province of Bengal is concerned (I

[Mr. Kumarsankar Ray Chaudhury.]

shall confine my remarks to that province only), on account of extensive river communications and on account of paucity of funds, roads cannot be developed to the fullest extent there and the stringent measures that have been embodied in this Bill will, I am afraid, rather kill the motor traffic industry than make it a prosperous one. The Government of Bengal is in charge of roads. They have some feeling of rivalry as recently expressed by the Minister in charge of Communications between road and rail traffic. What they say is that railway traffic affects the health of the country and therefore they are averse to railway construction. When pressed for making roads, they say they have got no funds, and the roads in Bengal are so bad that I submit the rules that have been laid down in this Act will kill motor traffic rather than encourage it.

THE HONOURABLE THE PRESIDENT : The Question is :

“That the Bill, as passed by the Legislative Assembly, and as amended by the Council of State, be passed.”

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, there will be no business before the Council until Monday the 13th of next month when the Railway Budget will be presented.

I therefore suggest that the Council be adjourned till Monday, the 13th February.

The Council then adjourned till Eleven of the Clock on Monday, the 13th February, 1939.