THE MADRAS LEGISLATIVE ASSEMBLY.

6 APR 1938 MADRAS LEGISLA

Wednesday, the 2nd March 1938.

The House met in the Assembly Building, Chepauk, at three of the clock, Mr. Speaker (THE HON. MR. B. SAMBAMURTI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Proposal to codify the law of land revenue for the Madras Province.

* 212 *Q.*—MR. H. S. HUSSAIN: Will the Hon. the Minister for Revenue be pleased to state whether the present Government propose to undertake the codification of a law of land revenue for the Province of Madras, and if so, when?

THE HON. MR. T. PRAKASAM:—"The Government have under consideration the main principles by which land revenue should be determined. The question being one of great complexity, it has not been possible for the Government to arrive at a decision as yet. The question of the codification of a law of land revenue can be taken up for consideration only after the other question referred to is decided."

Introduction of a Land Revenue Bill.

* 213 [a] *Q.*—KHAN BAHADUR MAHMUD SCHAMNAD SAHIB BAHADUR: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether the Government have decided to introduce a Land Revenue Bill; and

(*b*) if so, when?

THE HON. MR. T. PRAKASAM:—"(*a*) & (*b*) The attention of the hon. Member is invited to the answer given to starred question No. 212."

Improvements to the supply channel of the Edamichi tank in the Conjeeveram taluk.

* 214 *Q.*—MR. P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the District Collector of Chingleput received petitions and deputation from the ryots of Edamichi, Porpandal and Gidangarai villages regarding improvements to the supply channel of the Edamichi tank in the Conjeeveram taluk;

[a] This question was allowed to be answered in the public interest, though the Member who had given notice of it was absent.

(*b*) whether the District Collector has replied that the scheme is expensive and hence it may not be taken up;

(*c*) whether the ryots have promised to undertake to give an extra compounded fee of Rs. 750 per annum in case the scheme fructified; and

(*d*) whether the Government will undertake the scheme if they find the return profitable?

THE HON. MR. YAKUB HASAN:—" (*a*) The answer is in the affirmative.

" (*b*) The reply given by the District Collector was ' that the scheme cannot be taken up at present for want of funds and on account of the difficulties that have to be solved after much consideration and that it may be reopened two years hence.'

" (*c*) The answer is in the affirmative.

" (*d*) As the scheme has not been investigated the question does not arise."

MR. P. S. SRINIVASA AYYAR:—" May I ask whether the Hon. Minister will suggest to the Hon. the Revenue Minister that dry rates may be collected until irrigation facilities are given?"

THE HON. MR. YAKUB HASAN:—" We will consider it."

Proposal to strengthen the flood bank surrounding the Peravaram village.

* 215 *Q.*—MR. KALA VENKATA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether the Government received a representation from the villagers of Peravaram to strengthen the flood bank surrounding their village and whether the Government received any definite proposals from the Chief Engineer, Public Works Department, in the matter; and

(*b*) if the answer is in the affirmative, when the Government are going to give effect to it?

THE HON. MR. YAKUB HASAN:—" (*a*) & (*b*) Representations from the villagers of Peravaram have been received and they have been referred to the Chief Engineer (Irrigation) for report which is awaited."

Reasons for declaring certain schools in the Province as uneconomical.

* 216 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Education and Legal Departments be pleased to state—

(*a*) who passed the orders declaring certain schools to be uneconomical; and

(*b*) the reasons for passing such orders?

MR. C. J. VARKEY (Parliamentary Secretary) on behalf of the Hon. Dr. P. Subbarayan:—" (*a*) It is presumed that the hon. Member refers to elementary schools. The District Educational

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Councils on the recommendation of the Director of Public Instruction or the Divisional Inspector of Schools declared schools to be uneconomical.

"(*b*) Because the schools had very low strength and were inefficient or superfluous."

MR. K. V. R. SWAMI:—"May I know how many schools have been declared to be uneconomical?"

MR. C. J. VARKEY:—"The Director of Public Instruction has been asked to submit a list."

MR. V. S. R. M. VALLIAPPA CHETTIYAR:—"May I know whether the Government will consult the district boards concerned before they declare schools as uneconomical?"

MR. C. J. VARKEY:—"Yes, they are being consulted."

MR. ABDUL HAMEED KHAN:—"May I know if this uneconomical school theory applies to schools for backward communities?"

MR. C. J. VARKEY:—"The matter is under consideration as to which schools are to be considered uneconomical and to be abolished."

MR. V. S. R. M. VALLIAPPA CHETTIYAR:—"May I ask whether the Government will reconsider their decision so far as schools for backward communities are concerned?"

MR. C. J. VARKEY:—"A Press Communiqué will be issued on this subject in a day or two."

MR. G. RANGAYYA NAYUDU:—"May I ask whether the Government have taken measures to make these schools economical?"

MR. C. J. VARKEY:—"It was found impossible to make these schools economical because there are so many other schools in the same area."

Investigation of fruit canning industry in the Province.

* 217 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether the question of fruit canning has been investigated since the present Government took office; and

(*b*) if so, with what result?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) & (*b*) The Government have under examination a scheme for starting experiments in fruit canning at the Fruit Research Station, Anantarajupeta (Cuddapah district)."

MR. K. V. R. SWAMI:—"May I ask whether the experiments will be started next year?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"The matter will be considered."

Fruit canning at Anantarajupet.

* 218 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether there is any fruit canning carried on at Anantarajupet; and

(*b*) what the process followed there is?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) No. The attention of the hon. Member is also invited to the answer given to his starred question No. 217.

"(*b*) Does not arise."

Glass factories and their output in this Province.

* 219 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether there are any glass factories in this Province;

(*b*) if so, what the value of goods manufactured last year is;

(*c*) whether the Government are paying any subsidy; and

(*d*) what the value of glassware imported into this Province last year is?

THE HON. MR. V. V. GIRI:—"(*a*) Yes. There is one factory, the Jamal Glass Works in Tondiarpet, Madras.

"(*b*) Goods worth Rs. 72,000 were manufactured during the year 1937.

"(*c*) No.

"(*d*) The value of glass imported into this Province during the calendar year 1937 is furnished below:—

	RS.
Imports from foreign countries	21,14,877
Imports from coastwise	3,79,643 "

MR. G. RANGAYYA NAYUDU:—"May I know if this Jamal Factory applied for any subsidy from the Government?"

THE HON. MR. V. V. GIRI:—"No."

MR. K. V. R. SWAMI:—"May I ask whether the Government will encourage the starting of more factories when there is so much demand for this commodity?"

THE HON. MR. V. V. GIRI:—"Certainly the matter will be investigated and if there are any applications under the State Aid to Industries Act they will be considered."

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MR. K. V. R. SWAMI:—" May I know whether the Government themselves will start a big factory for the purpose? "

THE HON. MR. V. V. GIRI:—" If others fail to apply for grants under the State Aid to Industries Act, the matter will be considered."

Paper industry in this Province.

* 220 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether there are any paper mills in this Presidency; and

(*b*) whether any paper is produced by hand in this Province?

THE HON. MR. V. V. GIRI:—" (*a*) Yes; there is one at Rajahmundry.

" (*b*) So far as information is available, hand-made paper is now produced only at Amjikarai near Poonamallee."

MR. K. V. R. SWAMI:—" May I ask whether the Rajahmundry Mill is likely to produce paper in the near future? "

THE HON. MR. V. V. GIRI:—" It is hoped so. We are equally anxious that the mill should produce paper."

MR. G. KRISHNAMURTI:—" May I know from the Hon. Minister whether the Government have made any investigation into the possibility of the manufacture of newsprint from sugarcane as promised in October last? "

THE HON. MR. V. V. GIRI:—" I am afraid that this does not arise out of this question. If the hon. Member puts down another question I shall get the information."

MR. G. RANGAYYA NAYUDU:—" May I know who is working the Rajahmundry Mill now? "

THE HON. MR. V. V. GIRI:—" This does not arise. I do not remember exactly; otherwise I would have answered it."

MR. K. V. R. SWAMI:—" May I know whether making of paper by hand will be introduced in one of the technical schools? "

THE HON. MR. V. V. GIRI:—" The matter is being investigated."

Tirumala Naik Mahal at Madura.

* 221 *Q.*—MR. D. RAMALINGA REDDIYAR: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) the officer who is in charge of the entire buildings comprising the Tirumala Naick Mahal at Madura;

(*b*) who the authority is that is empowered to issue passes to the visitors to the said Mahal;

(*c*) whether the ancient monuments inside the Mahal are being preserved properly; and

(*d*) whether complaints have been received that the Sarishtadar of the Madura District Court and his several peons have been systematically behaving themselves in a very discourteous manner towards the public when they visit the said Mahal?

THE HON. MR. K. RAMAN MENON:—"(*a*) The Executive Engineer, Ramnad Division, P.W.D., is in charge of the buildings for the purpose of their upkeep, while the District Judge, Madura, administers general control over the buildings as they are occupied by the offices of the Judicial department.

"(*b*) The Sarishtadar of the District Court, Madura, issues the passes.

"(*c*) The answer is in the affirmative.

"(*d*) The Government have received no such complaint."

MR. D. RAMALINGA REDDIYAR:—"May I ask whether the Government will place these buildings under the control of a person or officer who knows better manners?"

MR. SPEAKER:—"The question is disallowed."

Refusal of the Government to sanction the prosecution of M.R.Ry. Rao Bahadur C. Sambasiva Chettiyar, Chairman, Municipal Council, Conjeeveram, for alleged spending of municipal funds for his personal suit.

* 222 *Q.*—MR. P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Local Administration be pleased to state—

(*a*) whether it is a fact that the Chairman of the Conjeeveram Municipal Council, Rao Bahadur C. Sambasiva Chettiyar, was surcharged Rs. 177–12–0 for spending the amounts from the municipal funds to defend his personal suit and that a municipal councillor asked the Government for sanction to prosecute him and the same was refused by the Government; and

(*b*) if so, why?

THE HON. MR. B. GOPALA REDDI:—"(*a*) The answer is in the affirmative.

"(*b*) The Government considered it unnecessary to accord sanction to prosecute the Chairman as it was then reported that the amount surcharged was pending recovery in pursuance of a decree of a court of law."

MR. P. S. SRINIVASA AYYAR:—"May I ask whether the amount has been recovered now?"

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THE HON. MR. B. GOPALA REDDI:—"I am afraid it is not."

MR. P. S. SRINIVASA AYYAR:—"May I ask what the Government propose to do in the matter, whether they would consider the advisability of a prosecution or sanctioning a prosecution?"

THE HON. MR. B. GOPALA REDDI:—"We will try to collect the amount."

Submission by the Chairman, Municipal Council, Conjeeveram, of only garbled and corrected versions of the proceedings of the meetings of the Council instead of their true copies, to the Collector.

*223 *Q.*—MR. P. S. SRINIVASA AYYAR: Will the Hon. the Minister for Local Administration be pleased to state what action has been taken by the Government on the report of some of the municipal councillors of Conjeeveram that the Chairman, Municipal Council, did on 31st July 1936 and on previous occasions, send to the Collector of the district only garbled and corrected versions of the proceedings of the meetings of the municipal council and not true copies of the same as required by the Act?

THE HON. MR. B. GOPALA REDDI:—"The Government have not received the report referred to; nor have they information as to whether any such report was received by the Collector."

Assessing of land revenue in proportion to the net produce of the land.

*224 *Q.*—MR. H. S. HUSSAIN: Will the Hon. the Minister for Revenue be pleased to state—

(*a*) what proportion the land assessment bears to the net produce in ryotwari areas; and

(*b*) whether any committees set up in the past by the Provincial Government or otherwise made recommendations with regard to land assessment in ryotwari and other areas, and if so, what their recommendations were?

THE HON. MR. T. PRAKASAM:—"(*a*) The principle of the ryotwari settlement is that the State is entitled to not more than one half of the net money value of the crop on the land.

"(*b*) The attention of the hon. Member is invited to the reports mentioned below which are available for reference in the Secretariat Library:—

(i) Report of the Royal Commission upon Decentralization in India.

(ii) Report of the Joint Select Committee on the Government of India Bill, 1919.

(iii) Report of the Indian Taxation Enquiry Committee.

(iv) Report of the Malabar Tenancy Committee of 1928 presided over by Diwan Bahadur T. Raghavayya Garu, C.S.I."

Suspension of settlement operations and stoppage of the collection of rents at enhanced rates.

* 225 *Q.*—MR. P. SYAMASUNDARA RAO: Will the Hon. the Minister for Revenue be pleased to state whether the Government have accepted the proposal of the Marjoribanks report to suspend settlement operations in all ryotwari areas and to stop the collection of rents at enhanced rates?

THE HON. MR. T. PRAKASAM:—"No such recommendations have been made in the report."

MR. P. SYAMASUNDARA RAO:—"May I ask whether the Government will be pleased to adopt the same policy as they have adopted for ryotwari areas and extend the same benefits to the zamindari areas where resettlement operations are going on with a view to enhance the existing cash rents?"

THE HON. MR. T. PRAKASAM:—"No such undertaking can be given now under the present circumstances."

Construction of a tidal lock near Gopayalanka in the Godavari Central Delta.

* 226 *Q.*—MR. KALA VENKATA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether there is a proposal to build a tidal lock near Gopayalanka in the Godavari Central Delta; and

(*b*) if the answer is in the affirmative, when the scheme will be started?

THE HON. MR. YAKUB HASAN:—"(*a*) The answer is in the affirmative.

"(*b*) The proposal is being scrutinized by the Chief Engineer (Irrigation), and if on examination it is found suitable, it will be considered in connexion with the budget for 1939–40."

Inclusion of Malabar in the scheme of Radio Broadcasting in Madras.

* 227 *Q.*—MR. MUHAMMAD ABDUR RAHMAN: Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that Malabar is left out of the proposed Government of India scheme of Radio Broadcasting in Madras, and if so, why; and

(*b*) whether this Government have made any representation to the Government of India for including Malabar in the scheme?

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THE HON. MR. YAKUB HASAN:—" (*a*) The Government of Madras have decided to supply village receiver sets to four or five villages in each district except Malabar, South Kanara and the Nilgiris, the reason for the omission of these districts for the present being the difficulty of fitting in Malayalam and Kanarese programmes with Tamil and Telugu programmes, within the limited period of a few hours of talk in the evenings.

" The Municipal Council, Calicut, has however asked for a set and its request will be complied with.

" (*b*) It is not necessary to consult the Central Government in this matter."

MR. MUHAMMAD ABDUR RAHMAN:—" May I know, Sir, if Telugu and Tamil programmes can be arranged, what is the difficulty in arranging for Malayalam programme? "

THE HON. MR. YAKUB HASAN:—" As I said, within the limited time available, only Tamil and Telugu programmes can be arranged, and we cannot add Malayalam to these two. At present we are not able to do it; later on we may be in a position to do so."

MR. MUHAMMAD ABDUR RAHMAN:—" Then, why not the Tamil programme be given to Malabar? "

THE HON. MR. YAKUB HASAN:—" Calicut has asked for a set and it will be given; and if any other stations want Tamil, then, the question will be considered."

MR. MUHAMMAD ABDUR RAHMAN:—" Does the Hon. Minister mean to say that because people have not been wanting it, it is not given to Malabar? "

The HON. MR. YAKUB HASAN:—" Sets were being given to Tamil and Telugu districts because we have made arrangements for Tamil and Telugu programmes. If any places in the Malayalam or Kanarese districts want Tamil or Telugu programmes to be given to them, we will then consider the question."

MR. KALA VENKATA RAO:—" Will the Government be pleased to arrange for Kanarese programme for the Kanarese districts? "

THE HON. MR. YAKUB HASAN:—" At present, we are not prepared to do that."

Estimate in regard to the period for the completion of the fisheries research work at West-Hill, Calicut.

* 228 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether there is any estimate made in respect of the further time required to complete the work of fisheries research that is being conducted at West-Hill, Calicut, so as to make it to be of any practical application;

(*b*) whether any such estimate was made in 1921 when the research work was started or at any time thereafter; and

(*c*) if no estimate has been made till now, whether one will be called for now?

THE HON. MR. V. I. MUNISWAMI PILLAI:—"(*a*) The nature of all scientific research, particularly fisheries research, is such that no time limit can be fixed for the attainment of results.

"(*b*) The answer is in the negative.

"(*c*) The Government do not consider that any reliable estimate can be prepared."

MR. K. V. R. SWAMI:—"May I know how long this research will go on?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Investigation of fisheries problems involves simultaneous study of the effect of many different factors such as the biological, the chemical, the hydrographical and the meteorological conditions of the sea. As such, no time can be fixed."

MR. BASHEER AHMED SAYEED:—"May I ask how long it has been carried on up to now?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"For the past eleven years."

MR. BASHEER AHMED SAYEED:—"Is the Hon. Minister in a position to say what has been the achievement during these eleven years?"

THE HON. MR. V. I. MUNISWAMI PILLAI:—"Notice, Sir."

Conversion of the veterinary dispensary at Anantapur into a hospital.

* 229 *Q.*—MR. C. OBI REDDI: Will the Hon. the Minister for Agriculture and Rural Development be pleased to state—

(*a*) whether there is any minimum of average daily attendance fixed by the Government for a veterinary hospital;

(*b*) whether it is a fact that the Director of Veterinary Services, Madras, and Sir P. T. Rajan, Ex-Minister for Public Works, recommended the conversion of the veterinary dispensary at Anantapur into a regular hospital, having due regard to the growing need for it, the former as long ago as 20th January 1931 and the latter as recently as 5th November 1936;

(*c*) whether there is in this Presidency any district headquarters town except Anantapur without a veterinary hospital in it; and

(*d*) whether the Government will consider the need and desirability of converting the veterinary dispensary at Anantapur into a hospital?

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THE HON. MR. V. I. MUNISWAMI PILLAI:—" (*a*) No definite minimum has been fixed; but the average daily attendance is one of the factors taken into consideration in deciding whether a dispensary should be converted into a hospital.

" (*b*) The answer is in the negative.

" (*c*) There is no veterinary hospital in the headquarters of Kistna district.

" (*d*) A recent investigation showed that the average attendance did not justify such a step. The progress of attendance is however being watched. If it is found encouraging, the question will again be considered."

MR. C. OBI REDDI:—" Is it a fact that about a couple of years back, the Government proposed to acquire a site of 2 acres with a view to convert the veterinary dispensary into a regular hospital? "

THE HON. MR. V. I. MUNISWAMI PILLAI:—" No, Sir."

Financial help under the Madras State Aid to Industries Act to the silk filature concern at Mudigudem.

* 230 *Q.*—MR. K. V. R. SWAMI: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) whether the application made by the proprietor of the silk filature at Mudigudem for financial help under the Madras State Aid to Industries Act was considered;

(*b*) whether any help has been given; and

(*c*) if so, the nature of the help given?

THE HON. MR. V. V. GIRI:—" (*a*) Yes.

" (*b*) & (*c*) The Government have agreed to take shares to the value of Rs. 17,850 in the new company, ' The Kollegal Silk Filatures, Ltd.,' subject to certain conditions."

Appointment of Labour Officers to certain districts in the Northern Circars.

* 231 *Q.*—MR. G. VENKANNA: Will the Hon. the Minister for Industries and Labour be pleased to state—

(*a*) the number of District Labour Officers in the Presidency;

(*b*) whether in appointing District Labour Officers, the Government will take into consideration the desirability of appointing such men as are sympathetic towards the Harijans;

(*c*) whether the Government are aware that there are some districts in the Northern Circars in the Andhra area without Labour Officers; and

(*d*) whether the Government will consider the desirability of appointing Labour Officers in such places?

THE HON. MR. V. V. GIRI:—" (*a*) 14.

" (*b*) Collector is the appointing authority. The Government have no reason to think that men who have no sympathy with the cause of Harijans are being appointed.

" (*c*) There is no District Labour Officer in Vizagapatam district in the Northern Circars.

" (*d*) In districts without District Labour Officers, the needs of the depressed classes are being attended to by the ordinary Revenue staff. It has not been found necessary so far to appoint a District Labour Officer for Vizagapatam district."

MR. E. KANNAN:—" May I know whether the Government or the Commissioner of Labour has received complaints against the District Labour Officers of Bellary, West Godavari and Malabar? "

THE HON. MR. V. V. GIRI:—" I have no information, except in the case of Bellary, in which case, the matter is being investigated."

MR. BASHEER AHMED SAYEED:—" May I ask whether the appointment of these District Labour Officers is governed by any rules? "

THE HON. MR. V. V. GIRI:—" It is governed by the ordinary rules."

MR. D. V. RAMASWAMI:—" May I ask whether in the case of Vizagapatam, the Government will consider the advisability of appointing a labour advisory board? "

THE HON. MR. V. V. GIRI:—" That matter is a bigger one which is now under the investigation of Government."

MR. BASHEER AHMED SAYEED:—" May I take it that by ' rules ' the Hon. Minister meant rules governing the subordinate services in this Presidency? "

THE HON. MR. V. V. GIRI:—" Rules governing the subordinate services and rules which are based on commonsense."

[*Note.*—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—MOTION FOR SUSPENSION OF RULE 17 OF THE ASSEMBLY RULES.

THE HON. MR. T. PRAKASAM:—" Sir, I move that rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Wednesday, the 2nd March 1938, i.e., to-day."

The motion was put and carried.

III.—THE MADRAS TRAFFIC CONTROL BILL, 1938.

* THE HON. MR. K. RAMAN MENON:—" Mr. Speaker, Sir, I present the report [a] of the Select Committee on the Madras Traffic Control Bill, 1938 (L.A. Bill No. 4 of 1938), and move

' that the Bill [a] as amended by the Select Committee be taken into consideration at once.'

" Sir, the Select Committee went into the whole Bill and only two amendments have been made by the Committee. In clause 9, an addition of a definition has been made, and that was an amendment of which notice had already been given by me before the Bill went up to the Committee. Again, in sub-clause (v) of the same clause, a small amendment has been made by the Select Committee. I now move, Sir, that the Bill be taken into consideration at once."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 3.

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—" Sir, I have given notice of an amendment; probably there has not been sufficient time to have it typed and circulated to the House. My amendment is one which covers clauses 3 to 7 of the Bill."

* MR. SPEAKER:—" Under what clause of the Bill does the amendment come?"

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—" It is absolutely within your discretion, Mr. Speaker. You can either split up my amendment into five different amendments and allow each to be moved separately in respect of each of the clauses, or you can allow it as an omnibus amendment. They all cover one ground."

* MR. SPEAKER:—" The speech on the amendment may be made once for all; but the amendment will be put to vote in respect of each clause."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—" My amendment is

' that clauses 3, 4, 5, sub-clauses (ii) and (iii) of clause 6 and sub-clauses (ii) and (iii) of clause 7 be omitted.'

" Yesterday, Sir, when speaking on this Bill, I stated that I was in agreement with the main principles of the Bill, and therefore it might seem a bit inconsistent on my part to now move for the omission of a whole series of clauses of the Bill. I may at the same time state that even yesterday I stated that for several reasons of which short

[a] Printed as appendix on pages 150–160 infra.

notice was the main one, I had not been in a position to understand the full implications of this Bill. It was not till yesterday afternoon while sitting at the Select Committee that I realized to what extent I had not understood the implications of the Bill. The Bill really covers two aspects; the first aspect, to which clauses 3, 4, 5 and sub-clauses (ii) and (iii) of both clauses 6 and 7 relate, is to deprive the Madras City Municipality, the district municipalities and the local boards of their power to frame by-laws regarding the user of public streets and public roads within their respective areas, and also their control over traffic in their own streets and roads. The second aspect relates to a unification of the authority from which licence would have to be taken out before any owner of a motor-car can allow that car to ply on public roads for hire. With the latter aspect, as I said even yesterday, I am in absolute sympathy. On the other hand, I am afraid I must wholly oppose the other portion, for this reason; that by these provisions, the Government seek to deprive the municipalities and district boards of their right to frame by-laws for regulating the use of their roads, use of their public places, and also their right in respect of the control of traffic along those roads. The Government seek to take that power themselves. The effect of that would really be that the body whose business it ought mainly to be to look to these matters, is deprived of the power of making rules, while the central authority, i.e., the Government want to take over that power.

3-30 p.m. "Of course, it would be said, as it has been stated in the Statement of Objects and Reasons, that the main reason for the Government taking over this power is to create or rather bring about uniformity in these rules. I would submit that it is just the matter in which uniformity would be not merely impossible of achievement, but also undesirable. It seems to me that rules and regulations relating to the use of public roads and public streets and controlling the kind of traffic that should go along them would be a matter which should vary according to circumstances. In my own experience I have found that certain by-laws framed with reference to one set of roads or for the matter of fact, a particular road, in a district have been found to be altogether inapplicable to another road, even in the same district. Hence we have framed by-laws for each road, and therefore I think the main reason put forward by Government falls to the ground.

"I have got another fundamental objection to this Bill. Why should we create local boards and call them self-governing institutions, if we are going to deprive them of one power after another? It would be an unnecessary and unwanted interference with the autonomy of these self-governing bodies. It might be said that some of these local bodies are not exercising their powers properly, and that there is abuse of powers. If that is so, it is not for the Hon. Minister for Courts and Prisons to interfere. But it is for the Hon. Minister for Local Self-Government to take action. If there be any chairman of a municipality or any president of a district board allowing himself to be influenced by considerations other than beneficial and straightforward,

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it is for the Hon. Minister for Local Self-Government to pull him up and bring him to the straight path. Perhaps the experience of the present Ministry in the matter of local administration is not quite happy. Whatever might be their experience, even in the best of times, we are bound to have a few instances of misuse or abuse of power and in such cases, it would be a matter for disciplinary action. Supersede that particular body and reconstitute it if you like. And should you see that there is no chance of mending the local bodies, better abolish them altogether, but don't take away one power after another, calling them all the while self-governing or autonomous bodies. Now what is sought in the present Bill is to take the power of the local bodies to frame by-laws. This right, as it stands to-day, is not absolute. The law says that local bodies shall frame by-laws, but that they shall come into force only after being approved by the Government. Thus their right of initiation of laws is taken away by this Bill. There is great difference between initiation of laws subject to approval of somebody and initiation by somebody else. Take clause 3, which I want to be omitted. It says, 'the Provincial Government may, after previous publication, make rules to provide (*a*) for the regulation of the use of any public place and the closing thereof or parts thereof; and (*b*) for the regulation of traffic in any public place or its reservation for particular kinds of traffic.' And 'public place' is defined in clause 2 as a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass. What does this come to? How a particular municipality should run a particular cart-stand in one little corner of its town, what kind of traffic should be allowed along a particular road, what weight should be allowed to pass over a particular bridge,—who are the persons best fitted to judge such cases? Is it the local body or the Government sitting here? After all, whose advice are the Government going to take in these matters? Of course, their officials in the several districts. Thus are you going to substitute a bureaucratic form of Government in the place of the self-governing bodies?

"Clause 5 refers to the Madras City Municipal Act. It says that sub-clauses (*b*) and (*c*) of clause (8) of section 349 shall be omitted. That is a clause which now gives the Madras City Municipality right to frame by-laws for roads. Clause 6, sub-clauses (i) and (iv) relates to the right of issuing licences for carts plying for hire. I do not want to interfere with that. Sub-clauses (2) and (3) in clause 6 and sub-clauses (2) and (3) in clause 7 relate to the powers of the district municipalities and district boards respectively. The wording is almost the same. What are the powers? For instance, section 306, clause 8 and sub-clauses (*b*) and (*c*) runs as follows:—

> 'The council may make by-laws, not inconsistent with this Act or with any other law to provide for all matters expressly required or allowed by this Act to be provided for by by-law.'

"It says 'for all matters' and this is one of the matters:—

> '(*b*) for the regulation of the use of public streets, and the closing thereof or parts thereof;

(*c*) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic.'

" These are matters which I think should properly be in the hands of local boards and municipalities. After all, no abuse of power is possible here at least; this is a matter with very little scope for abuse; for when a by-law is framed, it cannot be made in such a way as to benefit some and injure others; and even when the by-laws are framed they cannot come into force all at once without the approval of the Local Government. Again, they cannot be altered without notice, for the law provides that there should be six weeks' gazette notification before any alteration can be made in the by-laws, i.e., before bringing them for reconsideration before the local board. Therefore I cannot conceive of any board trying to injure any particular persons or abuse their powers. As I said, they are much more competent to frame the by-laws than the Government with no knowledge of the breadth of a particular road or the strength of a bridge over which they propose to regulate traffic. Most of the bridges in the Tanjore district are 150 years old and more. Most of them have been opened in the days of the ancient Hindu Rajas; the roads are situated in deltaic areas, and most of them cannot stand heavy traffic. I wonder how the Government, having no knowledge of these things, are going to frame rules for the regulation of traffic over these roads? Can the Government claim a more intimate knowledge of the roads of the Tanjore District Board than the District Board of Tanjore? I feel, Sir, the district boards are better authorities in these matters. It is safer to leave these matters in their hands and retain the power of approving the by-laws in the hands of the Government.

" Sir, I move my amendment."

* DIWAN BAHADUR A. APPADURAI PILLAI:—" Mr. Speaker, Sir, I rise to second the amendment so ably moved by my Hon. Friend Sir A. T. Pannirselvam. There is just one little point which I wish to bring to the notice of this House in connexion with this amendment. The vesting of roads and public communications in district boards and municipalities and at the same time taking away from them the power of regulating traffic and the use of roads, seems to me to be rather anomalous. For that will be giving power by one hand and taking it away by the other. The implications of this amendment would be clear if I read for the information of the House the clauses that are affected. Let us for instance take clause 8, sub-clauses (*b*) and (*c*) of the Madras City Municipal Act. Clause (*b*) refers to ' the regulation of public streets and closing thereof, or parts thereof.' And what is the effect? As I have submitted already the local boards and municipalities have power to safeguard the proper use of the public communications. Now by this amending Bill no encroachments on these public roads can be dealt with by the local boards! On occasions of festivals, marriage or some other similar occasion, the occupation of a portion of the road or the margin of the street is done only after obtaining due permission on payment of licence fees, etc. This power

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would be interfered with if the proposed clause is passed. If we say that local bodies will have no power to regulate street traffic that will be acting contrary to the existing statutory provisions of law. I would therefore on this ground very strongly support the amendment of Sir A. T. Pannirselvam.

" After all, Sir, the idea underlying the creation of democratic form of Government is to vest large discretionary powers in local bodies, and years of careful tending has brought about the present state of affairs in the field of local self-government. The local bodies after patient toil and great deal of attention have been brought to function always on behalf of the public to their general good, and they are taught the ways and methods of local self-government. Sir, local bodies controlling roads, keeping them in order for the general use of the public is also a portion of local self-government, and if you concede that, I should think that taking away power from the local boards to make proper use of the communications will be acting contrary to the ultimate principles of local self-government. I would therefore commend the amendment for the acceptance of the House."

* The Hon. Mr. K. RAMAN MENON :—" Mr. Speaker, I oppose 3-4 P.M. this amendment moved by the hon. Member, Sir Pannirselvam, and, in doing so, I wish to say that the considerations that have been placed before this House by both the mover and the seconder of the amendment are not really considerations that should be the guiding factors in deciding whether this clause 3 should be there in the Bill or not. It would appear as if an attempt has been made by the Government to deprive these autonomous or democratic institutions of the small powers that they are now enjoying. This Bill is certainly not intended for any such purpose. The idea underlying this Bill is that in the matter of the traffic control there should be a unitary body—in fact even now a unitary body is carrying on these functions—to carry on these functions unhampered by any authority good or bad putting obstacles in the way of that body carrying out its duties. If we are to view the matter from that standpoint, the question as to whether the autonomous or democratic local bodies are being vested with powers or whether their powers are being taken away, would not arise at all.

" The hon. Mover has said that the power that is vested in the local bodies to make by-laws for regulating the use of roads and controlling traffic thereon is subject to sanction by the Government. He admits therefore that the by-laws have no force at all unless the Government sets its seal of approval upon them. Every by-law passed by a municipality or district board will have force only after approval by the Government. Now, what is contemplated by this Bill is to take away these powers from the local bodies and vest them in the Government, so that they may make rules so as to satisfy the requirements of the various local bodies. That being the case, I really cannot understand how a power which is already vested in the Government of either accepting or refusing to accept the by-laws passed by the

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local bodies should not be assumed entirely by the Government and how it will be hampering the exercise of autonomous powers by the local bodies.

"My hon. Friend also said that what is aimed at is uniformity. He complained that uniformity is neither desirable nor possible. Well, Sir, I may tell him that we are attempting at uniformity only to the extent desirable and possible. Only so much of uniformity that is desirable and possible will be attempted by the Government. Nothing more and nothing less. The advantage of having some sort of uniformity in the by-laws is that the public who may have to go from one place to another will not be put to difficulties and hampered by new rules and regulations at every turn. It cannot be disputed that it is the police who have ultimately to discharge the function of traffic control. Already complaints have been made on the floor of the House that there is so much of martality on account of the absence of proper traffic control on the roads. The police are doing their level best to see that traffic is properly regulated. But they are sometimes hampered by the local bodies and efficient control of traffic suffers. What is sought to be done under this Bill is to take away this power of interference by the local bodies in the arrangements made by the police for traffic control and to see that there is proper traffic control. For these reasons, I submit that the amendment of my hon. Friend cannot be accepted."

The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—"Sir, I move—

'*After sub-clauses (a) and (b) of clause* 3, add *the following as sub-clause (c)*:—

"*Provided that no rules made by the Provincial Government shall become operative until and unless the draft thereof is placed before the Legislative Assembly and a motion approving the same is carried by the House*".'

"Sir, now that the House has rejected the motion for omitting clause 3 altogether, on the ground according to the Hon. Minister that it is necessary in the interests of public safety and to avoid accidents that the power should be vested in the Government, there could be no objection to the amendment that I have proposed by way of a proviso. Such a proviso exists in most of the enactments made in recent years. My amendment does not object to the Government taking power to make rules. It only asks that the Government should take the Legislative Assembly into its confidence whenever it is in session. Sir, it is very probable that the Legislative Assembly will be in session throughout the year and it would not be difficult to get the approval of the Assembly to any draft of the rules that the Government may propose to make. After all, I may point out that the Government have already stated that the Provincial Government may after previous publication make rules. They have now agreed under this clause to previous publication.

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There must be some meaning in previous publication. I submit, Sir, that hitherto previous publication meant nothing to a very large section of the public. The rules are published in the *Fort St. George Gazette* and that is not available to most people. This virtually amounts to no publication at all, because only in certain public institutions copies of this Gaeztte are available. In other places people do not get this at all. Even those who subscribe for this Gazette do not notice these publications. Hon. Members of the House, possibly a good number of them, notice these rules, etc., in the Gazette copies received by them. The public at large do not see the publication in this Gazette. Therefore, Sir, in our country this sort of publication cannot be said to be real publication at all. Publication ought to be in the vernaculars and very widespread. These rules are published long after they actually become rules. I do not think that a draft rule whenever it is published in the official Gazette is published at the same time in the local languages of this province. The rules are published after they become finally approved by the Government. Now, the procedure that I suggest is that any rule that the Government makes, following the practice that has been established by the Government in this province, should be placed before the House for its approval before it is put into force, whether it be a rule for the regulation of the use of any public place or the closing of any public place or its reservation. I suggest that the representatives of the various interests assembled here should be given an opportunity to express their views gained after personal experience of the needs and circumstances of the various localities. I do not think the Government can have any objection to this reasonable and fair proposition. There should be no difficulty at all for the Government in getting the draft rules approved by the Assembly. This procedure has been accepted in the case of the State Aid to Industries Act and so on. I submit that a salutary provision of this kind will be also in the interests of the Government as it will be in the interests of the people and in the interests of the public at large. I do not think it derogates to any the least extent from the powers of the Government that they should get the approval of the Legislative Assembly to any draft rule that they may propose. With these few words I place this motion before the House for its acceptance."

RAO BAHADUR A. T. PANNIRSELVAM:—"I second it."

* THE HON. MR. K. RAMAN MENON:—"Mr. Speaker, it would be a rather difficult job for any person to be opposing an amendment whereby powers are sought to be vested more and more in the Assembly. My hon. friend wants only that, when rules are framed by Government under clause 3 before they become operative, they should be placed before the Assembly and a motion approving the same should be carried by the House. Sir, but for the fact that this sort of procedure if adopted will almost make the rule-making power of the Government nugatory, I would very willingly have accepted this amendment. I feel that instead of having a rule-making power with such a condition added to it, it would perhaps be better to have no such rule-making power at all

vested in the Government. It would be perhaps better if it is sugested that amendments of the sections of the statute are the better course. There cannot be any question of making rules after having got the approval of the House, for the reason that the meeting of the House is rather rare and, even in such cases it would be very difficult to get these rules passed in proper time. It is for these reasons that I have to oppose the amendment."

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 5.

4 p.m. * RAO BAHADUR SIR A. T. PANNIRSELVAM:—"I move the following amendment to clause 5:—

'Omit *clause* 5.'

"I would submit that my amendment comes to this. Under clause 3 Government have taken over power to frame by-laws. Clauses 5, 6 and 7 seek to deprive the local bodies of their power. I say 'Dont.' The Hon. the Minister said that the by-laws which the Government propose to frame will be just those which will achieve the possible and desirable uniformity applicable throughout the province. Well, at best they will be only, what I can term, skeleton by-laws covering probably a few points leaving out the details. Retain those by-laws which will be necessary to suit the varying conditions obtaining in the various parts of the province. Well, let the Government frame these skeleton by-laws, but let the local boards be also allowed to frame subsidiary by-laws. When two different bodies are given the right to make by-laws on one matter, it may be said that a conflict might arise. My suggestion will be that when these two authorities, one a superior authority and the other a subordinate, have got power to make by-laws, if any of the by-laws framed by the subordinate authority come into conflict with the by-laws of the higher authority, well, the by-laws of the subordinate authority are of no legal value. Therefore only such by-laws as are consistent, at least not inconsistent, with the by-laws framed by the Government, the local boards will have the right to make. At least that power, give it to them. The Government cannot understand what the requirements are in a particular area. I say this from the experience I have had in the administration of the local boards. So many cases come in there which you cannot visualize. You take the major parts; create certain by-laws which will cover the whole province, and leave the subordinate, or what I will call, the subsidiary by-laws, to be framed by the local boards, so that they may make by-laws to suit their local conditions. My Hon. Friend the Minister referred to the fatalities in motor traffic and things of that sort. It is obvious that all of us who face such arguments are under the impression that the power to work these rules or laws which concern motor vehicles ought not to be given to local boards; but you are

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taking the powers to frame by-laws not merely for motor traffic but also with regard to single bullock-carts and slow traffic. These rules do not concern motor vehicles only. They concern every kind of traffic, even the rickshawman and the single bullock-cart man in the villages, and by these by-laws you are trying to control all these. Therefore leave the power in such cases, at least the subsidiary powers, to the local bodies."

Mr. Basheer Ahmed Sayeed seconded the amendent.

* THE HON. MR. K. RAMAN MENON:—" There is nothing which I may add to what I have already stated when I was speaking on the amendment moved by my hon. Friend previously. I say that whatever uniformity is possible is sought to be secured by taking the power from the hands of the local bodies. But in cases where uniformity is not possible the Government will be making rules at the instance of local bodies or the District Traffic Boards. These boards, sought to be created by the Government's rule-making power, will keep in touch with the local needs and advise the Government accordingly on the matter.

" As regards the particular by-laws that may be necessary for the proper carrying out of the regulations of traffic in any partilcular area, and the apprehension that has been expressed in regard to the same, namely, that the Government may not be in a position to understand the needs of the particular areas and that the Government will not be able to make such rules as the situation in a particular place may demand, I may assure the House that there is no need for apprehension on that point. The Government is always agreeable to take suggestions from the district board, from the traffic board as well as from the various authorities that are constituted for the purpose, and the Government will make rules only after full and proper consultation with these bodies. It is not a case of the Government sitting in the Secretariat, making rules and asking the people in those places to carry out the laws, without any consultation with them as regards the result of the operation of such laws. I therefore oppose the amendment."

The amendment was put and lost.

Clause 5 was put and carried.

Clause 6 was put and carried.

Clause 7.

When clause 7 was put to the vote of the House, there was only one ' aye.'

* MR. SPEAKER:—" There is only one ' aye.' If there are three ' noes ' it will be lost. (Laughter.) Hon. Members on the right side must take note of the fact that if there are three ' noes ' the clause will be lost. So I want them to be careful."

Clause 7 was put again and carried.

Clause 8.

MR. BASHEER AHMED SAYEED:—" Sir, I move the amendment standing in my name.

" I first move—

' *that sub-clause* (*d*) *of clause* 8 *be omitted.*'

" Sub-clause (*d*) of clause 8 reads—

' Powers to the Provincial Government to control the Central Transport Authority referred to in clause (*e*) and the prescription that the decisions and orders of such authority shall not be liable to be questioned in any civil court by suit or otherwise and shall be final except in so far as they may be set aside or revised by the Provincial Government.'

" That I say should be omitted. My reason is that Government are making too many provisions under the rule-making powers, and particularly here they seem to take powers as to legislate against the common law of the land. The right of appeal is one which ought to vest in any authority which can be considered to be vested with powers of revision and appeal. This clause not only takes the power to control the Central Transport Authority referred to in clause (*c*), but also to restrict the right of any citizen who is affected by any order of the Central Authority going to court and getting it set right. That is one aspect of it. In the second place it also takes away the right of the citizen affected from going to court of law constituted by the Government against any decision of the Government that might be passed against the authority or over the authority of the Central Transport Board. That, I say, is very vicious. The right of any citizen who wants a remedy when he feels he is aggrieved is being taken away. Only very rarely cases may go before the central board. The central board may probably get only a few cases from the district boards. In many cases the district board may do the right thing and probably the occasions when these district boards may go wrong are very few. You have rightly provided for appeal against the decision of the district board to the central board. But the central board itself might go wrong when it sits in appeal against the decision of the district board. I submit, Sir, occasions when they go wrong and when the party feels he has got a right to be heard further may be very very rare and seldom. But when such cases occur, there ought to be no difficulty for the Government to provide for the courts to go in any adjudicate between the central board and the affected party. Now, that right is sought to be taken away by this clause (*d*). No doubt the Government takes power to revise or to set aside any order of the central board. When that is the case, why should the powers of the courts of law be affected by the rule-making powers of the Government? Government should not fight shy of their decisions being questioned in a court of law by any

person who is aggrieved by them. Of course it might lengthen the procedure, but the Government need not take that into consideration when the party, who is aggrieved wants to have that luxury. Government ought to give freedom to the aggrieved party to go to a court of law. Government may or may not have decided rightly, and therefore, they ought not to take this power of being the final judges over their decisions and over the decisions of their subordinates. The party affected must have the right to go to the civil court and therefore this clause should be deleted."

* MR. SPEAKER:—" The amendment falls through for want of a seconder.

MR. BASHEER AHMED SAYEED:—" Sir, though my amendment for the deletion of the whole sub-clause has fallen through for want of a seconder, I shall take courage and move the next amendment."

* MR. SPEAKER:—" As a matter of fact, according to strict procedural law these are not amendments at all, but as the practice of this House allows them, they have been admitted."

MR. BASHEER AHMED SAYEED:—" Sir, I beg to move the following amendment:—

' For *item (ii) of sub-clause (d)* substitute *the following*:—

" *may be set aside or revised by the Provincial Government.*" '

" Sir, this amendment does not seek to take away the powers of the Government to sit in judgment over the decisions of the Central Transport Authority. I only want to provide that the decisions of the Government should not be final. The aggrieved party must have the opportunity to seek what remedy he is entitled to by regular procedure in a court of law. I, therefore, suggest that the clause should be amended in the form I have suggested."

MR. G. KRISHNA RAO:—" I second the amendment."

* THE HON. MR. K. RAMAN MENON:—" Sir, I oppose the amendment. The powers of the Provincial Government, sought to be taken under this amendment, are absolutely necessary for the proper administration of traffic control in this Presidency. The idea that the civil courts should be vested with the powers of revising the decisions of transport authorities formed to regulate road transport in the province or that the decisions of the Provincial Government also should be subject to revision by civil courts is a thing which does not obtain anywhere in any kind of legislation. I oppose the amendment."

The amendment was put and lost.

MR. BASHEER AHMED SAYEED:—" I move—

' *that sub-clause (e) of clause 8 be omitted.*'

" This clause also is a repetition of the previous clause to some extent."

* MR. SPEAKER:—" Therefore no speech is necessary."

MR. BASHEER AHMED SAYEED:—" Sir, the rule-making powers of the Government ought not to affect the ordinary rights of a citizen to go to a court of law and seek the necessary remedy. The rule-making power of the Government should not be enlarged to such an extent. All transport authorities are comprised in this clause. I submit, Sir, that it is a very pernicious principle and that it cuts clean across the ordinary rights of the citizen to seek a remedy in a court of law whenever he feels aggrieved by the action of the Government or any subordinate authority set up by the Government."

MR. G. KRISHNA RAO:—" I second it."

THE HON. MR. K. RAMAN MENON:—" I oppose the amendment."

The amendment was put and lost.

Clause 8 was put and carried.

Clause 9.

* MR. G. L. ORCHARD:—" Mr. Speaker, Sir, I beg to move the amendment standing to my name. First of all, I would ask your permission to omit the reading of the amendment in full as it is a very lengthy one. Its effect is merely to substitute for the present schedule, a schedule of maximum rates 25 per cent less than those contained in the Bill as introduced in the House. If you wish me to read the amendment in full, I will, of course, do so, but in view of its length I suggest that you will probably find that this is not necessary.

" In the statement of the objects and reasons, it is made clear that Government realize that the taxation now imposed on motor industry is a very heavy burden and they add that it is their intention that no great increase should be made.

" It is not a simple matter to draw a strict comparison of the present incidence of taxation with that proposed under the provisions of this Bill. Broadly it appears that taxation on motor buses will not be greatly altered. Those running in one district board only will have to pay more and those now running in more than one district board will pay less. Lorries plying for hire will pay rather less. Private lorries will have to bear increased taxation by approximately 30 per cent. The lorry taxation comparison is rendered unusually difficult, because the present basis of taxation is unladen weight and the proposed basis of taxation is laden weight. I notice that motor cars are to bear a greatly increased burden of taxation.

" I will add that my comparisons are based on the maximum rates of taxation appearing in the schedule now under discussion. I hope that the Hon. Minister will inform this House the exact scale of taxation which Government propose to levy in the first instance.

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" I made reference in my speech yesterday to the heavy taxation burden which motor transport has to bear. The development of motor transport is a matter of vital importance to the agricultural, industrial, social and political development of this Province. The burden of taxation is a serious hindrance to this development. Furthermore the burden of taxation, in checking the development of motor transport, is a serious factor in arresting any increase of provincial revenues, which could be expected under this head.

" I do believe that, if Government were to follow a bold policy and reduce the scale of taxation as suggested in my amendment, it would pay them in a comparatively short time. The provisions of the new Bill and the rules to be framed thereunder will, I presume, take care of the fact that motor transport will only play its proper share in the general transport scheme in our Presidency in relation to railways and waterways. There should, in these circumstances, be no fear that with reduced taxation motor transport will develop beyond its economic and rightful sphere.

" I would now like to make a comparison of motor transport taxation in this Province with that existing in certain other Provinces in this country. To avoid giving the House any great mass of detail, I would confine my comparisons to a 21 seater bus.

" The maximum scale of taxation of a 21 seater bus as laid down in this Bill will be Rs. 1,680 per annum. I will not use this figure, because I am unaware as to whether Government intend to impose the maximum scale. I will take as my basis of comparison the present scale of taxation for a 21-seater bus plying in one District Board and one municipality, which is, as far as mufassal is concerned, the lowest scale in operation. The annual taxation amounts to approximately Rs. 1,400.

" The Province which comes next to Madras in the incidence of taxation is Bombay. The figure there is Rs. 550 per annum or 39 per cent of the Madras figure. In the Punjab the corresponding figures are Rs. 260 or 19 per cent. United Provinces, Rs. 250 or 18 per cent; Central Provinces, Rs. 220 or 16 per cent; Assam, Rs. 150 or 11 per cent; and finally Bengal with a taxation of Rs. 115 per annum which is only 8 per cent of the taxation in Madras.

" From my own personal experience and the information at my disposal, it cannot be argued that motor transport operators in this Presidency are at any advantage compared with other Provinces. One of the main factors the motor transport operator looks to, is the condition of roads, and the road system in this Province is far from satisfactory and cannot be described as being superior to road conditions elsewhere.

" I maintain, therefore, on those lines generally that the high incidence of taxation which motor transport suffers is unjust and unjustifiable.

"As a particular issue I would again raise the question of bullock carts. As far as my information goes, during the last year when the tolls were in force, bullock carts provided our Provincial revenues with some 30 lakhs of rupees. I am not aware that the old tolls taxation was an intolerable burden on agriculture and commerce. I have received various estimates of the number of bullock-carts operating on our main roads. The most conservative estimate is in the neighbourhood of $\frac{3}{4}$ of a million. A simple licence fee of a mere few rupees per annum could hardly be felt by the individuals concerned and would provide the province with a very satisfactory additional income.

"I maintain, Sir, that all users of the road should be made to pay directly for the use which they make of the roads. I don't say that all who use the roads should be made to pay in accordance with the damage which they do to roads, as I do admit that if this policy were followed, the vitally useful bullock carts would be put out of existence. The guiding principles should be, the use made of the roads, the damage caused to the roads, and the capacity to pay.

"In conclusion I would urge that to perpetuate the present taxation policy, is seriously to retard the development of motor transport, the development of roads, and in consequence to arrest a fair and reasonable development of provincial revenues.

"The opportunity is now presented to Government to correct the existing anomalies. Government have too long regarded motor transport as the goose that lays the golden egg. They have given this goose a hard life. It now wants nourishing badly, and I firmly believe that if this valuable bird is carefully treated, it will turn to a regular and profitable layer.

"Sir, I beg formally to move the amendment standing in my name, that is:—

'For *the proposed new items 3 and 4 of Schedule II of clause 9, sub-clause (v) to the Madras Motor Vehicles Taxation Act*, 1931, substitute *the following*:

Class of vehicles.	*Maximum quarterly tax.*	
	For vehicles fitted with pneumatic tyres.	*For other vehicles.*
	Rs. a. p.	*Rs. a. p.*
"*3. Motor Lorries—*		
(*a*) *Lorries not exceeding 20 cwt. in weight, laden*	*37 8 0*	*56 4 0*
(*b*) *Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden*	*75 0 0*	*112 8 0*
(*c*) *Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden*	*90 0 0*	*135 0 0*
(*d*) *Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden*	*112 8 0*	*168 12 0*

Class of vehicles.	Maximum quarterly tax. For vehicles fitted with pneumatic tyres.			For other vehicles.		
	Rs.	a.	p.	Rs.	a.	p.
(e) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden	135	0	0	202	8	0
(f) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden	165	0	0	247	8	0
(g) Lorries exceeding 110 cwt. but not exceeding 150 cwt. in weight, laden	202	8	0	303	12	0
(h) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden	240	0	0	360	0	0
(i) Lorries exceeding 180 cwt. in weight, laden	262	8	0	393	12	0
(j) Additional tax payable in respect of lorries used for drawing trailers—						
(i) for each trailer not exceeding 20 cwt. in weight, laden	16	0	0	22	8	0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden	56	0	0	84	0	0
(iii) for each trailer exceeding 60 cwt. in weight, laden	112	8	0	168	12	0
4. Motor Vehicles plying for hire and used for the transport of passengers—						
(a) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry in all not more than four persons	60	0	0	90	0	0
(b) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry more than four persons—for every person which the vehicle is so licensed to carry	15	0	0	22	8	0"'"

* Mr. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, I have two amendments, which I shall take up later on. I shall not move one of them; I shall move the second alone."

* Mr. SPEAKER:—"What I have before me as the Member's amendment is practically covered by Mr. Orchard's amendment, except the latter portion, which refers to Madras."

* Mr. T. T. KRISHNAMACHARIAR:—"My amendment is only with reference to Madras. I have got a subsequent amendment adding a new clause. I would like to speak now on Mr. Orchard's amendment."

* Mr. SPEAKER:—"Irrespective of your amendment?"

* Mr. T. T. KRISHNAMACHARIAR:—"Yes, Sir. In seconding the amendment now before the House, I should like to be clearly understood that I am not doing so in any spirit of opposition to the Bill. Really, I am enthusiastically in support of the principles of the Bill and I take the opportunity of congratulating the Hon. Minister in bringing forward a Bill so comprehensive in its nature, and in itself so much capable of being improved upon (laughter) notwithstanding the objections of my friend, Mr. Basheer Ahmed. The Bill does contain

germs which can be improved upon, and we can, probably in due course, provided the Hon. Minister in charge shows the same amount of enthusiasm, have a transport board and a transport policy, for which I think we have all been agitating all along. That is the reason, Sir, why I am wholeheartedly in support of the principles of the Bill; but my objection is really to a trifling matter, which of course is a matter of money. The amendment moved by Mr. Orchard is to lower the fees that are to be charged, by 25 per cent. So far as I am concerned, I should not have asked for anything so big if the distinction between private lorries and hired lorries had been maintained. It is not because I am personally affected; but the fact really is that quite a number of people who have been paying a nominal fee to the local boards all along have to pay considerably more. I do not think the principle of abolishing this distinction is supported by the practice in other countries. The Road Traffic Act of 1931 of the United Kingdom has three classes of licences, A, B and C. The Road Traffic Act of the United States of America of 1935, has also got three classes—the private carrier, the contract carrier and the common carrier. Other countries have adopted similar traffic systems; Argentine, Northern Ireland and certain other European countries also maintain this classification. I admit, Sir, it is a difficult business to regulate, or for the matter of that, prevent evasions from paying the legitimate tax; that is what the Government have been experiencing before. But none the less, just because the machinery could not be created for avoiding such evasions, there is no use taxing people who do not use the road as-much as the hired lorries or hired vehicles do. That is my principal objection to this sub-section, Sir.

" Besides, it does not take into account the question of the use of the road. That takes me back to an old story that I had occasion to mention on the floor of the House some time back. The best and the most equitable way of taxing traffic will be a reversion to tolls. I should like to assure the members on the Treasury Bench, that I do not, in an under-hand way or by a subterfuge, try to advocate the taxing of bullock-carts. Actually, I am not in favour of taxing bullock-carts. I know there are many ways of justifying the non-taxing of bullock-carts. The Salter Committee in reporting about the equity of taxation in England, has excluded non-commercial and certain small commercial buses, because, they said, there was a capital outlay by the Government in respect of these roads, and the non-commercial and agricultural users could take advantage of the benefits of the capital outlay by the Government. Therefore, we cannot say that because the motor vehicles are taxed, other kinds of vehicles also should be taxed. The Government have already spent the money in laying out these roads, and therefore, these bullock carts have a right to use them. So, when I ask for a re-introduction of tolls, I am not at all making out a case for taxing bullock-carts. Re-introduction of tolls on motor cars, motor lorries and motor buses—that is all I ask.

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" I may also refer, in this connexion, to the example, the admirable example of the neighbouring state of Mysore. There, they have achieved a happy combination of motor licences and provincial tolls. That means that the man who uses the road oftener will pay more. I do not see any possibility of that sort of thing being accepted by the Government here just now, but I would like to impress on the Government that this is a matter to be explored into further, because the rates contained in the schedule here will be convenient to some people while they may adversely affect some others as there is no rationale behind it. A light motor lorry may have to pay a heavy charge, while a heavy lorry may have to pay a light charge proportionately. There is no relation between the charges to be paid and the amount of damage caused to the road. These things will have to be investigated further; and if only Government will consider this matter, they may probably bring in amendments to this sub-section themselves. That is what I would like to impress on the Government, Sir, in connexion with the amendment that has been moved."

* Rao Bahadur Sir A. T. PANNIRSELVAM:—"Mr. Speaker, Sir, I had no idea of taking part in the debate on this amendment; but if I do so, it is only with a view to disabuse the impression which the motor and petrol trade, seem to be labouring under, that they and they alone are the contributors towards the maintenance and upkeep of the roads and communications in the province, and that the country-carts which use the roads, make no contribution whatsoever. I may say, Sir, that fifty per cent of the Madras revenue is contributed by the country-cart owners; because, after all, the country-cart is owned by the agriculturist who pays in the shape of land revenue alone to the tune of nearly Rs. 7½ crores out of a total revenue of Rs. 16 crores of this province. Again, Sir, the district boards lay out these roads; they lay them out of what? Out of the cesses that they collect from the agriculturists. They collect about 1½ annas for every rupee of revenue, and it is out of such funds so collected from the owners of country-carts that the roads are laid out. Therefore, Sir, I maintain that the agriculturist's contribution towards the maintenance and upkeep of the roads covers not only his share, but is more than his share."

Mr. D. ABDUL RAWOOF:—" Mr. Speaker, Sir, I associate myself with all that has been said by my hon. Friend, Mr. Krishnamachariar. The object of the Bill, from what the Members of the Select Committee said yesterday, is to tax the motor vehicles, because they have been damaging the roads. But, it must be remembered that for the development of our trade, it is essential that we must have cheap rates in force. It must not be forgotten that these motor buses and motor lorries have contributed enormously to the development of trade and communications in our province. They have been paying taxes in the past, and as has been observed by my hon. Friend, they have been paying duty on petrol also. Petrol which costs about 10 annas is taxed

and these motor vehicles have been paying that tax. The fact that they are using the roads more frequently need not, I think, be a consideration for taxing them higher. Our roads are no doubt getting very bad, but, the roads were laid out only at a time when these motor vehicles and fast traffic had not much come into existence. Now that we have got motor traffic, we must have better roads also; and therefore, I think, we need have no complaint against these motor vehicles.

" Then, Sir, it is regrettable that the taxes on these motor buses should have been raised to Rs. 20. The motor buses that are plying, particularly in the mufassal, have been working at a very great loss. To raise the tax to Rs. 20 in their case does not seem to be justifiable. I appeal to the Government to accept the amendment and see that the rates, particularly in the case of motor buses, are reduced."

Mr. K. KOTI REDDI:—" Mr. Speaker, Sir, I oppose this amendment for further reduction of motor-tax. It may be possible that some difference can be made between motor lorries and motor buses. As regards motor lorries, I think it is a great concession that the Government have shown. I should think that they ought to tax these motor lorries still further, so that most of them may go out of existence. (Laughter.) I will say why it is. There are two agencies with which these motor lorries are competing. One is the bullock cart and the second is the railway. So far as the railways are concerned, even provincial Governments have a large interest in them inasmuch as they have to see that the income of the railways do not decrease. For one thing the railways are a great national asset, and so we must consider that the money invested in them is ours. And secondly the more the income of the railways, the greater will be our share of profits accruing from the railways. So, Sir, attempts should be made to increase the income of the railways, and it should not be unnecessarily reduced as it is ordinarily done.

" Secondly there is the bullock cart. There is no doubt some justification for giving facilities for the motor bus passenger traffic. But as for the motor lorries, I see absolutely no justification for their existence in our country. The bullock cart men are mostly ordinary ryots, small petty ryots, who make some income during the off-season. Now by the competition of motor lorries, the bullock cart men are practically deprived of this income. So they stand more or less on the same category as the cottage industry. Perhaps the only justification for the existence of motor lorries is in the case of marketing perishable commodities, such as fruits and vegetables, as quick transport is necessary for them when they have to find a market in distant places. Barring such exceptions, I personally feel it is much better in the interests of this country that most of these motor lorries go out of existence.

" Another objection against motor lorries is that the money invested in their purchase and in the purchase of petrol required for their upkeep go out of this country once for all, thus denuding this country of its money, except, of course, the small sums which come back to us by

way of duty on petrol and motor lorries. I rather wish that a different system of taxation is adopted instead of this sort of new uniform taxation proposed. The system of taxation based on the consideration of the damage done to roads is not good. I do not believe in it. Possibly there is another method of assessing these taxes. So far as I can see, the only way by which it can be fairly done is to come to some sort of arrangement with the imperial Government by which a further duty is levied on petrol. (Laughter from the Opposition Benches.) I mean only alternative taxes, say, an increased duty on petrol and an increased duty on purchase of motor lorries and hand them over to the local Government. I think that would be more equitable.

" Again, Sir, I see now the motor lorries that do more damage to roads pay less in the matter of taxes. Very heavy lorries are now run on some roads and they do so much damage to roads that it ought to be the attempt of Government to drive them out of existence. The tax levied on them should be deterrent so as to discourage their existence, for the damage that is done to the road by a lorry carrying a load of 8 or 10 tons will be 50 times more than the lorry carrying a load of one or two tons. I wish, if not now, at least some time hence, Government will consider this matter and see why an adjustment should not be made in this matter.

" Again, Sir, heavy lorries carrying a load of 8 or 10 tons pay a less amount of tax than the comparatively light lorries carrying a load of one or two tons; for the duty levied on the former is not eight times the duty levied on the latter. It is very much less.

" I am very glad to hear the arguments brought forward to show that the bullock cart should not be taxed inasmuch as the agriculturist is already paying a tax along with land revenue and which is being utilized to maintain roads. After all, there is no sense in saying that the bullock cart is damaging the roads. Therefore, I wish this Government, or at any rate, those who are interested in seeing that the welfare of the ordinary ryot is improved by providing for him a subsidiary income, put a high tax on petrol and lorries. Sir, a time will come when it will pay us to manufacture our own lorries and a time will come when—it will not be long—it will be possible to use charcoal to run lorries instead of petrol. Until that date it should be the policy of Government to tax as much as possible motor lorries, so that they may go out of existence. With regard to bus passenger traffic I should think it cannot bear much higher taxation than that which obtains at present. For these reasons I oppose the amendment."

* Mr. K. ABDUR RAHIMAN KHAN:—" Mr. Speaker, Sir, I rise to add a few words in support of the amendment so ably moved and supported by my friends. I very carefully followed the speech of Mr. Koti Reddi, and I am afraid he did not make out a proper case for the bus-owners. The condition of the bus-owners is really a pitiable one at present. During the last budget discussion it was brought to the notice of the Minister concerned that the bus-owners are suffering

under great difficulties, as the burden of taxation is heavy, and we thought that something would be done to make their condition better. But what do we find here? The burden has been increased by increased taxation. The increase in the number of buses has ceased to make the trade paying. So at present bus industry requires some sort of encouragement. It is not a case of competition with the Railways. For if we go to the mufassal we will see that the buses are plying there in areas where there is no other means of communication at all. So in fact the buses are satisfying a real need in the mufassal; only the large number of buses plying in one and the same route has rendered the trade unremunerative. I hope the Hon. Minister will limit the number of buses plying in each route and thus make the bus industry pay. Sir, I support the amendment for reducing taxation."

* THE HON. MR. K. RAMAN MENON :—"Sir, I oppose the amendment and in opposing it I may be permitted first to deal with the two arguments advanced in the matter of taxation that is sought to be levied on bus-owners. I may at once point out there is a mistake which has crept into their minds on account of the figures given in the schedules. It is to be seen that the rates of taxes on motor buses are the maximum that is to be levied, in case Government find it absolutely necessary. I do not want to give an undertaking which may possibly be construed as an undertaking which will be kept up for all time to come. But I can assure the House that the present Government have no idea of taxing anything over Rs. 17 per seat for the buses that are plying in the mufassal. That is something less than the tax they are paying to-day. It is because of that the Government have claimed in the Statement of Objects and Reasons that by the introduction of this Bill, it is their idea to reduce taxation to a small extent at least; and I hope with this assurance it will be taken for granted that though the schedule mentions Rs. 20 as the tax for the buses and Rs. 80 for the five-seater cars, Government are not for the moment contemplating taxing the utmost.

"And I may also point out that in every piece of legislation that has been introduced similar to this sort of taxation, it has always been the maximum figure that Government think of ultimately levying that is put; and it is done only to meet a situation if and when it arises; and I hope it will not arise so long as we are in office here.

"As regards bullock carts Mr. Pannirselvam has answered why tolls should not be levied on bullock carts; in fact that has been ruled out, for the Hon. Premier has made it clear on a previous occasion that it is the definite policy of this Government that bullock carts are not to be taxed, and however much we may want to get more finances, we would try to get them from sources other than by taxation of bullock carts. So the idea of taxing bullock carts being ruled out, the question will be as to how we are to get the finances necessary to keep the roads in good repair. Instances of other provinces have been cited by Mr. Orchard. I am not able to-day to compare the state of roads in those provinces with the state of roads in our own province.

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" Presumably their roads are cheaper in cost, due to the cheapness of labour and other materials. I cannot say that all their roads are in good condition. It cannot therefore be said that these provinces are taxing low and we are taxing high. We require extra amounts for purposes of road improvement or road-making. As it is, we find that by the abolition of the tolls we have lost somewhere about half of the Rs. 73 lakhs. When the tolls system was taken away by the Motor Vehicles Taxation Act of 1931, the Government undertook to make contributions to the various local bodies in order to make good the amounts that they had been getting out of the tolls.

" When the Government introduced taxation in pursuance of the Act of 1931, it was found that the Government was not able to make good even 50 per cent of the contribution which the various local bodies had to get. It might be said, it was because the bullock carts have been taken away from taxation that the fall in the revenue was caused. It is true that it is due to that also, but every effort has been made to make good that loss. We are still trying for that, because, even with the 80 lakhs or 75 lakhs that was being spent upon the roads, it is found that it will not be possible to maintain the roads in proper condition.

" When we want money we cannot be taxing the bullock carts. The only possibility is to try to get as much as possible from the other vehicles that are using the roads. We contend that the motor vehicles which are doing the greatest havoc upon our roads should be taxed. And we are taxing only to the extent which the Government think they are able to pay. It is not very easy to say that there will be a reduction. The Government claim that there has been a reduction in the taxation. Lorries which are used for hire, used to pay more under the existing law than what is now contemplated under the new Bill. The complaint seems to be that lorries which used to be registered as ' For trade purposes ' and ' For private purposes ' and which have been paying a nominal tax of Rs. 5 per year have now been brought under the general classification of ' lorries ' and are made to pay a slightly higher figure than what they have been paying before. It is true that they have to pay more than what they have been paying hitherto, but the Government are of the view that they have to pay more, because they are using the roads as much as any other lorry is using. They are having the benefit of the road as much as the other class of lorries. They are therefore asked to pay as much as they are able to pay and they have to pay. Otherwise the Government cannot maintain the roads. That is the only intention for taxing the lorries on a uniform basis.

" As for the reintroduction of the tolls that has been suggested by Mr. T. T. Krishnamachariar and the imposition of a provincial tax suggested by several other hon. Members, I cannot accept them. With his full sympathy towards the bullock cartman, my hon. Friend says ' yet you cannot tax the motor-owners alone, but have the provincial tax as well as the toll.' If I remember aright, a cry was raised when the question of the abolition or retention of tolls was raised, of the

nuisance and the pin-pricks that the people had to endure, having had within every few miles of the road to stop for the purpose of tolls. There is no objection for the reintroduction of the tolls and realizing large sums of money out of it, provided that the tolls are to be only for the motor-owners. That matter is to be considered by the Government. My hon. Friend, Mr. T. T. Krishnamachariar asks, why not we agree to the introduction of the tolls on all the motor vehicles if we are to get more money by the imposition of a toll? We are not, strictly speaking, for the reintroduction of the toll. The poor villager, the bullock cart-man cannot be taxed.

"I may therefore say that a reduction in the tax which may appear at first sight to be fair will hamper the building up of roads. The tax is most necessary and even this amount is not sufficient to maintain the roads in a proper condition. I hope that increased motor transport will bring in more money into the Government coffers. With these words, I oppose the amendment."

The amendment was put and lost.

* MR. T. T. KRISHNAMACHARIAR:—"Mr. Speaker, Sir, . . ."

* MR. SPEAKER:—"I think the hon. Member's amendment is covered by Mr. Orchard's amendment."

MR. T. T. KRISHNAMACHARIAR:—"I have given notice of a subsequent amendment."

* MR. SPEAKER:—"What amendment?"

MR. T. T. KRISHNAMACHARIAR:—"The addition of a new clause."

* MR. SPEAKER:—"I am not speaking about the addition of the new clause. What about the original long amendment?"

MR. T. T. KRISHNAMACHARIAR:—"I am not moving it."

* MR. SPEAKER:—"Before we go to that, Mr. Abdul Hameed Khan's amendment for substitution of words should be taken up, because the new clause will come after that."

MR. ABDUL HAMEED KHAN:—"Mr. Speaker, Sir, I move the amendments formally—

> '*In item* 4 (*a*) *of the schedule* for *the words* "*five persons*" substitute *the words* "*four persons excluding the driver.*"
>
> 'Add *further after the words* "*the driver*" *occurring in the above amendment the words* "*excepting those that are licensed and are plying in the City of Madras.*"'

"It is with the sole object of finding out the mind of the Government on the subject that I am moving this amendment. Sir, first of all, there is one principle which the Government kindly accepted in the Select Committee and that is to exempt the motor-driver and the conductor in the case of buses and the motor-driver alone in the case of a taxi from the tax. I find from the report that so far as the former

case is concerned, it has been made clear that these two seats that are occupied by the driver and the conductor will be excluded. My fear is not about the former case. The case of the taxi has not been made so clear as to remove all doubts. I know that it will be very difficult to fit in the words ' exclusion of the driver ' in the provision as it stands now in the Bill. All the same, I wish the Hon. Minister to consider whether a suitable amendment cannot be made to item 4 (*a*) in the schedule by which means it will be possible to make it very clear and put it beyond doubt that the seat for the driver will be altogether exempted from taxation. That is my object in giving notice of this amendment and I leave the Minister to say as to what is the object of the wording of the amendment in the report that has been presented to us by the Select Committee. I have absolutely no desire to press this amendment.

" Then with regard to the other thing, Sir, the Hon. Minister realizes my hope . . . ."

* Mr. SPEAKER :—" The question before the House is not with regard to the Hon. Minister. It is with regard to the hon. Member's amendment."

Mr. ABDUL HAMEED KHAN :—" Sir, I know that the Hon. Minister . . . ."

* Mr. SPEAKER :—" How does the Hon. Minister come in before the question is proposed? "

Mr. ABDUL HAMEED KHAN :—" I wish to move it formally, Sir. Then the next part of my amendment relates to the motor vehicles that ply for hire both in the city and the mufassal. There are two classifications of motor vehicles that ply for hire and they are taxis and the ' buses.' The question of these vehicles is absolutely different from those that are plying for hire in the mufassal area. Here the taxi-owner or the bus-owner is paying only the provincial tax. He has not been paying any municipal tax as the corporation levies none. As such, he is at present paying only Rs. 8-12-0 or at the maximum Rs. 10 per seat whereas in the mufassal area the taxi or the bus-owner has been paying, as the Hon. Minister knows more than Rs. 15 or Rs. 20, as other taxes are included in it, per seat. By the consolidation of the taxes in the mufassal the owner of a bus or a taxi does not suffer. On the other hand a certain amount of relief is given to him, whereas the taxi-owner or the bus-owner in the city is greatly handicapped in so far as he is called upon to pay always as much as he can. If the Hon. Minister does not propose to charge the maximum rate of Rs. 20 and he only fixes it at the minimum of Rs. 17 per taxi, even then the taxi-owner and the bus-owner in the city has to pay Rs. 10 more than what he has actually been paying hithertofore. It is in order to point out this difference between the owners of these vehicles in the city and those in mufassal that I am moving this amendment. There is a good

deal of difference in the matter of tax as it exists in the city and what obtains in the mufassal. Competition also in the districts is very different from what it is in the city. The motor vehicles which ply for hire in the city have to meet competition from various sources. There is the tram car and there are motor cars which ply as unlicensed taxis. (Interruption.) I do not wish to give instances. Why, even some of us have been using cars at a very cheaper rate than the licensed taxis. This competition which has undoubtedly grown against the licensed vehicles in the city is really very grave. I am sure the Hon. Minister will take these facts into account and see whether he cannot by some means retain the existing rate of tax on the vehicles that are plying in the city. I accept the general principle of taxation of motor vehicles and carts. This of course does not apply to the city, because there is competition here. And then there is the question whether the amount that is collected from this taxation should not be raised with a view to maintain the roads; I do not think, Sir, that I need take the time of the House in giving my view so far as that point is concerned. I hope, Sir, that the Hon. Minister will in replying, let us know that the object he has in view is not to tax without any recognition of certain principles that are obtaining in different areas in this province and that he will take into account the difference that exists in the circumstances and the conditions that are obtaining in urban areas, in the rural areas and in the City of Madras. I hope he will take into account all these facts and give us an assurance that so far as the city is concerned, he is not going to tax a pie more than what actually these people are paying to-day. With these few words, I move these amendments."

The motion was duly seconded.

* Mr. SPEAKER:—" There are two amendments. The first is:—

' *In item 4 (a) of the schedule* for *the words " five persons "* substitute *the words " four persons excluding the driver."* '

" The second is—

' Add *further after the words " the driver " occurring in the above amendment the words " excepting those that are licensed and are plying in the City of Madras."* '

" The two amendments should be put separately, I suppose."

Mr. ABDUL HAMEED KHAN:—" Yes, Sir."

* The Hon. Mr. K. RAMAN MENON:—" So far as these amendments are concerned, I would draw the attention of the hon. Member to the fact that the intention of the Government when the amendment in 4 (*a*) to substitute the words ' to carry in all not more than five persons for what the wording was before it went to the Select Committee, namely, ' to carry in all not more than four persons ' was accepted was to exclude the driver from being taxed. That intention is being carried out by this amendment. But, if in the actual working of this enactment any difficulty is felt, the Government would only be too glad to rectify the mistake or to remove the difficulty. The idea of the Government

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not to tax the driver is there and that is going to be adhered to by the Government. On this assurance I hope the hon. Mover will withdraw his amendments."

The amendments were by leave withdrawn.

* Mr. T. T. KRISHNAMACHARIAR:—" Mr. Speaker, I move in clause 9—

' *that the word " and " at the end of sub-clause (vi) be omitted; and*

' *that the following be added as a new sub-clause (viii) after sub-clause (vii):—*

" *and*

(viii) *in item (ii) of sub-section (1) of section 11, after the words ' class of motor vehicles,' the words ' or motor vehicles running in any particular area,' shall be added* "."

" Sir, the object of this amendment is really to afford relief to lorries, buses and taxis plying in Madras for the time being. What happens is that in the case of lorries the rates are increased by nearly 50 per cent if they happen to ply within the City of Madras only and in the case of taxis and buses the rates are doubled. Even according to the rates given in clause (vi), these are maximum rates. I think it will be recognized on all hands that it is a hardship. The Government could not have any intention, in introducing this Bill, to create a hardship to any class of people and make them pay cent per cent more than what they now pay. It is also possible that in urban areas where competition is very keen, for instance in Madras we have the competition of tram cars, and there is keen competition between one bus service and another, some kind of relief will have to be given to buses. I commend this amendment to the attention of the Government."

Mr. ABDUL HAMEED KHAN:—" I second the amendment."

* The Hon. Mr. K. RAMAN MENON:—" I accept this amendment. By this amendment it is sought to clear a doubt that may linger in the minds of some hon. Members as to whether by stipulating the maximum rate of taxation for lorries and buses according to the schedule we are going to insist on uniformity of taxation for the vehicles plying in the city and for those plying in the mufassal. By accepting this amendment, I do not concede the position that the purposes which in the Madras City the lorries, buses and taxis are put to are in any way different from the purposes which these vehicles are put to in other places. Everywhere the object is money-making. But I concede the position that from the existing rates which are about half in the Madras City of what they are in the mufassal if we are to effect an increase by cent per cent in the city, it would appear to be rather hard. The Government have no such idea of increasing the taxation. As will be seen from the Statement of Objects and Reasons appended to the Bill, the idea of the Government is to adhere to the existing rate as much as possible. The idea of increasing taxation cent per cent all of a sudden is certainly not in the minds of the Government.

So, the apprehension expressed in certain quarters of the House that the vehicles that are plying for hire in the city will be taxed all of a sudden to the maximum extent permissible has no basis. I may clearly state, Sir, that the Government would not all on a sudden increase the taxes to the extent apprehended. If it is done, it will be for all and not for the city alone. The matter will be considered by the Government who are taking powers under this particular clause to prescribe the taxes for the various classes of vehicles using the roads in the different areas of the Presidency. I accept the amendment."

The amendment was put and carried.

Clause 9, as amended, was then put and carried.

Clauses 10, 11 and 12 were put and carried.

* Mr. SPEAKER:—"It is stated in sub-clause (3) of clause 1 that 'this section shall come into force at once.' I wish to know when it will come into force."

* The Hon. Mr. K. RAMAN MENON:—"When the Bill is passed and when it becomes law. This Bill will come into force as soon as it is passed into law, with all its implications which are contemplated, the assent of His Excellency the Governor-General and the publication of the Act in the Gazette."

* The Hon. Mr. C. RAJAGOPALACHARIAR:—"Under the ordinary laws, every law comes into force at once, unless the contrary is stated. The idea is to make a distinction that, inasmuch as some sections of the Act are postponed, this section comes into force at once. If no provision is made for something to be done later, it is usual to say that the operative part of the Act comes into force at once. 'At once' means as soon as the law operates, when the Act is complete so far as legislation has to be enacted by the two Chambers. 'At once' does not mean a later date on which assent is given and that the operation will have retrospective effect. It only means as the law is complete."

Clause 1 was put and carried.

The preamble was put and carried.

* The Hon. Mr. K. RAMAN MENON:—"Sir, I move—

'that the Bill be passed into law.'"

* Rao Bahadur Sir A. T. PANNIRSELVAM:—"Sir, the Bill is perhaps a very small measure; it is however a Bill of no small importance. This Bill—at least two points of the Bill—is of considerable importance to this country. . ."

* Mr. SPEAKER:—"Does the hon. Member oppose the Bill?"

* Rao Bahadur Sir A. T. PANNIRSELVAM:—"Sir, it will be meaningless to oppose the Bill at this stage. I wish to make a few general remarks on the Bill."

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* MR. SPEAKER :—" What for? What is the object? "

* RAO BAHADUR SIR A. T PANNIRSELVAM :—" I wish to offer some remarks by way of criticism of the Bill. If you think that I can speak only under the condition that I oppose the Bill, I shall do so."

* MR. SPEAKER :—" Some definite attitude should be taken."

* RAO BAHADUR SIR A. T. PANNIRSELVAM :—" At the third reading stage it is usual to pay compliments to the Hon. Minister, the reverse of compliments is equally relevant criticism. In spirit I am not opposing the Bill. If I would be privileged to speak only on condition that I oppose the Bill, I shall formally state that I do so. My experience is that criticisms are allowed at the third reading. We have to bow to your ruling; we have no right to question it. If you say I cannot speak unless I oppose the Bill, I shall oppose the Bill."

* MR. SPEAKER :—" What I say is this : There will be no limit to the number of speeches going on at this rate. If one Member offers a few remarks now, every Member will be entitled to speak. Special indulgence should not be shown to any particular Member. The Leader of the Opposition might comment adversely upon the quickness with which the Hon. Mover of the Bill has piloted it. There should be something specific before the House."

* RAO BAHADUR SIR A. T. PANNIRSELVAM :—" I do not want any indulgence, Sir, much less special indulgence. If I get up, it is in exercise of a right."

* MR. SPEAKER :—" The hon. Member may exercise his right."

* RAO BAHADUR SIR A. T. PANNIRSELVAM :—" My speech will not be flippant or of no consequence. I shall speak with a sense of responsibility; I shall not waste the time of the Speaker or the time of the House, much less, my own time and energy. If I speak at all, it is with the confidence that it will have some effect, though the confidence may prove to have been misplaced."

* MR. SPEAKER :—" I do not say that the hon. Member has no right; I agree that he has the right and he might speak now."

* RAO BAHADUR SIR A. T. PANNIRSELVAM :—" I expect that every Member of the House has got a certain amount of responsibility; no Member can be told that he is wasting the time of the House by making unnecessary remarks, even before he has begun.

" With these words, Sir, I proceed. This Bill, innocent as it looks, exhibits a very vicious principle, which this Government has been pursuing. Ever since this Government came to office, it has been seeking to take power to itself in all matters. A sort of centralization has been sought to be achieved. Under the old Government with a view to improved general administration gradual decentralization had been going on for a number of years. During the last seven months, there has been considerable retrogression. It has all been a case of centralization,

depriving the local boards and other local institutions of their powers and the Government taking to itself every power.

"In this particular case I might perhaps agree with the Government that a higher fee should be levied on motor vehicles. However this matter of raising the amount of taxation affects people to a considerable extent. I wish to say that in the case of a measure of this importance, people would have expected greater consideration at the hands of the Government in the matter of sufficient notice being given and the time allotted for its discussion. I might state that judging by the speech of the Hon. the Premier in the third reading stage of the Agriculturists' Debt Relief Bill in the Legislative Council, I thought that we are going to have an end to this sort of hustled legislation. I read in the paper that the Hon. the Premier felt that he did not allow sufficient time to the other House for the consideration of that Bill and said that such a thing would not recur again. I felt that that statement would apply not only to the Second Chamber but also to this more popular House. It was therefore with a certain amount of surprise that I found a Bill of this importance published just a week ago and notice of this motion was given only just three days ago to the Members of this House. The Hon. Minister in charge of Courts and Prisons got up yesterday and wanted the Bill to be passed immediately. I would submit that if legislation of this type is hurried through, it is bound to be found to be incomplete in many ways. If every measure, important or unimportant—more so in the case of important measures—is rushed through, it will be sheer mockery to call this House a deliberative body. This House is bound to give its best consideration to every measure which the Government Members think of introducing. I do not deny that before they introduce a Bill in this House, the Government have given their best thought to all the proposals made by them. They might have their own experts by whom they have been guided; they might have obtained competent advice; they might think that their measure has attained the acme of perfection. If time is allowed for the consideration of the important Bills by the public and the Opposition, it would be found that there is still room for improvement. Thanks to the consideration shown by the Hon. the Premier, this Bill was referred to a Select Committee. If, on the other hand, the Bill had been rushed through yesterday itself, the amendment moved by my hon. Friend, Mr. Krishnamachari, would not have been accepted as it was done so generously now by the Hon. Minister for Courts and Prisons. The Opposition here is so small and so disorganized, that the Government feel no necessity to give any consideration to the Opposition. You claim to be a responsible Government and also that you are responsive to public agitation. To-day there was the demonstration of the taxis. My hon. Friend moved the amendment and the Hon. Minister accepted it. Probably the absence of demonstration would not have this effect. Within 24 hours the City is able to organize itself and make itself felt and it has its effect on the mental attitude of the Government. Mufassal people would have demonstrated in their own way of pressing their views and perhaps there might be further reduction of the rates, though personally I am opposed to such reduction.

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" I am only saying this in the hope that in future at least we will be shown more consideration by the Government. Over important measures of this sort I would like some months or at least weeks to expire between the publication and the final passing; for, all of us are not as quick in understanding things as some of the Hon. Members of the Treasury Benches might be. We are perhaps more slow witted and we would therefore want more time. I hope in future at least when other Government Bills come up there will be sufficient notice given, say a month or so and then when the Bill comes we can easily consider and pass it. What has happened now? We met at 11 o'clock yesterday and referred the Bill to a Select Committee but with instructions to report by this morning. The report of the Select Committee was in the hands of members only during the course of the day. And what happens? My friend Mr. Basheer Ahmed Sayeed comes here at 3 o'clock and follows the unseemly procedure of passing on to you a slip containing the amendments which he wants to move."

* MR. SPEAKER:—" It is not unseemly procedure."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—" It was generosity on your part, Sir, that made you accept it. I think it is not proper for any member to go up to you and say, 'Look here, this is the amendment I want to introduce,' handing over to you a slip. Don't you think it is unseemly? "

* MR. SPEAKER:—" It is not unseemly, there is nothing unseemly about it."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—" Even if you think it is not unseemly, I would not want such scenes to be repeated in this House. I am saying that such scenes would not have been enacted if proper time had been allowed."

* MR. SPEAKER:—" The Chair has allowed a number of amendments handed over on the spot."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—" I am extremely grateful for your consideration. I mean to say that it would not happen if sufficient time had been allowed. Of course you have got a very energetic Secretary, who acts with all possible promptitude and yet what happens! The amendment is circulated to the members about five minutes after the amendment had been moved and lost! (Laughter.) I am only suggesting this to the Government that at least in future they may be more considerate to us. I think that we can also make some little contribution. I would like to bestow thought on any proposed legislation and if possible try and convince them against their own view points."

* MR. T. T. KRISHNAMACHARIAR:—" Mr. Speaker, it is rather unusual for me to speak at this stage of the Bill and to pay compliments. I may say, Sir, that I must express my personal gratitude to the Hon. the Mover of this Bill, because several times I have discussed this question with him and have received very great consideration at his hands. I must say that this Bill though it looks a small measure of

taxation will open out a very big vista of Government activity. I should think, Sir, it lays the foundation, as I said sometime back, for a Transport Board and for a comprehensive control of the Transport Policy of this province. And I wish indeed that a lot of good would come out of it. If the Government properly uses the powers given to it under this Bill, the Government will not only do a lot of good but can put down corruption in regard to the police persecution of buses, taxis and lorries and things of that sort. It will really prove a boon to this province. Sir, while on this subject, I might mention only one word that is with regard to the particular clauses in the Bill relating to the Central Transport Board. The Government have taken power to constitute a Central Transport Board. I would like to mention here that, though I am not making any suggestion as to how the Government should carry out their duties, it would be necessary for them to take in expert members and to create an executive which will formulate the policy and which will direct the work of the District Transport Boards in the same manner as it is done in other European and American countries. There is one other matter. With regard to the amendment I have moved to which reference has been made by Sir A. T. Pannirselvam, I might mention that I had discussed the question with my friend the Hon. the Minister long before any demonstration was made in front of the House. He had shown a genuine desire not to inflict hardship on any class of road users and promised to consider favourably any amendment I might bring forward to meet the case. I congratulate the Government and the Hon. the Minister for Courts and Prisons in bringing forward this measure to a successful conclusion."

* Mr. BASHEER AHMED SAYEED:—" I rise to welcome the measure. There are several spheres in which I have been opposing the policy of centralization, but in this sphere I welcome centralization. I have always felt that centralization was long overdue in regard to the matter of traffic control. We know in Madras how the District Superintendent of Police was pulling the motor vehicle owners on one side, the District Board President on another and the Municipal Chairman on the third and we know too the difficulty experienced by private owners of vehicles used for transport or hire. It was a most undesirable thing that we allowed the present state of affairs to continue so long. Now, Sir, this is a measure which has a far-reaching effect and as Sir A. T. Pannirselvam pointed out it is of far-reaching importance too. The Government have taken very great responsibility in the matter of administering this measure. Motor traffic control is certainly not an easy matter. I should have visualized the Government having taken up this matter long ago as the opportunities for making mischief would not have extended. It would have been very fair and reasonable and proper if the Government had not taken upon themselves the several powers which they have provided for in the measure. In the matter of the constitution of the District Transport Board and the constitution of the Central Board they could have decentralized, or at any rate, if that was not possible they could have taken legislative sanction for the constitution of these boards. Now, the power of constituting the

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Central Board as well as the District Boards is vested in them. Sir, governments come and governments go and the public must have confidence that their representatives have had a share in the constitution and in the provision and formation of these bodies. And this is very conspicuous by its absence in the present Bill.

" Sir, I must enter my protest against the very large powers the Government wants to assume by means of this subterfuge—the rule-making power. The Government ought not to take upon itself a larger and larger measure of rule-making power. It must be restricted to the actual minimum and absolute necessity. I find in this Bill the Government wants to assume very wide powers. The necessity for that has not been proved and no convincing argument has been advanced as to why by every section the Government seeks to assume very large powers by means of rule making instead of providing everything in the Act. To take up this power of rule making is really, I consider, most pernicious from the point of view of legislation and from the point of view of administration. As much as possible the Act that the Government wants to introduce must be self-sufficient and complete. Instead of they being able to put forward in the law everything for which they get the sanction of the Legislative Assembly, they merely want to be given a large reserve of power. I do not know, Sir, why they want to legislate on very many topics which concern the administration of public safety and public liabilities and charges. They ought not to say that 'we shall do so many things,' when it can be easily provided for by legislative enactment, 'by means of rule-making power.' I deprecate that tendency of the Government; I find it increasing from day to day in spite of our protests. We are to fix some day some limit with regard to the rule-making power that the Government seeks in every measure. In the old Legislative Council that tendency was developed and now it is reaching its climax. I wish, Sir, that the Hon. the Premier and the Members on the opposite benches realize that there should be some limit somewhere to this rule-making power.

" Now, with regard to the taxation that is proposed, there could have been more liberality and generosity shown. I expected to find in the measure the Government have proposed some provisions to prevent leakage of taxation, leakage of revenue. I like to point out the numerous sources through which the revenue which is legitimately due to the Government is being lost. The Motor Vehicles Taxation Act is not worked satisfactorily and that is the reason why the Government have not succeeded in carrying out the modifications that the Motor Vehicles Taxation Act introduced in several spheres. If there had been provisions in regard to the preventing of the leakage of revenue in respect of motors plying for hire, in the matter of renewing old licences of motor car owners, in renewing the registration licences, it would have been better. There are so many ways by which evasion of taxation and tax collection could be prevented. I challenge the

Government whether the full revenue to which they are entitled under the law is being collected. Now, Sir, with regard to the rates proposed the Government could have been a little more considerate. The taxes are onerous; the owners must also ply their trades. The motor trade must also live and then that also must be taken as an industry which must be developed. The motor trade ought not to be crippled; it ought not to be driven to a stress. The people dealing in motor trade, motor material and motor manufacture are considerable and it may be that some of them are foreigners; but a good portion of the money comes to the State by way of revenue from licences, taxes, fees, etc., from the motor trade. And there is a large section of the population of this country which is engaged in this trade and which makes enormous profit. If the total cost of the motor vehicles is taken into account and also the actual sum that goes to the manufacturer or seller, it will be seen that it is only a small proportion that the car manufacturer gets. The rest goes to others and other motor trade agencies and a good portion of these agencies are situated in our own country and they make good profit out of it. It is also a source of revenue to the Government. I suggest that there should have been a lower scale for the taxes that have been imposed. The amendment proposed by Mr. Orchard was reasonable. Twenty-five per cent could have been reduced and the Government could have stiffened the methods of collection and thereby they would not have lost much. On the other hand the Government have not been very considerate in this regard. Now, Sir, the question remains as to whether there was any necessity for such great hurry in the matter of this legislation and also whether the members of the Legislative Assembly could not have been given more than six or seven hours for passing into law such an important and far-reaching measure as this Motor Traffic Control Bill. As for myself I have always been in favour of more time being given. There has been hasty legislation and this will lead the Government into trouble. We have had too many legislation during the short period of about eight months. We no doubt have important and necessary problems and questions and want the Government to resort to expedition. In the matter of legislation more and more time, deliberation and more and more opportunities are required and should be given. That there should be such hurry and hustling is neither fair to the Government nor fair to those who are entrusted with the representative character and duty of being members of the Assembly.

p.m. " With these remarks I welcome the motion that the Bill be passed into law. I do hope that a lot of good will arise out of this measure, provided it is worked in the spirit in which it is conceived."

* THE HON. MR. C. RAJAGOPALACHARIAR :—"Sir, I rise only to thank the last few speakers who have very fairly given answers to some of the observations made by some previous speakers with regard to some issues, e.g., that this Bill has taken away the power from the local bodies which they were hitherto exercising and therefore it is not a good

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measure. The hon. Member Sir Pannirselvam laid stress, as far as I remember, more than once on that point and I am glad to see that the representative of the Indian Chamber of Commerce has come forward with a useful answer in defence of what the Government have done. In this subject, if not in any other, it has been stated rightly that centralized control is necessary. We cannot get centralized control without depriving the local bodies of some degree of power which they possessed or which we imagine they possessed. As a matter of fact, before this Bill was introduced, the power was excercised by two or three different authorities, each one not really reaping the full results of that power. The local body can pass certain rules and do certain things; the police can do certain other things; and until all the various comets meet together, we do not have the resultant done. After all this is not real power, but it is really mere delusion. It is in order to avoid the delusion and confusion, that centralization has been adopted as a policy. In regard to fast moving traffic or traffic which moves, not even from place to place, but from district to district, centralization is absolutely necessary. Everybody felt that this was long overdue and therefore the Government thought that it was good policy to give effect to it for the sake of those interested in this trade and in this social activity. Much confusion arises by mistaking quickness for hurry and hustle. It is easy to call anything done quickly as haste. I submit there has been no haste in this matter, but only quickness. It is possible that those who had propositions to move might feel that they would have been accepted if they had only time to din into others' ears what they had to say. But if we have not acceded to their request, it does not mean that we have been hasty. If propositions had not been kept waiting for disposal by them, it does not mean that we have proceeded with haste. Without offence to Members on the opposite side I may here refer to the practice obtaining in old taluk offices. In every taluk office no paper was thought to be ripe for disposal unless it remained there for six months. They look on paper as something like a vegetable product and think that fermentation should take place if it should become fit for eating. Saving of time ought to be really taken into account in these modern days, and especially when we deal with dangerous fast moving traffic, quickness should not be mistaken for hustling or haste. It is easy to say that notice was given just now. I submit that greater concessions have been extracted during the last few minutes, if I may say so, than could possibly be got by giving more time merely for fermentation, so to say, of the product, instead of really getting on with the business itself. Although Members have been generous in their minds in welcoming this measure, they have not been generous in their phraseology. I wish they had been generous in their expression. Too much reference has been made to this 'hustling.' Probably it is becoming a habit for the Opposition Members to complain of hustling. Sometimes they complain without reason. That is all I have to say. I do not think there has been hustling in this measure. On the contrary, there has been more indulgence shown to Members in regard to this measure.

" Sir, too much complaint has been made about reservation of powers in the hands of the Government. I think it is a welcome reservation. It is because that they did not want to get through by sheer force of majority and by the hurry of the hour that some of the matters have been reserved for consideration in consultation with the various interests. What can we do here? We can only count votes. Any consideration of the rates that have to be enforced and as to particular rules that have to be created and rules that will have to be framed with regard to the composition of the various transport authorities—all these things cannot be done by mere votes. All these things cannot be done without consulting the various interests. Some of the interests may not have proportional votes in this House. It is therefore I submit the opposite of hustling, the opposite of haste that is involved in the reservation of some details of matters in regard to the executive working of this policy, that I claim for this measure. I submit therefore, that, generally speaking, Members on the opposite side have really no grievance. I would challenge the Opposition to show any traffic control measure in any civilized country which contains all the provisions in the Act itself. It is impossible in the very nature of things. Transport authorities cannot be defined in a day. It may be that some five months hence the definition may have to be altered. Supposing you put down here that according to the figures settled, the Members of a District Board shall be three in the transport authority, and supposing for some other entirely different reason we do not have a District Board in that place, what shall we do? Supposing we say that the transport authority should consist of the President of a District Board and supposing for other reasons we have three district boards made into one, what shall we do? The transport authority that has to be created must be composed of persons who will be able to deal with the interests concerned from time to time. Therefore it is that the executive has reserve powers to make rules in respect of these matters. Nothing is gained by putting everything into the Bill itself, in a legislative skeleton like this. It is essential in administrative and executive matters that power should be reserved by the executive. It is essential in police matters that reserve powers should be had by the executive. It is essential in day-to-day administration. In all civilized countries it will be found that in measures of this kind, more power is reserved for executive management and administration after due consultation with the interests concerned than what is put down in detail in the Bill itself. I submit that whatever may be said by eminent jurists with respect to reservation of powers in the hands of the executive, they do not apply to this country. If they were of the opinion that their authority should be applied in day-to-day administration and in regard to police and other departmental rules, I think some of those authors might very well withdraw their books and would not print them on such fine paper and make them popular books. If to-day any civilized administration is taken in consultation and asked, ' Will you put all motor regulation and rules in a piece of legislation, or will you reserve them for the executive authority? ' I would submit, that you may not get an answer in the

affirmative, to the former question. Therefore there is not much force in that observation for which alone you, Sir, Mr. Speaker, called me up to say a few words in answer with reference to the rule-making power. I am sorry to say that it was not wise for the hon. Member Sir Panniselvam to say that we accepted Mr. T. T. Krishnamachari's amendment because there was orderly demonstration of taxis outside this Assembly Hall. Is it that this Assembly passes legislation of this sort on the strength of demonstrations of that kind? I challenge that if that position were right, we would withdraw the amendment in spite of the motor buses that are standing outside. It is because long before, as Mr. T. T. Krishnamachari rightly said, all the demonstrations took place I had a discussion with the Minister in charge and he had been considering the matter favourably and was inclined to do some good and he was thinking how best to do it that the Government decided to accept the amendment . . ."

* RAO BAHADUR SIR A. T. PANNIRSELVAM:—" As a matter of personal explanation, may I say that I was only referring to it to show that the demonstration of the motor-car owners might also have had some effect on the amendments moved in the House being accepted. But if that had not that effect but something else had produced that effect, I am thankful to the Government."

THE HON. MR. C. RAJAGOPALACHARIAR:—" Sir, after all, it is not right to make such references in opposing the Bill. Whatever the explanation might be, I do not think it is right to assume that what is done on the Government side or on the Opposition side is done, not with the best of considerations of matters of real interest and import, but with the idea of satisfying the bus-owners or something of that sort. Neither is it that anybody is being hustled into any piece of legislation by mere show or demonstration. Let me, as a democrat, say that demonstrations such as this have their own part to play. After all, such demonstrations are not wrong. If it is said that the demonstration that has been held by the taxi-owners has achieved the result of the amendments being accepted, but that the persuasive powers of the Opposition for a long time did not achieve that result, there is something wrong. On the one hand there are charges which are made on this Government that we are grabbing power, that we are autocratic and we do not care for anybody's wishes, and so it is that we are reserving the rule-making powers in the hands of the Government. It is also said we are out for subterfuges and that we do not care for public opinion. In the same breath it is said that we accepted the amendment because of the demonstration of taxi-drivers. (Laughter.) Sir, we are neither so autocratic nor so irresponsive to public opinion. It was made quite clear that the maximum should be put in the Bill. It was made quite clear that while there is practically no rise in regard to buses and the passenger-carrying motor vehicles in mufassal, there is a very steep rise if the maximum is taken into account with regard to the City. But as it was felt that this Bill should have one uniform schedule, it was thought that power

should be reserved for Government to make the necessary changes in particular cases. There is 100 per cent increase straightway in the case of Madras. It was the intention of the Government to utilize this reserve power in a proper manner. It would have marred the Bill if a territorial classification were made with regard to the rates to be put down. That is a matter essentially for executive authority. The executive may very well consider that all buses running from Bangalore to Vellore make only one long distance journey and whereas a bus in Madras City makes 20 times the short distance journey. Government may have to consider all points of view. The total amount of journey, the rate of speed and all these things will have to be considered by the Government. Whether the journey is done in Madras or in another place, the total mileage and the amount of tax fixed will be the same. At the same time buses running in small mufassal places will have to be given special consideration. All these matters cannot be put in one uniform cast-iron frame and that is why these things were taken over for executive discrimination. I shall not dwell any more on that point. I do hope that whatever argumentative use was made by a reference to the demonstration by the taxi-owners, it was not really put forward as a serious argument to show that the Select Committee has had really no influence on this Bill, that the Opposition has had really no influence on this Bill, and that we really got terrified by the buses standing there. If really the Government were terrified, surely the whole Bill would have been shut out and there is no need to bring in a Bill at all. It is not right, I submit, for one who for the time being is, if not *de jure* but at least a *de facto* Leader of the Opposition sitting on the Opposite benches, to have made such a reference. I made reference to that because I thought it was not right for a person occupying that responsible position to have made that observation.

" I hope we shall forget all that and with that observation . . ."

RAO BAHADUR SIR A. T. PANNIRSELVAM:—" I do not feel repentent at all."

* THE HON. MR. C. RAJAGOPALACHARIAR:—" We seem to be meaning wholly different things. It may be that while still Sir Pannirselvam does not feel repentent, he may see some point in what I said that legislation should be presumed to be free (Rao Bahadur Sir A. T. Pannirselvam: ' Presumed to be free ') and that it is a slur on the honour and privilege of the House to make any accusation to the contrary."

* THE HON. MR. K. RAMAN MENON:—" Mr. Speaker, Sir, I only want that this opportunity should be availed of to disabuse the minds of those who are under the impression that there has been so much of haste and that there has not been much of consultation by the Government in the matter of rule-making. This Bill is one which consists of 12 clauses only and a reading of it will show that there is practically speaking nothing at all in it which is new. Except clause 1 which gives the title of the Bill, thereafter it is all to a very considerable extent, an adaptation of the various other enactments that have been

referred to in the Bill. The Madras Local Boards Act, the District Municipalities Act, the Madras City Municipal Act, the Indian Motor Vehicles Act and the Madras Motor Vehicles Taxation Act, these are the various enactments referred to. It is only by way of repealing certain provisions of the Madras City Municipal Act, the Madras Local Boards Act and the Madras District Municipalities Act and taking away the powers of those bodies which have been conferred upon them by those provisions that clauses 5, 6 and 7 of this Bill have been incorporated. So far as the subsequent clauses are concerned, they deal only with powers which Government have always been having under the Indian Motor Vehicles Act, to make rules for their proper application so far as this Presidency is concerned in the matter of motor vehicles transport. So, what is being done now is only an amplification of those rules by adding a bit more. Therefore, there is nothing new in this. So far as clause 9 is concerned, we have only added a few more definitions than what are contained in the Madras Motor Vehicles Taxation Act, and have also made provision for the distribution of the proceeds which the Government get out of this taxation. This is also a matter which has been already provided for in the existing Act. Then, as regards the schedules, they have also been taken from one enactment or other and put in here. As regards the figures, I do not think much time is required for any person to understand the increase or the decrease. Clauses 10, 11 and 12 are only residuary clauses which are found in all such enactments. It will thus be clear that there is absolutely nothing new in it.

"So far as the rule-making powers are concerned, it will be seen that they were there already under the Local Boards Act and under the Motor Vehicles Taxation Act; and no new powers have been now taken. But only, the powers which were once with the local boards and which were always subject to the control of the Government, are now taken over by the Government themselves. These are the only features in this Bill and there is no justification for saying that this Bill is not at all understandable and that more time should have been given for its consideration. The amendments that were moved and accepted in the Select Committee were only verbal; and so far as the amendment of Mr. T. T. Krishnamachariar is concerned, the Hon. the Premier has already stated how and why it was accepted. Even without that amendment the Government have power to regulate the rates of taxation, but there was some doubt about it in the minds of certain hon. Members and it was only to clear that doubt that the amendment was accepted. It was also the opinion of the Legal Department of Government that even under the Motor Vehicles Taxation Act, the Government had power to fix different rates of taxation as regards municipal areas and various other places. So, it was only to clear that doubt that the amendment of Mr. T. T. Krishnamachariar was accepted. I thank hon. Members for their kind co-operation in regard to this measure."

The motion was put and carried and the Bill was passed into law.

The House then adjourned to meet again at 3 p.m. the next day.

APPENDIX

[Vide item III at page 113 supra]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Traffic Control Bill, 1938 (L.A. Bill No. 4 of 1938), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette* on the 22nd February 1938.

3. The Committee was appointed on the 1st March 1938. An instruction was given to the Committee that its report should be made available for consideration by the House on the 2nd March 1938.

4. The Committee met at 2-30 p.m. on the 1st March 1938 in the Assembly Buildings, Chepauk, for considering the Bill.

5. The Committee has subjected the Bill to a full and detailed scrutiny but has found it necessary to make very few changes therein.

6. In clause 9, it has added a definition of the term "Motor lorry". In sub-clause (v) of the same clause, it has made 4 (*a*) applicable to vehicles intended to carry not more than five persons, instead of four persons, so as to exclude the driver. In 4 (*b*), it has inserted express words intended to exclude the driver and the conductor, in calculating the persons intended to be carried by the vehicle.

7. A copy of the Bill as amended by the Committee is annexed. It is unnecessary to republish the Bill.

K. RAMAN MENON,
Chairman.

2nd March 1938]

[Note.—The changes made by the Select Committee are shown in clarendon type.]

L.A. BILL No. 4 OF 1938.

(As amended by the Select Committee.)

A Bill to provide for the control of traffic in public places in the Province of Madras.

WHEREAS it is expedient to enable the Provincial Government to make provision for the control of traffic in public places in the Province of Madras, and for that purpose further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, in its application to the Province of Madras, and the Madras Motor Vehicles Taxation Act, 1931; It is hereby enacted as follows:—

Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920. VIII of 1914. Madras Act III of 1931.

1. (1) This Act may be called the Madras Traffic Control Act, 1938. Short title, extent and commencement.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Provincial Government may, by notification, appoint.

2. In this Act, 'public place' means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass and includes— Definition.

(*a*) in the City of Madras, a public street as defined in clause (20) of section 3 of the Madras City Municipal Act, 1919; Madras Act IV of 1919.

(*b*) in a municipality governed by the Madras District Municipalities Act, 1920, a public street as defined in clause (21) of section 3 of that Act; and Madras Act V of 1920.

(*c*) in a local area governed by the Madras Local Boards Act, 1920, a public road as defined in clause (18) of section 3 of that Act. Madras Act XIV of 1920.

Power of Provincial Government to make rules for the control of traffic.

3. The Provincial Government may, after previous publication, make rules to provide—

(*a*) for the regulation of the use of any public place and the closing thereof or parts thereof; and

(*b*) for the regulation of traffic in any public place or its reservation for particular kinds of traffic.

Penalty for breach of rules.

4. In making any rule under section 3, the Provincial Government may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees and, in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from an officer empowered in that behalf by the Provincial Government, to discontinue such breach.

Amendment of Madras Act IV of 1919.

5. In the Madras City Municipal Act, 1919—

(i) sub-clauses (*b*) and (*c*) of clause (8) of section 349 shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*); and

(ii) in clause (9) of the same section, after the words "public or municipal places", the following words shall be added, namely:—

"but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."

Amendment of Madras Act V of 1920.

6. In the Madras District Municipalities Act, 1920—

(i) section 174-A shall be omitted;

(ii) in section 306, sub-clauses (*b*) and (*c*) of clause (8) shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*);

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(iii) in the same section, in clause (9), after the words " public or municipal places " the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VII and VIII, the entries relating to section 174-A shall be omitted.

7. In the Madras Local Boards Act, 1920— Amendment of Madras Act XIV of 1920.

(i) section 166 shall be omitted;

(ii) in section 202, sub-clauses (*a*) and (*b*) of clause (5) shall be omitted and sub-clause (*c*) of that clause shall be renumbered as clause (5);

(iii) in the same section, in clause (6), after the words " places vested in a local board ", the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VIII and IX, the entries relating to section 166 shall be omitted.

8. The Indian Motor Vehicles Act, 1914, shall, in its application to the Province of Madras, be construed as if the rule-making power conferred by section 11 of that Act extended to the following matters, namely:— Amendment of Act VIII of 1914 in its application to the Province.

" (*a*) The prescription of the conditions subject to which, and the fees (if any) on payment of which, motor vehicles or any class of such vehicles may be used in public places, generally or in any particular public place.

(*b*) The constitution for each district of a transport authority and the prescription of its powers and functions including, in particular, its powers and functions in regard to—

(i) the issue or the authorization of the issue of prescribed permits in respect of motor

vehicles or any specified class of motor vehicles, for their use in all, or any, public places in the district;

(ii) the determination of the areas in the district on the routes or public places situated in which, or of the routes or public places in the district on which, motor vehicles or any specified class of motor vehicles may be used; and

(iii) the restriction of the number of motor vehicles or of any specified class of motor vehicles to which permits may be issued in respect of such areas, routes or public places.

(*c*) The constitution of a central transport authority for the Province and the prescription of its powers and functions including, in particular—

(i) its powers and functions in regard to motor traffic extending over the jurisdiction of two or more of the transport authorities referred to in clause (*b*), and the exercise of the powers and functions of, and the control to be exercised over, such authorities in respect of such traffic; and

(ii) its appellate jurisdiction in respect of orders passed by the transport authorities referred to in clause (*b*).

(*d*) The powers of the Provincial Government to control the central transport authority referred to in clause (*c*) and the prescription that the decisions and orders of such authority—

(i) shall not be liable to be questioned in any Civil Court by suit or otherwise; and

(ii) shall be final except in so far as they may be set aside or revised by the Provincial Government.

(*e*) The powers of the Provincial Government to control the transport authorities referred to in clause (*b*) and the prescription that the

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decisions and orders of such authorities shall not be liable to be questioned in any Civil Court by suit or otherwise.

(*f*) The prescription of a limit of speed in respect of motor vehicles or any specified class of motor vehicles, generally or in any particular public place.

(*g*) The empowering of any authority to limit by general or special order the speed at which motor vehicles or any specified class of motor vehicles may be driven, generally or in any particular public place."

9. In the Madras Motor Vehicles Taxation Act, 1931— Amendment of Madras Act III of 1931.

(i) in Section 2, the following shall be added at the end of clause (iii), namely:—

" and ' motor lorry ' includes a goods vehicle, that is to say, a motor vehicle constructed or adapted for use for the carriage of goods or a motor vehicle not so constructed or adapted which is habitually used for the carriage of goods and not of passengers.

Explanation.—The expression ' goods ' includes merchandise, wares, burden of any description and movable property other than personal luggage."

(ii) in the same section, clause (viii) shall be renumbered as clause (viii-*b*) and the following shall be inserted as clause (viii-*a*), namely:—

" (viii-*a*) ' laden weight ' in relation to a motor vehicle means, in case a permit is issued to the vehicle in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit, if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and if

VIII of 1914.

such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit.

' laden weight ' in relation to a trailer means, in case a permit is issued to the vehicle to which the trailer is attached in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit in respect of the trailer, if no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached, and if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit.'' ; VIII of 1914.

(iii) for sub-section (1) of section 10, the following sub-section shall be substituted, namely :—

'' (1) (*a*) From the proceeds of the tax collected under this Act every year, the following credits and payments shall be made in the order mentioned below :—

(i) *Firstly*, there shall be credited to the Provincial Government the expenses of collecting the tax.

(ii) *Secondly*, there shall be credited to the Provincial Government the cost incurred by them in exercising their administrative functions in regard to the control of motor vehicles in the Province.

(iii) *Thirdly*, there shall be credited to the Provincial Government a sum equivalent to the average annual income derived by them during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act,

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1938, from additional fees levied under the Indian Motor Vehicles Act, 1914, on motor vehicles plying on Government roads in the Province.

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(iv) *Fourthly*, there shall be paid to each district board and to each municipal council a sum equivalent to the average annual income derived by such board or council during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938, from fees on licences granted to motor vehicles under section 166 of the Madras Local Boards Act, 1920, or section 174-A of the Madras District Municipalities Act, 1920, as the case may be.

Madras Act XXIV of 1920.

Madras Act V of 1920.

(v) *Fifthly*, there shall be paid to each local body which at the commencement of this Act was levying tolls or vehicle tax on motor vehicles or both, a sum equivalent to the average annual income derived by such local body during the three years ending on the 31st day of March 1931, from such tolls or vehicle tax on motor vehicles, or both, as the case may be, and there shall also be credited to the Provincial Government a sum equivalent to their average annual income during the said three years from all tolls levied by them in the Province.

(*b*) The Provincial Government shall determine the sums which should be credited to themselves or paid to local bodies under sub-clauses (i) to (v) of clause (*a*), and their determination shall be final.'';

(iv) in sub-section (2) of the same section, for the expression " sub-section (1) '', the expression " sub-clause (v) of clause (*a*) of sub-section (1) '' shall be substituted;

(v) for sub-section (3) of the same section, the following sub-section shall be substituted, namely:—

"(3) If in any year the proceeds of the tax after deducting the sums referred to in sub-clauses (i) to (iv) of clause (*a*) of sub-section (1) fall short of the aggregate of the sums payable to local bodies under sub-clause (v) of the said clause (*a*) and the sum creditable to the Provincial Government under the same sub-clause, such proceeds shall be distributed among the local bodies and the Provincial Government proportionately to the sums determined under clause (*b*) of sub-section (1) as payable to each such local body and as creditable to the Provincial Government, under sub-clause (v) aforesaid, and the deficit shall be made good in the same proportion in the earliest subsequent year or years in which there may be a surplus.";

(vi) for items 3 and 4 of Schedule II, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum quarterly tax.					
	For vehicles fitted with pneumatic tyres.			For other vehicles.		
	RS.	A.	P.	RS.	A.	P.
"3. Motor lorries—						
(*a*) Lorries not exceeding 20 cwt. in weight, laden	50	0	0	75	0	0
(*b*) Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden	100	0	0	150	0	0
(*c*) Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden	120	0	0	180	0	0
(*d*) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden	150	0	0	225	0	0
(*e*) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden	180	0	0	270	0	0
(*f*) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden	220	0	0	330	0	0
(*g*) Lorries exceeding 110 cwt. but not exceeding 150 cwt. in weight, laden	270	0	0	405	0	0
(*h*) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden	320	0	0	480	0	0
(*i*) Lorries exceeding 180 cwt. in weight, laden	350	0	0	525	0	0

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Classes of vehicles.	Maximum quarterly tax. For vehicles fitted with pneumatic tyres. RS. A. P.	For other vehicles. RS. A. P.
(*j*) Additional tax payable in respect of lorries used for drawing trailers—		
(i) for each trailer not exceeding 20 cwt. in weight, laden	20 0 0	30 0 0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden ..	75 0 0	112 8 0
(iii) for each trailer exceeding 60 cwt. in weight, laden	150 0 0	225 0 0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.		
4. Motor vehicles plying for hire and used for the transport of passengers—		
(*a*) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914 to carry in all not more than five persons	80 0 0	120 0 0
(*b*) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry more than five persons—for every person which the vehicle is so licensed to carry excluding the driver and the conductor	20 0 0	30 0 0"

and

(vii) for items 3 and 4 of Schedule III, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum tax for vehicles fitted with pneumatic tyres. For a period not exceeding seven days.	Maximum tax for vehicles fitted with pneumatic tyres. For a period exceeding seven days but not exceeding thirty days.	Maximum tax for other vehicles. For a period not exceeding seven days.	Maximum tax for other vehicles. For a period exceeding seven days but not exceeding thirty days.
(1)	(2)	(3)	(4)	(5)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
" 3. Motor Lorries—				
(*a*) Lorries not exceeding 20 cwt. in weight, laden.	8 8 0	25 0 0	12 8 0	37 8 0
(*b*) Lorries exceeding 20 cwt. but not exceeding 30 cwt. in weight, laden.	16 12 0	50 0 0	25 0 0	75 0 0
(*c*) Lorries exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden.	20 0 0	60 0 0	30 0 0	90 0 0
(*d*) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden.	25 0 0	75 0 0	37 8 0	112 8 0
(*e*) Lorries exceeding 60 cwt. but not exceeding 85 cwt. in weight, laden.	30 0 0	90 0 0	45 0 0	135 0 0
(*f*) Lorries exceeding 85 cwt. but not exceeding 110 cwt. in weight, laden.	36 12 0	110 0 0	55 0 0	165 0 0
(*g*) Lorries exceeding 110 cwt. but not exceeding 150 cwt. in weight, laden.	45 0 0	135 0 0	67 8 0	202 8 0
(*h*) Lorries exceeding 150 cwt. but not exceeding 180 cwt. in weight, laden.	53 8 0	160 0 0	80 0 0	240 0 0
(*i*) Lorries exceeding 180 cwt. in weight, laden.	58 8 0	175 0 0	87 8 0	262 8 0

Classes of vehicles.	Maximum tax for vehicles fitted with pneumatic tyres.		Maximum tax for other vehicles.	
	For a period not exceeding seven days.	For a period exceeding seven days but not exceeding thirty days.	For a period not exceeding seven days.	For a period exceeding seven days but not exceeding thirty days.
(1)	(2)	(3)	(4)	(5)
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
(j) Additional tax payable in respect of lorries used for drawing trailers—				
(i) for each trailer not exceeding 20 cwt. in weight, laden.	3 8 0	10 0 0	5 0 0	15 0 0
(ii) for each trailer exceeding 20 cwt. but not exceeding 60 cwt. in weight, laden.	12 8 0	37 8 0	18 12 0	56 4 0
(iii) for each trailer exceeding 60 cwt. in weight, laden.	25 0 0	75 0 0	37 8 0	112 8 0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.				
4. Motor vehicles plying for hire and used for the transport of passengers—				
(a) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry in all not more than four persons.	13 8 0	40 0 0	20 0 0	60 0 0
(b) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry more than four persons—for every person which the vehicle is so licensed to carry.	3 8 0	10 0 0	5 0 0	15 0 0"

Existing by-laws to continue.

10. Notwithstanding anything contained in this Act, all by-laws relating to any of the matters mentioned in section 3 of this Act which have been made under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, and are in force at the commencement of this Act shall continue to be valid, but any such by-law may be cancelled or altered by a rule made under section 3 aforesaid.

Madras Act VI of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

Repeal of Madras Act V of 1931.

11. The Madras Government Roads Traffic Control Act, 1931, is hereby repealed.

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, or the Madras Motor Vehicles Taxation Act, 1931, as amended by this Act, the Provincial Government, as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.