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Tuesday
15th July, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

CONTENTS

Members Sworn [Cols. 2—18].

PARLIAMENT SECRETARIAT
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THE
PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

1769

HOUSE OF THE PEOPLE

Tuesday, 15th July, 1952

The House met at a Quarter Past
Eight of the Clock.

[MR. SPEAKER in the Chair]
ORAL ANSWERS TO QUESTIONS

UNESCO TECHNICAL ASSISTANCE
PROGRAMME

*1754. **Sardar Hukam Singh:** (a) Will the Minister of Education be pleased to state whether UNESCO provided any specialists to India during the year 1951-52 under the UNESCO Technical Assistance Programme?

(b) If so, when are they expected to arrive?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) and (b). Yes. Unesco has agreed to provide 10 specialists for work in laboratories and institutions. Six of them have already come to India and negotiations are in progress regarding the rest.

Sardar Hukam Singh: To which technical institutions have these experts been assigned?

Shri K. D. Malaviya: Three of them have been assigned to the Indian Institute of Technology at Kharagpur, one to Lucknow, one to Poona, and one to the Delhi National Physical Laboratory.

Sardar Hukam Singh: Have the Unesco provided us the scientific equipment required?

Shri K. D. Malaviya: We have requested for certain equipments, and they have promised us some equipments worth about 30,000 dollars. but they have not yet arrived.

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Sardar Hukam Singh: May I know whether a scientific documentation centre is going to be established under this scheme?

Shri K. D. Malaviya: I will require notice for that.

Sardar Hukam Singh: May I know the number of Indians that have been given fellowships of the Unesco for training in these centres?

Shri K. D. Malaviya: I have not got the number here.

Shri M. S. Gurupadaswamy: May I know from which countries these experts have been drawn and for how many years they will stay in India?

Shri K. D. Malaviya: There are different agreements with these experts, and the agreement has been between the Unesco and the experts, but many of them are German experts.

Shri N. M. Lingam: Has any technician been sent to the Madras Institute of Technology? If not, why not?

Shri K. D. Malaviya: They have not been sent to the Madras Institute of Technology.

Shri S. C. Samanta: May I know, Sir, whether it is a fact that Unesco scholarships are being granted to those institutions only where these experts will be engaged?

Shri K. D. Malaviya: I am not aware of this.

TECHNICAL CO-OPERATIVE PROGRAMME

*1755. **Shri Barman:** Will the Minister of Finance be pleased to state:

(a) the total amount that is available at present for the Technical Co-operative Programme as envisaged by Technical Co-operative Agreement of 5th January, 1952;

(b) what are the agreed projects undertaken or approved so far and

what are the estimates under respective projects; and

(c) what is the constitution of the Central Committee as proposed under article IV of the Agreement?

The Minister of State for Finance (Shri Tyagi): (a) and (b). The total contribution by the U. S. Government would be \$ 50 million and the provision by India of Rs. 41 crores. The details regarding eight of the agreed projects would be found in the 8 Operational Agreements, copies of which were laid on the Table of the House on the 11th June, 1952, in reply to Starred Question No. 713 and the balance of the 3 agreed projects in the 3 Operational Agreements, copies of which were placed on the Table of the House on the 25th June, 1952, in reply to Unstarred Question No. 253.

(c) The Planning Commission has been designated as the Central Committee.

Shri Barman: May I know, Sir, whether the community development project is one of these eleven programmes?

Shri Tyagi: Community development is one of the programmes.

Shri Barman: What is the part of the country that will be covered by the present agreement by these development projects?

Shri Tyagi: The whole of India is covered by the present agreement. The operations, according to these agreements, are spread over practically the whole of India.

Shri Barman: No doubt it is spread all over the country, but it will, I understand, cover only a fraction of the area in India so far as the present development projects which have been agreed to are concerned. My question is what is the next stage to fulfil this programme all over the country. Whether aid will be coming from America to fulfil our programme so far as the rest of the country is concerned?

Shri Tyagi: As regards the spreading over of the activities according to the programme all over the country is concerned, I might just inform the hon. Member that there are programmes for instance, import of steel for agriculture. Wherever it is needed, steel will be supplied. Then there is equipment for locust control; then there is soil fertility and fertiliser used, marine fisheries etc. Wherever the needs are in accordance with the programme, operations will be taken up there.

Shri Barman: So far as the village development programme is concerned, that is an agricultural scheme prima-

rile. I want to know whether further help will be coming from the U.S.A. in order to cover the rest of the country.

Shri Tyagi: It all depends upon the manner in which this programme is to be conducted, and it is rather too early for me to give a forecast now as to whether the aid will come from America, or whether the locality itself will be put on such a level as to carry on its life on a self-sufficient basis.

Shri S. C. Samanta: May I know, Sir, whether the Malaria Control scheme under Agreement No. 9 has been handled as yet, and if so, how much money has been spent on it?

Shri Tyagi: I am sorry, Sir, I have not got the figures just ready at hand, but if the hon. Member is pleased to give me notice, I will give a detailed reply.

संयुक्त स्कंच समवाय

*१७५६. सेठ गोविन्द वासः क्या वित्त मंत्री यह बतलाने की कृपा करेंगे :

(क) उन संयुक्त स्कंच समवायों की संस्था, जिन्होंने पूँजी-निर्गमन के लिये आवेदन दिये;

(ख) १९५१-५२ में कुल किंतनी पूँजी-राशि के लिये आवेदन दिये गये; और

(ग) कितनी पूँजी के निर्गमन की स्वीकृति दी गयी ?

The Minister of State for Finance (Shri Tyagi): (a) to (c). Information in the exact form desired by the hon. Member is not readily available. 397 applications for permission to issue capital totalling Rs. 64.32 crores were disposed of during 1951-52. Out of these, consent was granted for a total issue of Rs. 56.17 crores.

सेठ गोविन्द वासः क्या माननीय मंत्री जी के पास इस बात की भी रिपोर्ट यह कम्पनियां भेजती हैं कि जितनी इजाजत उन को अपनी पूँजी के शेयर बेचने की मिलती है उस में से कितने शेयर बिक जाते हैं ?

ओ ल्यागीः जो हाँ, इस किस्म की इत्तला मुद्रेया की जाती है।

सेठ गोविन्द दास: क्या माननीय मंत्री जी यह भी बतला सकते हैं कि यह जो ५६ करोड़ की पूँजी के शेपर बेचने की सरकार से इन कम्पनियों को इजाजत मिली है, इन में से कितनी कम्पनियां किस किस काम के लिये खोली गई थीं?

श्री त्यागी: इस का नोटिस मिलने पर मैं इस की पूरी इतिला दे सकूँगा।

सेठ गोविन्द दास: सब से बड़ी पूँजी किस कम्पनी ने चाही, क्या यह बतलाया जा सकता है?

श्री त्यागी: अफसोस है कि यह इतिला भी इस बक्त मेरे पास नहीं है।

RANIKHET CANTONMENT

*1757. **Shri Bansal:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the Cantonment authorities in Ranikhet have served notices on a number of lessors of Cantonment lands, increasing land dues manifold;

(b) whether any representations have been received by Government protesting against the iniquity of such increases; and

(c) if so, what consideration is being given to the same?

The Minister of Defence (Shri Gopalaswami): (a) Yes, Sir, at substantially higher rates in respect of renewal of time expired Cantonment Code leases.

(b) Yes.

(c) The Standard Table of Rents of Ranikhet is under review in consultation with the local Collector on the basis of rents prevailing in comparable civil areas.

Shri Bansal: May I know how many cases are being reviewed?

Shri Gopalaswami: Quite a considerable number. I cannot give the exact figure here.

NATIONAL LIBRARY

*1758. **Shri S. N. Das:** Will the Minister of Education be pleased to state:

(a) whether the National Library at Calcutta has been opened to the

public with its complete set up in Belvedere (the home of the library);

(b) the different forms of public services that the Library is rendering at present;

(c) whether any future programme of development and expansion has been considered by Government; and

(d) if so, what that is?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, Sir.

(b) The Library provides lending service, reading and information services, bibliographical service, professional advice on library matters and informal training in library routine.

(c) and (d). The Government are at present concentrating on consolidating the Library in its new home. The question of development and expansion will be taken up in proper time.

Shri S. N. Das: May I know whether in view of the fact that this library is only one of its kind in India, the Government have considered any scheme for adding to it standard books on modern Indian languages?

Shri K. D. Malaviya: That is a suggestion, Sir.

Sardar Hukam Singh: May I know whether the collection of books that is envisaged will be in the principal languages of India or whether they will be confined to specific languages only?

Shri K. D. Malaviya: I have no information about it here. Presumably, the collections will be in as different languages of the country as possible.

श्री एस० सी० सामन्त: क्या मैं माननीय मंत्री जी से जान सकता हूँ कि कलकत्ता यूनीवर्सिटी द्वारा जो लाइब्रेरी ट्रेनिंग क्लास चलाया जाता है और बंगाल लाइब्रेरी एसोसियेशन के द्वारा जो समर ट्रेनिंग क्लास वहां होते हैं उन को इस लाइब्रेरी से क्या सहायता मिलती है?

श्री के० डॉ० मालवीय: इन ट्रेनिंग क्लासेज को जो सहायता इस लाइब्रेरी से मिलती है उस की सूचना मेरे पास नहीं है।

Shri K. K. Basu: May I know the actual amount spent in purchasing books?

Shri K. D. Malaviya: I have not got that information just at present.

ASSOCIATION OF PRINCIPALS OF
TECHNICAL EDUCATION

*1759. **Shri S. N. Das:** Will the Minister of Education be pleased to state:

(a) the important functions of the Association of Principals of Technical Institutions in India;

(b) in what way the Association has contributed to the promotion of Technical education; and

(c) its annual income and expenditure during 1951-52?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): A statement is laid on the Table of the House [See Appendix VIII, annexure No. 32].

Shri S. N. Das: May I know the number of institutions that are represented in this association.

Shri K. D. Malaviya: I have not got the exact figure, but there are 135 members on its rolls at present; and the type of institutions that are the members of this Association are technological and commercial institutions, and technical and vocational high schools.

Shri S. N. Das: Arising out of the answer given to part (b) of the question, may I know the number and nature of the symposia that were held in 1951-52?

Shri K. D. Malaviya: It is a non-official body, over which Government have no administrative control. But they certainly try to get information and reports.

Shri S. N. Das: Although this association is not under the administrative control of the Government, still a substantial amount of grant is given to it; may I know whether any symposia were held or not?

Shri K. D. Malaviya: They have held conferences and sent their recommendations and views to the Government. But we have no information about the number of symposia that were held.

Shri S. N. Das: In view of the fact that the expenditure of this association is in excess of its income, do the Government consider the question of increasing the grant to this association?

Shri K. D. Malaviya: Government have made certain grants to them, and

if the institution asks for more grants, Government will certainly consider them.

Sardar Hukam Singh: May I know whether the grant of Rs. 12,000 by the Government during the last year was for any specific purpose, or for general purposes of the advancement of technical education?

Shri K. D. Malaviya: Grants to this institution are made for general purposes.

Shri K. K. Basu: Have the Government derived any benefit out of the views expressed in these conferences?

Shri K. D. Malaviya: Government certainly takes note of the views expressed at the Conferences by this institution.

NEPAL TERAI BORDER

*1760. **Shri C. N. P. Sinha:** Will the Minister of Defence be pleased to state what steps Government propose to take to ensure proper defence measures on Nepal Terai Borders in Bihar?

The Minister of Defence (Shri Gopalaswami): No special defence measures on the Nepal-Bihar Border are considered necessary.

ACQUISITION OF LAND IN DELHI
PROVINCE

*1761. **Shri Radha Raman:** Will the Minister of Defence be pleased to state:

(a) how much land in the province of Delhi was acquired by the Government for Military purposes before and during the World War II;

(b) how much of it was actually used and how much remains unused; and

(c) what Government propose to do with the unused land?

The Minister of Defence (Shri Gopalaswami): (a) 12,374.421 Acres before World War II and 170.64 Acres during that War.

(b) 11,188.200 Acres has been actually in use and 1,356.861 Acres is not in use.

(c) Some of the lands are being retained for Government purposes and the rest will be disposed of.

Shri Radha Raman: May I know the purposes for which these lands were acquired?

Shri Gopalaswami: The Delhi Cantonment lands were acquired for the purposes of the Cantonment. Some of

these lands are held on lease by private persons. An area of 230-85 acres has been transferred to the Ministry of Education, out of the existing lands in the occupation of the military. Certain lands are held on lease. There are also lands which have been acquired for camping grounds, some of which is being transferred to the Ministry of Education.

Shri Radha Raman: May I know how much lands so acquired were under cultivation at the time of the acquisition?

Shri Gopalaswami: I should like to have notice for that question.

Shri Radha Raman: May I know whether the Government have decided to return any of the unused lands to the original owners?

Shri Gopalaswami: Where land is not required either for the military or for other departments, an offer will be made to the original owners.

Shri C. K. Nair: May I know the total amount of remuneration due to the land owners, from the Government, and out of which how much has been paid, and what the balance is?

Shri Gopalaswami: I am afraid I shall require notice for that also.

Shri Nana Das: May I know whether any of these lands are suitable for housing purposes, and if so whether the Government propose to give those lands to Harijans?

Mr. Speaker: The former part of the Question alone need be answered.

Shri Gopalaswami: There is a proposal for the transfer of some of these lands to the Delhi Improvement Trust, which no doubt, will use them for the purposes of housing.

Shri Radha Raman: May I know whether the Government would be willing to consider the proposal of returning the unused lands to any co-operative society for co-operative farming purposes?

Shri Gopalaswami: That can be considered, when the proposal is received.

Shri Nana Das: May I know whether the Government propose to acquire house-sites at Bapunagar, Qarol Bagh, for a Harijan colony?

Mr. Speaker: The hon. Member is only making a specific suggestion.

Shri K. K. Basu: Out of the lands acquired by the Government for military purposes, what proportion of it was cultivable land, and what proportion arid land?

Shri Gopalaswami: I have already answered a supplementary question on that. I am afraid, I must have notice on that question.

AGREEMENT WITH UNESCO

***1762. Shri Krishna Chandra:** Will the Minister of Education be pleased to state:

(a) the names of Technical Institutions in which three experts supplied under the First Agreement with UNESCO have taken up their assignments;

(b) the remuneration of these experts payable by the Government of India; and

(c) the academic and technical qualifications of these experts?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Indian Institute of Technology, Kharagpur.

(b) No remuneration is payable by the Government of India but free furnished accommodation has to be provided.

(c) A statement is laid on the Table of the House. [See Appendix VIII, annexure No. 33.]

Shri Krishna Chandra: May I know, Sir, the powers and functions of these experts in the institution to which they are posted?

Shri K. D. Malaviya: They are carrying on research and are assisting us in research work.

Shri Krishna Chandra: May I know, Sir, whether they have any power of supervision over the staff of the institution?

Shri K. D. Malaviya: They have no power of supervision over the staff.

Shri Krishna Chandra: May I know, Sir, whether the UNESCO has also agreed to provide fellowship and equipment for a scientific documentation centre?

Shri K. D. Malaviya: Yes, Sir. UNESCO has agreed to provide equipment and an institute fellowship.

Shri Krishna Chandra: May I know, Sir, where the Centre will be located.

Shri K. D. Malaviya: I have no information at present.

Shri K. K. Basu: May we know the nationality of these UNESCO experts?

Shri K. D. Malaviya: I have got no knowledge of their nationality. Two of them are perhaps Germans. But by names alone I cannot say what their nationality is.

RAILWAY LOAN FROM THE WORLD BANK

*1763. **Shri Krishna Chandra:** Will the Minister of Finance be pleased to state for what purposes is it proposed to spend the 32.8 million dollars loan for Indian Railways obtained from the World Bank?

The Minister of State for Finance (Shri Tyagi): The loan has already been spent in financing the purchase of locomotives, spare boilers and miscellaneous spare parts from the United States of America and Canada. We have also started repayment.

SYMPOSIUM ON THE "CONCEPT OF MAN"

* 1764. **Shri Lokenath Mishra:** Will the Minister of Education be pleased to state:

(a) who were the thinkers invited from India to the Symposium on the 'Concept of Man and the Philosophy of Education in East and West' and how was the selection made; and

(b) what expenses were incurred and who met the same?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Professors A. R. Wadia, Ras-vihary Das, Humayun Kabir and A. C. Mukerjee were invited from India by the Director General, Unesco in consultation with the Indian National Commission for co-operation with Unesco.

(b) Unesco bore the travel and living expenses of foreign participants and Dr. S. Radhakrishnan. The Government of India provided funds for the travel and living expenses of the Indian participants and incidental expenses in connection with the organisation of the Symposium. The total expenditure incurred by the Government of India amounted to Rs. 14,800.

Shri Lokenath Mishra: Has the symposium come to any conclusion about this subject?

Shri K. D. Malaviya: The discussions reveal, Sir, that there is a fundamental unity between the East and West and further that the differences that may exist between the two philosophies are capable of modification.

Dr. P. S. Deshmukh: I am glad the hon. Minister has stated some essentials of the philosophy of education the Symposium has arrived at. Will he please describe the outline of the Concept of Man which the Symposium has arrived at?

Mr. Speaker: Order, order.

Shri M. S. Gurupadaswamy: May I know, Sir, whether the conference has arrived at any new concept of man or whether the old concept of man as an anthropoid ape still persists?

Mr. Speaker: I think the best course will be to lay the proceedings on the Table, if possible.

Shri K. D. Malaviya: I have not got the proceedings here.

JAMIA MILIA ISLAMIA

*1765. **Shri Lokenath Mishra:** Will the Minister of Education be pleased to state:

(a) whether Jamia Milia Islamia have produced to date any Social Education literature;

(b) whether Government have given any directions or instructions to or imposed any conditions on the Institution to produce such literature; and

(c) the names of the productions and the language in which they are written?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) Yes, through the Idara Talim-e-Taraqi, Adult Education Department of Jamia Milia, Delhi.

(b) Yes. The conditions, etc., imposed by the Govt. of India on Idara are given in the statement which is laid on the Table of the House. [See Appendix VIII, annexure No. 34.]

(c) All the Literature is published in Hindi in the Devnagri script. The names of the pamphlets published so far are given in the statement which is placed on the Table of the House. [See Appendix VIII, annexure No. 35.]

Shri Lokenath Mishra: Has any other institutions been entrusted with this kind of work in India?

Shri K. D. Malaviya: No, Sir.

Shri Velayudhan: May I know, Sir, whether any expert is working in Jamia Milia on social education schemes.

Shri K. D. Malaviya: Yes, Sir.

Shri Madiah Gowda: Does not this literature produced by the Jamia Milia serving very useful purpose by helping those who are just literate?

Shri K. D. Malaviya: This literature is certainly useful to them.

Shri Madiah Gowda: May I know whether any financial help is rendered to this institution, and if so, how much?

Shri K. D. Malaviya: For this purpose a sum of Rs. 14.00 towards the cost of bringing out each pamphlet of an average of 16 pages is given.

Shri B. S. Murthy: What is the name of this expert and what are his qualifications and the pay he is getting?

Shri K. D. Malaviya: Sir, there are various subjects and I have not got the names of these experts?

Sardar Hukam Singh: Is it a fact, Sir, that the Unesco has allocated a sum of 14,000 dollars aid for some equipment to this Jamia?

Shri K. D. Malaviya: I have no knowledge, Sir.

The Prime Minister (Shri Jawaharlal Nehru): The Jamia Millia contains some of the world's best experts by themselves in social education.

COMPANIES LAW

***1766. Shri Sinhasan Singh:** Will the Minister of Finance be pleased to state:

(a) when Government propose to introduce necessary legislation to amend the Companies Law in accordance with the recommendations of the Company Law Committee; and

(b) whether Government have taken steps to implement such recommendations of the Company Law Committee as do not require any legislation?

The Minister of State for Finance (Shri Tyagi): (a) In reply to supplementaries arising out of Starred Question No. 555 by Shri S. N. Das, I explained on the 6th June, 1952, that it would take some time to introduce a comprehensive Bill of this nature.

(b) The question as to whether the recommendations of the nature which the hon. Member has in view could appropriately be implemented ahead of the general revision of the Indian Companies Act should be considered after the Report has been examined in the light of the comments received thereon. The comments received on the Report are at present being scrutinised.

Shri Sinhasan Singh: With reference to part (b), may I know, Sir, whether the Government has taken steps to implement the Company Law Committee's recommendation about the jurisdiction of courts to take cases involving over one lakh? The Committee recommended that District Judges

should not be invested with jurisdiction on cases covering over one lakh.

Mr. Speaker: Order, order. He is trying to discuss the recommendations.

Shri Tyagi: The report has been circulated to State Governments, Chambers of Commerce and Associations etc. for their comments. It is not possible for the Government to implement the recommendations of the Committee in instalments. What is intended to be taken is an overall view after the comments are received and examined and we will then come forward with a measure before this House.

LOAN FROM AMERICA

***1767. Pandit D. N. Tiwary:** Will the Minister of Finance be pleased to state whether the Government of India are contemplating to enter into a further loan agreement with the Government of U.S.A. for the purpose of development of this country?

The Minister of State for Finance (Shri Tyagi): No, Sir.

Pandit D. N. Tiwary: Are Government aware that the U.S. Ambassador while in USA was giving an impression by making speeches that he was negotiating for a further loan for the Government of India?

Shri Tyagi: We are not contemplating at present to enter into any loan agreement with the United States Government for the purpose of development in this country. The last question pertained to some grants which the American Government had advanced towards the development of the country. That is not a loan, I might inform the hon. Member.

Pandit D. N. Tiwary: I wanted to know whether the Government are aware that the U.S. Ambassador while in his country was making speeches and giving the impression that he was negotiating for a further loan for the Government of India?

Shri Tyagi: I never read any speech where he had advocated the granting of loans to India.

Shri S. S. More: Does the hon. Member read any newspapers?

Mr. Speaker: Order, order.

Shri B. S. Murthy: Is the Minister aware that recently a speech was made in America that the aid so far given by America to India was not adequate and therefore, the Ambassador had urged upon the U.S.A. to give more loans?

Shri Tyagi: That is American politics, Sir.

Mr. Speaker: Next question.

INTERNATIONAL COMPETITIONS

*1768. **Shri B. S. Murthy:** Will the Minister of Education be pleased to state:

(a) whether any steps have been taken by the Government of India to popularise International Competitions in sports and athletics;

(b) if so, what is the amount of money, if any, spent on this score during 1950-51 and 1951-52?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) The Government of India have from time to time given grants to associations participating in international sports and athletic competitions.

(b) The grants given by the Government of India for this purpose amounted in 1950-51 to Rs. 37,276 and in 1951-52 to Rs. 10,000.

Shri B. S. Murthy: May I know why this reduction in 1951-52?

Shri K. D. Malaviya: Because there was not any particular demand before the Government.

Shri B. S. Murthy: May I know whether Government is aware that many of the applications for assistance for international sports have not been attended to in time?

Shri K. D. Malaviya: I have no information.

Shri V. P. Nayak: Are Government aware that the U. S. S. R. has invited an Indian volleyball team to participate in a tournament in Moscow and, if so, are Government contemplating any financial aid to that team?

Shri K. D. Malaviya: I get this information from the hon. Member.

Shri K. K. Basu: Has the Government contributed anything to the present cricket team to England and to the Olympic meet at Helsinki?

Shri K. D. Malaviya: Government did contribute some money to the team going to Helsinki last year but this year there has not been any contribution to the cricket team.

The Prime Minister (Shri Jawaharlal Nehru): My young colleague does not seem to know the latest developments. Government has given Rs. 13 lakhs towards the team going from here to Helsinki.

Dr. P. S. Deshmukh: Does the Government take any interest in the organisation of sports and athletics in

India, and, if so, through what body or organisation, so that India may be able to compete in international sports competitions?

Mr. Speaker: I am afraid the question is very vague and general.

Shri Jawaharlal Nehru: The principal body is the All-India Olympic Association which deals with such matters.

Shri B. S. Murthy: May I know what steps Government are taking in order to see that in international competitions our teams do not lag behind?

Mr. Speaker: I think I will go to the short notice questions. The Question List is over.

Short Notice Questions and Answers

FLOODS IN RIVER KOSI

126. **Shri L. N. Mishra:** Will the Minister of Irrigation and Power be pleased to state whether it is a fact that the river Kosi is in abnormal high floods for a week as a result of which all means of transport and communications have been completely paralysed and the survey and investigation works, done by the Government of India to start construction of Belka Dam Scheme for harnessing the river, have been dislocated?

The Minister of State for Finance (Shri Tyagi): The Kosi at Barahkshetra reached a peak discharge of 200,000 cusecs on 10th July 1952 and is now falling. This is only medium flood. Communications normally get interrupted with a flood of this magnitude and this happens almost every year in the Kosi area. Survey work and trial boring at the Belka Dam was suspended from 1st July due to heavy rains before the occurrence of flood on 9th July, and will be resumed in October. Work of surveys on canals has been slowed down due to rains and will be accelerated from October.

Shri L. N. Mishra: Are Government aware of the fact that such floods are a regular annual feature of this river?

Shri Tyagi: I have already stated that the floods are repeated practically every year. The construction of the dam and the other flood control projects there have been taken up only on that account.

Shri L. N. Mishra: Are Government in a position to give the acreage of jute and paddy crops that has been devastated as a result of floods this year?

Shri Tyagi: I am sorry I have not got the figures.

Shri L. N. Mishra: Are Government aware of the fact that in recent years

the magnitude of the floods has increased and new areas of Saharsa and Darbhanga have been flooded?

Shri Tyagi: Investigations made during the past few years show that the flood discharge had reached the following figures:

1947	3,12,000 cusecs
1948	4,78,000 cusecs.
1949	3,79,000 cusecs.
1950	3,14,000 cusecs.

Last year it was only 2,56,000 cusecs.

Shri L. N. Mishra: Will the Government kindly state whether the loss caused by the Kosi every year to the community amounts to Rs. 4 to 5 crores?

Shri Tyagi: I cannot say the exact figure but very painfully Government is aware of it.

Shri L. N. Mishra: In view of the colossal loss caused by the Kosi every year do the Government propose to include this scheme in the Five Year Plan?

Shri Tyagi: The scheme has already been taken in hand and investigations are proceeding. The investigation of the Kosi project was in fact started so far back as 1946. A Committee has now been appointed to make final investigations. One project is under the examination of that Committee. Various interim reports have already been received and examined and work has already been taken in hand.

Shri L. N. Mishra: May I know the decision of the Government on the recommendations of the Advisory Committee to which the hon. Minister has just referred?

Shri Tyagi: The recommendation of the Committee is to put up a large dam, 782 ft. high, at Barakshetra in Nepal to impound 6.9 million acre feet of water in the reservoir, of which 3.1 million acre feet would be dead storage to provide silt reserve, the remaining 3.8 million acre feet providing flood absorption capacity for regulating flood and for generating a large block of hydro-electric power estimated at 1.8 million KW. Another recommendation is the construction of a barrage at Chhatra in Nepal and canals for irrigating 5.2 lakh acres in Nepal and 33.2 lakh acres in Bihar and for generating 90,000 KW hydro-electric power on the eastern canal. There are many other recommendations. If my friend is interested I can show him the recommendations.

Shri L. N. Mishra: Pending the construction of the Belka dam do Govern-

ment propose to undertake some short-term relief and rehabilitation measures in the area?

Shri Tyagi: It will be difficult for me to reply to such a detailed question. As I have said, my hon. friend can just meet me in my office and I will explain to him whatever details he wants.

Shri Bhagwat Jha: May I know if it is a fact that this Kosi project is being compared to some of the projects in the South from the point of view of investment and return?

Shri Tyagi: If by "comparing" my hon. friend refers to the construction, we surely compare one project with another as far as the efficiency in the construction of the work is concerned. As regards the investment it is impossible to compare one project with another because every project needs capital according to its own local requirements.

Shri Bhagwat Jha: I wanted to know whether without giving due consideration to the human miseries involved and the loss sustained through this Kosi river, Government are comparing this scheme with others from the point of view of the cost involved and the return that Government will get out of it.

Mr. Speaker: Has not the previous reply covered this particular point?

Shri D. N. Tiwary: May I know whether Government are aware that after the flood subsides malaria spreads and takes a heavy toll of life?

Shri Tyagi: As I said, Government are painfully aware of all these things.

पंडित मुरीश्वर दत्त उपाध्यायः क्या यह सही है कि यह डैम दुनिया का सब से ऊँचा डैम होगा? इस के व्यय का तख्तीना क्या है?

श्री त्यागीः जहांतक इस की ऊँचाई का ताल्लुक है इस में कोई शक नहीं कि यह डैम दुनिया के सब से ऊँचे डैमों में से एक होगा। इस के तख्तीने की बाबत में अभी सही फ़िगर्स नहीं दे सकता। क्योंकि अभी कुछ तबदीलियों की सिफारिश हुई है और उन तबदीलियों का फिर से मिलान करने के बाद फ़िसला किया जा सकेगा कि इस में पूरा हृप्या बिटना खर्च होगा।

Shri S. N. Das: May I know whether Government have taken a decision on the report submitted by the Expert Committee?

Shri Tyagi: There is one Advisory Committee which is examining the recommendations regarding this project and they are making some experiments in boring, soil testing etc. on the spot. Actually, these operations were going on when the rains came and they had to be suspended. These activities will be resumed soon, and Government will be able to take a decision.

Mr. Speaker: We shall go to the next short notice question.

COAL

127. Shri G. D. Somani: Will the Minister of Production be pleased to state:

(a) the average number of wagons supplied for the transport of coal to the collieries in West Bengal and Bihar for the period from January to June, 1952;

(b) whether it is a fact that the supply of wagons has been inadequate to the total requirements and that the stock of coal at the pit heads has increased to such an extent that serious curtailment of production is apprehended unless the number of wagons is increased in proportion to requirements;

(c) whether Government have received any representations from the various other industries in regard to the inadequate supply of wagons;

(d) when and to what extent the supply of wagons will improve in the near future?

The Minister of Production (Shri K. C. Reddy): (a) The average daily loadings from the West Bengal/Bihar fields during January to June, 1952, were as follows:

January	2,939	Wagons
February	3,044	"
March	2,997	"
April	3,067	"
May	3,037	"
June.	3,012	"

(b) Yes.

(c) Yes, there have been a number of representations from other industries regarding shortage of wagons for their coal supplies.

(d) The Coal traffic can count on a suitable share of the overall improve-

ment in the wagon position of the Indian Railways to the extent of about 3,000 wagons which is expected to materialise in about a year's time.

Shri G. D. Somani: May I enquire what was the stock of coal on the 31st December 1951 and what is the comparative figure of the stock on the 30th June 1952?

Shri K. C. Reddy: On the 31st December, the stock was 2 million 96 thousand and 617 tons. At the end of May 1952, the stock was 3 million 386 thousand and 214 tons.

Shri G. D. Somani: Is it a fact that about 50,000 workers have been or are likely to be retrenched due to the curtailment of production owing to the inadequate supply of wagons?

Shri K. C. Reddy: I cannot give any definite information regarding that point.

Shri G. D. Somani: May I know whether it is possible by improving the operational efficiency of the railways to increase the number of wagons for the supply of coal requirement?

Shri K. C. Reddy: That is a question which my hon. colleague the Railway Minister has to answer.

Shri B. K. Das: What is the usual stock at the pitheads?

Shri K. C. Reddy: It varies from month to month.

Shri B. K. Das: Can I have some idea?

Shri K. C. Reddy: I shall give you the figures. At the end of January 1952, it was 2 million and odd tons. At the end of February it was 2,608,956 tons. At the end of March it was 2,893,753 tons. At the end of April it was 3,201,340 tons. The May figure I have already given.

Shri B. K. Das: May I know what is the requirement of West Bengal in respect of wagons for transport of coal to that State?

Shri K. C. Reddy: I cannot give the requirements of West Bengal separately but the total requirements of wagons for transport of coal is 3,500.

Shri B. K. Das: Is the hon. Minister aware that in a Press interview the Supply Minister of West Bengal stated that 90 wagons were required daily for the transport of coal to West Bengal and actually only 51 wagons were being supplied?

Shri K. C. Reddy: It may be so, but I cannot definitely commit myself.

Dr. P. S. Deshmukh: To what extent is this accumulation due to larger production and to what extent is it due to lack of wagons for transport?

Shri K. C. Reddy: It is entirely due to increased production. The number of wagons made available is showing a satisfactory improvement. In fact, in 1951 the wagon supply was better than in 1950, and during the first six months of this year the supply was better than that during the corresponding six months of last year.

Shri K. K. Basu: May I know whether this transport bottleneck has anything to do with the recent regrouping of railways?

Shri K. C. Reddy: Not at all.

Shri B. S. Murthy: What is the average production and relative consumption every month by way of wagons for transport?

Shri K. C. Reddy: I require notice.

Shri B. K. Das: On what basis are the wagon allotments made as between the different States for transport of coal?

Shri K. C. Reddy: The basis is this. The various State industries indent for so many wagons for themselves, and the Coal Commissioner goes through the whole position and then allots the respective number of wagons to each industry.

Shri B. K. Das: May I know whether the hon. Minister is aware that the position has deteriorated during the last few months as regards supply of coal to West Bengal?

Shri K. C. Reddy: No, Sir. I am not aware of that. The position has not deteriorated in so far as the supply of wagons is concerned, but if the hon. Member wants to know the position regarding supply in relation to production, I may inform him that the position has somewhat deteriorated.

Shri Heda: Is it a fact that a factory in Hyderabad State was not able to get a single wagon in spite of its representations during the last three months and also in spite of the fact that the supplying colliery happens to be on the same railway line within six hours running distance, resulting in the unemployment of about 6,000 workers?

Shri K. C. Reddy: I am not aware of that.

Shri B. S. Murthy: Can the hon. Minister tell us whether in the near future there will be an increase in the supply of wagons?

Shri K. C. Reddy: I have already answered that question.

WRITTEN ANSWERS TO QUESTIONS

AID TO CANTONMENT BOARDS

415. Shri N. L. Joshi: Will the Minister of Defence be pleased to state the figures of monetary aid which the various Cantonment Boards in India had been receiving either from the Central or State Governments during the four years preceding the Independence and in the subsequent years upto 1952?

The Minister of Defence (Shri Gopalaswami): Two Statements are laid on the Table of the House. [See Appendix VIII, annexure No. 36.]

STATE FORCES PERSONNEL

416. Sardar Hukam Singh: Will the Minister of Defence be pleased to state:

(a) whether any, and if so what, facilities were given to the State Forces personnel who could not be absorbed in the regular Indian Army; and

(b) whether any number out of these has been settled on land in the Punjab?

The Minister of Defence (Shri Gopalaswami): (a) The following facilities were given to State Forces personnel who could not be absorbed in the Indian Army:

(1) Employment in Government/Private Service.

(2) Vocational/Technical Training.

(3) Settlement on land in Co-operative Colonies on individual basis. A statement showing the assistance afforded is placed on the Table of the House [See Appendix VIII, annexure No. 37.]

(b) No.

CORDITE FACTORIES

417. Shri Ganpati Ram: Will the Minister of Defence be pleased to state:

(a) the total number of various categories of workers employed in all the Cordite Factories in India;

(b) the terms of their wages and allowances according to the nature of their work; and

(c) whether the State Employees Provident Fund Ordinance applies to them and if so, what other facilities are provided to them and their families?

The Minister of Defence (Shri Gopalaswami): (a) There is only one Cordite Factory in India and the number of workers employed there is 1,486.

(b) There are a large number of types of work and the pay varies according to the nature of each type. The pay scales are based on the recommendation of the Central Pay Commission.

(c) The Employees' Provident Funds Ordinance does not apply to workers in the Cordite Factory. They are, however, eligible for joining the Indian Ordnance Factories Workmen's Provident Fund.

अनुसूचित वेकों द्वारा दिया गया ऋण

४१८. सेठ गोविन्द दास : क्या वित्त मंत्री वे शर्तें बतालने की कृपा करेंगे, जिन के अनुसार निम्न चौड़ी पर अनुसूचित वेकों द्वारा ऋण तथा अग्रिम धन दिये जाते हैं—

- (१) सोना-चांदी,
- (२) चूत और कपड़ा,
- (३) सादाचान्दी,
- (४) तिलहन,
- (५) संयुक्त स्कंध समवायों के अंश,
- (६) गुड़ और चीनी,
- (७) लदाव—पत्रक (बिल आफ़ ट्रैडिंग ?)

The Minister of Finance (Shri C. D. Deshmukh): The conditions on which Scheduled Banks make advances against different types of securities are varied in character and differ from bank to bank and from customer to customer. The rates of interest charged and the margin stipulated in regard to advances against the various types of securities by some of the bigger Scheduled Banks are as follows:

	Margin	Rate of interest
(i) Bullion	10—30%	4—4½%
(ii) Yarn and textile goods	10—30%	3½—5½%
(iii) Foodgrains	20—35%	4½—6½%
(iv) Oil Seeds	25—40%	4½—6½%
(v) Shares in joint stock companies	40—50%	½—5%
(vi) Gur and Sugar	25—35%	4—6%
(vii) Bills of lading	Margins as well as the rates vary, depending on the type of commodity represented by the bill of lading, the status of the importer/exporter etc	

TECHNICAL TRAINING OF INDIAN STUDENTS ABROAD

419. **Shri Vidyalankar:** Will the Minister of Education be pleased to state:

(a) the number of Indians receiving Technical Training in foreign countries (country-wise);

(b) the amount of money spent by the Central Government on such Training in 1950-51, 1951-52, and the amount of money likely to be spent in 1952-53; and

(c) any amount spent or to be spent by any of the foreign countries towards this end, and the conditions attached to such aid?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (c). A statement giving the information is laid on the Table of the House. [See Appendix VIII, annexure No. 38.]

CANTONMENT FORESTS IN RANIKHET

420. **Shri Bansal:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the Cantonment Forest in Ranikhet is a game sanctuary;

(b) whether it is a fact that military personnel have been shooting game in the forest; and

(c) if so, the steps taken or proposed to be taken against those who indulge in game shooting?

The Minister of Defence (Shri Gopalaswami): (a) Yes.

(b) No case has been reported.

(c) Does not arise.

RANIKHET CANTONMENT

421. **Shri Bansal:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that a number of trees in the cantonment area of Ranikhet have been partly or completely chopped off against the Forest and Cantonment Byelaws;

(b) whether it is a fact that this has been done mainly to the trees in the compound of military personnel; and

(c) if so, the steps being taken or are proposed to be taken against those responsible for this destruction and spoliation of natural beauty of Ranikhet?

The Minister of Defence (Shri Gopalaswami): (a) and (b). No.

(c) Does not arise.

FOREIGN INSURANCE COMPANIES

422. **Shri Morarka:** Will the Minister of Finance be pleased to state the

total amount of insurance premium paid by India to all the foreign Insurance companies during the last year on account of

- (i) General Insurance;
- (ii) Marine Insurance; and
- (iii) Life Insurance?

The Minister of Finance (Shri C. D. Deshmukh): The figures of insurance premiums for the year 1951 are not available. The accounts returns with which this information is sent by foreign insurance companies will not be received by the Controller of Insurance before 30th September 1952.

USE OF INDELIBLE INK DURING ELECTIONS

423. Shri S. C. Samanta: Will the Minister of Law be pleased to state:

- (a) the quantity and value of indelible ink purchased for marking the left and fore-finger impression of electors in the last general elections;
- (b) the names of firms that supplied the special kind of ink; and
- (c) whether any complaints were received as to the quality of the ink used?

The Minister of Law and Minority Affairs (Shri Biswas): (a) 316.00 phials of indelible ink each of 5 cc were purchased for the last General Elections at an approximate cost of Rs. 1.84.400.

(b) The ink was manufactured at the Research Utilization Project of the Council of Scientific & Industrial Research.

(c) A few complaints were received by the Election Commission regarding the easy removal of the stain of the ink, but it was observed that excepting in a very few cases of persons with abnormally resistant skins, the indelible ink mark if properly applied, could not be erased as alleged. A very rigorous rubbing with a rough substance results in the peeling off of all the outer layers of the skin and the stain would reappear after a short time.

MONUMENTS IN MYSORE

424. Shri Madiah Gowda: Will the Minister of Education be pleased to state which monuments and sites in Mysore are declared as 'National'?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The Member's attention is invited to the Schedule, Parts I and II, attached to the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1956 P.S.D.

1951 of which a copy is available in the Parliament Library.

CIVILIAN SCHOOL MASTERS

425. Shri Ajit Singh: Will the Minister of Defence be pleased to state:

- (a) how many Civilian School Masters are serving under the Defence Department;
- (b) what is the method of recruitment of the Civilian School Masters in the Defence Services;
- (c) what are the qualifications prescribed for a Civilian School Master; and
- (d) whether they can be posted outside India?

The Minister of Defence (Shri Gopalaswami): (a) 417.

(b) They are selected by the Selection Boards at Area Headquarters. The lists of selected candidates are scrutinised at Command Headquarters and finally at Army Headquarters.

(c) The minimum educational qualification required is the Matriculation certificate or its recognised equivalent.

(d) No.

INDUSTRIAL FINANCE CORPORATION

426. Shri K. C. Sodha: Will the Minister of Finance be pleased to state:

- (a) to what different Industries did the Industrial Finance Corporation sanction loans during 1951-52;
- (b) what was the capital investment and the amount of loan received by each Industry;
- (c) were the terms of loans different in each case, and if so, due to what factors; and
- (d) what is the extent of Government control over this Corporation and the Industries which have been granted loans?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). A statement containing the required information is laid on the Table of the House. [See Appendix VIII, annexure No. 39.]

(c) The terms and conditions are more or less the same in all cases with slight modifications according to the nature and value of the security offered, the experience and standing of the management and the type of industry concerned.

(d) Government exercises control over the Corporation by (i) nominating three Directors on the Board of

the Corporation under Section 10(a) of the Industrial Finance Corporation Act, 1948, (ii) reserving to itself the right to approve of the nomination of the Chairman of the Board of Directors of the Corporation under section 15 and to appoint the Managing Director and to fix his remuneration under section 10(f) and 9(d) of the Act, (iii) appointing Auditors for the Corporation under Section 34 of the Act, (iv) requiring the Corporation to obtain previous approval of the Central Government in respect of all regulations to be framed, vide section 43 of the Act, (v) reserving to itself the right to make rules and issue policy directives vide section 42 of the Act and (vi) requiring the Corporation to submit to the Government half-yearly accounts which are laid before the Parliament vide section 35(3) of the Act.

The Government does not exercise any direct control on the industries.

**CENTRAL FOOD TECHNOLOGICAL
RESEARCH INSTITUTE**

427. Shri Madiah Gowda: Will the Minister of Natural Resources and Scientific Research be pleased to state whether the results of research undertaken by the Central Food Technological Research Institute which are successful are published in regional languages for the benefit of people?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The Institute publishes articles showing results of research work undertaken in Hindi, Tamil and Canarese. The Institute also prepares and publishes semi-technical leaflets and pamphlets in English and have asked Government departments of various States to translate and publish these into the various regional languages. The Governments of Uttar Pradesh and Hyderabad have agreed to undertake this work.

THE
PARLIAMENTARY DEBATES
(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

3835

3836

HOUSE OF THE PEOPLE

Tuesday, 15th July, 1952

The House met at a Quarter Past Eight
of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-3 A.M.

MOTION FOR ADJOURNMENT

HAZOC CAUSED BY FLOODS IN ASSAM

Mr. Speaker: I have received notice of an adjournment motion from the hon. Member Shri Amjad Ali to discuss the "havoc caused by the recent floods in Assam dislocating all Railway and Telegraphic communications and rise in the prices of foodstuffs and failure of the Government to take necessary measures to restore communications." I should like to keep the consideration of this adjournment motion pending, in view of the fact that information is being called by the hon. Member himself separately by way of a short notice question. Let us first of all have information. I have admitted his short notice question. There are also other short notice questions by other hon. Members, but they cannot be admitted. The one tabled by Shri Amjad Ali is being admitted. The subject matter of the others will be dealt with along with the question of Shri Amjad Ali. I would decide about this adjournment motion after I and the House get some information on the point which has been raised.

Shri R. K. Chaudhury (Gauhati): When is the short notice question likely to be answered? I request that it may be answered quickly.
118 P.S.D.

Mr. Speaker: The short notice questions were received yesterday, and I have passed orders admitting Shri Amjad Ali's question this morning. I am sure, the hon. Minister concerned will take the importance of the matter into consideration. Those questions will come up before the House only, as and when the hon. Minister is ready to accept notice for replying them. In view of the adjournment motion, I am sure he will try his best to expedite the reply. We may consider the adjournment motion later on.

Jonab Amjad Ali (Goalpara-Garo Hills): May I be allowed to put in a word, Sir. The public mind is considerably agitated over this and if the hon. Minister for Communications could give us some information, it will go a long way to allay public feelings.

Mr. Speaker: Has the hon. Minister got some information to give to the House now?

The Minister of Communications (Shri Jagjivan Ram): Not much. But I may say that I have called for a report on the situation. In certain areas even railway tract has been washed away, and along with it telegraph posts, with the result that there is no communication facility. Efforts are being made to restore the communications as early as possible. Of course, wireless sets are operating. So we cannot say that all communications have been cut off. Even public telegrams are being received at these wireless stations. We are, therefore, maintaining some sort of communication. We hope to restore the entire system very shortly.

Mr. Speaker: Anyway, I hope he will accept a short notice of the question on this subject and reply to it.

ELECTION TO COMMITTEE

COURT OF THE UNIVERSITY OF DELHI

Mr. Speaker: I have to inform the House that upto the time fixed for receiving nominations for the Court of

[Mr. Speaker]

the University of Delhi, 3 nominations were received. Subsequently one member withdrew his candidature. As the number of the remaining candidates was thus equal to the number of vacancies in the Committee, I declare the following members to be duly elected:

1. Shri Radha Raman.
2. Shrimati Sucheta Kripalani.

PREVENTIVE DETENTION (SECOND AMENDMENT) BILL

Shri Madhao Reddi (Adilabad): I beg to present 65 petitions signed by 388 petitioners regarding the Preventive Detention (Second Amendment) Bill, 1952.

PRIVILEGES COMMITTEE

EXTENSION OF TIME FOR PRESENTATION OF REPORT ON ARREST OF SHRI DASARATHA DEB

The Minister of Home affairs and States (Dr. Katju): I beg to move:

"That the time for the presentation of the Report of the Committee of Privileges on the question of privilege involved in the arrest of Shri Dasaratha Deb, M.P., be extended upto Wednesday, the 23rd July, 1952."

Mr. Speaker: The question is:

"That the time for the presentation of the Report of the Committee of Privileges on the question of privilege involved in the arrest of Shri Dasaratha Deb, M.P., be extended upto Wednesday, the 23rd July, 1952."

The motion was adopted.

CENTRAL TEA BOARD (AMENDMENT) BILL

The Ministry of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Central Tea Board Act, 1949.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Central Tea Board Act, 1949."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce the Bill.

CRIMINAL LAW AMENDMENT BILL

Mr. Speaker: The House will now proceed with the further consideration of the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, and to provide for a more speedy trial of certain offences.

Yesterday the House disposed of clause 2. We will now go to clause 3 and the further clauses.

Clause 3. (Insertion of new Section 165A)

Mr. Speaker: Mr. Chacko's amendment is out of order, as it is a negative one. If he wants he can vote against the clause.

Pandit Munishwar Datt Upadhyay (Pratapgarh Distt.—East): I do not wish to move my amendment.

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 5. (Amendment of Section 337)

Mr. Speaker: Mr. Chacko's amendment is out of order; he will get a chance to speak, if he wants.

Shri M. L. Agrawal (Pilibhit Distt. cum Bareilly Distt.—East): I beg to move:

In page 1, line 25, after "inserted" add—

"and after the figures "435" the figures "465, 466, 468, 471" shall be inserted."

I want to add these sections in Section 337 of the Criminal Procedure Code. These are sections relating to offences which are investigated by the Special Police Establishment and they are offences of no less a serious nature than the offences for which provision has been made in this Bill to be included in section 337. These offences involve sometimes conspiracies of more accused than one. For these offences also, if the provision of section 337 is extended, it would be for the benefit of investigations.

Dr. P. S. Deshmukh (Amravati East): On a point of order, Sir. I think the amendment is beyond the scope of the Bill—it extends the scope of the Bill.

Mr. Speaker: I have not examined it from that angle.

The Minister of Home affairs and States (Dr. Katju): May I just enquire where the figure "435" occurs in the Bill?

Shri M. L. Agrawal: It is in the section of the original Act.

Mr. Speaker: It is only a slight change of the wording and can be allowed, but in view of the point of order raised by Dr. Deshmukh I should like to know what these particular sections 465, 466 etc. refer to.

Dr. Katju: These are all Forgery sections. They have nothing to do with bribe-taking or bribe-giving.

Mr. Speaker: Then, I think I must accept the point of order raised by Dr. Deshmukh that this will fall outside the scope of the Bill. So I am not placing it before the House.

Pandit Munishwar Datt Upadhyay: I beg to move:

In page 1, line 38, for "two" substitute "three".

Although the recommendation of the Committee is that only two years' time should be given, still I think that two years' time would not be sufficient for the experiment, because in two years' time only a small number of cases might come in and that period might not be quite sufficient. I therefore want to increase it to three years, and I would request the hon. Minister to accept the amendment. If, however, he is not accepting it I would not press it.

Mr. Speaker: Does the hon. Minister show any inclination to accept the amendment?

Dr. Katju: I am following the recommendation of the Tek Chand Committee. They have said two years and I have accepted two years.

Mr. Speaker: But what is his mind now? I take it he is not accepting it. As the hon. Member is not keen on pressing his amendment I am not placing it before the House.

Shri M. L. Agrawal: I do not propose to move my amendment (No. 26) to increase the period to five years, as the hon. Minister is not prepared to accept this amendment.

Mr. Speaker: There are no other amendments.

The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.
Clause 5 was added to the Bill.

Clause 6.—Power to appoint special judges).

Pandit Munishwar Datt Upadhyay: I beg to move:

In page 2, line 4, for "to try" substitute "with reference to number of such cases of".

My submission is that the number of special judges should be according to the number of cases. Special judges are going to be appointed for trying these cases. It is, therefore, necessary that the number of cases should also be taken into consideration when the appointment of these special judges is being made. That is why I want that the words "with reference to number of such cases of" should be substituted for the words "to try".

Shri Gadgil (Poona Central): It is more or less an administrative matter and not one to be put in the statute.

Mr. Speaker: I shall put it to the House only if the hon. Minister is inclined to agree.

Dr. Katju: I decline to accept this amendment for the very simple reason that by the structure of the Bill all the primary cases will be tried by these special judges in order to have an expeditious trial. And the special judges may be Sessions Judges, Additional Sessions Judges or, if an amendment that is coming is accepted, Assistant Sessions Judges. I imagine that the Government and every State Government will notify at once that these people are special judges within the meaning of this provision. We do not know how many cases will be there.

Pandit Munishwar Datt Upadhyay: Then I do not wish to press my amendment.

Mr. Speaker: So I need not place it before the House.

Shri Sinhasan Singh (Gorakhpur Distt.—South): I beg to move:

In page 2, line 11, omit "or has been".

This refers to sub-clause (2) of clause 6. My reason for moving this amendment is that the words "has been" will lead to the appointment of retired people as special judges. I have some apprehension that when retired people are engaged they have no fear of punishment and feel they have nothing to lose. In fact one of the main causes of corruption in my opinion is that many retired hands are re-employed in government service. If this clause which enables Govern-

[**Shri Sinhasan Singh**]

ment to appoint as special judges retired hands is adopted, my fear is that instead of helping the cause of justice and the removal of corruption these retired hands who have no future or prospects of promotion etc. may themselves become a prey to corruption and acquit persons. The report shows that already the proportion of acquittals is fifty per cent. because on very technical grounds people are acquitted in criminal cases. These are more of acquittals than convictions. I know of cases where officials prosecuted for offences of high corruption and who were convicted by the lower courts have been acquitted in the High Court on mere non-proof of certain facts, and such persons have been re-engaged and they have made their fortune.

In this case at least I appeal to the hon. Minister that he should give some rest to the persons who have retired so that they may serve the public as honorary men and not as public servants again.

The other point is that when these retired hands are taken into service again, they bar the coming in of youngsters, and thereby the unemployment problem will be accentuated. Let the retired people not be re-engaged. Let the younger generation, who have a future, be engaged. They will care for the country, and most of the problems would be solved. In China, the hon. lady Member told us that there is this spirit of anti-corruption. That is because they are all young people who have come in. They have that spirit. But here retired people are re-engaged. I would therefore request Government to consider these problems and not to re-engage any retired hands unless they come honorably and the service is of an honorary nature.

An Hon. Member: More dangerous.

Mr. Speaker: Order, order. Let him proceed.

Shri Sinhasan Singh: Otherwise they may themselves fall a prey to corruption. My submission therefore is that they should not be re-engaged. By this amendment I seek to remove the words "has been". This will also give opportunities of promotion to Assistant Sessions Judges, and if the hon. Minister is going to accept the other amendment about Assistant Sessions Judges, many of the Assistant Sessions Judges can be appointed as special judges and they will acquit themselves more creditably than the retired hands.

Dr. Katju: There are two reasons why I am unable to accept this amendment. One is that I know that very

few Sessions Judges are willing to serve as honorary magistrates. Whatever may be my personal opinion of the institution of honorary magistrates.....

Shri Sinhasan Singh: I have not said honorary magistrates but special judges.

Dr. Katju: But a special judge who does not get a salary is an honorary magistrate. It comes to the same thing.

Shri Sinhasan Singh: I am afraid the hon. Minister has misunderstood my point. Probably he thinks that I talked of the appointment of honorary judges and honorary magistrates. I never said so. What I said was that they should not be appointed at all. There is no question of honorary or with pay. My point was that retired men should not be given the task of special judges.

Dr. Katju: I take it that his amendment is that the people who should be appointed Special Judges should be people who have been additional sessions judges or sessions judges or assistant sessions judges. Am I right?

Shri Sinhasan Singh: No. Where- the judges...

Mr. Speaker: Order, order. There will be no end to this kind of discussion. His point is that the words 'has been' show that, at the time of appointment, the person need not necessarily be a district judge or a sessions judge. His conclusion therefore is that the Bill thinks of retired people. Perhaps, he has neglected the other part that, a person may not be working as a district or sessions judge at that time, but may be acting in another capacity. They need not necessarily be retired people. That is the other aspect.

Dr. Katju: I take it, then, that there is no point in the amendment at all. The idea is that a man who is appointed a Special judge should be of certain eminence. He must have been a sessions judge. Supposing he is holding some other office; there is no harm in his being appointed as a special judge. So far as honorary service is concerned, I wish to say ...

Mr. Speaker: His point is that retired people should not be taken.

Dr. Katju: I will not take retired people; we will issue instructions that they should not be taken.

Shri S. S. More (Sholapur): Whom does the Bill refer to by the use of the expression "has been"?

Mr. Speaker: It is plain English. The hon. Member can construe it himself. The expression 'has been' might include people who once upon a time were sessions judge, etc. and therefore even retired people who have acted as sessions judges may be included in this. The other possible interpretation is, sometime prior to his appointment, he may have been a district judge or an assistant sessions judge, though at the date of appointment he may be working in some other capacity.

I take it that the hon. Minister is not going to accept the amendment.

Dr. Katju: Yes.

Mr. Speaker: Does the hon. Member want me to put the amendment to the House?

Shri Sinhasan Singh: If the hon. Minister accepts the principle and that by the issue of special instructions, retired judges are not to be appointed, I shall withdraw the amendment.

Mr. Speaker: He is making a conditional request. The interpretation will be according to the wording of the Bill and not according to what the hon. Minister has in his mind. I want an answer in plain terms whether the hon. Member presses his amendment. Then, I shall place it to the House.

Shri Sinhasan Singh: It is for the hon. Minister to accept...

Mr. Speaker: The hon. Minister is not going to accept it. Does he want me to put the amendment to the House?

Shri Sinhasan Singh: In view of the...

Mr. Speaker: I take it that he does not press his amendment.

Shri Sinhasan Singh: I do not.

Shri S. S. More: May I rise to a point of order, Sir? Can the Whip of the Government party make signs and gestures to suppress the hon. Member?

Mr. Speaker: It is not a point of order; it is a point of propriety. It is better if he does not do so. So, I am not placing the amendment before the House.

Shri K. C. Sodhia (Sagar): I am not moving my amendment.

Amendment made:

In page 2, lines 11 and 12, after "additional sessions judge" insert "or assistant sessions judge".

—[*Shri Venkataraman*]

Pandit Munishwar Datt Upadhyay: I am not moving my amendment.

Mr. Speaker: That disposes of all the amendments to clause 6.

The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.
Clause 6, as amended, was added to the Bill.

Clause 7.—(Cases triable by Special Judges).

Shri S. V. Ramaswamy (Salem): I beg to move:

In page 2, omit lines 21 to 23.

I move this amendment for this reason. You will see, Sir, that the clause says:

"When trying any case, a special judge may also try any offence other than an offence specified in section 6 with which the accused may, under the Code of Criminal Procedure, 1898, be charged at the same trial."

My submission is this. It may complicate the trial. If, for instance, he is charged with murder or dacoity also, it will complicate the trial, because, for dacoity or murder, the procedure laid down under the Criminal Procedure Code is different. The accused will be entitled to committal proceedings. If he comes under this Act, he will be deprived of this valuable procedure. I therefore submit that in order to keep this class of cases merely apart, this clause be omitted, so that other offences are not lugged in and tried jointly.

Mr. Speaker: He means that the entire clause 3 be omitted.

Shri S. V. Ramaswamy: yes; to avoid complications, so that at the trial only the offences mentioned in section 6 may be tried.

Dr. Katju: I have very carefully, out of respect for my learned friend, considered this question. In the Criminal Procedure Code, as you might be aware, Sir, there are distinct sections which provide under what circumstances charges may be tried together. The general rule is, one trial for one charge. I cannot possibly conceive of any contingency where murder or dacoity may be considered together with bribe taking. They are not connected with each other. It really may be hampering the trial if we say, without careful examination, that these words may be removed. I suggest, let the general provisions of the Criminal Procedure Code remain.

[Dr. Katju]

I am certain that if any judge has before him in a bribery case & charge of murder, he will himself say, I do not want to take it. Therefore, I oppose this amendment.

Mr. Speaker: Do I put it to the House?

Shri S. V. Ramaswamy: Not necessary.

Mr. Speaker: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8.—(Procedure and powers etc.)

Pandit Munishwar Datt Upadhyay: I am not moving my amendment.

Shri P. T. Chacko (Meenachil): This amendment of mine is consequential to my amendment to clause 5. I am not moving my amendment, but I only wish to request the hon. Home Minister to say whether the judges should not be vested with power to pardon at the time of enquiry and investigation.

Mr. Speaker: What about his other amendment: substitution of 'such' for 'an'?

Shri P. T. Chacko: That is also consequential.

Dr. Katju: It is not necessary.

Mr. Speaker: Do I put it to the House?

Shri P. T. Chacko: No.

Mr. Speaker: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

New clause 10.**Amendment made**

In page 3, after line 6, add:

"10. Transfer of certain pending cases.—All cases triable by a Special Judge under section 7 which immediately before the commencement of this Act were pending before any magistrate shall, on such commencement, be forwarded for trial to the special Judge having jurisdiction over such cases."

—[*Shri Venkataraman*]

New Clause 10 was added to the Bill.

Clause 1 was added to the Bill. The Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: Motion moved:

"That the Bill, as amended, be passed."

बाबू रामनारायण सिंह (हजारीवांग पश्चिम) : सभापति महोदय, इस दो तीन महीने की बैठक के अन्दर आज यह पहला अवसर है कि आप ने मेरे ऊपर दृष्टिपात किया। इस के लिये मैं आप को बहुत बहुत धन्यवाद देता हूँ।

सभापति महोदय, इस विधेयक का मैं साधारण तरीके से स्वागत करता हूँ। मुझे बड़ी प्रसन्नता होती और मैं अपने को बहुत सीभाग्यवान समझता यदि इस विधेयक का मैं उत्साह के साथ और तहेदिल से समर्थन कर सकता। प्रश्न यह होता है कि इस का समर्थन करते हुए मैं तहेदिल से इसका समर्थन क्यों नहीं करता। उस की वजह है, सभापति महोदय! और वह वजह यह है कि इस तरह के कानून तो पहले ही से हमारे देश में बहुत हैं। इस में नई बात क्या हुई है। इस में तो यह है कि एक स्पेशल मजिस्ट्रेट (Special Magistrate) बहाल होंगे और दूसरी बात यह है कि जो घूस देने वाले हैं उन की सज्जा बड़ा दी गई है। इस के अलावा और तो कुछ नहीं है। लेकिन जो कुछ हो। इस विधेयक के अन्दर यद्यपि बहुत कुछ नहीं है, लेकिन यदि गृहमंत्री या उन की सरकार में मुझे यह भरोसा होता कि ये लोग इस कानून को कार्य रूप में परिणत करेंगे तभी मैं तहेदिल से इस का स्वागत करता। सभापति महोदय,

आप कई बार यहां पर यह कह चुके हैं कि यहां पर जो कुछ होता है उस पर हर एक सदस्य को ध्यान देना चाहिये और गम्भीरता-पूर्वक विचार करना चाहिये क्योंकि इस भवन में ३५ करोड़ भारतवासियों के भाग्य का निर्णय होता रहता है। और यहां पर जो कार्य होता है उस का असर सारे देश पर पड़ता है। यह आप ने वहूं सुन्दर कहा है। लेकिन उस का असर कहां कहां पड़ता है यह कहना मुश्किल है। सभापति महोदय, यह विषय तो बहुत गम्भीर है। और जब आप की गैर हाजिरी में इस पर बहस हो रही थी तो कुछ लोगों ने इस के बारे में भी पार्टी-बन्दी की बात कही थी। यह बात भेरी समझ में नहीं आती।

यह देश का दुर्भाग्य है कि लोग इतने दलों में बटे हुए हैं। लेकिन यह तो जानना चाहिये कि दलबन्दी का जो विषय है उस से बढ़ कर के भी हम लोगों का कोई सम्बन्ध है। हम लोग ३५ करोड़ भारतवासी भारतमाता की सन्तान हैं यह तो सब से बड़ा सम्बन्ध है। यह जो रिश्वतखोरी या घूसखोरी चल रही है इस के लिये तो लज्जा सब को होनी चाहिये चाहे वह कोई सरकारी कर्मचारी हों। कोई भी पाप करता है तो उस के लिये हम सब को लज्जित होता चाहिये, मुझे भी लज्जित होना चाहिये, भेरे लिये भी यह दुःख और शर्म की बात होनी चाहिये। इसी तरह से अगर मुझ से कोई पाप होता हो इस के लिये सब के दिल में दुःख होना चाहिये और सब का सर शर्म से नीचा होना चाहिये। ऐसे विषयों में दलबन्दी का सवाल नहीं होना चाहिये। यह जो रिश्वतखोरी और अनाचार है यह तो सारे देश का रोग है और इस को दूर करना हर एक आदमी का

कर्तव्य है। कल भाषण करते हुए भेरे मित्र अलगूराय शास्त्री जी ने बहुत सुन्दर कथा कह दी कि फ्रांस में जो सरकारी कर्मचारी हैं वे बड़े पवित्र हैं और वे लोग भ्रष्ट नहीं किये जा सकते। यह सुनकर मुझे बड़ी खुशी हुई। लेकिन उस के साथ ही एक बात में ने और सुनी है कि जो में सारे देश को और सारी संसद को सुना देना चाहता हूं कि जब वहां सरकारी कर्मचारी पर घूसखोरी का दोष लगाया जाता है तो, मैं ठीक से तो नहीं जानता लेकिन जो मैं ने सुना है वह कहता हूं, उस दोष को सरकारी कर्मचारी के विरुद्ध प्रमाणित करने का दायित्व दोष लगाने वाले पर नहीं रहता बल्कि वहां यह नियम है कि वह सरकारी कर्मचारी ही यह प्रमाणित करे कि वह निर्दोष है। वहां यह अनुमान कर लिया जाता है कि जब इस पर दोष लगाया जाता है तो यह दोषी होगा ही। इसलिये जिस के उपर दोष लगाया गया है उस को पहले यह प्रमाणित करना पड़ता है कि उस का दोष नहीं है। यह सुनने में तो बहुत कठिन मालूम पड़ता है और शायद हमारे गृहमंत्री इस को पसन्द नहीं करेंगे और वह कहेंगे कि इस तरह तो यहां लोगों को बहुत कठिनाई हों जायेगी। लेकिन मैं गृहमंत्री जी को कहे देता हूं कि वह इस पर गौर करें और उन के द्वारा मैं उन की सरकार को यह कहे देता हूं कि यदि इस देश से

Mr. Speaker: He may come to the Bill and remember the scope of the discussion in the third reading. He is going into the general aspect again which would have been better for the first reading, and not at the third reading stage.

बाबू रामनारायण सिंह : सभापति महोदय, जो जो बातें यहां हो रही थीं उन्हीं का प्रसंग मैं लाया हूं जो दो तीन बातें

[बाबू रामनारायण सिंह]

मेरे दिल में थीं वह मैं ने पहले ही कह दी हैं। आपने केवल एक बात का बन्दोबस्त किया है कि जो रिश्वत देने वाले हैं उन की सजा बढ़ा दी है और एक विशेष को' (court) कायम कर दिया है। यह ठीक है और इस का असर आप चाहें तो बहुत कुछ हो सकता है। तो मैं यह कह रहा था कि यदि सरकार की यह नीति है कि इस देश से घूसत्सौरी खत्म हो तो उस के लिये जैसा कि हम ने फ़ूंस के बारे में सुना है उसी तरह का कोई प्रबन्ध करना होगा। लेकिन सब से बड़ी बात तो यह है कि, सभापति महोदय, जैसा कि कुछ लोगों ने और गृहमंत्री ने कहा कि प्रश्न तो यह है कि धूस देने वाले पहले खत्म हों या धूस लेने वाले खत्म हों। लोग कहते हैं कि जब तक धूस देने वाले रहेंगे, धूस लेने वाले भी रहेंगे। सभापति महोदय, हमारी समझ में यह एक थोथी बहस है। यह जानी हुई बात है कि देश में छोटे बड़े कितने सरकारों कर्मचारी होंगे। ये लोग एक करोड़ से अधिक नहीं होंगे और ये सरकार के अधीन हैं, सरकार से वेतन पाते हैं और सरकार के हृकम के अन्दर रहते हैं।

Mr. Speaker: I am afraid I cannot permit the hon. Member to go on repeating the points that have been already discussed at the first reading. The House has accepted the proposition that the bribe giver is to be punished on the same level as the bribe taker. Therefore, it is no use now pursuing that point. Now, if the hon. Member wishes to support the Bill, he can say that he supports it. There is not then much to speak about it. If he says he wants to oppose the Bill, he can state in short the points of opposition. That is the scope of the third reading of the Bill.

Shri S. S. More: Even when the principle has been accepted, can we not say to Government anything on how it is to be implemented?

Mr. Speaker: It is not permissible at this stage of the Bill. This stage of the discussion is limited in scope. If again points are raised in one form

or another on the plea of making suggestions for implementation, the same points will be covered and there will be repetition of the debate. This is the settled principle of discussion in the House.

Shri S. S. More: If we raise points which are not repeated?

Mr. Speaker: Those points could have been said at the first stage. The hon. Member perhaps practises in courts of law and knows what points should be raised at a particular stage. He cannot raise points again by way of reply.

Has he got any other point?

बाबू रामनारायण सिंह : सभापति महोदय, यह तो जैसा मैं ने पहले ही कहा था कि मैं इस का विरोध तो नहीं कर रहा हूँ मैं ने तो साधारण तरीके से इस का स्वागत किया है। लेकिन, सभापति महोदय, यह तो अभिलाषा सब की होती है कि जब कोई नियम आप पास कर रहे हैं या लागू कर रहे हैं तो उस का ठीक तरह से पालन होना चाहिये जिस से नेत्र को कुछ लाभ हो। नहीं तो यदि हम यहां नियम पास करते गये और लायब्रेरी (library) में रखते गये तो इस से क्या लाभ होगा। सभापति महोदय, यह कहना तो हमारा धर्म है और इस में मैं ज्यादा समय भी नहीं लूँगा। अब मैं खत्म करता हूँ।

Mr. Speaker: I now call upon Mr. Vallatharas.

बाबू रामनारायण सिंह : मैं एक दो मिनट और लूँगा। मैं ने तो कहा कि मैं खत्म करता हूँ और इस के माने यह होते हैं कि मैं एक दो मिनट और लूँगा।

Mr. Speaker: The hon. Member is going on without adding anything to the usefulness of the debate so far as any points are concerned. I wish that the hon. Member only advances his arguments without going further into other things. What is his argument now, in this third reading stage of the Bill?

बाबू रामनारायण तिहः : मेरी बहस इस जगह पर यह है कि जैसे लोग कहते थे कि जब तक धूस देने वाले रहेंगे तब तक धूस लेने वाले भी रहेंगे, यह गलत है। धूस देने वालों में तो सारा समाज हो सकता है, ३५ करोड़ भारतवासी हो सकते हैं! लेकिन धूस देने वालों में तो सरकारी लोग ही हो सकते हैं, जिन की संख्या एक करोड़ से अधिक नहीं है। तो सरकार चाहे तो एक करोड़ को ज्यादा आसानी से ठीक कर सकती है और सारे समाज को पवित्र करना ज्यादा कठिन है। इसलिये यह बहस नहीं आनी चाहिये कि जब तक धूस देने वाले रहेंगे तब तक धूस लेने वाले भी रहेंगे।

तो खैर, इतना ही कह कर आप की इच्छा है तो मैं बैठ जाता हूँ। लेकिन यह बहस नहीं आनी चाहिये, यह थोथी बहस है। अगर सरकार चाहती है कि धूसखोरी बन्द हो तो उन को मुस्तैदी के साथ काम करना होगा, जिस तरह से फ्रांस में काम होता है। इस के साथ मैं यह भी कहे देता हूँ कि अगर धूसखोरी बन्द नहीं होती है तो न्याय नहीं हो सकता है और यदि न्याय नहीं होता तो ऐसी सरकार के रहने की भी जरूरत नहीं है।

Shri Vallatharas (Pudukkottai): The only object of this Bill seems to be to provide for a speedy disposal of cases in respect of corruption, and an enhanced punishment for persons involved in that offence. At the outset, the hon. Home Minister was not pleased to refer this matter to a Select Committee. There are very serious complications which he will have to come across in the working of the Bill as passed at this juncture. I would particularly solicit his attention to some of the important things which he will have to amend in the general body of the Criminal Procedure Code.

I would first invite his attention to Section 28 of the Criminal Procedure Code:

"Subject to the other provisions of this Code, any offence under the Indian Penal Code may be

tried by a High Court, by the Court of Sessions or by any other Court by which such offence is shown in the eighth column of the second schedule, to be triable."

A reference to the 8th column shows that the offences mentioned are those coming under Sections 161 and 165 of the Penal Code. As against that, there are about five or six other columns relating to non-bailable offences, offences where arrest can be made with or without warrant, non-compoundable offences etc., and also the sentence that may be awarded, the highest sentence being two years. If we are now to incorporate this Section 165A after 165 in the Second Schedule, all the formalities in the other columns also have to be carried through,—viz. non-bailable, or bailable, or whether summons is to be sent, whether a warrant is to be taken or not, or by what court the offence has to be tried. It must be mentioned there that the case has to be tried by the Court of the Special Judge. Section 165A must be incorporated in the second schedule, and necessary corrections also have to be made in that schedule in respect of Section 165 also. These two things deserve the consideration of the hon. the Minister.

Then I come to Section 14. There are certain things here again which the hon. Minister will have to consider. It would have been better if this Bill had been referred to a Select Committee. As it is, I am not attacking the Bill in its entirety. I wish that there is some procedure by which offenders must be tried seriously and also quickly. I am in consonance with the spirit of the Bill, but in respect of other matters, I do not want the law in the matter to bloat as a rank of mass unwieldy woe. Whenever you take up any Statute for reference, it must be simple and concise, and any amendment or addition that has to be made, must be incorporated as far as possible in the main body of the existing provisions themselves. A separate provision, just as is contemplated in the Amending Bill before us now, should not be there. For instance, the separate provision for the appointment of a special judge can be done away with. In my view, I feel that it can be incorporated as a clause under Section 9 of the Criminal Procedure Code.

In Section 14 which refers to the magistrates it is stated:

"The State Government may confer upon any person all or any

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of the powers...in respect of particular cases or particular classes of cases...".

In regard to cases outside the Presidency, such magistrates may be called special magistrates and shall be appointed for such time as the State Government may by general or special order, direct.

Then, Clauses 3 and 4 of Section 9 reads:

"The State Government may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more of such Courts." "A Sessions Judge of one sessions division may be appointed by the State Government to be also an Additional Sessions Judge of another Division."

Clause 5 of the present Bill might have been added after this. The power to appoint a special judge could have been vested in the State Government. This provision might have been incorporated just in one sentence, in this Section 9, without any necessity for a separate clause as contemplated in the Amending Bill. Now when we are to refer to the Criminal Procedure Code, we are forced to refer to a separate Act. This is a highly inconvenient thing. The whole thing could have been very economically accomplished by the addition of a clause to Section 9 where the provision already exists for the appointment of Additional Sessions Judges and Assistant Sessions Judges, and it can be availed of, in the case of the special judges also.

Then I come to the amendment of Section 164, contemplated in this Bill. It reads:

"In the course of an investigation under this Chapter, or at any time afterwards or before the commencement of the inquiry, or trial..."

The Amendment proposes to add: 'or under any other law for the time being in force.' Under this Chapter, all offences that have to be investigated by a police officer come within its scope. I do not remember any offence which can be investigated by a police officer, but which does not come under this chapter. If so, what is the special significance for the words 'Or under any other law...' If this reference is to the Prevention of Corruption Act,

or anything connected with that, I think that offence will also have to be investigated by a police officer. No private person can take charge of the investigation. As a matter of fact, the words 'or under any other law' has no meaning, in these circumstances. If it is said that the words refer only to the Prevention of Corruption Act, we do not know how they are going to be interpreted in the future and what an amount of inconvenience may be caused later. The present law, as it is, is a very compact one and so far there has been no difficulty in the interpretation of Section 164. But if we expand it further by means of this Amending Bill, without any significance or meaning, I feel it is bound to create difficulties. I would like to know what is the other law in so far as this Statute is concerned, the offences under which cannot be brought under this chapter of the Criminal Procedure code. Anyhow, that is also a matter which will have to be considered.

Then I come to Sections 337, 338, 339 and 339A. There is a very great doubt in my mind in regard to these, in view of the Amending Bill. Of course, it deserves the attention of everybody as well. Sections 337 and 338 relate to the provisions for the grant of a pardon. When a person who accepts the pardon does not fulfil his obligation of speaking entirely in accordance with his undertaking, then he commits a breach, and for that he has to be punished. By whom he is to be punished, I should like to know.

Section 339 provides the procedure for trial of persons. If a man who has been tendered pardon and who has accepted pardon, commits a breach, then he has to be tried under section 339. Under Section 339-A there is a special procedure inserted by Act 18 of 1923. "The court trying under section 339 a person who has accepted a tender of pardon shall (a) if the Court is a High Court or a Court of Sessions... before the charge is read out and explained to the accused under section 271(1)". So only commitment comes there. Just before reading the charge, there is an obligation placed upon him in respect of the person who had failed to fulfil his terms under the pardon. This is an important point to be considered—the operation of section 271(1).

Then clause (b): "or if the court is the court of a Magistrate, before the evidence of the witness for the prosecution is taken..." Here the accused is asked whether he pleads that he has complied with the conditions under

which the tender of pardon was made. Whether it is the High Court in its original jurisdiction or whether it is the Court of Sessions in the mofussil, it is one aspect. Regarding the Magistrate's Court it is the second aspect. In these places whichever court happens to try the person who had failed to fulfil the conditions of the pardon, there is the statutory obligation enabling the accused to plead that he has complied with the conditions under which the tender of pardon was made. The position is this. Before the charges are read out by a Sessions Court or by a High Court, it must ask the accused, 'Have you fulfilled the conditions under the pardon?' Supposing the accused says: "I have fulfilled", then, a regular trial must be had upon it. It is part of the proceedings. It precedes the trial for the main offence for which he must be tried. He must be tried on his plea that he had not committed a breach of the pardon. So also the Magistrate must do it. This is the obligation. Now, I envisage this position. "If the accused does so plead, the Court shall record the plea and proceed with the trial and the jury or the court with as the case may be, shall before judgment is passed in the case find whether or not the accused has complied with the conditions of the pardon and if it is found that he has so complied the court shall, notwithstanding anything contained in this code pass judgment of acquittal". This is the law now. Now the Special Judge is to be considered a Sessions Judge for all purposes. The procedure for trying the case is only a warrant case procedure. He is not a Magistrate. His status and all the implications and complications that arise out of his position are connected with the status of a regular Sessions Judge. When will the Special Judge be obliged to ask the accused this question, whether he had committed a breach of the pardon or not? If it is a Magistrate, before the prosecution evidence; if it is a Sessions court or High Court, before the charges are made. He is in a *Trisanku Swargam*. He cannot act as a Magistrate and he cannot act as a Sessions Judge. So in the case of warrant case procedure, his status is of a Sessions Judge. When will he be able to put this question to the accused? Of course, I leave it to you for consideration. It cannot be argued by me at this juncture.

We must all be able to see that a man must be punished, but on the other hand, no innocent man can be punished. Above all, there must be a trial—at least a farce of a trial. The Special Judge must ask, the Magistrate

must ask, the High Court must ask, the Sessions Judge must ask,—the High Court, the Sessions Judge and the Magistrate can at certain stages put this question, but when will the Special Judge put the question? I leave it to the hon. Minister to consider this position.

Then I would like to say something regarding the position of taking cognizance of cases. Why I point out all these things is not because that I am worried about multiplying sections or making so many episodes of the Indian Penal Code or the Criminal Procedure Code, but these are very important laws in this country and it depends upon the culture of the entire nation and the legal intelligence of the nation, that it must be sensible, it must be concise and it must not give room for bloating. That is what I have to say. As it is, the statute is bloated and it requires to be amended and reduced to some lesser size. But as it is, we cannot take up that job now. But Government is anxious to see that something is done. I agree with their intention, but on the other hand, the arm, the instrument that they wield should not be unwieldy, should not be confused and at every time complications must not arise in such a way that the work of the regular courts is multiplied. I will come to that later. In taking cognizance of these offences Section 190 says:

"Cognizance of offences by Magistrates, that is, the Presidency Magistrate, District Magistrate, Sub-divisional Magistrate..."

Mr. Speaker: Order, order. May I suggest to the hon. Member that whatever suggestions he wants to make may be made by him. He need not go into details and discuss all the sections. The hon. Minister himself is a lawyer and references of this length will be quite unnecessary. Otherwise his speech may become disproportionate not only in length but in contents.

10 A.M.

Shri Vallatharas: I am really grateful to you, Sir. I view that the hon. Minister's understanding is not enough for us. He may be highly intelligent; I really bow to his mature intelligence.

Mr. Speaker: Order order. He need not presume that unless he enters into every detail, the hon. Minister will not understand his points. He can just point out the points. My point is that all these details should have come at the first stage. Instead of that, to start a discussion of that now, will be a little out of place. He wants the legislation to be of the best type and he is perfectly in order when he points out certain defects which he

[Mr. Speaker]

would like the hon. Minister to consider and rectify later by further legislation, if necessary. That will be quite in order, but beyond that he will be going into details too much.

Shri Vallatharas: The difficulty has arisen this way. When the Bill was under general discussion, I wanted a chance but I couldn't get it.

Mr. Speaker: He could not take this up now.

Shri Vallatharas: I was thirsting for a chance, but I did not get it. At the same time, the Chair ruled that sufficient discussion had taken place. It was a pitiable thing. I could not go against the ruling of the Chair. Now as you are pleased to observe, I will curtail myself in all these details.

So far as the cognizance of offences is concerned, there are special provisions in the Criminal Procedure Code for Magistrates etc. Instead of putting it separately in the Bill, that can be added as an amendment to the particular section 190 or 193 or whatever it may be. That could have all, been avoided, because section 194 refers to cognizance by the High Court, section 193 refers to cognizance by the Sessions Court and then section 190 refers to cognizance by District Magistrates and Sub-divisional Magistrates. There it can be amended without resorting to an independent section in the Bill.

In the matter of appeal, an appeal from an Assistant Sessions Judge lies to a District Judge in many cases. An appeal from a regular Sessions Judge, whether he is an additional Sessions Judge or a District Original Sessions Judge goes to the High Court. Now, as per the amendment of Mr. Venkataraman the Assistant Sessions Judge should also be included here. What is the status of the Special Judge? Will he act as an Assistant Sessions Judge or as a regular additional Sessions Judge or a Sessions Judge. (*An Hon. Member: Special Judge*) because there is nothing specified. We will have to argue on the matter, when a Special Judge is appointed under this law what power will he exercise? Will he become a Sessions Judge regular or will he act in his capacity as Assistant Sessions Judge. Because all this goes to show whether the sentence awarded by these people is appealable, and if appealable, to whom the appeal lies. It is an important provision.

Shri Venkataraman (Tanjore): Will you please look at clause 9?

Shri Vallatharas: Then there is another provision—sections 464, 465, 466 and 467—in respect of lunatics. I

do not want to enter into details because it will take the precious time of the House. The Magistrates holding inquiry or trial have got a procedure to be adopted. If a person committed for trial appears unsound, there is a procedure. Here the Special Judge does not operate.

Before I close I want to refer to one other fact. Whether you increase the sentence to three years or to seven years I am not worried. My impression is that it is difficult to end corruption. It would exist as part of the administration.—We are convinced of it. Whether it lessens or increases, the evil is there. I am not much despaired over that matter. But the Government wants to see that cases are disposed of expeditiously—I agree. But will this Bill tend to expedite matters? You are going to appoint special judges for this purpose. A special judge is going to be given only a few cases. Supposing in one of those cases a petition under section 526 is moved in a High Court for transfer to some other court. Till the High Court decides on it the special judge has to keep quiet. If he has got other work to attend to, he will do that; but if he has no other work except cases of corruption then he will have to keep quiet without any work. I have seen special cases going on in Pudukkottai in respect of trial of communists. When a point of revision or appeal arose the court simply sat quiet without doing any work and the money spent during that period was simply a waste; and the judge who could have devoted his time for other work was not able to do so. Because the State has got the power to appoint any number of special judges, I suggest that it should be laid down that primarily they will attend to corruption cases and if there is no work of that nature they will attend to other work. I see the work of District Judges and Additional District Judges is swelling day by day—I have seen that in my own District of Trichinopoly where they are not able to cope up with the work. By laying it down as I have suggested, the trial of corruption cases also will come within the ambit of other normal work so that if a special judge is prevented from attending to the corruption cases before him by reason of a petition for revision etc., he can devote his time to other work.

This Bill has been rushed through the various stages and we have done it hastily. The privileges and rights of the accused person are left in great ambiguity and are left to be decided by courts of law which means the spending of a lot of time and money by

the accused person. It also means that when the case is taken up in one court it goes to the second court, and so on. But I think that by application of departmental discipline expedition can be achieved in such cases. I do not know if the accused derives any benefit through the procedure laid down. The accused, if found guilty, should be punished, but he should not be harassed and before he gets out of the dock after acquittal he should not be made to die or be mutilated financially or otherwise. He should be entitled to the protection of the Government till he is declared to be guilty. Under these circumstances, I submit that the Bill is not worthy of acceptance by this House, and after considering all the points raised it should be considered whether this Bill should be accepted or not.

Mr. Speaker: I think there has been sufficient debate on this—I will call upon the hon. Minister to reply. The Home Minister.

Shri Raghavaiah (Ongole): Mr. Speaker, I would only make two points...

Mr. Speaker: Order, order. I have called on the Home Minister.

Shri Raghavaiah: I think it is unjust to call upon the Minister to answer now...

Mr. Speaker: Order, order. I request the hon. Member to resume his seat.

Shri Raghavaiah: I am going to raise two new points, Sir.

Mr. Speaker: I am not going to allow any further discussion on this Bill. It has been discussed threadbare yesterday and today also.

Shri Raghavaiah: It is by way of suggestion...

Mr. Speaker: Order, order. He may make his suggestions to the hon. Minister by way of a memorandum. The hon. Minister.

Dr. Katju: The House has just heard a very meticulous examination of the procedural aspects of the Bill. So far as the Government is concerned this Bill was drafted very carefully and has been examined by competent legal authorities and we think it would serve its purpose, the main purpose being that the trial should be on a fairly high judicial level so that there may be no suggestion that the public officer concerned, high or low, has not been dealt with fairly; secondly, it should be expeditious, and, thirdly,—I

am now saying so—I am rather keen that there should be an appeal to the High Court, again in the interests of the accused because ordinarily when a magistrate tries a case there is an appeal to the sessions court and if the sessions court upholds the conviction there is invariably a revision in the High Court and the High Court sometimes finds great difficulty in going into the facts of the case because of the practice of the High Court in not interfering with facts in revision. Therefore, the Bill has been constructed having all these things in mind: Fair case, expeditious case, fairness to the accused and if he is guilty proper punishment by a fairly high officer.

Now, my hon. friend here has discovered what according to him are many loopholes. I do not know whether those loopholes exist or they do not exist. He possesses very intimate knowledge, it appears, of the various sections of the Criminal Procedure Code. I am not inclined to share his opinion. But this Bill should be passed, and I am sure if there are minor irregularities, of punctuation, this, that or the other, the High Court or the court concerned would take a reasonable view of it. But if there are any serious loopholes discovered afterwards we can set them right. At the present moment I do not think, and I hope the House does not think, that this Bill is unworkable in practice and will not achieve the object that we have in view. That is my submission, Sir, and I commend this Bill at this stage to the approval of the House.

Shri S. S. More: May I ask one question of the hon. Minister, Sir? Since a new offence has been created under section 165A is it not necessary that this offence should find a place in the Schedule to the Criminal Procedure Code?

Mr. Speaker: Order, order. That refers to the procedural part of the thing.

Dr. Katju: It cannot be done.

Shri P. T. Chacko: I would like to know, how a case under section 165A is taken cognizance of by a court, that is how it is brought before a court?

Dr. Katju: It is sent up by the police.

Shri P. T. Chacko: It is not cognizable.

Dr. Katju: Of course the Criminal Procedure Code will say so.

Mr. Speaker: The question is: "That the Bill, as amended, be passed."

The motion was adopted.

**STATE ARMED POLICE FORCES
(EXTENSION OF LAWS) BILL**

Mr. Speaker: We will now take up the other Bill which we held over yesterday: Further consideration of the motion moved by Dr. Katju yesterday:

"That the Bill to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State, be taken into consideration."

We postponed the consideration to enable the hon. Members to study certain points and we shall now proceed with the general consideration stage.

The Minister of Home Affairs and States (Dr. Katju): May I with your permission say a few words, sir? They may be of assistance to the House. I have gone through the previous history of the Bill at some length. The House knows that the police force was constituted in India under an Act enacted in 1861. Now there are two leading features of this Act. In the first place, it gives an option to every policeman in the civil police to resign on giving two months' notice. Secondly, it provides punishment for various disciplinary offences. It is a light punishment, say, three months or some such thing. Then there was an Act passed in 1888 to provide for contingencies when the Police Force maintained by one province was sent to another neighbouring province to assist it, and there was a section inserted there saying that when the Police Force of a province goes to another province, it shall have the powers and functions and be subject to the discipline and liabilities of the Police Force in the province which it visits. This was the position up to 1888.

Thereafter, from 1892 Armed Constabularies were constituted in the various provinces, now States. In every province where these Armed Constabularies were constituted, a special law was invariably passed and stringent provisions were introduced for providing severer punishment for disciplinary offences. For instance, if a guard slept, there was no question of merely reprimanding him; he could be sentenced to imprisonment. Supposing he assaulted his officer, he might be sentenced to seven years' imprisonment, that is to say, something on the model of the Army. If he deserted, he could be caught. Further, in some States the right of resignation was taken away. When a man enrolls in the Armed Constabulary, he has to sign an undertaking that he will not

resign without permission. That is the general law.

When these Armed Constabularies were taken to other provinces, the question arose as to whether they were to be subject to the discipline and liabilities of the Act prevailing in the province they were visiting, or whether they were to be subject to the Act in their own province. This problem arose first in 1848 when the present Delhi State sought the assistance of the U.P. Armed Constabulary. They had to consider whether, when the U.P. Armed Constabulary visited Delhi, the U.P. Act ceased to apply to it, because the U.P. Act had only a limited jurisdiction territorially. If that was the interpretation, the result might have been that a member of the U.P. Armed Constabulary while in Delhi may have resigned or may not have been open to that severe punishment to which he would have been open had he been in Ghaziabad or Bulandshahr. Therefore, the U.P. Government made a representation that they would like their Armed Constabulary to remain subject to those liabilities and those rules of discipline to which they would be liable in U.P. itself. Thereupon, this was acceded to and an Act was passed (Act IV of 1949) by the Constituent Assembly (Legislative). It provided for the specific case of the U.P. Armed Constabulary and said that while in Delhi they would continue to be subject to the rules and regulations in regard to all matters as if they were in U.P. itself. After that Act was passed, other States made similar requests and this question was considered in its broader aspect. Every State was consulted and every State was willing to co-operate with the neighbouring States in catching and pursuing dacoits, in stopping smuggling, in dealing with emergencies etc. provided that when their Armed Constabularies visited another province the parent Act of their own State continued to apply to them.

There were two questions. Firstly the powers and functions of these officers and men of the Armed Constabulary and their liability in respect of discipline and liabilities in regard to this question, we came to the conclusion that so far as the powers and functions were concerned, they would exercise only those powers and functions which were enjoyed by the Police Force in the State which they were visiting, but so far as discipline and liabilities were concerned they would continue to be liable to their own Act. The result would be like this. Supposing the Madhya Pradesh Armed Constabulary visits Hyderabad or Bengal, then so far as their powers and functions are concerned, they would act in accordance with the

Hyderabad or Bengal Act, but so far as punishment for disciplinary offences and all other liabilities are concerned, they would continue to be liable to their own Act. That is the purpose which is carried into effect by this Bill. The House would see that it is specifically laid down here that the police officer of a State while serving in any part of any other State while discharging the functions of a police officer in that other State shall continue to be subject to the same laws in respect of discipline and liabilities as would have been applicable to him if he had been discharging those functions within the States to which the said Force belongs.

Some doubt was expressed yesterday as to what would be their powers and functions. On that point, so far as this Bill is concerned, it leaves the position unchanged. I mean the position as defined in the Police Act of 1888. There it is stated that when a Police Force of one province visits another province, the powers and functions would be exercised in accordance with the laws prevailing in the province which it is visiting, but so far as discipline and liabilities are concerned, they would be liable to their own Act. As I said, there are two main things: the right of resignation and the extent of punishment. The punishment provided for in the Armed Constabulary Acts in practically every State is severe because it must, of necessity, be severe, and as far as the liability is concerned, it continues unimpaired. I hope that this explanation would remove all apprehensions expressed yesterday, or any other apprehensions which might be felt by hon. Members today. I request that this Bill may be taken into consideration and passed.

Pandit Thakur Das Bhargava (Gurgaon): When a policeman belonging to the Armed Constabulary of a particular province is guilty of some indiscipline, then according to this Bill he would be liable under the Act of the province from which he came. Now, who will be the persons who will try him for indiscipline.

Dr. Katju: By those in the place where the offence is committed, viz. the State he is visiting. That court would have jurisdiction to try him.

Mr. Speaker: After postponing the consideration of this Bill for the purpose of going into the legal aspects and the difficulties which had been raised, I myself looked into and studied the various Acts which the hon. the Home Minister referred to, like the Eastern Frontier Rifles Act, the Bengal Military Rifles Act and so on. Of course, I

need not discuss the various points. They have been fully explained by the hon. the Home Minister. The short conclusion to which I came was that, the various Acts referred to in this Bill and the Police Act are complementary to one another. The question of discipline which had been left vague has been cleared up by this Bill. It does not do anything further. That is the conclusion to which I came after examining all the provisions.

Shri S. S. More (Sholapur): Different State enactments have been included in the Schedule. Can we go into their merits?

Mr. Speaker: He has misunderstood the position. We are not going into their merits. Let him read the Bill carefully and refer to those provisions.

Shri S. S. More: I am subject to correction.

Mr. Speaker: So am I. The hon. Member will see that the various Acts referred to in the Schedule are not touched at all in any manner by any provisions of this Bill.

Shri S. S. More: I believe that as far as discipline and liabilities are concerned the operation of the special enactments have come automatically to be extended to the area outside the State in which the police officer is serving.

Mr. Speaker: The hon. Member is starting on a different assumption. If he looks into the scheme of the whole thing, he will find, as the hon. the Home Minister just now explained, that these various enactments were passed for the purpose of constituting certain special forces, apart from the general police force.

Shri S. S. More rose—

Mr. Speaker: Let him hear me first. If we go on exchanging views sentence by sentence, there will be no end to it. Now, for example, the Bengal Military Police Act was passed for certain purposes. It constituted a force. The Eastern Frontier Rifles Act also constituted a force. Now the members recruited in that province under that particular Act had certain obligations of their own.

Pandit K. C. Sharma (Meerut Distt.—South) rose—

Mr. Speaker: Let the hon. Member hear me first. Perhaps, he is anticipating me.

The Minister of State for Finance (Shri Tyagi): He is a lawyer.

Mr. Speaker: I do not claim to be a criminal lawyer: I never practised in criminal courts. But that is a different matter.

Hon. Members will note that the Schedule does not refer to the Madras Police Act, for example; it does not refer to the Police Acts of each State. It refers only to certain specific Acts constituting a special police force, apart from the general police.

Now, for reasons explained by the hon. the Home Minister, these special forces were recruited or formed under certain constitutions of their own, providing for special rules of discipline, punishment, and so on. The provisions of the Police Act of 1881—section 3, I believe—vest all police officers, from whichever province they came, with the powers and duties under the Police Act of that State to which they were drafted. That Act was enacted at a time when no special constabulary or special police were formed under the States Acts with different conditions. As under the Police Act of 1881 they are to function as members of the police of the State to which they are drafted it becomes necessary, in view of the conditions of special recruitment, to see that their discipline, so far as the parent State is concerned is maintained intact in the parent State, or even outside that. The provision made in this Bill is complementary to the provisions of those special Acts, or if you so like, to the Police Act of 1881. That is what the hon. the Home Minister has explained and I myself do not see any difficulty, so far as the legal aspect is concerned. We are not making any amendments at all in the States Acts mentioned in the Schedule.

Shri S. S. More: We are extending their scope.

Mr. Speaker: We are not extending their scope. The Police Act becomes restrictive, when they leave their province. This Bill seeks to make the law of the parent state in regard to discipline applicable to a police officer drafted to another State.

Pandit K. C. Sharma: May I know by what law the jurisdiction of one State law is extended to another State, where the police officer is working?

Mr. Speaker: The Centre has got the power of legislation.

Dr. Katju: Item 80 of the Union List in the Constitution expressly provides for the enactment of such laws.

Pandit K. C. Sharma: rose—

Mr. Speaker: We have got the power to legislate, rightly or wrongly.

Shri S. S. More: Item 80 of the Union List refers to extension of powers and jurisdiction of members of police force. It refers to powers and jurisdiction, not to discipline and liability.

Mr. Speaker: Let me rule that this Bill is quite in order. I find it difficult to convince even after repeated arguments, some hon. Members—not because they do not wish to be convinced, but perhaps, I am not able to express myself in such a manner as to convince them.

Shri K. K. Basu (Diamond Harbour): Since you have given your ruling, I would like to seek a clarification. Suppose a police officer of West Bengal is posted to Delhi, where he commits certain offences. Under the present Act he will be governed by the law obtaining in the province where he commits the offence. Is it not incongruous that he should be governed by the law of the province where he is recruited?

Mr. Speaker: There seems to be some confusion of ideas in this. If any man, whether he belongs to the police force or not, commits an offence, not with reference to the conditions of his recruitment as a policeman, he is certainly liable to be tried and punished according to the rules or laws prevalent in the particular state where the offence is committed. The present Bill has nothing to do with that. It is only concerned with matters of discipline.

Supposing, as he himself said, the U. P. Policeman comes here and by the conditions of the constitution of the Force he is liable to be punished for 7 years' imprisonment for desertion. According to the law applicable in Delhi the punishment is only for three months. What this Bill says is that as he is coming from the United Provinces and is a member of that police force and continues to be a member of that police force, though his services are lent to the Delhi State, he shall be in matters of discipline, governed by the Act under which he had been recruited. That means, if he deserts in Delhi he will be liable to a punishment of seven years.

At present under the Police Act of 1881 what happens is that he becomes immediately liable to section 3 of that Act which applies to him the Delhi Act. All that is sought to be done, is that, in spite of whatever clause 3 of the Police Act may say, he continues to be under the jurisdiction, so far as discipline is concerned, of his parent state. It is something like the rule of Hindu Law. The personal law of a

Hindu follows him wherever he goes. Whether he is in Bengal or any other province, the law of *mitakshara* will follow a man from the South or Bombay. He will not be governed by *diabhabga*.

Shri S. S. More: Will the law of bigamy be applied here?

Mr. Speaker: Order, order. We are not concerned with that. I was merely quoting an analogy.

We are not, in any way, interfering with the legislation of the States, but merely trying to restrict the operation of section 3 of the Police Act of 1881. That is why it is said: "Notwithstanding anything in Section 3, etc."

Shri V. P. Nayar (Chirayinkil): In view of what you have explained I have some doubts. Suppose a member of the armed police force commits a breach of discipline in a province and before he is punished for that he is transferred from the original province to the province where he showed breach of discipline. What law will prevail in such a case.

Mr. Speaker: The same law that is applicable on the date on which the breach was committed, though he may be tried later. The trial will be for what he committed at that particular moment. If he was outside, still, by the present legislation he will be governed by the law under which he was recruited.

Shri Punnoose (Alleppey): The U.P. police is supposed to be in Delhi. Suppose one evening a batch of them goes out and beats the people. My fear is a concrete one. To whom should the people go? Who will take disciplinary action against them. Will it be said that they are under the U.P. regulations and that the enquiry should be done by those authorities? That is my fear.

Mr. Speaker: It is not the function of the Chair to explain all these doubts. But the reply to that is very simple. If the U.P. police act here in pursuance of the orders of the Delhi police chief, then they will not be punished for indiscipline at all. If they refuse to obey those orders they will be liable to punishment in Delhi, but according to the provisions of the U.P. Act, if they, of their own accord, sally forth and beat people, it will not be their act as policemen but simply as people who have broken the law, assaulting and injuring people and all that. That would be the position.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): That is what happens under cover of law.

Mr. Speaker: We are at present concerned here with the making of the laws. The question is:

"That the Bill to provide for the extension of disciplinary laws in force in any State relating to the armed police force of that State to members of the said force when serving outside that State, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will now take the Bill clause by clause.

Clause 2 was added to the Bill.

Clause 3—(Extension of disciplinary laws etc.)

Shri K. K. Basu: I beg to move:

In page 1, line 12, omit "whether independently or by".

We had some discussion yesterday about the fear in our minds in regard to the working of this particular Act. The general fear among the common people is that often these police forces, or rather the armed constabulary, are brought in from the adjoining provinces to quell civil disturbances or any movement of resistance by the common people, because they find that the local police who have something at least with the people of the province may not be found suitable to stop this trouble. That is why our idea is that if there is a shortage of police in a particular province, the armed constabulary that is brought from the other parts of the country should fit in with the local police organisation and work along with them and not independently. Because if they are allowed to work independently there is a likelihood of their taking a very apathetic or rather oppressive attitude towards the people of the area. We have seen during the British days, especially in Calcutta, many a time when there were certain disturbances in the city, Gurkhas and others were brought in to shoot down the people. They found that the local policemen were not suitable for this task and the Gurkha and other police always took an anti-people and apathetic attitude because they had no link with the people of the area.

[MR. DEPUTY-SPEAKER in the Chair]

Similar instances have occurred in many parts of the country, and the tribal people were always being kept as a backward class so as to supply men to the armed constabulary and the army of our country. This fear is still in our mind. Though the hon. the Home Minister has said often that it is necessary to fight down inter-

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district criminals or black-marketeers and other anti-social beings, we have seen many a time the force is used for the purposes of fighting with and shooting down the common people because of their resistance movement. With this end in view I have suggested this amendment so that even if the police forces are brought in from other areas they should be made to work in conjunction with, and not as an independent unit of, the local police organisation. I hope the hon. Minister will accept it.

Dr. Katju: Mr. Deputy-Speaker, may I suggest that the acceptance of this amendment might create great practical difficulties? In the first place, the apprehension expressed by my hon. friend really is more or less imaginary. Because, the moment the police of one State enters the territory of another State, then automatically that police becomes subject to the operation of the Police Act in force in the neighbouring State where they enter, by virtue of Police Act of 1861 read with Police Act of 1888—automatically, whether they are acting independently or subject to the administrative control of the Inspector-General of Police of the neighbouring State. This acting independently may occur casually. Or, suppose there are some dacoits and they have to chase those dacoits, or there are no joint anti-dacoity staffs. In this way they might be acting independently. Or they might even be authorised by the Inspector-General of Police of the neighbouring State to which they have gone: "You better go and do this job". Therefore there should be no ground for apprehension that if they are acting independently then they become a sort of sovereign to themselves and not subject to any police laws and not subject to observe the laws and that they may act oppressively or tyrannically towards the people. They are subject to all the liabilities. As the hon. the Speaker was pleased to mention, the object of this Bill is simply this that by going into another State they should not be able to escape the obligations which they owe under their own Act.

For instance, let me tell you, suppose, under the Madhya Pradesh Act, there is a section which says that if any member of the Madhya Pradesh armed constabulary assaults a sentry, he is liable to imprisonment for seven years. If the Madhya Pradesh armed constabulary goes to Bengal and there a constable of the Madhya Pradesh armed constabulary assaults his own sentry, it is very likely that in the

Bengal Act, the punishment is only 3 months, whereas under his own Act, he would have got 7 years. Therefore I submit that these words may be allowed to stand. It will cause no harm. They are really necessary for the operation of that section.

पंडित मुनीश्वर बदस उपाध्याय (जिला प्रतापगढ़-पूर्व) उपाध्याय महोर्य, जो मेरा इसरा अमेन्डमेंट है उसको पेश करना चाहता हूँ, जहाँ तक पहले का तालूक है मैं उसके नहीं पेश करना चाहता।

Mr. Deputy-Speaker: Now, let me dispose of this amendment. Is that an amendment to this amendment?

पंडित मुनीश्वर बदस उपाध्याय : नहीं।

Mr. Deputy-Speaker: Is the hon. Member keen upon my putting this amendment to the House?

Shri K. K. Basu: In view of the opinion expressed by the hon. Home Minister, we take it that the police force will not be used in a very oppressive way.

Mr. Deputy-Speaker: So, I do not put it to the House. Mr. Raghubar Dayal Misra not in his seat; Pandit Munishwar Datt Upadhyay not in his seat.

Pandit Thakur Das Bhargava: May I say a word, Sir? When we were considering the Bill, I asked a question from the hon. Home Minister and he was pleased to reply that if a policeman of one province, who is governed by his own Act, commits an indiscipline in a particular place where he has been drafted, in that case, the officers and judges of that place will determine his guilt.

Dr. Katju: Yes.

Pandit Thakur Das Bhargava: That is the reply that I got. But, the clause reads thus:

"... every member of the said detachment, while discharging the functions of a police officer in that other State, shall continue to be subject to the same laws in respect of discipline and liabilities as would have been applicable to him, if he had been discharging those functions within the State to which the said force belongs."

These words "subject to the same laws in respect of discipline and liabilities" have two aspects.

So far as the question of punishment is concerned, it may be that in one place it is three months and in another place it is 7 years or something like that. But, so far as the persons who have to go into that particular act of indiscipline and the judge is concerned, they must be different. For instance, under these laws, the Bengal Military Police Act, etc., so far as the particular authority which will try that case of indiscipline is concerned, these Acts must be self-sufficient. The question will arise, which will be authority which will try and decide these cases of indiscipline. The words here are: they shall be subject to the same laws in respect of discipline and liabilities. I can understand it so far as the punishment is concerned. The punishment will be that which is provided by these local Acts. So far as the personnel of the investigating authority and punishing authority are concerned, I think the position is not clear. So I put a question. The reply so far as it goes may be right. So far as these words of the statute are concerned, they do not make it clear. It may be that the Act requires that the Superintendent of Police or the Inspector of Police should investigate into the case of indiscipline and punish, whereas the law of the land, that is the Police Act III of 1888 or V of 1861 may require that the local police will have jurisdiction. As to jurisdiction I am not quite clear. I hope to know from the hon. Home Minister, on what basis it is said that the police of the place where the offence is committed will be in charge of and investigate into any acts of indiscipline and impose punishment and not those persons authorised by the local Acts.

Shri S. S. More: May I put in a word, Sir, on the same point? These are the practical apprehensions that prevailed in my mind and made me rise to a point of order. According to the present Bill, the disciplinary jurisdiction of a particular enactment will be extended to some area outside the State. The hon. Minister for Home Affairs has said that suppose a contingent which is subject to a particular enactment of the Bombay State is taken to Bengal, and there one of the men flouts the particular enactment. According to the disciplinary provisions of his own enactment, he is supposed to have committed a very serious offence. The place of commission of the offence is Bengal. What is the place where he will be tried? According to the present Bill, he shall be supposed to be tried in the State in which he is acting at that particular time. Will the Bengal Magistrate have the power to go into the case? Will he have the necessary jurisdiction? My hon. friend is not only taking

particular forces to some State outside the particular State to which they belong, but he is at the same time investing magistrates and judges of that particular place with jurisdiction, which, according to their own law, they do not possess. That is a sort of contradiction. As a matter of fact...

Mr. Deputy-Speaker: Is there any provision in any of these Acts or in the Schedule making any breach of discipline a criminal offence?

Shri S. S. More: As a matter of fact, we are being asked to include certain enactments in this legislation without giving us any opportunity to go into those State enactments. We are told that we need not go into them. I am forced to speak on assumptions. Suppose in these Special Acts, certain offences have been created and those offences, coming under the name of indiscipline, are committed by him, in a place outside the State to which he belongs, will the magistrates and judges outside his parent state have the necessary jurisdiction and the power to try these offences?

Mr. Deputy-Speaker: The difficulty arises even in the same State, because, they may belong to a particular district and they may be asked to go to another district.

Shri Velayudhan: It is a State, not a district.

Shri S. S. More: I assume that a particular State enactment is made applicable to all the districts in the State. That will not hold good here. This Bill will be extending the disciplinary jurisdiction to another State. These acts are in the nature of offences. The place of the commission of the offence will be a place outside the State to which he belongs. The question is whether the magistrates of that particular place will have jurisdiction to go into these matters. Can you assume that he will automatically have the jurisdiction by the enactment of this particular legislation? Unless the matter is clarified...

Mr. Deputy-Speaker: Is there any provision for prosecution? Do these acts become criminal offences according to the Acts in the schedule?

Dr. Katju: In the Police Acts, nothing is stated about the place of, or court of trial. That is always determined according to the provisions of the Criminal Procedure Code, which may be in force. The Criminal Procedure Code provides that every offence can be tried in a particular place or a number of places. For instance, as you were pleased to say, a Bengal policeman goes into a neighbouring district of Bihar, and commits what is

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an offence according to his own Police Act in the town of Bihar. Then, under the Criminal Procedure Code, the place and venue of his trial will be Bihar and the Bihar Magistrate will take cognisance of the charge, try him and if he is found guilty, will impose punishment. There is no court martial provided in the Police Act. I am reading from the Madhya Pradesh Act for instance:

"An officer of the special armed constabulary who is tried, and who belongs to a police force or infantry ... shall, on conviction by a court of competent jurisdiction, be punished with..."

The competent jurisdiction is where he commits the offence, and my hon. friend Mr. More said; "you are investing the Magistrate of a neighbouring State with a certain jurisdiction". That happens every day, as the hon. Speaker said, in civil law. If I am a Gujrati, I am bound by the Hindu law which prevails in Gujrati. Supposing I come here and commit an offence, the Civil Judge here will not take into consideration the Hindu Law which applies to the residents of Delhi. He will make enquiry into the Hindu law which prevails in Gujrati among the Gujratis, and will take that into consideration. It is a very simple matter. The place of trial is determined by the Criminal Procedure Code. The nature of the offence and the punishment prescribed are taken for that.

Pandit Thakur Das Bhargava: When I submitted it, I did not have the question of trial by criminal courts in my consideration. That is quite clear. So far as the place of jurisdiction is concerned, the jurisdiction of the criminal court is determined by the Criminal Procedure Code. So far as the disciplinary action is concerned, which is taken by the Departmental superiors, for example the Superintendent of Police so far as the departmental disciplinary action is concerned—I was asking about it, because according to particular acts it may be that the Superintendent of Police may be invested with powers of going into the matter and punishing an offending policeman. My question is only directed to that.

Mr. Deputy-Speaker: There is no doubt about that.

Dr. Katju: May I respectfully say that my hon. friend is multiplying difficulties. If officers go from one State to another, they are subject to their own officers. They are subject to the general supervisory jurisdiction

of the Inspector-General of Police of the State to which they go and I think their own officer holds that departmental enquiry or the Inspector-General of Police holds it. It presents no difficulty whatsoever. I do not know why we should go into all these matters.

Pandit Thakur Das Bhargava: The Superintendent of Police may not be there.

Dr. Katju: His own Inspector-General of Police from the State from which he comes will have the ultimate jurisdiction.

Pandit Thakur Das Bhargava: Who will be the deciding authority either the Superintendent of Police of the force or the Superintendent of Police of that place?

Dr. Katju: Let us leave some problems alone.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 4.—(Power to add to etc.)

Shri K. K. Basu: Clause 4 of the Bill states...

Mr. Deputy-Speaker: Let him move the amendment. The practice is first to move the amendment, then to speak.

Shri K. K. Basu: I beg to move:

In page 1, after line 22, insert.

"Provided that in so amending the schedule, the powers of armed Police force shall not exceed what is laid down in this Act."

The idea is the schedule which forms part of this Act covers particular enactments, and under those particular enactments, certain powers are already in existence. And under this Bill which is before us, the Central Government takes power to amend the schedule and add to it. The Bengal Military Police Force, for example, has been constituted under a certain act and they have certain powers. The armed constabulary of any particular state is constituted under a particular enactment and have certain powers. Suppose the Central Government in respect of the Bengal Military Police organises...

11 A.M.

Mr. Deputy-Speaker: There is no power given here to amend a particular Act.

Shri K. K. Basu: Yes, Sir.

Mr. Deputy-Speaker: No, the only power that is now given under this Act to the Central Government is to add or subtract from the schedule whole acts which have been framed by the State Government. There is no doubt at all. The hon. Member, I feel, thinks that under this Bill the Central Government is clothed with power not only to add or omit from the schedule, but also to interfere or amend any particular enactment of a State Legislature. That is not there. Either wholly it is added, or wholly subtracted.

Pandit K. C. Sharma: It does not give any such power at all, Sir.

Shri K. K. Basu: Supposing a greater power is given under a particular enactment, that enactment may be added as part of the schedule. We want a restriction to that.

Mr. Deputy-Speaker: There is no special power given except that a Police Force from one State, when it is requisitioned in another State for operational purposes, is governed by its own laws so far as discipline and obligations are concerned. Therefore, there is nothing to add to or subtract from.

Shri K. K. Basu: The Bengal State enacts a legislation giving greater power to the armed constabulary, and the Central Government may add that particular enacting clause.

Mr. Deputy-Speaker: No. The whole schedule. Please read the section:

"The Central Government may by notification in the official gazette, add to, or omit from the schedule any enactment."

Shri N. C. Chatterjee (Hooghly): They cannot add in the schedule part of any enactment, they can add only the whole of an enactment.

Mr. Deputy-Speaker: Either the enactment as a whole is added or taken away from the schedule. A part of the enactment cannot be added or subtracted.

Shri K. K. Basu: My apprehension is this. Suppose there is another legislation by a particular State forming an armed police force with different powers other than those under this particular enactment in the schedule...

Mr. Deputy-Speaker: This is not an armed police force enactment at all. The hon. Member, I am afraid, has not understood the scope of the Bill. Under this Bill power is not given to Parliament or to any State to bring into existence any armed police force, and

then clothe them with broader powers by statute by any legislature. Where any State legislature creates an armed police force and passes a certain law, the law is already there. For purposes of uniformity, or at any rate, to avoid any difficulty when they are requisitioned in another state, they may be included in this schedule. That is all that is there.

Shri K. K. Basu: I am afraid I could not explain my point. My apprehension is this. A particular State enacts a new legislation for organising an armed police force with greater power than those under the existing laws.

Mr. Deputy-Speaker: Where is the existing law?

Shri K. K. Basu: The schedule enumerates certain existing laws under which the armed police exists in different States in India. Suppose, a particular State, say Bombay, enacts a new legislation under which the armed police force is organised with greater powers. By adding a particular legislation to this schedule, we may have armed police with greater power than those under the present schedule.

Mr. Deputy-Speaker: Automatically, that will be in supersession of the existing item.

Pandit Thakur Das Bhargava: The law is created by the parent state. This Bill deals only with the discipline of the force.

Mr. Deputy-Speaker: The hon. Member feels this difficulty. Now, we will take, for instance, the Bengal Military Police Act of 1852. We will assume it is amended, and the Bengal Military Police are clothed with so much greater power. Is it his difficulty that notwithstanding the fact that it is amended, the original Act alone will stand here? The schedule will contain the original Act with all its amendments from time to time. When the particular original Military Police Act is amended, the Act mentioned in the schedule will mean the amended Act. It is not as if the Centre or Parliament takes the power to prevent an amendment by the State Legislature, and notwithstanding an amendment by a State Legislature, the old Act alone will continue. That means that when once an Act is put in the schedule, from time to time it will mean the Act as amended by the particular State Legislature, because that legislature alone has got the right to amend. That will take the place of it.

Shri K. K. Basu: Apart from that I have another apprehension. Supposing a new legislation comes. That legislation may be added to the schedule under Clause 4, and by that

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particular new legislation, the armed forces may have much greater powers than those under the present law.

Pandit Thakur Das Bhargava: We are not concerned with power at all.

Mr. Deputy-Speaker: If a State Legislature passes any Police Act or creates a Police force and confers upon it certain powers, we have to recognise it. All that this Act does is to put it in the schedule so that whenever a police force goes to another territory, they may carry their own disciplinary laws with them. Nothing more than that. I am not able to follow further any more of the hon. Member's doubts or difficulties.

Shri K. K. Basu: My point is this. Those particular legislations should not be added to the schedule. That is what I want to say.

Pandit Thakur Das Bhargava: Why not?

Shri S. S. More: I very strongly oppose the retention of this particular clause in an enactment of this nature. The schedule is also part of the enactment, and it is the privilege and right of this House to add to the enactments or delete certain provisions from the enactments. According to this clause, the executive Government is taking certain powers to amend this particular enactment. Now, the fears which are expressed by the hon. Member who is sitting by my side are perfectly well grounded. Supposing for instance, the state of Bombay passes some enactment with severer rights and severer provisions for discipline or liabilities, then, if this Clause is passed, the executive government merely by issuing a notification can omit from the schedule the previous Act of the Bombay State and substitute in its place the new enactment. If we do not pass this clause, and do not give thereby the power to the Central Government to omit or to add from the schedule, then this House will get the right and privilege to consider the question of an amendment to the schedule. In certain cases when we grant rule making powers to the State or the Central Government, we do delegate some authority to legislate in certain restricted spheres. But if we retain this clause and give it a legal sanction, then we shall be endowing the executive government with a very important right, namely that of amending the provision of an enactment which has been passed by this House. This sort of delegation of powers is very sinister and undesirable, and I am strongly opposed to such a proposal.

Mr. Deputy-Speaker: That is the normal feature.

Shri Gadgil (Poona Central): What are the powers laid down in this Act?

Shri S. S. More: For the satisfaction of my hon. friend from Maharashtra, I may say that in this Schedule, under Clause 4 of the Bill, the Central Government may by notification in the official Gazette add to or omit from the Schedule any enactment and on the publication of such a notification the Schedule shall be deemed to be amended accordingly. Item 3 of the Schedule relates to the Bombay State Reserve Police Force Act.

The Minister of Law and Minority Affairs (Shri Biswas): The hon. Member may refer to Clause 2 which will show why the schedule is necessary.

Shri S. S. More: I am referring to Clause 4 according to which the Central Government is seeking powers to omit from or add to the Schedule something. Thereby they will be receiving a power to modify the schedule, which is a part of the enactment passed by the House. My submission is that this House alone can modify or amend a part of its own legislation.

Shri Gadgil: May I say a few words, Sir? The inclusion or exclusion of any particular Act in the schedule does not confer any new powers or reduce any power which is already inherent in the particular Act?

Pandit K. C. Sharma: May I say with all respect, that there is no mention whatsoever in this Bill, of the powers of armed police forces. So, the question of subtraction or addition of the powers of the armed police forces does not arise at all.

Pandit Thakur Das Bhargava: The hon. Member who is very jealous of the rights of this House, is raising this objection without any substance in it. In a matter of this nature by the issue of a notification, the disciplinary laws and the liabilities of the police forces concerned are only touched. No question of any powers arises. It is not as if some new powers are going to be given, in which case, my hon. friend may have something to say,—that a State may arm its police force with certain powers, and if those forces serve in another State, those powers will be carried over to the other State. I can understand the hon. Member's point in that case. We are considering here only liabilities and disciplinary laws and not any powers. No State would give powers to cut its nose and

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to spite another State's face even if giving of such powers was effective which it is not.

Another thing, Sir. So far as this House is concerned, there are many Acts of this nature where only by a mere notification the Government gets the powers to add to or omit from the schedule, something to that effect is a very ordinary matter. Even so far as the general rules under an Act are concerned, it is the Government which enacts these rules, without any reference to this House. This is a matter of such minor moment that I do not think this sort of objection can be taken with any substance in it.

Shri N. C. Chatterjee: Sir, there is some confusion.

Dr. Katju: I entirely agree.

Shri N. C. Chatterjee: There is some confusion with regard to the scope and effect of Clause 4. No power is being taken, so far as I can follow, by the Government to modify the enactments mentioned in the schedule. The clause refers only to the power to omit from or add to the schedule. They are not taking any powers to amend or modify the acts specified there. The Schedule has to be read along with Clause 2 which says:

"'Armed Police Force' means any police force constituted by any of the enactments specified in the schedule for the time being in force."

Now, take for instance the 1st item in the Schedule, the Bengal Military Police Act, 1892. If you omit that from the Schedule, then the Bengal Military Police operating under that Act cannot be requisitioned in any other province. If that Act is repealed and another Act is substituted in its place, and if that Act is put in the schedule, then the Bengal Military Police functioning under the new Act will be operating in the area in which it serves, and will be subject to the disciplinary powers under that Act. There is absolutely nothing in the Clause to show that really there is any intention to confer more powers on the armed police forces by virtue of this enactment of this schedule. The Schedule is, I think, innocuous, and I hope the hon. Minister will make it clear that no power is being taken to give any delegation to the executive of powers to expand the ambit of the authority given to the armed forces.

Dr. Katju: The object of this Bill is very simple. At present, there are only eight States in India, which have an armed constabulary. It may be that in the future, another State, or

two or more States may think it fit to have their own armed constabularies. When such a contingency arises, they will pass their own Acts, regulating the conduct, recruitment etc. of their constabularies. These constabularies may have to go elsewhere and work in neighbouring states for helping them. The power is taken in Clause 4 to add to the schedule a new act which may be passed by which some other states may constitute their own armed constabularies. There is no question, as my hon. friend Mr. Chatterjee has pointed out—of any power being given or being added to the Government. The Schedule is only intended to indicate the States where at present armed constabularies exist today. That is all. Also, the main clause in the Bill does not deal with powers, it deals only with liabilities and matters of discipline. I respectfully suggest that there is really nothing objectionable in this. The amendment is based on some misapprehension, and should therefore be withdrawn.

Mr. Deputy-Speaker: Is the hon. Member withdrawing the amendment? I do not think it is necessary to put it before the House for vote.

Shri K. K. Basu: I do not agree.

Mr. Deputy-Speaker: I merely wanted to know whether the hon. Member is withdrawing his amendment. If he is not, I am ruling it out of order.

The amendment reads:

"Provided that in so amending the schedule, the powers of armed police forces shall not exceed what is laid down in this Act."

There is no power laid down in this Act, so far as the powers of any armed police forces are concerned, or any particular enactment relating to such powers is concerned. The hon. Member is raising a ghost and trying to suppress it. The amendment is out of order (*Interruption*). No hon. Member can question the ruling of the Chair.

The question is:

'That Clause 4 stand part of the Bill.'

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Dr. Katju: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

Shri R. K. Chaudhury (Gauhati): I very much like to come to the front, but I should not behave like a deserter...

Mr. Deputy-Speaker The hon. Member will bear in mind the scope of the third reading discussion of the Bill.

Shri R. K. Chaudhury: ...to sit here and get shelter here and at the time when you allow me to speak to leave them behind and go there. That is what I do not like. I shall say in a few words whatever I have got to say on this Bill. I do not, however, Sir, know whether I have correctly followed the proceedings which had been taking place at some distance from the place where I am sitting. If I have not understood, many of my friends here have also not understood. But they are too shy to express this and I on their behalf mention this fact, with an earnest appeal to those fortunate Members of the House who are near you, Sir, so that in future they may speak in a little louder and more distinct voice.

I congratulate the hon. Minister for the easy success he has had over this Bill. In fact he has had a series of successes of which any Minister could be proud. He may exclaim with Caesar, Julius Caesar, I do not remember who said it—"I come to the House, I read out the Bill and I get it passed".

Mr. Deputy-Speaker: The hon. Member has not been attentive. This Bill has been standing over since the other day. It is not being rushed through.

Shri R. K. Chaudhury: Other Bills also, Sir.

Mr. Deputy-Speaker: Then the hon. Member is irrelevant.

Shri R. K. Chaudhury: I stand corrected, Sir. My speech will be read subject to what you have said.

Mr. Deputy-Speaker: The hon. Member will now come to the point.

Shri R. K. Chaudhury: I come to the point, I was just saying, Sir,—that is my strongest point—that the hon. Minister has been attaining all this success to the greatest chagrin of certain Members of the House who have gradually established their claim to the opposition and to the greatest joy of all of us. His success is a matter of joy to us. All the same—I could not follow one thing. The hon. Minister has said that if a certain act of indiscipline is committed by a member of the Bengal Constabulary in

Madhya Pradesh and the same act of indiscipline or offence is committed by a member of the Madhya Pradesh Police, one may be sentenced only to three months' imprisonment and the other may be sentenced to seven years' imprisonment. I submit if such an anomaly actually exists, our duty first ought to be to remove that anomaly otherwise, it will go against the interest of the Constitution itself. It will go against the discipline which we all want maintained. Supposing in a town in Madhya Pradesh, Bengal Police was requisitioned and they were actually functioning there. For an offence for which the Bengal police will be sentenced to three months' imprisonment, the Madhya Pradesh police will be sentenced to a much higher punishment. The Bengal police will not hesitate to break the discipline, because they know that the sentence of punishment inflicted on them will be comparatively very small. This will encourage indiscipline amongst the Madhya Pradesh Police. I think I am correct in saying what I have said, that if there is such an anomaly, before we bring in this piece of legislation, we should do our best to remove that anomaly whereby working together one set of police may be subject to a light punishment for the same act of indiscipline and another set of police to an enhanced punishment. That would bring indiscipline amongst the whole police force. If I am correct in my observations, I hope the hon. Minister will remove that anomaly.

The other point to which I desire to draw the attention of the hon. Minister as well as this House is, how is this schedule going to be modified? Perhaps I have not been able to follow it clearly. Is this schedule going to be modified by the Minister in his executive capacity, whether the schedule will be added to by the Minister in his executive capacity under section 4 by a mere notification in the Gazette enabling him to remove a certain State Act from the schedule or enabling him to put in a schedule of another State which may have been applied, which may have come into force afterwards or which may have been deliberately omitted in this Bill? That is what I want to know. I would submit that in placing all these Acts which have been placed in the schedule, it requires the attention, concurrence and consent of this House. I submit no further statute should be allowed to be added to this schedule or be omitted from this schedule without the consent of this House, without an amendment of the Act itself and without bringing the matter to the notice of this House. That is my point.

Another point which I have not been able to follow is that although we have got what is known as the Armed Constabulary in Assam, there is, however, no such special Act for them. It is regulated by the Act of 1888. Has this been purposely omitted, behind by back or without the knowledge of the Members of this House? I want to be enlightened on this point: why there is no State Constabulary Act in Assam or whether the Bengal Act is followed there or whether that omission has been purposely made in this Bill or there is some other reason for doing so. With these words I support the motion.

श्री नन्द लाल शर्मा (सीकर) :
 उपाध्यक्ष महोदय, मेरा निवेदन है कि मैं इस पर कोई लम्बा चौड़ा भाषण देने वाला नहीं हूँ। केवल एक आधं शंकायें विद्यमान हैं उनको मैं स्पष्ट करना चाहता हूँ। सभी सञ्चालनों ने जितने भी यहां पर हैं अपने अपने भाषण दिये हैं और हमारे माननीय गृह मंत्री महोदय को साथ लेकर, केवल डिसिप्लिन, अनुशासन, शब्द पर ही अपना भाष रखा है। परन्तु इस में अनुशासन की तरह एक उत्तरदायित्व भी विद्यमान है अर्थात् लाइबिलिटी। एक पुलिसमैन के दूसरे प्रान्त में जाने पर कितनी ही प्रकार की लायबिलिटी हो सकती हैं। उसका दायित्व साधारण सामाजिक क्षेत्र में रहे वह सिविल लाइबिलिटी रहे, डिपार्टमेंटल लाइबिलिटी रहे, यह कई प्रकार की उस की लाइबिलिटी हो सकती हैं। और इन सब के सम्बन्ध में यह रुहा जा रहा है कि उस पर अपने प्रान्त का, अपने प्रदेश का जो कानून है वह लागू होगा। इस सम्बन्ध में एक विचार करने की बात यह है कि यदि उस ने वहां के नियमों के अन्वर लाइबिलिटी स्वीकार कर ली अब जो सम्बन्ध दो व्यक्तियों के बीच में है उस के लिए एक व्यक्तिको तो कानून लागू होगा उस प्रदेश का और जो पुलिस मैन दूसरे प्रदेश से चल कर वहां कार्य करने गया है उस पर कानून लागू होगा अपने प्रदेश का। ऐसी अवस्था में दो कानूनों में एक के

अधिकार का और दूसरे के उत्तरदायित्व का जो आपस में मत भेद होगा उसका समाधान गृह मंत्री महोदय कर दें यही मेरे मन में शंका है। वैसे तो मैं जानता हूँ कि इस में न कोई अधिकार देने की बात है और न अधिकार लेने की बात है। एतावत् इस बिल में कोई विरोध नहीं है। गृह मंत्री महोदय इस बात को स्पष्ट कर दें।

Dr. Katju: Mr. Deputy-Speaker, I have nothing to add. I suggest that the Bill be passed without any further delay.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

PREVENTION OF CORRUPTION (SECOND AMENDMENT) BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

Mr. Deputy-Speaker, in my name stood, when we started with this legislative business, five Bills. I thought all of them were of an innocuous description. We have dealt with three, two remain. This is the fourth one and the fifth, I hope, will also have an equally satisfactory passage.

This Prevention of Corruption (Amendment) Bill aims at having some amendments to the parent Prevention of Corruption Act (Act II of 1947). The amendments are three or four in number. I shall tell the House as briefly as I can the nature of these amendments. One amendment which is sought to be introduced in this Bill is this. Under the parent Act power to investigate was given to the Deputy Superintendents of Police. It is a cognizable offence and normally any police officer in charge of a police station can start an investigation, but Bakshi Tek Chand Committee report when going into it thought that it was desirable that the senior police officer should do it, and in 1947 the Legislature had thought it fit that the police officer starting investigation should be of the rank of a Deputy Superintendent. In actual practice it was found that it caused some obstruction in the way of the Special Enforcement Branch

[Dr. Katju]

which has been established for taking cognizance of these matters throughout India. Their staff is not excessive and they have got very few Deputy Superintendents of Police. This matter was gone into and Bakshi Tek Chand Committee report has suggested that the police officers empowered to start investigation might well be inspectors of police, fairly senior inspectors, specially empowered in that behalf and they might be entrusted with the task of investigation into these cognizable offences. That is one amendment which is sought to be introduced in this Bill.

The other amendment sought to be introduced is this. In the Presidency town of Calcutta there are no police officers of the designation of Deputy Superintendents of Police. There they have got officers known as Deputy Commissioners of Police or Assistant Commissioners of Police. So, to fill that lacuna it is being provided that in such areas the police officer competent to start investigation shall be those officers.

Then the House has, under the Criminal Law Amendment Bill, created a new offence under section 165A to deal with bribe-givers. In the main Prevention of Corruption Act, hon. Members would recollect, the Act provides for a new rule of evidence, that is to say, where something is offered to an officer which is, having regard to its bulk or quantity or value, of an enormous description, then the presumption may well arise that it was intended to be a bribe unless and until an explanation to the contrary was forthcoming from the officer concerned. Now inasmuch as we have enacted this section 165A which is calculated to bring into the net also bribe-givers the same sort of presumption should apply to these people and therefore this Bill provides that if the accused who is charged with giving a bribe is proved to have offered something, say Rs. 10,000 or Rs. 50,000, to an officer, entirely inconsistent with his position or entirely inconsistent with the purpose for which the sum was offered, the presumption should be that it was intended to be a bribe unless he gave a proper explanation to the contrary. That is to say, the presumption which was to apply under the Act to bribe-takers should now also be extended to bribe-givers.

One of the learned Judges of the Punjab High Court has held that a new offence has been created which is called an offence of criminal conduct. The House would recollect that if somebody is found to be in possession of enor-

mous property entirely inconsistent with his resources, the presumption would be that he has been guilty of reprehensible conduct till he gave an explanation to the contrary. The Punjab High Court expressed the view that that virtually resulted in the repeal of section 409 of the Indian Penal Code. I do not know by what process that conclusion was reached. Section 409 refers to a criminal breach of trust. So a section has been introduced in this Bill to say quite definitely that that is not so and in no way is any section of the Penal Code affected by this new offence.

Lastly the House would recollect that in section 6 of the parent Act provision was made as to the sanction-giving authority. There has been some doubt raised as to the practical operation of that section and now it is provided that wherever any doubt arises as to the sanction-giving authority the authority should be the one which would be competent to remove the public servant from the office at the time when the offence is deemed to have been committed.

These are the four or five amendments which this Bill seeks to introduce into the Prevention of Corruption Act. Two of them are caused by the enactment of the new section 165A, another because of the difficulty in finding sufficient Deputy Superintendents of Police to start these investigations and two others of a very minor nature.

I move that the Bill be taken into consideration.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Prevention of Corruption Act, 1947, be taken into consideration."

Shri Raghbir Sahai (Etah District—North-East cum Budaun Distt.—East): I rise to offer my congratulations to the hon. Home Minister and through him to the Government for having shown great keenness in suppressing corruption and bribery which are prevalent in our country especially amongst public servants. From the amendments that have been tabled in regard to this Bill I find that perhaps in this big House there is no opposition with regard to the object which this Bill has in view. The amendments are to the effect that the effectiveness of this Bill should be enhanced. But I submit that in order to judge the effectiveness of a Bill it is not sufficient simply to go through the statement of objects and reasons appended to the Bill. We

should see whether the Act has functioned effectively or not. My own impression is that the parent Act to which the present Bill is an amendment has not been functioning in an effective manner. If we peruse the Tek Chand Committee's Report, we find that in most—or to be more correct—in many cases the prosecution launched by the Special Police has failed. The number of cases sent up for trial in 1951 was 242. Convictions took place only in 112 cases and the balance of 130 cases resulted in acquittal. That shows that the prosecution failed in those 130 cases. When the state of things is like that, we are led to doubt the effectiveness of the Bill. I do admit that by the present amendment its effectiveness will be increased to a certain extent, but I am afraid it will not be to the extent which Government or the hon. the Home Minister hopes for.

A number of changes have been effected in the previous Act in regard to prevention of bribery and corruption. For instance, a new offence called "criminal misconduct" has been created, and it has been provided that any person who habitually takes illegal gratification or who happens to possess resources or property disproportionate to his sources of income for which he cannot satisfactorily account shall be presumed to be guilty of criminal misconduct. But my point is: how are you going to prove that he is in the habit of taking bribes habitually.

Mr. Deputy-Speaker: That is not necessary. There is no question of habitual bribe-taking. Even individual cases are enough.

Shri Raghbir Sahai: The word "habitual" has been mentioned in the case of criminal misconduct. We are familiar with it in the Criminal Procedure Code. There it is specifically provided that in cases where a person is alleged to be habitually doing a criminal thing or committing an offence, evidence with regard to his general reputation can be offered. The Tek Chand Committee has recognised—and the shrewed lawyer that the hon. the Home Minister is, I am sure he will also recognise—that it is very difficult to prove offences committed under Section 161 or 165 or 165A. The Criminal Law Amendment Bill adopted this morning goes to increase the powers of the court and make the Act more effective, but still I feel that unless and until you provide that evidence can be adduced in regard to the general reputation of that person, this legislation will not be the success we desire it to be.

In this connection, I would like to draw the attention of the House to certain remarks made by Shri A. D.

Gorwala in his Report on Public Administration. On page 16, he recognises that "it is often difficult to produce sufficient proof of corruption to obtain a conviction in a court of law and yet there may be strong and reasonable suspicion coupled with persistent public talk. Here too effective action is essential." He goes on to say:—

"It should take the lines suggested in the extract below from Chapter XV of the Hyderabad Econmy Committee Report:

'Corruption, it is said, is often difficult to prove. All the more reason why there should not be the least hesitation in investigating every matter in which there is ground for complaint. Punishment, too, for corruption should be exemplary, the least being dismissal from service. There is, in this matter of corruption, one clear criterion which can be of great assistance in assessing the possibility or otherwise of its existence. Reputation can be taken as almost conclusive. It may be said of an officer who has not that particular fault, that he is harsh or rude or lazy, but it may be laid down almost as a rule that, over a period, it will not be said, of an officer who is honest, that he is dishonest. Consequently, when a strong aroma of corruption has gathered round an officer, very rarely will it be wrong specially and thoroughly to investigate his action, his financial position and the financial position of such of his relatives and close friends as seem to have acquired a somewhat large share of the good things of the world. No such officer should, in any case, be kept in any position of responsibility or influence.'"

With your permission, I would read the last sentence also:—

"There is very little doubt that corrupt public servants often escape detection because the machinery for detection is not sufficiently able and wide awake."

So, having before us the observations and remarks of the Tek Chand Committee to the effect that the previous Act was not as effective as the Government wished it to be, and also bearing in mind the remarks made in the Gorwala Report with regard to the prevention of bribery and corruption and the significant suggestion that in such cases evidence regarding general reputation of the officer concerned should be taken, I suggest that

[Shri Raghbir Sahai]

the hon. Minister will consider making a suitable provision in this Bill. My humble submission is that it should be permissible for the prosecution to adduce evidence with regard to the general reputation of the public servant who is charged with the offence of either taking bribe or who has accumulated property disproportionate to his resources. I do not wish to be very long in my remarks, but I would request the hon. Minister to take the suggestion seriously.

Mr. Deputy-Speaker: It has been brought to my notice by Mr. Rama-swami that the inclusion of section 165A here is a little too premature. It is only just now that this House passed and made 165A a substantive offence. The Council of States has yet to pass it; it has to receive the assent of the President; then alone will it become law. Till then I am afraid this Bill has to stand over.

Dr. Katju: I would like to leave this matter entirely in your hands. I should have thought that both these connected Bills might go to the Council of States. But if you think that there should be a substantive section 165A almost of a cast iron nature, then these sections cannot be taken into consideration.

Mr. Deputy-Speaker: After all it is no good assuming that this will be accepted by the Council of States. Are we to pass legislation which will become infructuous? The President may not give assent to it—then there will not be section 165A.

Dr. Katju: Then, it may stand over, Sir.

Mr. Deputy-Speaker: Then this Bill, will stand over for consideration to some other date, until after the other one is passed.

INDIAN TEA CONTROL (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now take up the Indian Tea Control (Amendment) Bill.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): I beg to move:

“That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration.”

It may be explained that the Indian Tea Control Act of 1938 has been brought into being pursuant to the In-

ternational Tea Agreement which was signed by the producing associations in India, Ceylon, Indonesia and Pakistan (or undivided India in those days) with the aim of equating the world supply to the world demand of tea in the interest of avoiding a serious situation which threatened the tea industry in the early thirties. The main object of the agreement was to regulate the acreage under tea cultivation and export of tea from a producing country. Recognising the usefulness of the agreement brought about by the co-operative effort of the producing interests, the Governments of the countries had lent support to the agreement and agreed to facilitate its implementation by means of necessary legislation. The legislation in the case of India was the Tea Control Act of 1938.

The Indian Tea Control (Amendment) Bill, which the House is now asked to consider, does not seek to amend the provisions of the parent Act, either by way of relaxation or tightening up of the provisions relating to regulation of acreage under tea cultivation or export of tea. The provision of this Bill merely seeks to amend such provisions of the parent Act as have been found to be administratively defective, judged by the experience gained during the course of the administration of the Act during the many years that have passed since 1938.

The Indian Tea Licensing Committee, to which is entrusted the administration of the majority of the provisions of this Act came to be constituted as far back as 1938 and has not been reconstituted till now. The tea producing interests in certain cases, namely, Assam Valley, Cachar district in Assam and Tripura, South India excluding Travancore-Cochin, Kangra, Dehra Dun and Bihar are required to return after election under section 3 of the Indian Tea Control Act three representatives as members of the Indian Tea Licensing Committee. The holding of elections for the purpose was considered very difficult if not impossible during the war and section 3 of the Act had, therefore, to be amended in 1943. As a result section 3(2) of the Act allowing the members of the Committee to continue to hold office for the duration of the war came to be incorporated. Such a provision apart from its being in the nature unnecessary has proved liable of being misused and that a member representing certain interests may cling to office even though the interest concerned may no longer wish him to continue as its representative. There is no gainsaying that the tea producing interests should be allowed to be repre-

sented on the Indian Tea Licensing Committee from time to time by persons of their own choice and to achieve this object, it is necessary to provide for the periodical reconstitution of the committee. Clause 2 of the Bill seeks to amend the Act with this object in view.

Clause 3 is a corollary thereto and is designed to frame rules to regulate the term of office of nominated or elected members of the Indian Tea Licensing Committee. It is felt that the provisions sought to be incorporated under clauses 2 and 3 are desirable and at the same time are innocuous.

Coming to clause 4, as I said before, the International Tea Agreement lays down the permissible tea acreage as on the 31st March 1950 for all tea-producing countries which are parties to the agreement. It also prescribes that during the period of its currency, namely 1st April, 1950 to 31st March 1955 the area under cultivation may be extended up to 5 per cent. of the permissible tea acreage as on 31st March 1950. An additional area of about 10 per cent. of the permissible acreage may be planted with tea only if the acreage has become unsuitable for tea plantation and has therefore to be abandoned.

Section 26 of the Act, as at present emerged, requires a permit from the Indian Tea Licensing Committee, if tea has to be planted on land only by way of extension thereto, but not by way of replacement of existing tea acreage. The Indian Tea Licensing Committee has been issuing permits also in cases of planting of tea on land by way of replacement. It is felt that it is expedient to continue this practice. In order to ensure strict observance of the obligations undertaken by us under the International Tea Agreement to bring the legal provisions into line with the existing practice, it is sought to amend section 26 in clause 4. This is merely a question of confirming the existing practice and does not carry with it any innovation.

These broadly, are the two points covered by this Bill and so far as the merits of the two amendments suggested. I do not anticipate anybody can take any serious exception, as in one case all the Members of the House will agree that the Indian Tea Licensing Committee should be reconstituted from time to time and in the other case it is merely a question of giving legal sanction to a practice already being followed.

I concede, that there may be other questions relating generally to the administration of the Tea Licensing

Act or the way in which the Tea Control Board has been carrying on its work which might merit justifiable comment from Members of the House. But that is a different matter altogether. I venture to submit that the Bill before the House does not contemplate any serious departure from existing practice. I, therefore, hope the House will give its approval to this motion.

Mr. Deputy-Speaker: Motion moved.

"That the Bill further to amend the Indian Tea Control Act, 1938, be taken into consideration."

Shri A. V. Thomas (Srivaikuntam): I have great pleasure in supporting the motion before the House. As one interested in tea cultivation I would like to point out to the House that the tea industry at the present moment is facing a serious crisis and it is very necessary now that the International Tea Control Agreement should be reviewed and enforced fully. The countries that did not subscribe to the original Tea Agreement should also be brought in now and the question of restriction of tea production and also of obtaining a fair price for tea should be gone into. The cost of production of tea has gone up considerably and it is impossible now to get in the markets even the cost of production. The prices ruling now are much below the cost of production. It does not end there. Producers have difficulty in selling their tea even at current ruling prices. Matters have reached a very serious stage and immediate attention is called for to set matters right.

Out of our production, only about 20 per cent. is consumed in the country and for the balance of about 80 per cent. the industry has to look for outside markets. Other countries have come into the market, and it is very difficult now—I would say almost impossible—for Indian tea producers to place their tea in outside world markets and get a reasonable price.

I am not a scare-monger, but I would like to bring to the notice of the House the very serious plight in which the tea industry finds itself today. Heavy burdens have been laid on this industry from various directions—the labour, the State Governments with their agricultural income and sales taxes and the Central Government with their taxes, etc. There was a spell of prosperity for the tea industry for a few years and the industry was able to bear all these burdens. But for some time now, with the steep decline in prices, it is not able to bear these burdens, and if effective steps are not taken immediately to redress some of the grievances or to give relief to the industry I am

[**Shri A. V. Thomas**]

afraid the industry stands in great peril. It may even come to the stage of many gardens and estates closing down, and I need not tell the House what the consequences of this will be.

As I said before, 80 per cent. of the tea has to be sent to outside markets. That means a large amount of foreign exchange; foreign currency is made available by the exports. Other countries, especially those countries who have not been in the market or who have been in difficulties in the past, like China, have now come to the market and they are able to place their tea in the market at much lower prices than we can. If once we lose the markets of the world which we have been holding for a number of years, it will mean that it will be difficult—and I would say almost impossible—to regain the lost markets.

I request that the Departments concerned go into these questions and give effective remedies to the industry as quickly as possible. I suggest that the export and import duties be cancelled. Also, the new Labour Plantation Acts etc. may be kept in abeyance for some time till the tea industry recovers and is able to stand on its feet.

The planting community is a hard-working community. They can face any difficulties. In fact they have faced many difficulties before and have gone through various slumps. They appeal to the Government and others concerned only when they are hemmed in with difficulties from all directions and are unable to carry the burden. Such a time has come now, and I therefore request that attention may be given to the various points I have mentioned.

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There is also another important thing. As I said before, the International Tea Agreement should be reviewed as quickly as possible and our Government should try to do their best to get all the tea-growing countries of the world to come into the scheme. This saved the tea industry once before and I am sure if it is done again it will again save the industry from ruin.

Shri K. P. Tripathi (Darrang): The Bill which has been brought before us seeks to bring within the purview of the Government the question of replacement of tea areas. You know that in tea gardens there are several types of cultivation. Firstly, there is infilling. That is, some plants which die have to be infilled. Secondly, in an area where the plantation has been

uprooted, new plantation is made. About these two matters there was provision previously. There is the third point also, namely, you uproot the tea plants from one place and plant the same in another. In this case there was formerly the provision that if the planter increases the plantation by two per cent. he need not take any permission; he could do it himself. Now the Government of India by this amendment want to bring this also within their power so that if anybody wants to plant anything by way of replacement he shall have to take the permission of the Tea Licensing Committee. I think it is a step in the right line.

You know that there were tripartite conferences previously and in those conferences we discussed the question of plantation labour. We were surprised to find that the plantation labour in India was kept in the lowest rung, almost in semi-slavery conditions. It will be remembered that there was a Committee set up for inquiring into the conditions of labour and Dr. Lloyd Jones carried out an investigation. In his investigation report he writes that the condition of plantation labour is terrible. He says that even children amble like old men. I do not know of any enquiry report anywhere in the world where it is said that children amble like old men. And the number of deaths among women during child birth is tremendous. The number of children who die after birth is also very large. For all these reasons the condition of plantation labour was considered to be very bad and therefore the tea industry in utter abashment agreed to improve the condition of its labour. This House will remember that in October last an Act was passed called the Plantations Act. Under that Act there are certain obligations on the tea industry.

Mr. Deputy-Speaker: Are they all relevant here? This is only an amending Bill. With respect to an amending Bill only those sections are relevant which are touched upon by the clauses of the Bill and not the other substantive provisions of the Act, except in cases where the clauses of the Bill necessarily lead to the amendment or modification of any other section which is intimately connected therewith. The other sections are not relevant. Therefore I do not think the general conditions etc. of labour on the tea plantations come within the purview of this Bill. This is only an amending Bill.

Shri K. P. Tripathi: I am just going to connect it, Sir. I was just saying that this was the condition of plantation labour. Then the question arose

with regard to hospitalisation and the industry agreed to undertake that responsibility. There were some gardens which were uneconomic in nature. Now, how could these uneconomic gardens take upon themselves the responsibility for starting hospitals? We tried to find out several methods; but we could not succeed. It was thought that the gardens should combine, or in the alternative, the gardens should be allowed to expand. The smaller gardens should be allowed to expand at a faster rate than in the case of the bigger gardens. So long, the expansion was allowed on the basis of percentage, so that, the bigger gardens were allowed a bigger percentage and the smaller gardens were allowed only a smaller percentage of expansion. If you admit that the conditions of labour should be improved and hospitals have to be started, then, these uneconomic units must be allowed to expand at a higher rate than the economic ones. Hitherto, there was no legislation for plantations. Once we have conceded that there must be legislation either by way of the Minimum Wages Act or the Plantation Act, a heavy responsibility is saddled upon the industry. Therefore, it is for the Government to see that these uneconomic holdings become economic.

It will be remembered that recently some tea gardens have served notices that they are going to close. I am told that some uneconomic units in Kachar have already closed. What is going to happen to these units? These smaller and uneconomic units should be allowed to expand so that they may be able to shoulder the responsibility as soon as the rules which are being framed are put into application. So, I feel that this provision is a step in the right direction. I draw the attention of the Government to this fact that when they grant permission, they should bear in mind that their permission should not be on the old percentage basis where the bigger gardens win and the smaller gardens lose, but smaller gardens should be allowed to expand at a quicker rate than the bigger ones, so that all the units may be brought up to a proper level.

Mr. Deputy-Speaker, you have allowed the hon. Member on the other side to speak about the level of prices, and the conditions in which the industry finds itself. I do not know how far that is relevant. If that point is allowed to be raised, then, I have certain things to say with regard to that also. It will be remembered that recently the prices have gone down. The indus-

try came forward to the Government and asked for an Enquiry Committee. It is stated that a Committee has been set up also. I do not know what is going to be its work. On this Committee labour has not been represented. If this Committee makes submissions, which go against the interests of labour, I hope labour will be consulted and nothing shall be done against the interests of labour unless labour agrees. With regard to prices, I submit this. I find that the world retail prices of tea are constant. There has been no fall in the world retail price of tea. There has been only a fall in the purchasing price of tea at Calcutta and the wholesale prices. Every one knows that this tea industry is controlled by monopoly interests, and it is quite easy for these monopoly interests to combine among themselves and create a fall in the market, so that Government may be forced to reduce the export duty or withdraw the Minimum Wages Act or to scrap the Plantation Act. I hope Government will not be stampeded into taking any such action. I do hope that this Government will set up an Enquiry Committee to enquire into the question of prices. For this purpose, while I was in the ILO, I had discussions with the delegates from other countries, particularly Ceylon and Indonesia who along with India are producing the bulk of the tea for exports. All of them are very much concerned that the prices should be stabilised. What action has this Government taken for the stabilisation of prices? I feel that the Government of India should take a lead in this matter and convene a conference of all these countries which are interested in the production of tea and export of tea for the purpose of finding out a way for the stabilisation of prices. It will be remembered that when there was a crisis in the tea industry in 1933, there was created the International Tea Committee, which came forward to take stock of the situation and save this industry. Today, this crisis is there. The International Tea Committee sits mute. It is taking no action. Why is it so? If there was a real crisis in the industry, would this International Tea Committee have sat like this? I beg to submit that they would have taken urgent steps; but, no steps have been taken. I think it is because the tea industry wants that the export duty should be reduced, and therefore they are putting pressure upon the Government without trying in their own way to stabilise the prices. I therefore request the Government of India to take immediate steps to convene a conference of those countries which are interested in the export of tea, where we may make an attempt to stabilise the prices of tea. If you do not stabilise

[Shri K. P. Tripathi]

the price of tea, you are not going to do anything for labour. If you want to bring about uniformity in the conditions of labour in the tea industry or any industry whatsoever, you require stable prices. A stable price level is not going to come unless you make an effort for that. Therefore, I request the Government to consider this aspect of the matter and if possible to convene such a conference as quickly as possible.

The other point that I wish to urge is this. After the war, there has been an attempt to increase the supervisory costs. Recently, in the Minimum Wages Committee I was surprised to find that only 17 per cent. of the cost was labour charges. In an agricultural industry, is there anywhere in the world such a condition in which only 17 per cent. of the cost is labour charges, I ask. The balance is mostly supervisory cost. It is mounting up like anything. The pay of the managers has been increased by 30 to 50 per cent. They get car allowance, car maintenance allowance, child allowance, marriage allowance, free house, free water, free electricity, etc. The number of managers is being increased every day. Where formerly there was one manager, a number of assistant managers have been appointed: not men who know the thing, but young striplings are brought out from England as novices for the purpose of being trained as managers. In this way, the supervisory cost is mounting up. Therefore, I requested the Government and I request the Government even now to set up a Committee or an investigation commission to enquire into the cost structure of the plantations. Unless and until there is an enquiry into the cost structure of the plantations, it is not possible for the Government or for anybody to say what the cost should be. I feel that the cost structure of plantations is very important and the sooner there is an enquiry into the matter, the better. Once there is an enquiry, Government will be in a position to find out what should be done, if the industry comes forward and says that the cost is too much, and that labour charges have increased. I hear that there is an investigation going on with regard to the Minimum Wages Act and that there is a move that the Minimum Wages Act should be scrapped. There is a system of issuing rations to labour at concession prices. I hear that the industry says that this system of rationing should be scrapped. But there is no proposal as to whether there should be any cut in the supervisory costs. It will be remembered that there was an investigation made

into the uneconomic gardens of Kachar. In that, we were asked by the industry to share the losses. But, while there was a profit, we were never called upon to share the profits.

And actually, you will be surprised that we had to agree to share the loss in 20 tea gardens which had given notice of closure. And that loss we are bearing even now. We were told that within six months an enquiry committee would be set up and this loss would be taken off our shoulders. The enquiry committee was set up. It also reported, but the loss continues, and we are sharing the loss. Therefore, I am extremely sorry to point out all these facts to the House, and I am extremely sorry to say that Government has not tackled the question from the point of view of labour. There was a conference in Lucknow of the INTUC at which a resolution was passed that Government should set up enquiry commissions to enquire into the cost structure of tea, jute and textiles. Government have not set up any enquiry commission with regard to tea. Whether they have set up enquiry commission in regard to the other two I do not know. Plantation is an industry in which foreign capital abounds, and the interlocking devices are such that from the production to the distribution stage at Calcutta and from the distribution stage at Calcutta to the distribution stage at London, practically the same people are the proprietors in one form or another. Therefore, if the price level in India is reduced and the retail selling prices of the world remain constant, their profit increases. Therefore, in certain circumstances their profit increases even if they do not get any profit from the production stage. Such an extraordinary situation prevails. Therefore, this Government should not sit with its eyes closed with regard to what manipulations might take place in the industry. The only way in which this can be done is to find out the facts, and the facts must be found out. For that purpose, you must send a commission to enquire into the cost structure, you must send a commission to find out the international cost and price structure so that you may be posted with the facts. If you know them, then only you will be able to put pressure on the big firms who have monopoly interests.

Last year the Ceylon Government tried to have only an increase of 4d. in the pound, and he had to go to England to fight for it. Whether he succeeded or failed I do not know. In this way, by begging you are not going to succeed. In the business world, begging never succeeds. You

have to go upon facts. I do not know why Government should be squeamish about all this. Why should they not come forward and set up an enquiry commission, a fact finding commission, and if the facts are found out, then if the industry has a real case it will be able to put before the world: "Here is a real case. We want a reduction of export duty" or whatever it is. Then, the Government will be in a position to decide. Without knowing the facts, to set up a two-man committee simply for the purpose of penalising labour which is not drawing even minimum wages is extraordinary. I have not heard of any enquiry committee being set up to find out whether minimum wages should be reduced. Absurd! So I request Government to think over the same and not give effect to any such report which may advocate reduction in the wages and other things. I hope the Government will take stock of the situation and set up the committees and commissions which I have suggested, call a conference of the tea-producing countries as I suggested, and in the meantime, of course, I support the Bill which is proposed. I have made my submission with regard to the way in which this can be dealt with, viz., the tea gardens which are uneconomic should be given preference so that all the tea gardens may come to an economic level.

Shri Venkataraman (Tanjore): The amendment which the hon. Minister has moved to the Tea Control Act in so far as it deals with the term of office of the membership of the Committee is quite welcome. But, in so far as it seeks to amend Section 26 of the Tea Control Act, I want that this House as well as this Government should take note of the great implications which lie embedded in this amendment.

We entered into the International Tea Agreement in or about 1933 and the participating countries in the International Tea Agreement were India,—then India included Pakistan—Indonesia represented by Netherlands, and Ceylon which is the next important tea-producing country. Now, the tea industry in these countries was all controlled by the European capitalists, and they wanted to have the highest price possible. In fact, they wanted to ensure to themselves a monopoly in tea, so that they said unrestricted expansion of the growth of tea should be prevented at all costs so that the price may be kept at a high level. Since other countries did not grow much tea at that time, they were able to control not only production, but also prices. Since then, every five years we have been extending the life of this Act, and we extended the life of the present Act some time in February, 1950. And this Act, i.e., the

Tea Control Act, will be in force till 1955.

Now, what are the conditions of this Tea Control Act? No tea-planter in India can expand his acreage except at the rate of one per cent. each year of the total acreage, that is to say no planter in India can increase his acreage beyond 5 per cent. of the total acreage in the whole course of five years. Then, as regards replacements, only 10 per cent. of the total acreage can be replaced in the course of these five years. i.e., 2 per cent. per year and 10 per cent. in the whole course of five years. If the tea-producing countries of the world were all members of this International Tea Agreement, perhaps some of our planters also would have got some benefit under it. But, unfortunately you find today that a large number of countries which are growing tea are not members of this International Tea Agreement. For instance, in Africa in Nyasaland and Tanganyika, they are expanding their acreage by very fast strides. Last year, or a little earlier, the Government of India itself circularised a note to the tea-planters in India stating that they must take note of the possible competition from Africa in view of the increased production of tea from those countries. Now China produces tea. The U.S.S.R. produces it, though it is less than her needs, and the result is there are other countries which are increasing and expanding their production while we in India are limited, circumscribed and prevented from expanding our acreage. We are prevented from finding employment to our labour. We are prevented from growing more, and bringing more acreage under tea cultivation. During the years 1938 to 1950 we all know that there was a seller's market in tea, and there was absolutely no need for the Tea Control Act, and yet you see, our Government and also other countries like Ceylon and Indonesia were bound by this agreement and they were prevented from increasing their acreage. If my information is correct, some of the European planters have sold their tea estates in India, and they have transferred their assets and they are extending their acreage in East Africa, in Tanganyika, Nyasaland and other parts of Africa. This naturally works out as a great hardship to this country. Many of the large plantations which are in the hands of Europeans do not very much care for extending the acreage in this country because they have the wide world to exploit, while the small Indian planter who wants to extend his acreage is prevented by reason of this International Tea Agreement from extending his acreage, so that it works as a great hardship on the small planter

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who has facilities, who has land in his possession and yet he is prevented from increasing his acreage.

This is a very serious matter, and the Government ought to take note of the situation early enough to see whether we shall continue still to be members of the International Tea Agreement, which puts a ban on our expansion of production, while it gives free scope for expansion in other parts of the world. As a corollary to this International Tea Control Board, there is another organisation known as the International Tea Marketing Expansion Board. We in India contribute to the International Tea Marketing Expansion Board one-half of the total revenues of that Board. Our contribution annually is Rs. 50 lakhs. But what do we get in return? The International Tea Marketing Expansion Board does propaganda for tea as such. In spite of our spending as much as Rs. 50 lakhs, people in Australia or Europe do not know that India even produces tea, while the other countries like China or East Africa get the benefit of the propaganda done by the International Tea Marketing Expansion Board at our cost. Let us realise this. If these Rs. 50 lakhs are spent on propaganda for Indian tea then Indian tea would gain a very great market. After all, as you all know, advertising has come to stay and that is the only means of getting a market. In Australia I have seen advertisements of the kind 'It is good tea because it is Ceylon tea' etc. but nowhere did I find any advertisement about Indian tea, notwithstanding the fact that we produce one half of the world's production of tea. I say this, because we are spending from our resources very much by way of a contribution to the International Tea Marketing Expansion Board, without ourselves doing any correct propaganda for our tea, in the world. Therefore, Sir, it is a matter for urgent consideration by this Government, to see whether we should continue to be members of the Tea Marketing Expansion Board, and by making our contribution to them, allow them to do propaganda for tea grown in China or in East Africa or in other parts of the globe, which are not parties to the International Tea Agreement, and thereby suffer as a consequence in our own markets for Indian tea. The matter is so serious and important that the Indian tea producer has to awake, arise, and bestir himself to see that his tea is established in the market, before other brands of tea are established in the market. Nobody knows about Indian tea, notwithstanding the fact that the Darjeeling tea or the high-

grown tea of Nilgiris is the best in the world; people know only of Lipton's Tea or Brooke Bond's Tea. All this happens because our Government and our commercial establishments are not doing correct propaganda in favour of our tea. (Interruption). That is exactly my complaint, that it is the European interests in tea that are getting the benefit out of the vast expenditure of Rs. 50 lakhs which we are making as contribution to the International Tea Marketing Expansion Board, and by our being a member of the International Tea Control Board.

My submission to Government is that our tea industry is a very great national asset. Fortunately we have got an acreage which can absorb even all our labour now suffering in Ceylon, if only we are permitted to expand the acreage. If however we are going to deny ourselves by restrictive clauses by which we cannot expand our acreage, and by which even the replacement of tea should be limited to 2 per cent. per annum, then we are doing great injury to our economy. It is very necessary that the Government should examine the position between now and the time when the International Tea Agreement expires, and make up their mind not to renew it. There is so much to be gained by that. I know that several arguments will be advanced by the European interests in tea, that whatever I am talking is all nonsense. When I did the same thing in 1950, one of the papers which is inspired by European interests said that these people are all talking something about which they do not know. Yes, I am talking something about which they do not know. The European interests have been thinking that the Indian interests do not know what they have been doing and what they have been trying to do to trade in the name of Indian tea under the International Tea Agreement. I say, that unless the Government musters up courage and realises the consequences of the continuance of this agreement, it will injure our economy sooner than later.

There is one other difficulty which is connected with this. Last time, when we were discussing the Industries Development and Control Bill, the predecessor of my hon. friend Mr. T. T. Krishnamachari, said that he would very soon introduce a Bill in this House to take over the control of tea in the Industries Control and Development Bill. The original Bill, as it was introduced by my hon. friend Dr. Mookerjee had tea as one of the items in the schedule. It continued to be in the schedule, even when it went to

the Select Committee. Afterwards that Bill was dropped and a fresh Bill was brought forward in the light of the suggestions made by the Planning Commission. Even in the new Bill brought forward before this House, it was again mentioned in the schedule, as one of the items for control and development, but at the Select Committee stage, it was dropped—for what reason, I do not know.

Dr. S. P. Mookerjee (Calcutta South-East): The majority of the members of the Select Committee were in favour of coffee.

Shri Venkataraman: But I did enter my caveat then, and even in my dissenting minute, I have put this matter specifically. My point is this. Tea is so important for our national economy that it ought to come under the Industries Development and Control Bill, and should be subject to the control of the Government. Once it comes under the supervision and control of Government, they will be able to understand and realise the several implications of the agreements which these tea interests are prevailing upon them to enter into. The Central Tea Board, as it is constituted today is dominated by tea interests from the European section, which is always giving such advice to the Government that will help them only. If once the tea is taken over by the Government and is kept under their control and supervision, under the aegis of the Government, then they would realise that this agreement is working to their detriment, and that therefore they ought to do something in the matter immediately. As the Bill has now been brought, I would have wished that it had not been brought at all, particularly clause 4. It is unnecessary to carry out our obligations under the International Tea Agreement in such a meticulous fashion as the hon. the Minister is anxious to do. I do not know why when such an agreement is not working to the benefit of our country—I do not know how far it is being honoured in other countries—we should continue it. I want to ask the hon. the Minister, if he has got statistics to show whether the other countries which are participating in this agreement, have not extended their acreage beyond what they have agreed to. Have any figures been supplied by any authority? Who is the authority under the International Tea Agreement, to check up whether the countries which are parties to the agreement, do not expand their acreage beyond what is allowed under the Act? Nothing of that sort! We merely meet once in five years, and at that time even, the representatives are mainly from the

European section of the industry. They come together and agree to extend the agreement for another period. Thus they present this Government with a *jai accompli*, which the Government have been so far only registering. I am very anxious that at this time, when he seeks to implement the International Tea Agreement to see that the acreage is not extended beyond 10 per cent. of replacement, the hon. the Minister will devote some time to these thoughts and find out whether it is after all worth while continuing to be member of the International Tea Agreement, and make up his mind by the time the new agreement has to be entered into.

Shri Damodara Menon (Kozhikode): I agree heartily with the criticism of my hon. friend Mr. Venkataraman with regard to section 26 of the Act, and the amendment which the hon. the Minister wants to put in on that section. The hon. Minister said that he is seeking to introduce this amendment because he considers it necessary for the purpose of ensuring a strict observance of our obligations under the International Tea Agreement.

Now, as my hon. friend, Mr. Venkataraman pointed out, the Minister has not shown how this agreement is working to India's advantage. I come from a part of the country where there are a large number of tea estates and where there is also a large acreage of virgin land which can be utilised for further expansion of our tea industry. This International Agreement is not working to our advantage at all. Now it has been made clear by my friend that there are countries which do not come under this International Tea Agreement and they are expanding their tea gardens as they like, and so long as there are countries which do not come under this agreement, I do not see any point in our keeping ourselves strictly within this agreement. This amendment is now introduced with a view to see that our obligations are strictly observed. I do not know, why we should embark upon such a strict observance now. I want to know from the hon. Minister whether as things stand now, he finds any difficulty. I know, as conditions stand now, some expansion is being permitted and we have not gone far astray from our obligations. Therefore, I do not see why we should now seek to bring forward this amendment.

Our industry must expand and our economy must also expand and if we are really wedded to this agreement and we see that virgin land that can be brought under tea cultivation is left as it is today, I am sure our country

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will suffer. Therefore, while it must be our effort to see that we get out of this agreement as early as possible, let us not now introduce a further amendment to this Act with a view to restrict our expansion in this respect.

Another point I want to bring to the notice of this House is this. The Central Government wants to regulate the term of office of the members of the Tea Licensing Committee. That is a good idea. I want to know, when we are reviving this power and giving it to the Central Government to make rules with a view to regulate the term of office of the members of the Board, whether these rules will be placed before the House for its consideration. Now, I do not know whether—the hon. Minister has not made it clear—there is any definite term of office fixed for the members. It would be good if we fixed a three-year term for the members of the Board. When rules are made, I hope the hon. Minister will bear this in mind. I would also suggest that the rules when they are made must be placed on the Table of the House and they must be subject to the approval of the House.

Shri Nambiar (Mayuram): This is a Bill which while I went through surprised me, because this is an action on the part of the Government to support the European interests without any regard to the conditions of the plantations owned by Indians or the plantation labour. It is so glaringly stated in the Statement of Objects and Reasons that "it is now considered necessary for the purpose of ensuring strict observance of our obligations under the International Tea Agreement that this matter also should be subject to the permission of the Tea Licensing Committee". This means that even the limited expansion of the tea industry should be brought under the direct purview, supervision and control of the Tea Licensing Committee. What is this Tea Licensing Committee? Of course, according to the Act of 1938, the Tea Licensing Committee is a permanent body—so far as this Act continues. Now he moves that there may be a limitation of the term of office of the members, nominated or elected. I have gone through the Act and I have seen what exactly the Tea Licensing Committee is. In section 3, it says that this Tea Licensing Committee contains or comprises entirely of the tea industrialists and plantation owners. Even the Government have not got any voice in that. The Government can constitute the Tea Licensing Committee. The Tea Licensing Committee consists of one member to be nominated by each of the following bodies:

The Indian Tea Association, Calcutta, the Assam Branch of that Association, the Surma Valley Branch of that Association, the Planters' Association and so on and so forth. We find that these associations are dominated mainly by European planters. Therefore, the entire expansion, control, prices, etc. concerning the tea industry is handed over to this Committee and this Committee is dominated by the European interests which are monopolist. These people have got the right to decide whether there should be expansion or not. And what little expansion is allowed under the original agreement, even that is being removed by the Bill. That clearly shows that this is a blank cheque given to the European interests in India to do whatever they like.

Coming to the actual situation from the angle of the ordinary layman, I ask: Are we getting enough tea in this country? The price of tea is such—we of course from the South take a lot of tea—that we feel we are taxed more for it. Therefore, from the point of view of the ordinary man in the street, the price of tea is already very high, and in India, as one of the hon. Members on the other side who supported the Bill very eloquently stated, only 20 per cent. of the tea is consumed by Indians and 80 per cent. by foreigners. Even granting that this 20 per cent. is consumed by Indians we can say that we do not get enough tea in this country. There are very many parts of the country where tea is never used at all today. Though there is a lot of scope for this industry to grow, lakhs and lakhs of plantation labourers, as my hon. friend from Assam just now said, are living under inhuman conditions.

I know, for instance, that the tea planters of Nilgiri Hills and Annamalai Hills where I had occasion to go and meet them, are living in very very pitiable condition. They do not even have hutments for plantation workers. There I saw that they could not have even one meal a day and for even that they had to depend on the tea planters who were very much interested in their own profit and not interested in the plantation labour. That being the case, when there is scope for better expansion, when there is scope for better conditions of living for plantation labour, the whole thing is to be handed over to these monopolists. The fact that we here are to hand over these things and ask them to decide is a most absurd proposition. Therefore, as other hon. Members have suggested just now—Mr. Venkataraman and others—the entire matter requires the immediate attention of the Govern-

ment. The matter must be inquired into—the scope of expansion of the tea industry in this country, the condition of labour, the prices that we can reasonably be expected to pay and the markets that could be found out elsewhere. All these things should be taken into consideration and after further investigation a Bill should be brought to regularise the whole thing and to support the industry *in toto*.

Unless and until that is done, unless and until the interests of lakhs and lakhs of plantation labour, men, women and children are safeguarded, it will be most unfortunate on the part of Government to give some more powers or additional authority to the Licensing Committee when there is not even an attempt to reconstitute that Committee. I could have understood if the amending Bill had brought forward some other provision to amend section 3 whereby a rearrangement was sought to be made of representatives of the tea industry on this Committee. As you go through the section you can see that the Indian tea planters have got very little representation in that Committee. There may be two or three from South India and one from somewhere in the North but the rest of the members of the Committee would be Europeans and they dominate the whole Committee. I cannot understand the blatant, open nature of this thing when, let alone the workers, even the industrialists of this country are not allowed to expand their industry. Of course, as regards the workers I do not expect much from this Government—I do not expect it from practice, not from theory because they do not do anything even though they may talk much.....

An Hon. Member: You also talk much.

Shri Nambiar: I say I am prepared to be corrected if you improve yourself, but not if you simply sermonize and do nothing. Even the Minimum Wages Act which has been passed is not implemented in the Annamalais and the Nilgiris. When I went there the workers represented to me that in anticipation of the implementation of the Minimum Wages Act the planters are taking action now to curtail whatever rights the workers have got. In view of this and in view of the popular feeling existing in the matter among the Congress Members, I would suggest that the whole matter be left as it is for the moment and a new piece of legislation brought up later taking into account all these points. We are prepared to give facts and figures concerning tea plantation labour, and about the scope of expansion. We are also prepared to help the Indian tea

interests so that if the foreign monopoly could be fought out or purchased or liquidated *in toto* we will be the first to agree to that and do away with that monopoly. The Indian tea industry should thrive for the benefit of the Indian working class, for the benefit of the Indian people. Therefore, I oppose this Bill and request that the question may be reconsidered.

Shri Borooh (Nowgong): I beg to move:

"That the question be put."

Mr. Deputy-Speaker: The question is:

"That the question be put."

The motion was adopted.

Shri T. T. Krishnamachari: I am very grateful to the hon. Members who have participated in this discussion, particularly for the support that the Bill got from the majority of the speakers. The Bill, as I have explained at the outset, falls into two parts. The first part is almost unexceptionable. There is nobody in this House who would agree to the perpetuation of the present Tea Licensing Committee. A question was raised as to the period during which the new Committee would function. Well, there is a limit as it is because the Act itself would lapse by 1955 and no Committee can possibly function for more than three years. In any event we are considering this question. The hon. Member from Malabar, Mr. Darnodaran said that the rules must be placed before the House. The House would certainly know about the rules, but it is not a very material point; as we are going to reconstitute the Committee and the period during which they will function may be two years or may be three years but not more, it is not a very important point.

On the question of amendment to section 26 there has been a certain amount of misapprehension. It is not that this Bill seeks to impose any fresh liability in regard to extension so far as tea-planting areas which have gone under disuse are concerned—that is already there. The old section permits replantation only up to a point. What is now sought to be done is that for this replantation a licence must be taken. There are both advantages and disadvantages about it. But actually, if we do not give legislative sanction to an established practice which is in vogue now, very possibly if advantage has not been taken of this concession in the two years that have now elapsed, advantage may not be taken of that concession during the remaining three years also. So I think it

[**Shri T. T. Krishnamachari**]

would operate to the benefit of the parties concerned by giving a legislative sanction to an established practice.

With regard to the moot question that was raised by several hon. Members, that is whether it is right for us to be participants in this International Tea Agreement, it is a very different question altogether and by the House accepting this particular measure which is a very innocuous measure it does not, I can assure the House, commit itself to any principle of being tied down to this international arrangement to which we have been parties all along. I can give that assurance categorically. At any rate, I as a member of Government do not feel tied down to this arrangement.

Shri Sarangadhar Das (Dhenkanal—West Cuttack): Why do you not repudiate it?

Shri T. T. Krishnamachari: Well, I have my own views on this matter and so long as I am here I can decide when and how to do it, and the hon. Member Mr. Sarangadhar Das from Orissa—if he comes over to this side then he may be able to use his influence to have it done earlier.

Shri S. S. More (Sholapur): On a point of order, can we not, Members of the Opposition, influence Ministers in charge of the different Departments?

Shri T. T. Krishnamachari: It is not a point of order, Sir. I am not yielding. The hon. Member can use his influence both in the House and outside the House and it all depends.... (Interruption).

Mr. Deputy-Speaker: I do not find there is any point of order. Hon. Members in the Opposition must constantly attempt to influence the Government and ultimately gather opinion, and if the Government does not yield, and if they gather sufficient strength, take over the Government.

Shri S. S. More: But I do object to the way of speaking like that.

Mr. Deputy-Speaker: Certainly the Opposition is entitled to place its viewpoint before the Government and the Government is bound to consider the viewpoint. Not that the Opposition can dictate to the Government—certainly the Opposition is entitled to give advice to the Government and the Government will choose its own time—both are right.

Shri T. T. Krishnamachari: I am obliged to you, Sir, for your interpretation, but there is no question of anybody being high and mighty. The

question really is that we have to choose our own time. So long as advice comes to us we are certainly examining that advice and if the advice is suitable we will certainly choose the time and place for accepting that advice and implementing it.

Going back to this question of our position in regard to this International Tea Agreement, the points raised, as I said, have a great amount of validity and I cannot commit myself and the Government now to a sort of breaking the agreement because I do believe that there are two sides to the question. We have certain advantages in being participants to this agreement, we have also certain disadvantages, and it is not a question of there being unilateral advantages to any party—a traffic in one way only. But the position will undoubtedly be considered. I can give that amount of assurance.

The point my hon. friend, Mr. Venkataraman mentioned about the payment of Rs. 50 lakhs for the purpose of advertising, is the next point I will take up. Well, supposing a well-organised body which produces a particular type of article advertises that article, you find that incidentally other people who are less organised who also produce that article also stand to benefit. That happens in trade. There may be one person advertising a particular article and another person getting the advantage because the article being popularised it benefits articles of other makes also. So, even if we advertise Indian tea, it would not altogether make people discard either Ceylon tea or Indonesian tea or Chinese tea—that is inevitable. But the force of the argument of my hon. friend, Mr. Venkataraman and others is one which has to be acknowledged and we have to review the position but as hon. Members both on this side and on the other know, we have to take some time to review this question.

My hon. friend Mr. Tripathi, whose interest in plantation labour is very well known to me and is one which is very greatly valued by labour and by Members of this House, has made some useful and interesting suggestions. At the same time, I would like to disabuse him of one impression that he has got, namely that the small committee that is now enquiring into certain aspects of the demands made by the tea industry can do the things he suggests. Two officers of Government are going round and seeing things for themselves. I can give him this assurance that neither will the Committee make recommendations, nor will the

Government accept them even if they are made, which would jeopardise the position of labour even to the tiniest extent. The Committee is not commissioned to go into the wage question at all. It merely wants to see how the friction that is now obtaining in certain aspects of the industry can be eased. Of course, there is a demand from the plantation industry—as Mr. Thomas who is interested in the industry and who is a pioneer so far as plantation industry in South India is concerned has put it—for abolition of the duties. The tea interests do not like excise duties. They do not like export duties. That is always the case. No industry likes duties. They feel that if you remove excise duties and export duties trade will just flow in from other countries. Well, that just does not happen actually. Very possibly, if you remove export duties the quantum of tea that is bought from India will be much the same and the Government would lose the revenue from export duties. This is a matter which the Government has to decide ultimately, because after all if Government gets revenue from an industry, the needs of that industry have to be met. The industry cannot be killed. So the obligation to find out whether the excise duty or export duty is operating to the detriment of a particular industry or not is ours. This committee would perhaps advise us on that matter and also on other ancillary matters, but I can assure Mr. Tripathi that we do not at all intend in any way to make the position of labour worse than what it is. If we can possibly do so, we will make it better.

My hon. friend Mr. Nambiar said something about the Minimum Wages Act being applied. It has been applied in Assam, and it will be applied in South India, in spite of the fact, as he put it, that we are only paying lip service to the needs of labour. As the hon. Member would see, we are here to do real service to labour when the time comes and opportunities afford themselves, and I think opportunities will afford themselves sooner than my hon. friend there expects.

I do not want to go further into this question at this moment because a number of points have been raised that do not bear any strict relevance to the motion before the House. I would assure the House that nothing is sought to be done by this Bill either to the industry or to the control exercised by the Indian Tea Licensing Committee. It merely regularises the position. It may hold some advantages to the industry incidentally.

I have been asked: Why could not the Government find out what other participating countries are doing? Why do you not follow suit? I think that is an argument which would not be seriously suggested to any Government. Any Government which is party to an agreement must observe that agreement. If it feels that that agreement is detrimental to the country's interests, then they must give notice to say that they are no longer for the continuance of the agreement. Unless we do that, we cannot say that we adopt or take advantage of loopholes here and there to augment the interests of any particular section by methods which are palpably unfair. An individual or an industry may adopt that course—certainly not the Government, and certainly not a Congress Government.

I hope that the House will accept the motion for consideration.

Shri Raghabachari (Penukonda): I rise to a point of order, Sir. I submit that it is not competent for this House to consider this Bill which seeks to prevent people from growing tea or expanding their plantations. I want to draw your attention to Article 19 of the Constitution which says:—

“All citizens shall have the right—

(g) to practise any profession, or to carry on any occupation, trade or business.”

Agriculture and growing of tea are trades and occupations. The exception as given in sub-clause (6) reads:—

“Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public

I want your kind attention to be given to the words “in the interests of the general public”. It has been interpreted and repeatedly urged in this House that the present arrangement is not in the interests of the general public but that it is in the interests of the European trade. The hon. Minister also fairly concedes that position and says that he may have to examine his own inclination in that way. So, this sub-clause (6) does not help. The only other Article to which we can turn is Article 253, which says:—

“Notwithstanding anything in the foregoing provisions of this Chapter.....”

the word “this Chapter” is very important—

[**Shri Raghavachari**]

"...Parliament has power to make any law...for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

There has been an international agreement and therefore we want to pass this law. This is to be the argument. But let me point out that the word "this Chapter" used in Article 253 must be borne in mind. That Chapter relates to the powers as between the Union and the States and if any particular State has a certain law and the Indian Union has, under an international agreement, entered into some kind of obligation, then the law of the State cannot take away Parliament's power to pass any law, in conformity with such international agreement. Therefore, the scope of that Chapter is not for giving extra powers to the Parliament but to govern the relations between the Union and the States. In this Bill, it is clearly stated that so long as this Act remains in force no one can plant tea in any new land. I submit that this is opposed to the fundamental rights guaranteed by the Constitution.

Shri T. T. Krishnamachari: Surely, the Chair does not want me to offer any reply. It is a question of interpretation of Article 19(6). Competent persons will certainly interpret it, and the Act which this House may pass may ultimately become *ultra vires*.

Shri S. S. More: It is a very important point of law which has been raised and some consideration will have to be given to it. It is better we adjourn now.

Shri T. T. Krishnamachari: Without attempting to unduly influence your decision, I may submit that the Chair is

aware that in a matter like this where a question of competence is sought to be raised with the support of a provision in the Constitution, the question of declaring it *ultra vires* or not is usually left—at least that has been so on previous occasions—to the competent authority to decide.

Mr. Deputy-Speaker: I have no objection to adjourn the House now. We can sleep over this point of order till tomorrow. But I may say that the question raised is not a novel one. The Industries Control Bill was passed by us. There were provisions in it for licensing, registering etc. and it could be said equally about that Bill that licensing imposed some restriction. Likewise, reference is made here to Article 19(6). It does not mean that the 360 million people of India are affected. Only a section of the public is affected. I am not going into the question whether the interests affected are European or otherwise. Whoever is interested, so long as they are a section of the public carrying on business, the application to them of this Bill will not be opposed to any fundamental rights under Article 19(6). Further, in all such matters, the Chair has never taken the responsibility of ruling out any particular Bill. It leaves it to the House. This matter may be considered by the House and if the House wants, let it throw out this Bill. Let it not consider merely whether it offends legally and technically any fundamental right guaranteed by the Constitution, but let it consider independently of that whether this Bill is or is not in the interests of the country as a whole. I leave it to the House. There is no point of order here.

The House then adjourned till a Quarter Past Eight of the Clock on Wednesday, the 16th July, 1952.