

Volume I

No. 1 — 21



Friday
11th July, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

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Members Sworn [Cols. 2—18].

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THE
PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Friday, 11th July, 1952

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

HUMAN RIGHTS COMMISSION

*1659. Shri Velayudhan: Will the Prime Minister be pleased to state:

(a) how many delegates represent India in the Human Rights Commission; and

(b) whether the Indian Delegate opposed the inclusion of the Peoples' Republic of China in the Commission recently?

The Prime Minister (Shri Jawaharlal Nehru): (a) One.

(b) No. The chairman of the Commission gave a ruling to the effect that the Commission was not the appropriate body to consider the issue of Chinese representation. Voting took place on this ruling. Our Representative abstained from giving a vote. This was not in accord with the Government of India's policy on this subject and our Representative was so informed.

Shri Velayudhan: May I know, Sir, whether regular instructions are given by the Government of India to the members of such delegations sent from India?

Shri Jawaharlal Nehru: Regular briefs are given to every delegation that goes out, and instructions are sent later on, too, when occasion arises. Normally speaking, of course, in a Commission like the Human Rights Commission, political questions do not arise. Generally our instructions cover them.

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Shri Velayudhan: May I know, Sir, whether there were occasions in the past when the Members of the delegations from India acted against the Government of India's policy?

Shri Jawaharlal Nehru: I think two or three times when there was either misunderstanding or they were taken unawares by some questions which they did not exactly understand.

Shri B. Shiva Rao: Is it not a fact, Sir, that the Indian delegates to the General Assembly and India's representative on the Security Council, as long as India was on the Security Council, consistently asked for the admission of the People's Republic of China to the United Nations?

Shri Jawaharlal Nehru: Of course, Sir. It is very well known. May I add that in this matter, it was not this question, but the question whether the Chairman's ruling should be voted upon or not that was raised.

ADDITIONAL BUILDINGS FOR OFFICES

*1660. Shri Velayudhan: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government have decided to build additional buildings for offices located in New Delhi; and

(b) if so, where they are being planned?

The Deputy Minister of Works, Housing and Supply (Shri Buragohain): (a) Yes, Sir.

(b) One office building will be constructed on Queen Victoria Road and other on Hardinge Avenue.

Shri M. S. Gurupadaswamy: May I know what is the total cost of these buildings, the estimated cost?

Shri Buragohain: The estimated cost is Rs. 96 lakhs for both the places.

Sardar Hukam Singh: May I know what is the amount of space we have

for official accommodation in Delhi just at present, and how much more we require?

Shri Buragohain: The present need is about 3.66 lakhs of sq. ft., and out of this, leaving a margin for the accommodation likely to be available in some of the Princely Houses which have been or are proposed to be taken over, additional accommodation to the extent of about 3 lakhs sq. ft. will be necessary.

COMMUNITY DEVELOPMENT PROJECTS

*1661. **Shri S. N. Das:** Will the Minister of Planning be pleased to state:

(a) what types of organisations have been set up in various States for giving effect to the programme of community development projects which will be financed out of the Indo-American Technical Co-operation Fund; and

(b) the nature of work that has already been started in different States?

The Minister of Finance (Shri C. D. Deshmukh): (a) The organisational set-up for the community development programme is outlined in Article 3 of Operational Agreement No. 8 on Community Development Programme, a copy of which was laid on the Table of the House on the 4th June, 1952.

(b) Preliminary survey of project areas, with a view to preparing a programme, is in progress.

Shri S. N. Das: May I know whether Government have considered the several constructive suggestions that have been made on the floor of the House, and whether the necessary changes are going to be made?

Shri C. D. Deshmukh: All suggestions made by this House are given very careful consideration. What the final position will be I am not in a position to say just yet.

Shri S. N. Das: May I know, Sir, whether Government have considered the desirability of convening a conference of non-official bodies or persons who are engaged in rural uplift work?

Shri C. D. Deshmukh: No such suggestion has been considered, Sir. I am not sure that was contained in the observations made in this House.

Shri Velayudhan: May I know what is the amount that Government have so far actually received under this programme?

Shri C. D. Deshmukh: I am not prepared to answer that question in connection with a question on the organisation set-up for community projects. I would require notice.

Sardar Hukam Singh: May I know whether any provision has been made for the training of State representatives in the basic plan of these community projects so that there may be uniformity?

Shri C. D. Deshmukh: A large number of training centres for the village workers are going to be set up under the auspices of the Ford Foundation.

Shri M. R. Krishna: May I know the first five States in which the largest number of projects have been established?

Shri C. D. Deshmukh: This information has been furnished from time to time already.

Shri M. S. Gurupadaswamy: May I know whether work has commenced in these projects, and how far it has progressed so far?

Shri C. D. Deshmukh: The programme of work is like this: completion of survey of project areas—15-7-52; submission of project estimates—31-7-52; approval of estimates by the Community Projects Administration—15-8-52; commencement of project—1-10-52, which is really in time for the rabi agricultural season.

Shri N. B. Chowdhury: May I know whether these projects will be implemented through contractors or through the Department?

Mr. Speaker: I do not know how he is interested in having this.

Shri C. D. Deshmukh: I do not think the hon. Member has understood the nature of this project.

Pandit C. N. Malviya: Has the selection of the trainees been made?

Shri C. D. Deshmukh: It is in progress. We have issued or are about to issue instructions in regard to the machinery to be set up for selecting the trainees.

NEWSPRINT FROM FIR

*1662. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether fir logs brought down from the Kulu Hills to Dhillian through the river Beas have been experimented upon for the production of newsprint;

(b) if so, with what result; and
 (c) whether the costs of extraction and transportation to the paper mills have been examined?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):
 (a) No, Sir.

(b) and (c). Do not arise.

Shri S. C. Samanta: May I know whether any other such experiments are being conducted in India for the production of newsprint?

Shri T. T. Krishnamachari: A survey has been made by the Development Officer connected with the Ministry of Commerce and Industry in regard to the possibilities of exploitation of fir logs for purposes of making newsprint, but it has not gone beyond that.

Shri S. C. Samanta: May I know, Sir, the research stations where they are being experimented, whether scientific or forest research institutes?

Shri T. T. Krishnamachari: To the best of my information, a survey has been made, and undoubtedly the forest research institute is engaged in making research in regard to the possibility of using local production for the purpose of making either paper or newsprint, but in this particular instance, apparently what my hon. friend has in mind is that an officer of my Ministry has gone and made a survey of the possibilities of using fir logs, and we have his report, but we have not gone beyond that.

Shri S. C. Samanta: May I know whether Government is experimenting on the woods available from the Andaman and Nicobar islands for the production of newsprint?

Shri T. T. Krishnamachari: The question of experimenting with regard to the feasibility of using woods, whether fir logs of whatever other types of wood available in the Andamans, is really the work of the Forest Research Institute. I believe they are doing something in that direction but I have no information.

Shri Veeraswamy: May I know the names of the countries from where we have been importing newsprint and paper?

Mr. Speaker: That has been answered a number of times.

EFFIGY OF MAHATMA GANDHI AS TRADE MARK

*1663. **Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any instances have come to the notice of Government in which the name or effigy of Mahatma Gandhi has been used in trade marks and for other business purposes; and

(b) if so, whether Government have taken any action in regard to them under the Emblems and Names (Prevention of Improper Use) Act, 1950?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Only four cases have come to our notice so far.

(b) Not under the Act but through persuasion.

Dr. Ram Subhag Singh: May I know which are the four States in which these four cases have come to the notice of the Government?

Shri Karmarkar: Madhya Pradesh Meerut, Bhagalpur.....I am mentioning the places, the hon. member can find the States in which these are located.

Dr. Ram Subhag Singh: May I know the reason which prevented the Government from taking any action against these persons?

Shri Karmarkar: After consideration, we have thought it proper to go through with persuasion in these matters?

Shri S. N. Das: May I know, whether after the Act referred to in part (b) of the question was brought into force, any addition to the Schedule under the Act was made?

Shri Karmarkar: No, Sir.

Shri A. C. Guha: May I know whether any State Government have taken any steps towards implementing this Act, or whether they have passed another Act, in pursuance of this Act?

Shri Karmarkar: I should like to have notice on that point.

RIVER VALLEY SCHEMES IN MYSORE STATE

*1664. **Shri M. V. Krishnappa:** (a) Will the Minister of Planning be pleased to state which are the River Valley Schemes included under the Five Year Plan in Mysore State?

(b) Is the inclusion of Tungabhadra and Nugu Projects in Mysore State in the Five Year Plan under the consideration of the Planning Commission?

The Minister of Finance (Shri C. D. Deshmukh): (a) Attention is invited to page 286 of the Draft Outline of the Five Year Plan.

(b) The Tunga Anicut, the Bhadra Reservoir and the Nugu Reservoir schemes are included in the Five Year Plan of Mysore State.

Shri M. V. Krishnappa: May I know what are the conditions that are necessary for the inclusion of a project under the Five Year Plan?

Shri C. D. Deshmukh: Consideration of priorities.

Shri Shivananjappa: Is it a fact that these projects have been partly executed by the Government of Mysore up till now?

Shri C. D. Deshmukh: Some work has been started on these projects.

Shri M. S. Gurupadaswamy: May I know whether the Government of India has received any representations from the Mysore Government with regard to the inclusion of Lakkavalli project under the Five Year Plan?

Shri C. D. Deshmukh: In the first place, the Government does not receive any representations. We are concerned only with the Planning Commission. It is the Planning Commission which has to include any project in the Five Year Plan. As far as I understand, the Bhadra Reservoir is the project near Lakkavalli. That is my information.

Shri M. V. Krishnappa: Is it a fact that the Bhadra project which costs about Rs. 20 crores, was taken up by the Mysore Government before the Financial Integration Scheme, and after the financial integration, they are not in a position to complete the project, and as the Centre has not come to their aid, they are forced to abandon the project completely?

Shri C. D. Deshmukh: It is a fact, Sir, that this project which is a multi-purpose project will involve a total expenditure of Rs. 20 crores. The scheme has been in progress since 1947, and a sum of Rs. 70 lakhs has been spent up to the end of March 1951. Under the Five Year Plan, a sum of Rs. 186 lakhs has been provided for the first stage of this project. At the end of the five year period, part of the area is expected to be irrigated.

EVACUEE PROPERTIES IN EAST PAKISTAN

*1665. **Shri L. N. Mishra:** (a) Will the Prime Minister be pleased to

state whether any agreement has been arrived at between the Governments of India and Pakistan for settlement of claims in respect of evacuee property in East Pakistan and thereby to provide compensation to displaced persons?

(b) If so, what is the nature of that agreement?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (b). There is no such agreement. Legislation has, however, been undertaken by the Government of East Pakistan in accordance with the terms of the Prime Ministers' Agreement of April 1950, which provides for the administration or restoration of property left behind in East Pakistan by persons who have migrated to India. Similar legislation has been undertaken by the Governments of West Bengal, Assam, and Tripura in respect of property left behind in these States by persons who have migrated to Pakistan.

Shri L. N. Mishra: What steps have the Government taken in regard to the new claim of Pakistan that the value of the properties left by Muslim evacuees from India, are larger than that of the properties left by Hindus and Sikhs in Pakistan?

Shri Satish Chandra: The legislation referred to by me does not relate to the larger question of evacuee property as such.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): There is no evacuee property in the eastern zone, if I may say so.

Shri A. C. Guha: May I know whether there were some terms in the Prime Ministers' Agreement for the setting up of Boards of Trustees to administer these properties, and if so, how these Boards of Trustees have been functioning?

Shri Satish Chandra: These Boards of Trustees have been constituted both in East Bengal as well as in West Bengal, Assam and Tripura. In East Bengal, they have passed the East Bengal Evacuee (Administration of Immovable Property) Act, 1951. Similar Acts on our side have provided for the setting up of these trusts. They consist of minority community members, with an official of the respective Government as Chairman. All the properties which have not been restored vest in these Trusts at present.

Shri A. C. Guha: Have they taken any steps to recover any revenue or

income from these estates, for the evacuees?

Shri Satish Chandra: I require notice.

The Minister of Law and Minority Affairs (Shri Biswas): These Trusts have been set up and are functioning on both sides of the border, and have taken up many of these properties.

Shri A. C. Guha: Have they taken any steps to recover any revenue or income from these estates?

Shri Biswas: I could not give you that information as to how much they have collected.

Shri A. C. Guha: Has any attempt been made to evaluate the property left by the refugees in Eastern Pakistan?

Shri Biswas: There is no question of evaluation of properties under the Prime Ministers' Agreement.

Shri Meghnad Saha: Have the Government assessed the total value of the property left by the evacuees in Eastern Pakistan.

Mr. Speaker: That is an independent question.

Shri Satish Chandra: This is not intended to be done at all. In the eastern zone, which only is the subject-matter of the question. Properties have been restored to persons who have returned to their homes before 31st March 1951. As regards persons who have applied before that date their properties have been taken over by the Trust Committee, and these persons can apply if they so desire to this Trust up to the end of 31st March 1953, for the restoration of their properties. So, there can be no question of evaluation up to 31st March 1953.

The Minister of Rehabilitation (Shri A. P. Jain): The question of evaluation of these properties is totally irrelevant, because these properties continue to vest in the owners who have migrated from one country to another. They are entitled to transfer their properties and to receive rents, and up to a certain date, they are entitled to the physical restoration of their properties. Any evaluation of these properties will serve no purpose.

Shri A. C. Guha: May I know whether there has been any attempt to recover any rent for the requisitioned houses owned by the Hindus in East Bengal?

Mr. Speaker: Is it with regard to any of these properties which vest in the Board of Trustees now?

Shri A. C. Guha: They ought to vest in the Board of Trustees, I do not know. It is for the hon. the Minister to say.

Shri Meghnad Saha: Is the hon. the Minister aware that a large number of refugees, above 4 million or so, will never return to Eastern Pakistan, and what has been done to evaluate their properties, and give them some compensation for them?

Mr. Speaker: Order, order. This question is a wider one, not covered by the present one.

CHINESE CULTURAL MISSION

*1666. **Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state:

(a) whether Kashmir was included in the itinerary of the Chinese Cultural Mission to India; and

(b) if so, why the Mission did not visit Kashmir?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Kashmir was originally included in the itinerary of the Chinese Cultural Mission to India. But on their arrival here they changed their programme and Kashmir was not included in the revised programme.

Dr. Ram Subhag Singh: Is it a fact, Sir, that the Chinese Cultural Mission did not visit Kashmir because of the presence of Chinese refugees over there?

Shri Jawaharlal Nehru: Well, I can't say what their decision was finally due to. They would be in the best position to answer that.

Shri Velayudhan: May I know, Sir, whether the programme was drawn up by the Chinese Mission itself or by the Government of India, and whether anybody from that Mission desired to visit Kashmir?

Shri Jawaharlal Nehru: The programme was drawn up by the Government of India in constant consultation with the Chinese Embassy in New Delhi. It was a joint programme that they desired to draw up.

Shri S. S. More: May I ask the Prime Minister whether any official report has been submitted by the Delegation and if so, will it be laid on the Table of the House?

Mr. Speaker: By the Chinese Delegation?

Shri S. S. More: I am sorry, Sir.

DISPLACED PERSONS IN HOMES AND INFIRMARIES

*1667. **Dr. Ram Subhag Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of displaced persons from West Pakistan living in homes and infirmaries in different States at present; and

(b) whether it is a fact that steps are to be taken shortly in all the States to weed out able-bodied displaced persons from those homes and infirmaries?

The Minister of Rehabilitation (Shri A. P. Jain): (a) 24,289.

(b) Yes.

Dr. Ram Subhag Singh: May I know, Sir, how many able-bodied D. Ps. have been already discharged from such homes and infirmaries?

Shri A. P. Jain: I want notice.

Dr. Ram Subhag Singh: May I know, Sir, whether any alternative accommodation would be provided to them?

Shri A. P. Jain: Yes.

Dr. Ram Subhag Singh: What about rehabilitation benefits?

Shri A. P. Jain: They are entitled to rehabilitation benefits.

Sardar Hukam Singh: May I know, Sir, whether displaced persons from Kashmir from out of the camps for which the Government of India are responsible are also admitted to these homes and infirmaries, or whether there are different homes?

Shri A. P. Jain: Displaced persons from Kashmir are not the direct responsibility of the Government of India. Of course, we are maintaining a camp for these persons in Yole. The Ministry of Rehabilitation is helping the States Ministry in maintaining this camp.

Sardar Hukam Singh: Is it the administration of the camp alone that is the responsibility of the Government of India or the settlement of those refugees as well?

Shri A. P. Jain: Also the settlement.

MICA MINES LABOUR WELFARE FUND

*1669. **Shri N. P. Sinha:** (a) Will the Minister of Labour be pleased to state whether any steps have been taken to implement the provisions of

the Mica Mines Labour Welfare Fund Act, 1946?

(b) If so, what works have been done so far and at what places in Bihar?

(c) Has any amount been paid to any "owner, agent or manager of a Mica Mine" as contemplated in Section 3, Sub-Section 2(b) of the Act?

The Minister of Labour (Shri V. V. Giri): (a) Yes.

(b) a statement is placed on the Table of the House. [See Appendix VIII, annexure No. 8].

(c) Not so far.

Shri N. P. Sinha: One of the provisions of the same Act makes it mandatory for the Central Government to issue statements of account annually. Has that been done?

Shri V. V. Giri: I think so, Sir.

Shri Nambiar: May I know, Sir, whether it is a fact that there is a large-scale unemployment of mica mine workers in Andhra and other places due to slump?

Shri V. V. Giri: I do not know about it.

Shri Nambiar: May I know, Sir, what steps have been taken to improve the situation of the newly introduced hammer which creates a lot of accidents in mica mines?

Mr. Speaker: I think he is going into a much wider question.

Shri Nana Das: May I know, Sir, the progress of welfare work done at the Kudur mica mines?

Shri V. V. Giri: Kindly read the statement that has been placed on the Table. You will know it.

Shri S. C. Samanta: The statement says that housing construction for maternity and child welfare has just begun. May I know, Sir, what intermediate arrangements have been made?

Shri V. V. Giri: Intermediate arrangements have been made with the aid of certain dispensaries and hospitals.

PROVIDENT FUND SCHEME FOR LABOUR

*1670. **Ch. Raghubir Singh:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that Government have started a compulsory Provident Fund Scheme in glass factories in Uttar Pradesh; and

(b) if so, what is the average amount contributed by the owner of the factory towards the Provident Fund of each labourer?

The Minister of Labour (Shri V. V. Giri): (a) and (b). No compulsory Provident Fund Scheme has been started by Government in glass factories in Uttar Pradesh. The Employees Provident Funds Act, 1952, which provides for the institution of provident funds for employees in factories and other establishments does not, for the present, apply to glass factories.

Ch. Raghbir Singh: May I know, Sir, whether the Government contemplate to start it in the near future?

Shri V. V. Giri: They do not contemplate it at present, but certainly they will be constantly examining this question.

Shri Nambiar: May I know, whether Government are proposing to ask the employers to contribute towards some gratuity or any other fund connected to the provident fund in view of the fact that there is no compulsory provident fund?

Shri V. V. Giri: That question does not arise out of this. I want notice.

Shri Velayudhan: May I know, Sir, whether the Government are contemplating a provident fund scheme for all these industries?

Shri V. V. Giri: It has already been stated to what industries this provident fund scheme applies.

पश्चिमी पाकिस्तान स्थित संपत्तियों के क्लेम

*१६७३, सेठ गोविन्द दास : (क) क्या पुनर्वास मंत्री यह बतलाने की कृपा करेंगे कि पश्चिमी पाकिस्तान में रह गयी संपत्तियों के लिये प्राप्त हुए क्लेमों की राशि क्या है ?

(ख) बंगाल को छोड़ शेष भारत में निष्कमणार्थी संपत्तियों की कुल मत्य-राशि क्या है ?

(ग) क्या पश्चिमी पाकिस्तान में रह जाने वाली संपत्तियों के मालिकों के

क्लेमों के भुगतान के लिये किसी योजना को अंतिम रूप दिया गया है ?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Information cannot be supplied at this stage.

(b) Valuation of evacuee properties is in progress and this information cannot be supplied.

(c) The question of giving recompence to displaced persons for property left in West Pakistan is under consideration.

सेठ गोविन्द दास : क्या मैं यह जान सकता हूं कि यह हिसाब कितने दिनों से बन रहा है और इस के कब तक बन जाने की आशा की जा सकती है ?

श्री ए०पी० जैन : यह हिसाब जनवरी सन् १९५१ से बन रहा है और मैं ने यही पर यह कहा था कि तीन महीने के अन्दर सितम्बर के आखिर तक बन जायगा ।

पुनर्वास-व्यय

*१६७४. सेठ गोविन्द दास : क्या पुनर्वास मंत्री यह बतलाने की कृपा करेंगे कि विस्थापित व्यक्तियों के पुनर्वास के ऊपर १५ अगस्त १९४७ से ३१ मार्च १९५२ तक व्यय की गयी कुल राशि क्या है ; और

(ख) निम्न राज्यों के तत्संबंदी आंकड़े क्या हैं :

- (१) दिल्ली राज्य ; और
- (२) पंजाब राज्य ?

The Minister of Rehabilitation (Shri A. P. Jain): (a) Rs. 146.34 Crores.

(b) (i) Rs. 13.64 Crores.

(ii) Rs. 24.86 Crores.

सेठ गोविन्द दास : सन् १९५२ के मार्च से लेकर सन् १९५३ के मार्च तक और कितना रुपया इस सम्बन्ध में खर्च करने का इरादा है ?

श्री ए० पी० जैन : वह तो यहीं पर पास हुआ है और माननीय मेम्बर तो उस समय मौजूद होंगे, वह रकम तेंतीस करोड़ और कुछ है ।

सेठ गोविन्द दास : उसमें से जो इस साल खर्च होने वाला है, उसमें से जो लोग पूर्वी पाकिस्तान से आये हैं, उन पर कितना खर्च होने वाला है और जो पश्चिमी पाकिस्तान से आये हैं, उन पर कितना खर्च होने वाला है, उसका कोई अलग २ हिसाब है ?

श्री ए० पी० जैन : मोटे तौर से अगर दो रुपया पश्चिमी पाकिस्तान से आये हुए पुरुषार्थियों पर खर्च होगा तो एक रुपया पूरब से आये हुए पुरुषार्थियों पर खर्च होगा ।

सेठ गोविन्द दास : क्या माननीय मंत्री जी को यह बात मालूम है कि मध्य-प्रदेश में जहां २ पूर्वी पाकिस्तान से आये हुए लोग बसे हैं उन पर कुछ भी खर्च नहीं किया जा रहा है और इस सम्बन्ध में माननीय मंत्री जी को कई शिकायतें भेजी जा चुकी हैं ?

श्री ए० पी० जैन : कई शिकायतें तो नहीं पेश की गयीं, लेकिन माननीय मेम्बर ने स्वयं एक शिकायत पेश की थी, उसके बारे में मैंने मध्यप्रदेश की गवर्नरेंट से पूछा है और मध्य प्रदेश की सरकार अगर कुछ देना चाहती समझेगी तो मुझे वह लिखेगी और तब मैं सोचूँगा कि क्या देना है और क्या नहीं देना है ।

सेठ गोविन्द दास : माननीय मंत्री जी ने इस सम्बन्ध में मध्यप्रदेश की गवर्नरेंट को कब लिखा था और उसका उत्तर कब मिला ?

श्री ए० पी० जैन : बस, जब माननीय मेम्बर ने शिकायत की थी, उसी के बाद लिखा था ।

सेठ गोविन्द दास : क्या यह बात सही है कि गवर्नरेंट क. इसको लिखे हुए तीन महीने गुजार चुके हैं और अभी तक कोई उत्तर माननीय मंत्री जी को वहां से नहीं मिला ?

श्री ए० पी० जैन : तीन महीने तो माननीय मेम्बर से मेरी मुलाकात हुए भी नहीं हुए ।

Mr. Speaker: I think everybody, including the Ministers should make it a point to address the Chair direct. I also take this opportunity of remarking that, many times, in replying hon. Ministers are addressing members as "You". That is wrong and is not the parliamentary method.

वक़ों और न्यासों को संपत्तियों का हस्तांतरण

*१६७५. सेठ गोविन्द दास : (क) क्या पुनर्वास मंत्री यह बतलाने की कृपा करेंगे कि क्या सरकार को पता है कि कुछ लोगों ने, जो पाकिस्तान जाना चाहते थे, निष्क्रमणार्थी संपत्ति विधियों की पकड़ में आने से बचने के लिये अपनी संपत्तियां वक़ों और न्यासों को हस्तांतरित कर दी हैं ?

(ख) यदि पता है, तो क्या इस विषय की जांच की गयी है ?

The Minister of Rehabilitation (Shri A. P. Jain): (a) and (b). A few such cases came up before Custodians and after making necessary investigation, such action as was permissible under law was taken.

सेठ गोविन्द दास : इस तरह के कोई मामले माननीय मंत्री जी के सामने आये हैं ?

श्री ए० पी० जैन : माननीय मंत्री के सामने तो नहीं आये लेकिन हां कस्टोडियन के सामने आये हैं और मेरी इत्तला यह है कि १९ प्रदेशों में जिनके बारे में मेरे पास खबर आई है कुल आठ ऐसे मामले आये ।

सेठ गोविन्द दास : क्या कस्टोडियन के पास जो मामले आते हैं वे बाद में माननीय मंत्री जी के पास नहीं पहुंचते हैं ?

श्री ए० पी० जैन : नहीं ।

सेठ गोविन्द दास : तो क्या इन मामलों पर कोई भी कार्रवाई करने का अधिकार कस्टोडियन को रहता है ?

श्री ए० पी० जैन : इसके बारे में तो इस भवन ने कानून पास किया कि जितने इस किस्म के मामले होते हैं वह पहले ऐसिस्टेन्ट कस्टोडियन के पास जाते हैं फिर कस्टोडियन के पास और फिर कस्टोडियन जेनरल के पास । इस में मंत्री को तो कोई इस किस्म का अधिकार दिया ही नहीं गया और न उसकी इस बारे में जिम्मेदारी ही रक्खी गयी थी कि वह इस तरह के मामलों की फ़ेहरित बनाये, हां आम तौर पर खबर मिलती रहती है ।

सेठ गोविन्द दास : जो आठ मामले इस किस्म के आये हैं वह कितने रुपये की जायदाद के मामले थे ?

श्री ए० पी० जैन : वह तो सभी जायदादों के मामले थे ।

सेठ गोविन्द दास : कितने रुपये के थे ?

श्री ए० पी० जैन : यह तो मुझे नहीं मालूम । हजारों मामले होते हैं किस किस के बारे में याद रखी जाये ।

JUTE GOODS

***1676. Shri A. C. Guha :** Will the Minister of Commerce and Industry be pleased to state :

(a) the quantity of jute goods ordered from and shipped to foreign countries during the first 4 months of 1950, 1951 and 1952 ;

(b) the cost price of Indian Jute goods as compared with the cost price of jute goods produced in other countries ;

(c) whether there has been any attempt to introduce up-to-date methods and machineries in the Indian Jute Industry ; and

(d) if so, what they are and how far these have been given effect to ?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Shipments of jute goods during the first 4 months of 1950, 1951 and 1952 were 2.37, 2.08 and 2.56 lakh tons respectively. No record can obviously be maintained of orders received by the Trade from abroad.

(b) The cost price of jute goods varies from mill to mill and country to country, and no exact comparison is possible. Nor indeed is complete information regarding costs available. However, the fact that our industry can bear an export duty is sufficient evidence to indicate that the cost of Indian made jute goods is still the lowest in the world.

(c) and (d). The question of modernisation of jute mills is receiving active consideration by the industry as well as the Planning Commission. No schemes have yet been formulated.

Shri A. C. Guha: Has there recently been a conference of the representatives of the Indian Jute Mills Association and the Government, and if so, what has been the result of that conference and those consultations ?

Shri T. T. Krishnamachari: There has been recently a meeting of members of the Jute Mills Association and some officers of the Ministry of Industry and Commerce and the Members of the Planning Commission. I think it is still in the stage of talks.

Shri A. C. Guha: May I know what is the estimated cost of modernising the machinery of the jute mills in India?

Shri T. T. Krishnamachari: The estimates vary from Rs. 70 crores to Rs. 140 crores.

Shri A. C. Guha: How is this to be spread over, and may I know whether Government is going to make any contribution or whether the jute mills alone will have to bear all this cost?

Shri T. T. Krishnamachari: It is premature to make any authoritative statement on this matter, because, as I said, the talks are going on; it is still in the stage of talks which are inconclusive.

Shri K. K. Basu: May I know to what extent there will be retrenchment of labour as a result of such modernisation of the jute mills?

Shri T. T. Krishnamachari: The hon. Member is a trifle premature.

Shri N. S. Nair: Has the attention of the Government been drawn to a newspaper report that Pakistan is trying to discriminate against India and is imposing an export duty on jute?

Shri T. T. Krishnamachari: The question has been answered on a previous occasion.

Shri Nambiar: May I know whether there is any large-scale unemployment due to want of raw jute for our industry?

Shri T. T. Krishnamachari: I cannot quite catch the import of the hon. Member's question.

HEAVY ELECTRO-MECHANICAL INDUSTRIES

*1677. **Shri N. P. Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have under consideration the question of opening heavy electro-mechanical industries in India in order to facilitate domestic consumption of Mica; and

(b) if so, how long will it take to materialise?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) No, Sir, not in the immediate future.

(b) Does not arise.

Shri N. P. Sinha: All mica is exported to foreign countries, of course, after preliminary processing here, and it is brought to India for consumption only in a finished condition; we do not do anything here in the way of manufacture. Now that power is going to be available in the Bokaro area and in other areas, may I know whether the Government will take steps to introduce such industry in India?

Shri T. T. Krishnamachari: Some efforts were made some three or four years back with a view to starting electro-mechanical industries in India, and three well known firms were asked to submit project reports. But owing to other considerations the schemes were given up. They may be revived, but I cannot say when.

Shri N. P. Sinha: The Mica Inquiry Commission has recommended that such industry should be started immediately. May I know whether Government is going to implement that recommendation?

Shri T. T. Krishnamachari: Recommendations are made, and we have got recommendations galore in the archives of the Government of India, but it does not mean that all recommendations can be implemented. There are considerations like finance which stand in the way of the recommendations being implemented.

Shri B. S. Murthy: May I know whether it is a fact that the mica mines in Godur have been closed down because of want of work and that many labourers have been discharged?

Shri T. T. Krishnamachari: The question relates to the utilisation of mica, not to the exploitation of mica.

SURGICAL INSTRUMENTS (EXPORT)

*1678. **Shri A. C. Guha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there has been any export of surgical instruments from India during the period 1948 to 1951; and

(b) if so, (i) to what country,

(ii) whether there has been any decline in the export; and

(iii) whether there has been any complaint from the importing countries for lack of standardisation?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a), (b) (i), (ii) and (iii). Exports of surgical instruments are small and statistics for the period 1948 to 1951 have not been recorded. Government have received no complaints from importing countries.

Shri A. C. Guha: May I know what are the principal places in India where these surgical instruments are manufactured?

Shri T. T. Krishnamachari: I would like to have notice.

Shri B. S. Murthy: May I know how many firms there are in India which manufacture surgical instruments?

Shri T. T. Krishnamachari: Notice, Sir.

Shri G. P. Sinha: Is it a fact that surgical instruments were manufactured on a cottage industry basis in the Punjab?

Shri T. T. Krishnamachari: I will take that information from the hon. Member.

Shri A. C. Guha: Has there been any manufacture of these surgical instruments on a cottage industry basis somewhere near Roorkee, and are these manufacturing centres now being closed?

Shri T. T. Krishnamachari: I require notice.

EXPORT AND IMPORT CONTROL ORGANISATION

***1681. Shri C. N. P. Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of officers, clerks and class IV servants employed in Export and Import Control Organisation in 1950, 1951 and its present strength and expenditure incurred on it; and

(b) whether any economy has been effected in the current year in staff as well as their emoluments?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) A statement giving the information is placed on the Table of the House. [See Appendix VIII, annexure No. 9].

(b) Proposals for some reduction in staff are under examination at present and some economy during the rest of the financial year is likely.

Shri C. N. P. Sinha: May I know, Sir, whether the Government propose to reduce the staff?

Shri Karmarkar: Yes, Sir. We are considering the proposal about reduction of the staff. We considered that question and we think that the reduction of staff to some extent is feasible at Bombay and Calcutta but at the other centres and headquarters it is not feasible.

Shri C. N. P. Sinha: May I know the income from the export and import licences?

Shri Karmarkar: The income during 1950-51 was 71.43 lakhs and during 1951-52 56.29 lakhs. The figures for the current year are awaited.

Shri T. N. Singh: Two years ago there was some increase in the staff in this Department. May I know whether today the level of persons employed is the same as two years before or some economy has been effected?

Shri Karmarkar: I want notice. But the expenditure as given in the statement shows a very small increase from 40.73 lakhs to 44.52 lakhs.

PUBLICATIONS IN HINDI

***1682. Shri C. N. P. Sinha:** Will the Minister of Commerce and Industry be pleased to state the number of publications in Hindi issued by his Ministry and their circulation?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): Nil.

Shri C. N. P. Sinha: May I know whether the Government proposes to increase the number of publications in Hindi in view of the fact that Hindi is going to be the National Language?

Shri Karmarkar: Sir, this question has been considered at various times at an earlier stage and to increase the number of Hindi publications was not considered to be feasible in view of the stringency of finance and then after the Industries and Commerce Ministry was integrated, the decision of the Ministry on this question was that the matter will be reconsidered after watching for some time as to how the combined journal i.e. the Journal of Industries and Trade and Commerce would fare.

सेठ गोविन्द दास : हिन्दी में इस के प्रकाशित होने में कितना रूपया खर्च होता है, क्या इस की कोई योजना बनाई गई है?

श्री करमरकर : अभी होता ही नहीं है।

सेठ गोविन्द दास : कितना खर्च होगा?

श्री करमरकर : इसके बारे में नोटिस चाहिये।

**DIRECTOR OF PUBLIC RELATIONS,
A. I. R.**

*1683. **Shri C. N. P. Sinha:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the reasons for abolishing the post of the Director of Public Relations in the All India Radio, Delhi;

(b) whether other radio stations still continue to have Public Relations Officers; and

(c) if so, where and the total expenditure on this account in the current year's budget?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The post of Director of Public Relations at All India Radio headquarters was abolished in the interests of economy.

(b) and (c). The Bombay, Calcutta, Madras and Lucknow Stations have Public Relations Officers. Total expenditure on their Pay and Allowances during the current year is estimated to be Rs. 34,016.

Shri C. N. P. Sinha: May I know, Sir, whether the Government propose to appoint any active journalist in the post of Director of Public Relations?

Shri Karmarkar: The post has been retrenched.

Shri A. C. Guha: The hon. Minister has stated that the post has been retrenched in Delhi but these posts have been retained in three other stations. May I know whether the Government intend to retrench those three posts also?

Shri Karmarkar: It is not the intention of Government to retrench those posts because the Government feels that there is a necessity for such officers there and here the work would be integrated with the work of some other officers.

Shri T. N. Singh: What were the considerations which impelled the Government to retrench the post of Public Relations Officer here in Delhi and why those considerations should not apply elsewhere?

Mr. Speaker: I think the question is already replied, if the hon. Member has heard the reply.

Shri B. S. Murthy: May I know, Sir, who is the officer now looking after the work which was done by this Director of Public Relations?

Shri Karmarkar: At the moment at Delhi headquarters the Editor of Indian Listener has been appointed to discharge the duties of the Director of Public Relations in addition to his own and that arrangement has been working quite satisfactorily.

Shri B. S. Murthy: May I know, Sir, whether any extra remuneration is being given to this officer for the extra work?

Shri Karmarkar: I do not think so.

Shri A. C. Guha: May I know, Sir, if similar arrangement cannot be made at Calcutta, Bombay and Madras?

Shri Karmarkar: At the moment that cannot be done. That is the Government's view.

TRADE WITH AFGHANISTAN

*1684. **Shri B. N. Roy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of cost of Indian goods exported to Afghanistan and that of the commodities imported into India from that country;

(b) the names of Indian goods exported to Afghanistan and the names of those imported from that country into India; and

(c) whether Indian exports to Afghanistan have decreased after the Partition of India?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A statement is laid on the Table of the House. [See Appendix VIII, annexure No. 10].

(b) The principal commodities exported to Afghanistan from India are cotton manufactures, tea, drugs and medicines, leather, rubber manufactures, and art silk goods, and those imported into India from Afghanistan are fruits and nuts, asafoetida, cummin seeds, furs and skins and raw wool.

(c) India's exports to Afghanistan have shown a tendency to increase.

Shri Hem Raj: May I know, Sir, the reasons for taking away the concession, viz., formerly the green tea from Kangra district was being exported to Afghanistan direct, but that concession has been taken away?

Shri T. T. Krishnamachari: I want notice for that question.

Shri G. P. Sinha: May I know the route of transport of goods from India to Afghanistan?

Shri T. T. Krishnamachari: I do not think there is any special route, Sir.

Shri S. C. Samanta: The statement says that decrease is constant—year by year. May I know whether there are any complaints received from that country about the bad quality of goods exported?

Shri T. T. Krishnamachari: I have a very long statement here. I think the House will not be interested in my reading the statement. There is no decrease actually except that there has been a slight recession between 1950-51 and 1951-52. As I said there has been generally an increase. The export of cotton manufactures in 1948-49 were to the extent of one crore, 27 lakhs and 47 thousands and in 1950-51 it was three crores, 67 lakhs and 30 thousands. I think so far as these figures are concerned they are only mill-made piece-goods exported by sea, air and land. In 1951-52 it was 2 crores, 63 lakhs and 31 thousands. I have got a whole list of articles which I think the House will not be interested to hear in detail.

Mr. Speaker: Not necessary.

Shri S. C. Samanta: I wanted to know whether any complaints have been received from that country?

Shri T. T. Krishnamachari: I am not aware of any complaints.

Shri M. S. Gurupadaswamy: May I know, Sir, whether those operations are conducted in accordance with any agreement entered into between India and Afghanistan and if so, what are the terms?

Shri T. T. Krishnamachari: I want notice.

TRANSBORDER DISPUTES BETWEEN CITIZENS OF BURMA AND INDIA

*1685. **Shri Rishang Keishing:** Will the Prime Minister be pleased to state :

(a) how many cases of disputes among the citizens of Burma and India across the respective borders have been brought to the notice of the respective Governments since January, 1950;

(b) what steps were taken to compensate the affected individuals; and

(c) whether any attempts have been made to avoid encroachments of the respective territories;

(d) if so, what they are?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):

(a) No disputes among the citizens of Burma and India relating to the boundary have been brought to the notice of the Government of India.

(b) to (d). Do not arise.

Shri Rishang Keishing: What is wanted to know was whether the Government is aware of the disputes between the Burma nationals and the Indian nationals in the border areas?

The Prime Minister (Shri Jawaharlal Nehru): Yes. Government is aware of boundary disputes, local feuds etc. across the border, some people living on this side of the border and some living on the other side. But they are not disputes in regard to the boundary.

Shri B. S. Murthy: What is the machinery used in such cases to determine those feuds?

Mr. Speaker: The hon. Member remembers the distinction between the Government to Government disputes about boundary and private disputes over boundaries. I think the hon. the Prime Minister referred to private disputes.

Shri Jawaharlal Nehru: The hon. Member must remember that these areas are not easily accessible—in the North East of India and the North West of Burma—and they are usually disputes more or less of a family type i.e. between one clan and another. And when such disputes occur, we draw the attention of the Burma Government and we discuss these. But there is no certain machinery set up for them.

Shri K. K. Basu: Are these disputes allowed to be settled by the nationals

of the two countries themselves or is there intervention on the governmental level?

Shri Jawaharlal Nehru: There is no fixed rule for it. These disputes often take place in particular areas where the Naga tribes live. Some times one section of the Nagas may have a dispute with another section, they may come and raid, and then the other might go back to pay a return visit, you might say. These kinds of things have to be dealt with by the local authority. We send somebody to try to deal with the matter or the Burma Government sends somebody, or we address the Burma Government. Every incident has to be dealt with separately.

Shri Sarangadhar Das: May I know if cases of cattle lifting are very frequent in that area?

Shri Jawaharlal Nehru: I suppose no—I imagine there are hardly any cattle there—probably none.

Shri A. C. Guha: The area on the other side being mostly unadministered, may I know if there is any proper boundary demarcation between Burma and India?

Shri Jawaharlal Nehru: There are certain parts of the Indo-Burmese frontier which have not been, properly demarcated—that is so. I do not know which particular parts these disputes might refer to. It is also true that on the other side the administration is not very firm at the present moment.

INVITATION BY NAGA NATIONAL COUNCIL

*1686. **Shri Rishang Keishing:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that he has been invited by the Naga National Council to visit Naga Hills to meet the people and acquaint himself of the situation; and

(b) if the answer to part (a) above be in the affirmative, what reply he has given to the Naga National Council?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes. A letter to this effect was received.

(b) The reply that was sent on behalf of the Prime Minister was to the effect that this matter had been discussed on two recent occasions with the representatives of the Naga National Council and there was nothing further to be said about it. The demand for Naga independence was completely unwise, impracticable and unacceptable.

Shri Rishang Keishing: May I know if the Prime Minister is of opinion that the Naga national movement for independence is dying out?

Shri Jawaharlal Nehru: I should have used, different language—fading out. I should have said.

Shri Rishang Keishing: I would like to know from the hon. Prime Minister if this movement is gaining ground in the Naga tribal areas.

Shri Jawaharlal Nehru: Not to my knowledge.

Shri Rishang Keishing: Has the Government received any representation from a section of the Nagas disapproving the present activities of the Naga National Council?

Shri Jawaharlal Nehru: Yes, we have received representations sometimes.

Shri Rishang Keishing: May I know from which party?

Shri Jawaharlal Nehru: I could not say off-hand.

Shri K. K. Basu: In view of the fact that there is a strong demand for the independence of the Naga people, does the Government propose to grant them greater regional autonomy?

Shri Jawaharlal Nehru: Under the Constitution they do have a considerable measure of autonomy and Government would gladly consider any extension of it, within the constitution, of course.

Shri Sarangadhar Das: May I know if the Nagas of the Manipur Hills are in any way connected with this movement in Assam?

Shri Jawaharlal Nehru: So far as I know they are not.

GOVERNMENT POOLS FOR COTTON

*1687. **Shri K. G. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government pools were arranged for the stocking of pure raw cotton under the categories of No. 420 and No. 396 respectively;

(b) if so, their number and the total quantity of cotton stocked therein; and

(c) whether Government received any complaints regarding the mixture of inferior cotton in the cotton stocked in the pools?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b) The pooling of pure

varieties of raw cotton under the categories No. 420 and No. 396 and disposal thereof is the responsibility of the Department of Agriculture of the Government of Madhya Pradesh under whose supervision this cotton is grown. It is understood from that Government that the pooling of these varieties was undertaken at 29 centres and 36,171 candies of H:420 and 2,570 candies of Buri 0394 raw cotton collected.

(c) The Madhya Pradesh Government had received a complaint but on investigations it was found to be false.

Shri K. G. Deshmukh: May I know whether the pooling of this type of cotton is the sole responsibility of the State Government or has the Central Government any control over it?

Shri T. T. Krishnamachari: I thought I made the position very clear—my statement is fairly categorical.

Shri K. G. Deshmukh: May I know whether the responsibility for fixing prices is a matter for the Central Government and, if so, may I know whether the Central Government has fixed greater price for this kind of pure cotton?

Shri T. T. Krishnamachari: The responsibility for the administration of details in this regard is that of the Department of Agriculture of the State Government. The responsibility for grading is that of the Ministry of Food and Agriculture and we only come in in regard to ultimate fixation of prices. So there is a graded responsibility spread out as between a number of authorities. But I am afraid I cannot agree to the responsibility being brought home unilaterally to the Ministry of Commerce and Industry in this matter.

Dr. P. S. Deshmukh: Is the Government aware that even these better varieties of cotton were sold sometimes at very low prices and what were the steps taken by Government to support adequate prices in this regard?

Shri T. T. Krishnamachari: We have agreed on certain floor prices. By and large as the hon. Member is aware the quality that is grown in Madhya Pradesh is supposed to be jharilla and the prices of other categories are related to it. The floor price of jharilla cotton is fixed at Rs. 550 and the other prices are related to it. If the price falls below Rs. 550 then the Government's responsibility is immediately invoked.

Dr. P. S. Deshmukh: Does the Government know that in spite of the

fact that Government tries to encourage these better varieties the cultivators who grew this cotton this year did not receive adequate support and assistance?

Shri T. T. Krishnamachari: I must confess that in Delhi we are not aware of the nuances of trade and the proclivities of cultivators to the extent the hon. Member is aware of, but generally I think the position is fairly satisfactory—and we have to depend upon what the Madhya Pradesh Government could do in this matter.

COMMUNITY DEVELOPMENT PROJECTS

*1668. **Shri Krishna Chandra:** Will the Minister of Planning be pleased to state:

(a) whether there is any proposal to start forty or so urban-rural development areas under 50 million dollars agreement signed between India and U.S.A. in January 1952;

(b) whether any schemes have been finalised in this connection; and

(c) where these areas have been selected?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (c). Attention is invited to Articles 1 and 2 of Operational Agreement No. 8 on Community Development Programme, a copy of which was laid on the Table of the House in reply to Shri K. D. Malaviya's Starred Question No. 461 on 4th June, 1952.

(b) The work on the projects is expected to commence by 1st October, 1952, in time for the Rabi season.

Shri Krishna Chandra: May I know whether these Development areas are included in the scheme of community projects?

Shri C. D. Deshmukh: Yes, Sir.

WRITTEN ANSWERS TO QUESTIONS

REVISED SIX-YEAR PROGRAMME UNDER COLOMBO PLAN

*1668. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Planning be pleased to state what is now finally the amount of expenditure involved in the revised six-year programme of India under the Colombo Plan?

(b) What was the amount originally fixed?

(c) What, if any, additional works have been included in the Plan?

(d) What is the amount set apart for Community Projects?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) Rs. 2,334 crores.

(b) Rs. 1,839 crores.

(c) No major schemes have been added in the revised Six-Year Plan. The bulk of the increased outlay is mainly due to a number of schemes, which normally were financed out of current revenues but were omitted from the original Plan.

(d) The cost of the community projects is not yet included in the Colombo Plan.

CONTROL ON YARN

***1671. Shri S. V. Ramaswamy:** Will the Minister of Commerce and Industry be pleased to state whether there have been representations from the Trade to remove the control on cotton yarn?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Representations have been received both for and against removal of control of cotton yarn.

EXPORT OF HANDLOOM CLOTH

***1672. Shri S. V. Ramaswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware that there has been a heavy accumulation of stock of handloom goods in Salem and other handloom producing centres;

(b) whether it is a fact that at the recent Handloom Weavers' Conference at Salem, it was suggested that the Government should form a Handloom Export Finance Corporation; and

(c) whether Government have any scheme to finance export of handloom cloth?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) Government have received reports of accumulation of stocks in production centres in the Madras State.

(b) Government have seen a Press Report to this effect.

(c) No, Sir, but measures to stimulate export of handloom cloth are under consideration.

CEYLONSE AND SOUTH AFRICAN NATIONALS IN INDIA

***1679. Prof. Agarwal:** Will the Prime Minister be pleased to state:

(a) the number of Ceylonese Nationals in India at present; and

(b) the number of white South African Nationals in India?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) and (b). The exact figures are not known.

SHELLAC

***1689. Shri G. P. Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total amount of shellac exported in the years 1951 and 1952;

(b) which countries were the main importers of Indian Shellac; and

(c) what action Government propose to take to raise the price of Shellac in the international market?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) 546,802 and 132,251 cwts. of shellac were exported from India in 1951 and during the five months ended May, 1952, respectively.

(b) The main importing countries were the United Kingdom, U.S.A., U.S.S.R., and Brazil.

(c) The trade in shellac is not controlled and World market prices are determined by the operation of the laws of demand and supply.

CEMENT FACTORIES

***1690. Shri G. P. Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) how many cement factories are working at present;

(b) the total capital invested in this industry;

(c) the total number of labourers employed in this industry at present; and

(d) what control Government exercise over cement industry?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) to (d). A statement is laid on the Table of the House. [See Appendix VIII, annexure No. 11].

AUTONOMOUS HILL DISTRICTS OF ASSAM

***1691. Jonab Amjad Ali:** Will the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to the Resolution passed by the Assam Provincial Congress Committee regarding the autonomous hill Districts of Assam;

(b) the reaction of the Government of India upon this; and

(c) whether the Government of India propose to implement the same?

The Prime Minister (Shri Jawaharlal Nehru): (a) Government have seen a press report of the Resolution about the Tribal Areas specified in Part B of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution. They have not received this resolution in any other way.

(b) and (c). The North East Frontier (Assam) Tribal and Excluded Areas Sub-Committee, set up by the Constituent Assembly, recommended that "the Central Government should continue to administer the Frontier Tracts and Tribal Area with the Government of Assam as its agent until administration has been satisfactorily established over a sufficiently wide area. Areas over which administration has been satisfactorily established may be taken over by the Provincial Government with the approval of the Federal Government." In the Constitution, as finally adopted, this general principle was accepted, but the Governor was substituted for the Assam State. The present position is, therefore, that the Governor of Assam, acting on behalf of the President, is responsible for the administration of these areas. The ultimate responsibility is of the Central Government.

These provisions in the Constitution were decided upon after careful consideration because it was thought that these areas required the special attention and assistance of the Central Government. The conditions then prevailing have not changed and are not likely to change for some time to come. Government, therefore, see no reason for making any change in the arrangements laid down in the Constitution.

It is desirable that there should be cooperation between the Governor, acting as the agent of the President, and the Assam Government in regard to the administration of the tribal areas in Assam specified in Part B of the Sixth Schedule. The Governor has been advised to keep in touch with the Assam Government in this respect. But the conditions in these tribal areas are so different and require such special care and treatment that Government consider it necessary that the administration of these areas should be kept apart and should be under the direct control of the Central Government. The first consideration before Government is the welfare and advancement of the people of these tribal areas.

WAR INJURIES COMPENSATION INSURANCE FUND

*1692. **Shri S. N. Das:** Will the Minister of Labour be pleased to state:

(a) the Fund to which the amount of outstanding balances under the War Injuries Compensation Insurance Fund which has ceased to function has been transferred;

(b) what are the purposes and scope of the new fund; and

(c) what is the total amount that has been so transferred?

The Minister of Labour (Shri V. V. Giri): (a) The War Injuries Compensation Insurance Fund is still functioning. The question of transferring the total amount from this fund to a new fund to be constituted for financing the two schemes formulated, with the amount that is available, is under consideration.

(b) There are two schemes. Under the first scheme, financial assistance will be given to selected skilled workmen for further training in the following subjects with a view to enable them to qualify for promotion as supervisory staff:—

1. Engineering;
2. Wool Technology;
3. Leather Technology, and
4. Chemical Engineering and Technology.

Under the second, a sum of Rs. 2 lakhs will be spent by Central and State Governments for ameliorating the lot of workers by providing libraries and other recreational facilities.

(c) The War Injuries Compensation Insurance Fund has a balance of Rs. 4 lakhs, which will be transferred to the new fund as soon as it is constituted.

COAL PRODUCTION FUND

*1693. **Shri S. N. Das:** Will the Minister of Production be pleased to refer to the reply given to my Starred Question No. 882 on the 7th September, 1951 and state:

(a) whether the accounts of Coal Production Fund which has ceased to function have since been finalised;

(b) if so, what is the amount outstanding; and

(c) how is this amount proposed to be spent?

The Minister of Production (Shri K. C. Reddy): (a) No.

(b) and (c). Do not arise.

ENFORCEMENT DIRECTORATE

*1694. **Shri Jhunjhunwala:** Will the Minister of Commerce and Industry be pleased to state:

- (a) whether the recommendation of the Estimates Committee of the late Ministry of Industry and Supply for closing the Enforcement Directorate has been examined by Government;
- (b) whether the Enforcement Directorate is being closed down;
- (c) if not, the reasons for maintaining this organisation; and
- (d) the total number of cases taken up by the Directorate since its inception in December, 1948 and the result of the investigations?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) Yes.

(b) No.

(c) The Directorate was set up for the enforcement of Cotton Textiles and Iron and Steel Control orders and is being continued since such control still continues.

(d) A statement is laid on the Table of the House. [See Appendix VIII, annexure No. 12].

EXPENDITURE ON DEPARTMENTS FOR CONTROLS

*1695. **Shri Jhunjhunwala:** Will the Minister of Commerce and Industry be pleased to state the total expenditure incurred by Government in the establishments of Departments dealing with controlled commodities in the charge of the Ministry?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): A statement showing the total expenditure incurred during the last three financial years on the organisations concerned with commodities directly controlled by the Ministry of Commerce and Industry is placed on the Table of the House. [See Appendix VIII, annexure No. 13].

The statement does not cover items control over which is exercised by our control over which is exercised by or through State Governments or statutory organisations for which no staff has been specially sanctioned.

CHAMBAL VALLEY DEVELOPMENT SCHEME

*1696. **Shri Telikkar:** Will the Minister of Irrigation and Power be pleased to state:

- (a) whether the Chambal Valley Development Scheme is being reconsidered after the change in the site of Gandhisagar Dam;

(b) what was the actual expenditure incurred on Gandhisagar Dam at the site abandoned; and

(c) whether the work is in progress at the new site?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) Yes, Sir.

(b) About Rs. 10 to 12 lakhs. The exact figure is being ascertained from the State Government and will be laid on the Table of the House as soon as it is received.

(c) Yes, Sir. Preliminary work is in progress.

MARBLE INDUSTRY

*1697. **Shri Balwant Singh Mehta:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the attention of Government has been drawn to the difficulties of the marble industry of Rajasthan;

(b) if so, what steps are being taken to develop the industry;

(c) from where marble is imported into India and what are the shipping and freight charges per ton;

(d) where marble is available in India;

(e) whether all the sources of marble have been tapped and whether the production in India can meet the total requirement; and

(f) why import of marble is not banned and why protection has not been given to this industry?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):

(a) to (f). Import of marble is not allowed. Other information is being collected and will be placed on the Table of the House in due course.

COAL CESS IN CHHINDWARA DISTRICT OF MADHYA PRADESH

*1698. **Shri R. B. Shah:** (a) Will the Minister of Labour be pleased to state what sums were collected in the last four years on account of coal cess levied on the coal mines in Chhindwara District of Madhya Pradesh for labour welfare purposes, and how much out of the same has so far been spent for labour welfare work in that coal field, and what sum out of the same is in deposit and for what purposes?

(b) Except one Ambulance and a Mobile Cinema Van provided by the Labour Welfare Department for the

welfare of the mine workers, what other facilities have been so far provided?

The Minister of Labour (Shri V. V. Giri): (a) A sum of about Rs. 20,94,000 was collected as welfare cess during the last four years from the Fench Valley coalfield in the Chhindwara district and a sum of about Rs. 7,72,000 was spent on welfare measures in that area during the same period. The balance of about Rs. 13,22,000 is in reserve for further welfare measures in the same area.

(b) Other facilities provided for are:—

- (1) Posting of two Assistant Inspectors and one Inspector to attend to the welfare requirements on the spot.
- (2) Anti-malaria operations at an annual expenditure of about Rs. 83,000.
- (3) Grant of subsidy to colliery-owners who provide dispensary services in accordance with the specifications prescribed by the Fund at a rate not exceeding 8 pies per ton of coal or coke despatched from the collieries concerned.
- (4) Installation of an X-ray unit costing about Rs. 28,000 at the Hospital at Barqui.
- (5) Social education at a cost of about Rs. 3,000 per annum.
- (6) Grant of subsidy equal to 20 per cent. of the cost of construction subject to a maximum of Rs. 600 per house to the Colliery-owners who construct houses for the coal miners according to the plans and specifications prescribed by the Fund.

In addition to the above, the following welfare schemes are proposed to be implemented in the near future:—

- (i) Establishment of two multi-purpose welfare centres to provide educational and recreational facilities to the men, women and children in the coalfields at a cost of about Rs. 86,000.
- (ii) Installation of three radio sets with loud speakers.
- (iii) Establishment of a 30-bedded Regional Hospital cum maternity Centre at a cost of Rs. 5,50,000 non-recurring and Rs. 96,000 per annum recurring and an additional Maternity

Centre. Pending construction of the Hospital reservation of a few beds in the Hospital at Barqui will be made for the exclusive use of coal miners.

- (iv) Reservation of a few beds in the T. B. Sanatorium at Pendra Road for the exclusive use of coal miners.
- (v) Construction of 200 houses at Digwani at a cost of about Rs. 9,00,000.

CRECHES BUILT BY MINE OWNERS

***1699. Shri R. B. Shah:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that under the Labour Welfare Act, creches were built by the mine owners of District Chhindwara in Madhya Pradesh, and the same are not being used by the mine workers; and

(b) if so, what is the reason therefor?

The Minister of Labour (Shri V. V. Giri): (a) No.

(b) Does not arise.

दिल्ली सेवायोजनालय

*** 1700. श्री आर० एस० तिवारी :**

अम मंत्री यह बतलाने की कृपा करेंगे कि (क) क्या यह सच है कि १४, दरियांगंज, दिल्ली में स्थित सेवायोजनालय में हजारों लोगों को धूप और वर्षा में खड़े होकर प्रतीक्षा करनी पड़ती है और वे अपने आप को पंजीबद्ध नहीं करा पाते और जिस के फलस्वरूप उनको निराश लौटना पड़ता है ?

(ख) यदि सच है, तो सरकार इस विषय में क्या कार्यवाही करना चाहती है ?

The Minister of Labour (Shri V. V. Giri): (a) and (b). A minimum covered accommodation has been provided at the Delhi Employment Exchange which is sufficient for normal requirements. Occasionally when there is a spurt of unemployment a large number of applicants arrive at the Exchange for registration and some inconvenience is caused on such occasions. Steps are being taken to meet the situation.

INDIANS IN SOUTH AFRICA

*1701. **Shri Telikar:** Will the Prime Minister be pleased to state:

(a) the main Notifications and Regulations promulgated by the Government of the Union of South Africa for the implementation of the "Group Areas" Act, that affected the position of persons of Indian origin, in South Africa; and

(b) What are the actual difficulties Indians have to face?

The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra): (a) A statement is laid on the Table of the House. [See Appendix VIII, annexure No. 14.]

A copy of the Group Areas Act and of the Government of India booklet entitled 'Group Areas Act of the Union of South Africa—What it means' have also been placed in the Library of Parliament.

(b) Some of the difficulties which Indians will face when executive measures are taken under the Act are:—

(i) Statutory segregation will be enforced against them for the first time;

(ii) they will have to shift not only their residences, but also their shops and business premises to new areas;

(iii) areas reserved for them in some of the towns are undeveloped areas well away from the main residential localities. In one case the proposal is to shift the Indian community to a place 10 miles away from the town, in the neighbourhood of a slaughter house;

(iv) no plans have been made for giving Indians alternative accommodation;

(v) the value of properties held by Indians has gone down considerably. The Act does not provide for compensation for loss of business or devaluation of property.

SILK

*1702. **Shri Telikar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is any industrial concern in India producing silk on large scale;

(b) whether it is a fact that silk production in Mysore State is a side business of farmers; and

(c) in what part of India mulberry trees plantation can flourish?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes, Sir; in Mysore, Madras and Jammu and Kashmir;

(b) Yes, Sir.

(c) Mulberry trees can flourish in humous and black cotton soils and are at present largely grown in Jammu and Kashmir and East Punjab.

RECOMMENDATIONS OF FILM ENQUIRY COMMITTEE

*1703. **Shri C. R. Narasimhan:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government have considered the recommendations of the Film Enquiry Committee mentioned in paragraphs 178, 179 and 180 of the Committee's Report; and

(b) whether Government are formulating any scheme for the production of films suitable for children through Government's Films Division?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) and (b). Yes, Sir. The recommendations of the Film Enquiry Committee in regard to films for children are under consideration. A scheme for the production of short films suitable for exhibition in schools has been drawn up in consultation with the Ministry of Education; these films are intended to be produced by the Films Division of the Government of India.

SACKING AND HESSIAN

*1704. **Shri Rajagopala Rao:** (a) Will the Minister of Commerce and Industry be pleased to refer to the reply to part (e) to Starred Question, No. 1243 asked on 26th June, 1952 and state on what basis the working cost of Rs. 500 and Rs. 750 per ton for sacking and hessian respectively were arrived at?

(b) Did Government carry out any special test to find out the actual working in any mill?

(c) What is the process by which the test was carried out?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). The estimates of cost of production given in my reply on 26th June, 1952 were not based on any cost accounting or special tests in any mill. These cost of production figures were estimated departmentally by the Reserve Bank of India after making enquiries from representatives of the trade and industry.

(c) Does not arise.

MODERNISATION OF JUTE INDUSTRY

*1705. **Shri Rajagopala Rao:** (a) Will the Minister of Commerce and Industry be pleased to place on the Table of the House a copy of the report submitted by the Chief Export Trade Controller regarding the modernisation of the machinery for the jute industry?

(b) Is the Industry seeking help through the Five Year Plan?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) A copy of the report is laid on the Table of the House. [See Appendix VIII, annexure No. 15.]

(b) The industry is still examining the matter and while it has drawn the attention of the Government and of the Planning Commission to the attendant problems, some of which are financial in nature, no request for help has been received.

SUBSCRIPTIONS TO NEWS AGENCIES

*1706. **Shri H. N. Mukerjee:** Will the Minister of Information and Broadcasting be pleased to state the names of news agencies whose services are subscribed for by the Department of Broadcasting and the sums paid to them respectively by way of such subscription?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): A statement giving the required information is laid on the Table of the House. [See Appendix VIII, annexure No. 16.]

RECOMMENDATIONS OF STATIONERY AND PRINTING DEPARTMENTAL COMMITTEE

*1707. **Shri K. C. Sodha:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) what recommendations of the Stationery and Printing Departmental Committee are being implemented by Government in the near future; and

(b) what the effects of such implementation will be?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) All the recommendations made by the Departmental Committee have been accepted by Government and orders have been issued for their implementation.

(b) Implementation of the recommendations will rationalise the procedure for procurement, storage, supply and accounting. Besides, it will be possible to reduce 218 posts in the Stationery and Printing Depart-

ment yielding a net annual saving of Rs. 2,78,439 on the basis of minimum pay scales.

COTTON FROM GARO HILLS, ASSAM

*1708. **Jonab Amjad Ali:** Will the Minister of Commerce and Industry be pleased to refer to the reply to Starred Question No. 576 asked on the 9th June, 1952 and state:

(a) by how much the price of cotton from Garo Hills, Assam, went down owing to the increase in export duty; and

(b) whether short staple cotton of Garo Hills, Assam, is now fetching good prices, and if so, how much?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) There was no increase of export duty in 1951-52.

(b) It is now fetching a price of Rs. 78 per maund.

PREVENTION OF ROOF FALLS IN COAL MINES

*1709. **Shri Vittal Rao:** Will the Minister of Labour be pleased to state:

(a) as to why sand stowing is not being carried on in the coal mines of Kothagudium, Bellampalli and Sasti (Balharshah) in Hyderabad State; and

(b) what is the alternative remedy which is being put into practice to prevent constant roof-falls in the pits?

The Minister of Labour (Shri V. V. Girid): (a) Sand stowing in these mines is not reasonably practicable owing to its prohibitive cost; nor is it considered imperative as the seams worked are not unduly thick.

(b) In depillaring areas, support is provided by closely set cogs of sawn timber. Props are used in between the cogs, and cross-bars are frequently set between the cogs to support the roof. In development workings, the roof usually stands well without support but where the roof is found to be unsound the usual methods of support by means of props and cross-bars or in the case of important roadways by means of walls and cross-bars are adopted.

پاکستان میں گرڈاڑے

390. سੇਵ ਯੋਗਿਨ ਵਾਸ : (ਕ) ਕਿਆ ਪ੍ਰਵਾਨ ਮੰਤ੍ਰੀ ਯਹ ਬਲਾਨੇ ਕੀ ਕ੍ਰਪਾ ਕਰੇਂਗੇ ਕਿ ਪਾਕਿਸ਼ਾਨ ਮੌਜੂਦਾ ਸਿਕਲਾਂ ਦੀ ਗੁਰੂਦਾਰੀ ਦੀ ਰਸਾ ਕੇ ਲਿਏ ਅਤੇ ਪਾਕਿਸ਼ਾਨ

स्थित पवित्र तीर्थस्थानों की यात्रा के लिये सुविधायें दिलाने के सम्बन्ध में क्या पर्याय उठाये गये हैं ; और

(ब) १९५१-५२ में कितने सिक्खों को अपने तीर्थस्थानों की यात्रा के लिए अनुमति मिली थी ?

The Prime Minister (Shri Jawaharlal Nehru): (a) An agreement was reached between the Governments of India and Pakistan on the 19th September, 1947, for the preservation of the sanctity and proper maintenance of places of worship in India and Pakistan. As a result of further negotiations, it was agreed that all shrines, temples, mosques and other religious places which were damaged during communal disturbances should be repaired and the hoisting of any emblem or flag, other than that of the religion concerned, on any building should be prohibited. Despite these Agreements, there were many complaints about Hindu and Sikh shrines in West Pakistan being misused, desecrated or demolished. Lists of 800 shrines were forwarded in 1948 to the Government of Pakistan. Further complaints regarding desecration, etc. have been forwarded to that Government from time to time. The Government of India suggested to the Government of Pakistan in October, 1949, that the question of protection and future maintenance of shrines in both the countries should be discussed as a general issue at a conference between the two Governments. The Government of Pakistan agreed with this suggestion and asked for concrete proposals. Certain proposals were made by the Government of India, but the Government of Pakistan, on further consideration, decided that the grant of facilities should be discussed by correspondence. The Government of India have repeated their suggestion that a conference should be held. The Government of Pakistan have not yet replied.

Extension of facilities provided for visits: Requests of non-Muslim pilgrim parties desiring to visit holy places in West Pakistan are taken up by the Government of India through their High Commissioner at Karachi with the Government of Pakistan. Ordinarily, two months' clear notice is given to the other Government for acceding permission and making necessary arrangements for (i) the security of the pilgrims during their journey and stay in West Pakistan.

(ii) transport, (iii) accommodation, (iv) food and such other requirements as may be considered necessary. Arrangements regarding transport, food, accommodation, etc. are made at the cost of the pilgrims.

(b) 1951.—641 Sikh pilgrims were given permission, but only 606 visited their shrines.

1952.—460 from January 1, 1952, to June 19, 1952.

COMPLAINTS WITH CONCILIATION OFFICER, ASANSOL

391: Shri Abdus Sattar: Will the Minister of Labour be pleased to state:

(a) the number of complaints lodged with the Conciliation Officer in Asansol last year; and

(b) the number of cases settled and the number of cases still pending disposal?

The Minister of Labour (Shri V. V. Giri): (a) 234.

(b) 212 were settled. In 22 cases conciliation failed. There is no case pending disposal.

DISPLACED PERSONS IN DELHI

392. Shri Radha Raman: Will the Minister of Rehabilitation be pleased to state:

(a) the total number of displaced persons who came to Delhi a little before or after Partition up to date;

(b) their number province-wise—West Punjab, East Bengal, N.W.F.P., Sindh and other areas separately;

(c) how many of them are men, women and children; and

(d) how many of them are registered?

The Minister of Rehabilitation (Shri A. P. Jain): (a) 5,09,767.

(b) and (c). The information is being collected and will be laid on the Table of the House in due course.

(d) Hon. Member's attention is invited to the reply given by me to part (a) of Starred Question No. 7 on 19-5-1952.

ACCOMMODATION FOR DISPLACED PERSONS

393. Shri Radha Raman: Will the Minister of Rehabilitation be pleased to state:

(a) how many of the displaced persons who have come to Delhi are

living in Government provided accommodation;

(b) how many of them have received more than one house;

(c) how many have sold or sub-let shops and residential accommodation after it had been allotted to them; and

(d) how many of them are still to be provided with accommodation by Government?

The Minister of Rehabilitation (Shri A. P. Jain): (a) and (d). The attention of the hon. Member is invited to the reply given by me on the 19th May 1952 to Starred Question No. 7 by Giani G. S. Musafir.

(b) and (c). The required information where newly built houses are involved is being collected. As regards evacuee houses, allotment of more than one evacuee house is not made to the same person, but when some one obtains more than one house on false pretences, the allotments are cancelled after enquiry. 521 cases have come to notice in which displaced persons effected unauthorised transfers of evacuee premises after the 23rd November, 1949. The general policy is to evict unauthorised occupants, but occupation is confirmed in really hard cases or alternative accommodation provided.

AGREEMENTS WITH PAKISTAN

394. Shri Dabhi: Will the Prime Minister be pleased to state:

(a) the number of agreements entered into between India and Pakistan since the time of Partition up to date; and

(b) the extent to which the terms of each of these agreements have been implemented by Pakistan Government?

The Prime Minister (Shri Jawaharlal Nehru): (a) About 36.

(b) Each Agreement contains a large number of clauses concerning various matters. In some cases, the Agreements have been implemented by the Pakistan Government. In other cases, there has either been disagreement between the two Governments on the interpretation of certain provisions, or implementation of the provisions by the Pakistan Government has not been satisfactory.

BUILDINGS OF EX-RULERS OF STATES

395. Shri Telikar: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the names of buildings which belonged to ex-Rulers of States which

have been acquired by Government for public and semi-public purposes; and

(b) for what specific purposes they are utilised?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). A statement giving the required information is placed on the Table of the House. [See Appendix VIII, annexure No. 17.]

RUBBER

396. Shri Badshah Gupta: Will the Minister of Commerce and Industry be pleased to state the names of the places where rubber is produced in India and the quantity and value of rubber produced during 1950-51 and 1951-52 respectively?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): A statement is laid on the Table of the House. [See Appendix VIII, annexure No. 18.]

JUTE MILLS IN CALCUTTA

397. Shri Rajagopal Rao: Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of workers in jute mills in Calcutta, both men and women and the actual number of spindles working; and

(b) the daily consumption of jute in the mills (working for 42½ hours a week) and the quantity in tons turned out per day both in sacking and hessian?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Information is given in the statement attached. [See Appendix VIII, annexure No. 19.]

GOVERNMENT HOSTELS IN NEW DELHI

398. Shri K. C. Sodhia: Will the Minister of Works, Housing and Supply be pleased to state:

(a) the total income and expenditure of Government Hostels in New Delhi during 1950-51 and 1951-52;

(b) the accommodation available in each and the amount of (i) rent and (ii) messing charged in each; and

(c) what the terms of contracts of the contractors for messing in these hostels are?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): A statement containing the information asked for is placed on the Table of the House. [See Appendix VIII, annexure No. 20]

THE Dated..... 20/11/2014...

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Friday, 11th July, 1952.

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

STATEMENT BY SHRI A. K. GOPALAN

Mr. Speaker: Mr. Gopalan will now make a Statement.

Shri A. K. Gopalan (Cannanore): The hon. the Prime Minister on 4th July, 1952 made a speech on the floor of the House. In the course of the speech, he remarked:

"I do expect, if I may say so, a modicum of intelligence in the Opposition."

I submit that these remarks contained in the speech were derogatory to the dignity of the House, the Prime Minister himself, the whole Opposition and the electorate. Such remarks constitute a bad precedent.

STATEMENT BY SHRI MEGHNAD SAHA

Shri Meghnad Saha (Calcutta North-West): I am thankful to you for giving me this opportunity of making a Statement. In the course of a debate on July 4th, the Prime Minister made some personal references to me, saying that I did not understand the meaning of the word Fascism, and had degraded 'Science' by using this term in the course of the debate. He said that I have lost all touch with Science.

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I had been to Italy in the year 1927 (again in 1936), being a delegate to an International Scientific Conference in honour of the centenary of the death of Volta, the discoverer of electricity and had first hand opportunities of studying Fascism at close range. I was also invited along with other delegates to an evening party at his residence given by the Duce Mussolini, and had opportunities to observe at close range the attitude of very famous Italians, Scientists and public men, towards the Duce. There is no greater intoxicant than power, as our old Kautilya says, and this intoxication of power which does not allow one to see the other man's point of view, gathering round one, large bonds of 'yes-men' is Fascism. I have not said that our Government has become fascist, but I simply said that it is drifting towards Fascism. (Interruption).

Mr. Speaker: Let him finish.

Shri Meghnad Saha: I may add that I am in close touch with my Science as anybody in India, (Some Hon. Members: Not at all) and the International World of Science does not yet consider me as a back number. The Government of India cannot be ignorant of this, because just a month ago an application for giving air passage to myself and one of my colleagues and co-workers, Prof. B. N. Srivastava of Lucknow to attend an International Conference on low temperature to which we had been invited at the instance of the sponsors of the International Conference itself was recommended by the Ministry of Education and Scientific Research, but passage was refused to us by the Ministry of Finance presumably because they wanted to conserve foreign currency.

STATEMENT BY PRIME MINISTER

The Prime Minister and Leader of the House (Shri Jawaharlal Nehru): Sir, I seek your indulgence to say a few words, because the two statements that have been read out relate to what I said on a previous occasion. May I first deal with the somewhat longer

[Shri Jawaharlal Nehru]

statement of my hon. friend Prof. Saha? Prof. Saha, as everyone knows in this House and outside, is a very eminent scientist and a very eminent physicist, whose work has brought credit to this country. There is no question of challenging Prof. Saha's eminence in science, but it is because of that very eminence in science that one expects the scientific temper to be brought into the domain of politics also. We cannot keep science separately and leave science far behind, or rather the temper of science and the approach of science and the mental climate of science far behind, when we come into a political chamber.

What I had said on that occasion was that I wished to protest against the use of the word "Fascism" in relation to our Government by the hon. Member. Perhaps, if you, Sir, and the House agree, I will read out two or three sentences from what I said on that occasion. I said:—

"Now the other point is and I must point out—I won't say I protest—but I must express my surprise at the loose way hon. Members who ought to know better, use words. Dr. Saha, an eminent scientist, threw about the word "Fascist" in a way which only leads me to think that the hon. Member does not know the meaning of the word "Fascist". I may call him as a "Fascist" too as a term of abuse. But surely these are words of meaning and cannot be used by scientists unless they have forgotten science and lost touch with their science. They cannot use loose words and vague words. It is a degradation of science, if I may say so. He talked about "Fascism" in this House. Why? What is "Fascism" here? Because we have not got Standing Committees of the Legislature?"

The subject before the House was whether we should have Standing Committees of the Parliament or not. Now, it is open to the House to have them or not. It is open to us even now to evolve some method of having those committees, but it did seem to me that the use of the word "Fascism" in that connection had absolutely no logic or relevance. If I may say so with respect to the other Members of the House, if any other hon. Member had used the word "Fascism" rather loosely, I would not have perhaps thought about it very much, but expecting as I did a degree of precision from an eminent scientist I was a little surprised at the loose way he used that word.

Dr. Saha told us how he gathered his knowledge of Fascism by attending a party given by Signor Mussolini. My own knowledge of Fascism was derived by keeping away from Signor Mussolini. Indeed, on one occasion when I was in Rome, in spite of Signor Mussolini's repeated invitations I found myself unable to accept them. But that is a minor matter. Dr. Saha, no doubt, reacts strongly against what is considered Fascism and I hope that most, if not all, Members of this House react just as strongly as he does against what is considered Fascism. What I submit is that these words are used more in a denunciatory sense than as if they had any particular meaning. I find that happening very often in the newspapers. But for our part, we should be precise.

Then, Dr. Saha referred to a certain Conference to which he had been invited and to which he could not go. May I explain the position? Of course, I do not know anything about that Conference. But as Dr. Saha knows, a number of people are sent to such Conferences and it is natural for the Finance Ministry to screen the requests. This particular request came at the last moment, when there were only two or three days more, and as far as I can gather, the Finance Ministry thought that they could not sanction this particular visit. They sanction many; they do not sanction some; but this has nothing to do with any particular Conference. They do it with reference to the context of things. As the House perhaps knows, we send large numbers of scientists abroad, and Prof. Saha has often gone to these International Conferences and the Government has gladly welcomed his going.

May I now refer to the first statement, which I confess has somewhat surprised me? I am glad, of course, that the hon. Member is so anxious to maintain the dignity of this House. That should be the first duty of all hon. Members. I did not notice that particular desire previously expressed in words or action. So, I am glad of that assurance. I am supposed to have offended against the dignity of the House by saying: "I do expect, if I may say so, a modicum of intelligence in the Opposition." Now, first of all, the Opposition, as it is constituted here, consists of a very large number of groups of different ways of thinking and a larger number of independent Members also of different ways of thinking. It is not one single group, or one single way of thinking. And anything that may be said about the Opposition cannot possibly apply to everybody, because they are so differ-

ent from each other, except possibly for a negative quality which applies to oppositions, whatever group they may belong to.]

In this particular instance, I do submit that what I said was completely not only parliamentary but also justified in the sense of language. I mean. I am rather careful in the use of language. Occasionally it is possible, of course, that I may make a mistake. If that happens, you will no doubt pull any one up who makes such a mistake. But I do submit that if it is a question of language it would be worth while to make a list of the epithets that have been hurled at this Government and at this side of the House by the Opposition in the course of the last few weeks. It would be a large vocabulary and not pleasant reading. We have not come here to make statements protesting against all these epithets, although they were not pleasant to hear. In fact, most opposition has become a string of epithets. And when I venture to say at a particular moment, in a particular context, in regard to a particular interruption that it shows little intelligence, then a statement has to be made by the hon. Member.

As a matter of fact, if the hon. Member will refer back to the reports of that day, that particular remark was made by me not in regard to him, or his group, but in regard to another gentleman and another hon. Member, whose looks belie his words very greatly and who has got a habit of interrupting in season and out of season, relevantly or irrelevantly. In the course of about a minute and a half he interrupted me three times and [I confess that my mind could not quite grasp the logic or reason of his interruption. Therefore, I ventured to say this in that context. Now, if any Member of the Opposition, belonging as far as I know to about twenty-five groups or thirty groups, including independents—each independent is a single group in himself—if all of them want to take this remark to heart, as I said on a particular occasion, I do not wish to deny them the satisfaction of doing so. But surely I would like,—and I am perfectly serious in this matter—this House to consider this. Much has been said in this House about lack of decorum but the way some hon. Members have encouraged and even participated in demonstrations at the door of this House to influence Members does not add to the dignity of the House or of the Members of this House.]

Dr. S. P. Mookerjee (Calcutta South-East): It is allowed, and recognised everywhere.

Shri Jawaharlal Nehru: I have not protested against it. I am merely pointing out that it does not add to the dignity of this House or of the Members of this House. [And when I comment on a behaviour which I think was not very decorous, then I am told that it affects the dignity of this House and the country. I regret to say that my understanding both of the English language and of decorous behaviour is different from that of some Members of the Opposition.]

ELECTION TO COMMITTEES

COURTS OF ALIGARH MUSLIM UNIVERSITY AND BANARAS HINDU UNIVERSITY

Mr. Speaker: I have to inform the House that upto the time fixed for receiving nominations for the Courts of the Aligarh Muslim University and the Banaras Hindu University, 3 nominations in the case of the first and 5 nominations in the case of the second were received. Subsequently one member in the case of the first and three members in the case of the second withdrew their candidature. As the number of the remaining candidates was thus equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected:—

I. *Court of the Aligarh Muslim University*—

1. Shri Shahnawaz Khan.
2. Maulana Mohammad Saeed Masuodi.

II. *Court of the Banaras Hindu University*—

1. Shri Rohanlal Chaturvedi.
2. Prof. Diwan Chand Sharma.

CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL

Mr. Speaker: The House will now proceed with the further consideration of the Code of Criminal Procedure (Second Amendment) Bill. The consideration motion was adopted yesterday and we have to proceed with the clauses.

But before I take up the clauses, I wish to invite the attention of hon. Members, who have tabled amendments that there seems to be some misconception about the scope of amendments to this Bill. It has resulted in many of the amendments being obviously out of order. I shall

[**Mr. Speaker**]

deal with each of the amendments shortly as I come to the clauses. But the misconception, to my mind, appears to be that they have assumed that the present Bill is in substance a Bill to amend the substantive provisions of the Criminal Procedure Code. The Bill is very much restricted in its scope. No principal, or substantive, provision of the Criminal Procedure Code is sought to be amended by this Bill. The only thing it seeks to do is to include a certain personnel in the term "armed forces". It does not touch at all the powers of the magistrate, the circumstances in which the aid of the military can be taken or anything of the kind.

There has been a lot of discussion in the House yesterday on the general aspect, which I did not feel called upon to stop for the simple reason that, it could not be said that that discussion was entirely irrelevant to the issue of the use of navy and air force. The relevancy was to some extent there—though very remote. Therefore, the discussion was allowed then. But so far as the specific provisions in the clauses are concerned, I do not think I could allow any of the amendments which are obviously out of order or beyond the scope of the Bill. These are the general grounds on which I shall be ruling out certain of the amendments.

I will now take the Bill clause by clause and shall then deal with the amendments as they relate to each separate clause. I shall not then, when I rule out the amendments, repeat the general grounds on which the amendments are ruled out, or will be ruled out.

Clause 2.—(Amendment of section 128).

Mr. Speaker: There is an amendment by Mr. Chacko.

Shri P. T. Chacko (Meeachil): I am not moving it.

Mr. Speaker: Then I need not say it is out of order.

Shri M. S. Gurupadaswamy (Mysore): I have tabled an amendment to clause 2 (amendment No. 17).

Mr. Speaker: About this amendment I am doubtful. His amendment is:

In page 1, line 6, before "for the words and figures" insert "the words 'or if, without being so commanded it conducts itself in such a manner as to show a determination not to disperse' shall be omitted and".

I should like to know why this should be taken to be not an amendment of the substantive provisions of the law. I could not follow the distinction properly.

Shri M. S. Gurupadaswamy. My amendment is that in section 128 the words "or if, without being so commanded it conducts itself in such a manner as to show a determination not to disperse" may be deleted.

The Minister of Home Affairs and States (Dr. Katju): May I know, Sir, whether the hon. Member is speaking on the point of order or on his amendment, because I wish to say something?

Mr. Speaker: I want him to speak on the point of order. I wanted to know how this particular amendment is within the scope of the Bill. He need not speak on the amendment till I decide that the amendment is within the scope of the Bill. As I stated, I could not understand how these words fit in with the wording of the clause. And apart from that, it seems to be an attempt to amend the substantive provisions of the Act, whatever they may be. What does he mean by saying "before 'for the words and figures' insert"? The amendment relates to section 128 of the Act. The words "or if, without being so commanded it conducts itself in such a manner as to show a determination not to disperse" are the provisions in the main Act. So he wants an amendment of the substantive provision of the Act.

Shri M. S. Gurupadaswamy: My submission is that if these words are not deleted, the combined forces used against an unlawful assembly will create a sense of terror, and if the people who are assembled there are not informed before.....

Mr. Speaker: Order, order. I understand his object. His intention appears to be this. He fears that, if the air force and the navy are also included in the term 'armed forces', perhaps the execution of the Act sometimes might be oppressive on the people, and therefore he wants to have a safeguard. But so far as his amendment is concerned, it becomes, in effect, an amendment of the substantive provisions of the Act. The Act, as it is, allows the use of the military. He is against the extension of the definition of the word 'military' or the term 'armed forces', and he wants to restrict that meaning by having an amendment of the substantive provisions of the Act. That seems to be his line of reasoning. But that does not make the amendment in order. It is perfectly open to him to

vote against the clause in that case. He may vote against the clause which seeks to extend the meaning by a new definition of the term 'armed forces' and achieve his object. But that is entirely a different proposition from trying to amend the provisions of the Criminal Procedure Code. That is the distinction.

An Hon. Member: The amended form may be read, Sir.

Mr. Speaker: It is difficult to read it.

Dr. S. P. Mookerjee (Calcutta South-East): May I make a submission before you give your ruling? If a particular section is sought to be amended by a Bill by the addition of certain words which makes a substantial change in the section, and if we feel that that particular section should also be altered in some other way so as to obviate certain dangerous consequences which might follow, would you declare that amendment to be out of order? We are not going outside the scope of that particular section. But we feel we can make out a case for improvement in order to obviate the possibility of certain undesirable consequences which might follow as a result of adopting the provisions in the Bill as moved by Government. Otherwise it will lead to difficulties.

Mr. Speaker: The answer is contained in the hon. Member's own arguments. He has two things in mind. If a particular section is touched, then his argument is that that section is open to the House.

Dr. S. P. Mookerjee: That you have ruled may not be out of order.

Mr. Speaker: Not so generally as that. But even then, the amendment sought to be moved has to be within the scope of the particular amending Bill. It cannot be beyond the scope of the amending Bill. Therefore, merely because a particular section is touched for amendment, it does not permit hon. Members to table amendments which are outside the scope of the particular Bill, though inside the section. That distinction, I believe, has to be borne in mind—because the amendment has to be to a clause of the Bill as placed before the House.

Dr. S. P. Mookerjee: But without hearing the Member how can you decide?

Mr. Speaker: It is obvious. I am not going to decide any amendment on the question of its merits. I first decide what, according to me, appears to be the scope of the Bill here. The scope of the Bill is to widen the meaning of the term 'military' or 'armed forces'

whatever wording is used there. Objection can be taken to that and any amendment can be moved in respect of that. But because the scope of the expression 'armed forces' is going to be wider, therefore to attempt to touch the entire scheme of the Criminal Procedure Code in respect of the aid of the military to the civil power in cases of disturbances, is not permissible.

Dr. S. P. Mookerjee: In other words, these words would be permissible if the mover makes it applicable only with respect to the air force or naval force.

Mr. Speaker: Even then, I shall have to consider in what form he puts it. I do not, generally as an omnibus ruling, say anything about it. Each amendment would have to be looked into on its own merits. But, unfortunately, or fortunately it may be, he has not tabled the amendment in that form. If he had restricted it only to the air force or naval force, perhaps, matters would have stood differently. I am very clear on the amendment as it stands now.

Dr. Katju: May I submit one word, Sir?

Mr. Speaker: Is it necessary? I am very clear that the amendment, as it is, is out of order.

Dr. Katju: I just wanted to clear one misconception. Under section 128 the officer is not entitled to requisition the assistance of any member of the armed forces. The only amendment is in the Act as it stands now, it is said: "not being an officer, soldier, sailor or airman in the Indian Army....." You cut out those words and you put in the words "the armed forces". The amendment which is being made has nothing to do with the scope of the Bill before the House. The section as it stands today does not permit the use of armed forces at all. What we wanted was to cut out those words and put in these words: instead of eight words, three words. That is all.

Mr. Speaker: We need not go into what his object was.

Shri N. Somana (Coorg): Here, the reference is only to the use of civil force and has nothing to do with the use of military force. This has no bearing at all.

Dr. S. P. Mookerjee: What the Minister now says alters the situation. Here, he alters the effect not only with regard to the army and navy.....

Mr. Speaker: Let us not concern ourselves with what the Minister in-

[Mr. Speaker]

interprets. I am going to interpret. Accepting even his interpretation as correct, I think it is irrelevant to enter into that part of the argument now. The amendment is out of order to my mind.

Shri Damodara Menon (Kozhikode): Would you allow an alteration of the amendment to make it admissible?

Mr. Speaker: Now it is too late. The House knows, and perhaps, Mr. Damodara Menon as an old Member knows, that no new amendments are generally permitted, unless the House is substantially agreed upon it. If he could bring a substantial agreement of the entire House on the question, I should be prepared to waive notice.

I should say also something more to the hon. Members now. Yesterday we had almost all aspects of the questions discussed and unless there is something new, which I myself cannot visualise, we must not take the time of the House now over that same discussion again. There should be no repetition of the discussion. I think the dangers involved in the use of the armed forces, particularly the air force and navy were discussed threadbare yesterday for a full period of 3½ hours or so—I cannot be exact about the time—for nearly 3 hours. There is practically nothing left now to argue on the merits. It is a question of only putting through the clauses. There are some amendments, at least one or two I think which are merely verbal amendments, an attempt to improve the language. I do not know whether it improves the language; but at any rate, I presume those who have tabled the amendments think that they improve the provisions. So, I should like the discussion to be restricted to the points without any repetition of the arguments advanced yesterday.

Dr. Lanka Sundaram (Visakhapatnam): I had no intention to make a long speech, Sir,.....

Mr. Speaker: Order, order. I may tell the hon. Member that it is not purely a question of making a long or a short speech. The more important point is absence of repetition.

Dr. Lanka Sundaram: I hope I will come within the four corners of your ruling. I only wanted to make a few observations on this particular clause 2.

I am not a lawyer. But, it occurs to me that it is a question of definition. May I direct your attention, Sir, to clause 7 which is identical with the wording of clause 2—the expression

"the armed forces" etc. Yesterday, when I was listening to the debate, I felt that there was a sort of lack of direction of the debate for one reason. I hold that Government is based upon force. There is no disposition on the part of any one to withhold the power now sought through the amendment before the House. It occurs to me that difficulties have arisen as a result of certain statements made by certain Congressmen with regard to the use of aerial bombing and naval bombardment. It is a question of weapons, firing power and control of firing power. I would only direct the attention of the Minister to amendment No. 20, which I think is germane to the discussion of clause 2 which we are taking up at the moment. If there is a disposition on the part of the Government to accept this amendment, namely, to utilise the air force and naval force as ordinary soldiers of the land army with the same weapons, I do not think there would be any difficulty in accepting this clause.

Pandit Thakur Das Bhargava (Gurgaon): With your permission, Sir, may I submit a word with regard to clause 2? If we analyse the statement made by the hon. Member, it would mean that the armed forces will be utilisable under section 128, whereas section 128 visualises a situation in which a sailor or soldier or volunteer etc., will be out of place and only the help of the citizens is being sought. If we allow the amendment which my hon. friend wanted to move, the position will be worse. Section 128 is a negative proposition in so far as use of soldiers etc. or armed forces is concerned.

Dr. S. P. Mookerjee: That has not been allowed.

Pandit Thakur Das Bhargava: The position here is that no armed forces may be used under section 128 which is sought to be amended by amendment No. 20. Amendment if carried in respect of this clause would make the position much worse and will convey a meaning contrary to what is sought to be given. I think so far as this clause is concerned, we will be well advised in keeping it as it is or amending it as made out by clause 2 here. The amendment gives the very meaning which the whole House wants to be given to this clause.

Shri Raghabachari (Penukonda): I wish to point out one thing. The Speaker was not here yesterday when the Minister made a statement and then drew our attention to what he had stated in the Objects and Reasons. His

purpose was to say that he does not intend the use or expect the interpretation of the amended Criminal Procedure Code to mean the user in the particular way apprehended. That was what he wanted to impress upon us. But, as a lawyer, the hon. Speaker should know and we know that when language is used meaning the use of all forces in all ways, a mere pious declaration that I intend to do this or my object is this, would hardly be useful. For, after all, it is going to be entrusted to be interpreted by a magistrate or person on the spot. If it is possible for him to summon or requisition the forces and use the weapons, the Objects and Reasons or statements made in the House will not come in his way. Therefore, my only submission is, it is hardly fair to the House for the Home Minister to make such statements and still retain the language in the Code capable of being interpreted in the way, apprehended by the Members of the House. Therefore, I would in all fairness to the House, request the hon. Minister to make the language of the amendment, which he has introduced, such that is capable of meaning only the thing which he says he intends and not capable of being interpreted as anything else by the particular magistrate on the spot. This, I feel, is not very fair to the House. The Minister makes a statement, "I do not intend this", but the language makes it possible. That is our fear. I expect and I request the hon. Minister to so amend the language and make it mean what he thinks it must mean, so that the court may interpret it only in the way in which he wants it to be interpreted.

But, now, what he wants is: to use the word "armed forces" in place of the word "military", and the military can use all the forces and deadly weapons, as some of my friends here were saying, and the air force and the navy also can use them. Legally, there would be no objection. The Minister says if other people are not available, then we will take them (navy and air force) and they will be used only as a land army. Where is all that in the Bill? It simply gives wide powers to the armed forces to use all weapons. Instead of giving scope for the possibility of an interpretation prejudicial and not in conformity with the intentions of the Government, they must certainly, when they propose this Bill, in fairness and in truth, stick to the language which must mean only a particular thing, and not leave the thing saying "In place of the word military, I want to use the word armed forces". The armed forces have

many arms, and all the arms may well be put to use. For, as Mr. Speaker should know, when the law permits an officer to use the military or the air force or the navy, in regard to the kind of weapons to be used, of course subject to the restrictions in the Act, he may use the more dangerous weapons, and that is our fear. The Minister says I do not intend to do that; I do not wish to have it.....

Mr. Speaker: I do not want to interrupt or curtail the speech of the hon. Member, but the point is, it has practically come again to the repetition of the same discussion as yesterday's. The only point that he has really made out is, and correctly to my mind, that if the hon. Minister has a particular intention, he should see that the language of the Statute can be interpreted only in the light of that interpretation and in no other way. That is his argument. It is for the hon. Minister to consider.

Shri Raghabachari: That is my point.

Shri Nambiar (Mayuram): I want to make a submission. In regard to the amendments to this clause, hon. Member Mr. Bhargava said that this is a matter for the next clause and the amendment suggested by Dr. Lanka Sundaram does not fit here because it is only the use of a civil force under Section 129. If the hon. Minister wants to amend the second clause in such a manner that it is to be used only with a limited scope, then, I submit, an expression to the same effect must be accommodated in the first clause also of Section 129. Therefore, this amendment suggested by Dr. Lanka Sundaram is necessary in order to see that the second clause which is yet to be amended stands in consonance with that. Therefore, I think that this amendment may be accepted.

Mr. Speaker: I do not think any further discussion on this point is necessary.

Shri Vallatharas (Pudukkottai): It is a matter of very great legal importance, so I must be excused even if I am a bit irrelevant, because what I understood from the statement made by the hon. Minister is this: that the air force and the navy will be used as ground forces, that is all that there is going to be. That means to say that the air force men will not bomb from the air, and the navy men in the ship will not bombard. If these two are guaranteed, and I feel that the hon. Minister's speech guarantees these two provisions, then when an interpretation is made in any court of

[**Shri Vallathalasur**]

law, then this will be cited as the speech of the hon. Minister and the speeches of Members of this House are not secret documents.

Several Hon. Members: No, no.

Mr. Speaker: I should not try to interrupt, but as to what exactly the meaning will be or what view a Court will take, I do not think any interpretation of mine will be binding on any Court, it will not be binding even on a third class Magistrate. The position is really this. The question will really arise in practical politics always after the event, and not before the event. When the question of the legal responsibility of the officer arises, then, so far as the individual is concerned, the question might arise about the interpretation of these things. Till then, the executive order would be there. I should not therefore go further into these details, but I am sure the hon. Minister might contradict me, if I am working when I say that whatever he has said about the operation of this Bill will be part of the executive instructions.

Dr. Katju: Absolutely.

10 A.M.

Dr. S. P. Mookerjee: He definitely agreed that he would be prepared to amend the particular clause. It is not a question of executive direction.

Dr. Katju: This question will arise properly on Page 2 of the Bill before you where there is a definition clause, and we can discuss it under the definition clause—The expression "armed forces" means tec.—and I think upon that there are some amendments given, and there we can get it clearly as to what the expression "armed forces" in this chapter wherever it occurs, means.

Sardar Hukam Singh (Kapurthala-Bhatinda): Is not the hon. Minister prepared to take us into confidence as to what he is going to say then so that the other clauses might be discussed in the light of that?

Mr. Speaker: It is a definition clause.

Dr. Katju: And in that there are two amendments already given notice of. One is by Sardar Hukam Singh, and another by Mr. Deshpande, and when these amendments come. I adhere to the assurance that I gave yesterday that these naval and air forces shall not be used from the air or from aboard ship: they will be used as ground forces. The whole question is when these amendments come let us see if you are satisfied: otherwise you put it in the Bill.

Dr. S. P. Mookerjee: It is for him to consider whether it is to be considered under the definition clause. I would submit that we cannot suddenly change the definition of the air force and the navy, under the Criminal Procedure Code.

Dr. Katju: It will be a definition of the armed forces for purposes of this chapter of the Criminal Procedure Code and nothing else. We are not going into the Navy Act or the Army Act.

Shri Nambiar: Instead of changing the definition there.....

Mr. Speaker: Perhaps he does not know of law as much as the learned doctor and the hon. Home Minister. I must see what the amendment is going to be if and when it comes, and I shall also have to examine it then to see whether that kind of amendment is barred or not, because with the acceptance of this provision, it may or may not be barred, but I do not express any definite opinion on this point, just now.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Amendment of section 129)

Mr. Speaker: I think I should go on up to clause 6, but let me take up the amendments and see if there is any which is in order in them. I will now take up Clause 3 which reads as under:

"Amendment of section 129, Act V of 1898.—In section 129 of the principal Act, for the words 'military force', the words 'the armed forces' shall be substituted."

Mr. Gopalan's amendment is out of order for the reason I have stated. He is trying to provide a further restriction about the use—if and when there is an emergency under a proclamation.

Shri S. S. More (Sholapur): The original amendment seeks the additional use of the naval force and the air force. Can we not put an amendment for the purpose of restricting the use in a particular contingency?

Mr. Speaker: As I said, in view of what Dr. Mookerjee said, let that amendment come, and I will consider about it.

Shri S. S. More: I am referring to Mr. Gopalan's amendment.

Mr. Speaker: He says: "only so long as there is in force a declaration of emergency by the President under Article 352(1) of the Constitution". It is a different thing altogether.

Shri A. K. Gopalan (Cannanore): I want your permission to make it clear that it is only so far as the air force and navy are concerned.

Mr. Speaker: That will amount to an amendment of the substantive provisions. I am very clear on this point. Most of the amendments are out of order in so far as they try to amend the substantive provisions. I am referring to Mr. Gopalan's amendment now in particular.

Shri M. S. Gurupadaswamy rose—

Mr. Speaker: The hon. Member can speak only if there is any amendment to this clause. So far as I can see there is no amendment to clause 3 of the Bill. If I am mistaken, please invite my attention.

Shri M. S. Gurupadaswamy: I have given notice of an amendment so far as clause 3 is concerned, List No. 4, Amendment No. 18.

Mr. Speaker: Yes, yes. Mr. Gurupadaswamy has given notice of an amendment which seeks to substitute the words 'Magistrate of first class' for the words 'Magistrate of the highest rank.' This amendment also comes within the orbit of the ruling I have given earlier. I do not know whether the hon. Member himself would like the amendment, if he knows the implications thereof. If I mistake not, the original clause refers to a magistrate of the highest rank. The hon. Member is here referring to a magistrate of first class; so this amendment will have the effect of nullifying the provisions of the original Code in places where there are no first class magistrates. As the hon. Member himself knows, there are places in the country where we have not got in the administration any first class magistrates. That is how, this amendment affects the original Code on the one hand.

On the other hand, so far as Presidency towns are concerned, there are only presidency magistrates. In that case also, a difficulty will arise. I do not think, therefore, that this amendment is really either good on merits or is in order, in so far as it touches the substantive provisions of the Code.

That is my ruling on this amendment.

Shri M. S. Gurupadaswamy: When the Bill contemplates to give more power to a magistrate to use all the

three branches of the armed forces, then, I feel it is necessary that a more responsible person.....

Mr. Speaker: Order, order. I am not speaking about the merits of the hon. Member's amendment. My main point is that this is an amendment to the substantive provisions of the Criminal Procedure Code, which is not permissible on this amending Bill. That is the simple ground, on which this amendment is out of order. The hon. Member need not therefore go into the merits of the amendment as to whether discretion will be exercised more carefully by a district magistrate or a magistrate of the first class and so on. I hope the hon. Member will take into consideration the reason on which my ruling is based.

Shri M. S. Gurupadaswamy: In certain parts of the country, the first class magistrates may not be there. But my submission is that the district magistrates are there in every part of the country, and the district magistrates are acting as first class magistrates...

Mr. Speaker: I do not think he need take up the time of the House, in trying to meet a casual remark made by me, when I suggested to him that even on merits, if he considers carefully, he will find it difficult to put through his amendment. It may be that he may still like the amendment on merits. But I have no quarrel with that point. I only made a casual remark when I said that, and that has no bearing on this ruling. If the hon. Member wants to say anything about the admissibility of the amendment, then I do not think he has got anything to say further. I have already heard him once.

Shri M. S. Gurupadaswamy: I want to move my amendment because it refers to the use of armed forces. I feel that they should be used only by a person who is holding the rank of a first class magistrate, because if an ordinary magistrate is allowed to use these forces, then I fear that he may be reckless in their use.

Mr. Speaker: The hon. Member is again talking on the merits of the amendment. I am not concerned with the merits. I have no quarrels with the merits or otherwise of the amendment. The only point which I mentioned was that the amendment seeks to make an alteration.....

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): Would you not allow even the hon. Member to talk on the merits of the amendment?

Mr. Speaker: What is out of order is absolutely absent from the possession of the House. So, the hon. Member cannot speak on his amendment. There is also another aspect to this matter. Hon. Member took 38 minutes and more yesterday for speaking on all possible aspects. So, the hon. Member need not go into the further aspects of the same now.

I now come to Mr. Gopalan's amendment which reads thus:

In page 1, line 11, after the word "substituted", add:

"and the following shall be added at the end, namely:—

'Only so long as there is in force a declaration of emergency by the President under Article 352 (1) of the Constitution in relation to the territory in which the Magistrate has got jurisdiction'."

With regard to this amendment also, the ruling I have given earlier applies. This is also on the same lines as the previous one, if I mistake not.

Shri A. K. Gopalan: My amendment is that as far as the use of the air force and the navy is concerned, there should be a declaration of emergency before their use is resorted to...

Shri Nambiar: This amendment relates to extension of powers; there must be a necessity also for the use of the navy and the air force. That necessity should be an emergency declared by the President. Otherwise.....

Mr. Speaker: Order, order. Again, the hon. Member is talking on the merits of the amendment. As Chairman here, I have no quarrel with the Members' opinions about the merits of the case. The only short point with which I am concerned is this—whether this amendment is permissible, i.e., whether it is permissible to allow amendments making an alteration in the substantive provisions of the original Code and beyond the scope of the amending Bill. As far as this point is concerned, my ruling is that this amendment is not admissible.

Shri Nambiar: When extension of power is granted.....

Mr. Speaker: The hon. Member does not seem to make a distinction, it appears to me, between the procedural part of the business of the House, and the substantive merits of a Bill or an amendment before the House. I cannot override the procedural part of the business of the House, namely the Rules of Procedure. I must keep to them. and one of the rules is that there can

be no amendment beyond or outside the scope of a Bill. Once this is clear, if the hon. Member desires that there should be some kind of amendment on merits, he may either take such steps as are open to him, by way of bringing in a Bill—there is an opportunity for bringing in private Bills—or by making a representation to the Government, to secure his object in view. I am sure, if the reasons given by the hon. Member appeal to the Government, they will bring in an amending Bill tomorrow. Nothing prevents them from bringing another amending Bill to this Bill, merely because certain amendments to this Bill have been over-ruled as being outside the scope of it. This ruling holding the present amendment to be out of order does not stop Government from bringing in another Bill if necessary.

Shri H. N. Mukerjee (Calcutta North-East): In the Statement of Objects and Reasons, it is stated that it is proposed to amend the Code of Criminal Procedure so as to enable the civil authorities to requisition the help of the Army or the Navy or the Air Force in case of necessity. If by way of an amendment we are trying to define the scope of the necessity, by suggesting as Mr. Gopalan has tried to do, that this provision might be brought into operation only in case of an emergency, would you not permit the same to be moved?

Mr. Speaker: Order, order. The hon. Member himself knows that the necessity is there as defined by the Criminal Procedure Code, as part of the substantive provisions of the Code. Merely because the Statement of Objects and Reasons brings in the word 'necessity',—after all, that too is brought in incidentally only and not as the main purpose of the Bill—this amendment will not become in order.

Now, Mr. Chatterjee and Mr. Hukam Singh jointly have tabled an amendment and there too.....

Sardar Hukam Singh: Sir, you need not take the trouble of overruling it. If the Minister accepts it and brings it under the definition clause, that would not be necessary. I think if the functions are to be performed even by the naval forces and by the air forces just as if they are personnel of the army, then I need not touch that. That is what I want to say.

Mr. Speaker: As I have been saying—very often repeating—I am not concerned with that. If the hon. Minister agrees and he is going to move an amendment, I need not come in his

way. But I want to dispose this of either by the hon. Member saying that he is not going to move it or by the Chair overruling it, so that I do not want any scope for argument later on that "Had I known that the Minister was not going to move this kind of thing, I would have

Dr. S. P. Mookerjee: Are you ruling it out of order, Sir?

Sardar Hukam Singh: Sir, may I say a few words?

Mr. Speaker: Not in support of it.

Sardar Hukam Singh: The conditions that you have laid down...

Mr. Speaker: The point is this. The proviso is: "Provided that only a District Magistrate or a First Class Magistrate specially empowered in that behalf can make or authorise the making of the requisition as aforesaid in respect of any officer, belonging to the Navy or Air Force". Now this is what section 129 says: "If any such assembly cannot be otherwise dispersed and if it is necessary for the public security that it should be dispersed, the Magistrate of the highest rank who is present may cause it to be dispersed by military force". That is the section. Here of course I quite see that the words are "Provided that only a District Magistrate or a First Class Magistrate specially empowered in that behalf can make or authorise the making of the requisition as aforesaid in respect of any officer belonging to the Navy or Air Force"; I think it will not be so obviously out of order. My first impression was, when I said that it would be out of order, because it tried to change the structure of the Magistracy generally, but it refers only to the Navy and Air Force. But how that will affect his definition, I do not know. If the definition is going to come at the end, then perhaps there might be a conflict, but it is for him and the hon. Minister to decide.

Sardar Hukam Singh: It was for that I requested the hon. Minister to take the House into confidence so that it could be made clear and we could proceed with the other provisions accordingly. But because that was not done. I have to move it. Sir.

Dr. Katju: I have said three times that the naval forces and the air forces when used to disperse an unlawful assembly shall be used as ground forces and it shall be made clear and if it is the general sense of the House that it should be put into the statute, it will be put into the statute. What is the point in arguing? I do not understand this 'taking into confidence'. Yesterday I took you into confidence.

Mr. Speaker: I think it will be better if the hon. Minister is inclined to agree with his view, that he specifically mentions it in the clause in the form of an amendment.

Dr. Katju: If you will allow me, Sir, I will make a statement at once.

I have considered and taken legal advice and the opinion that I have received and I have myself formed is that as the structure of the whole thing stands, no Magistrate can use these forces—naval and air forces—but as ground personnel. It is the dispersal of an unlawful assembly before him—the men are assembled before him and he has to deal with them—and it will be impossible for him to ask for a squadron of fighters and all that. Therefore it cannot be done. But if it is the general sense of the House that the matter should be put quite clearly, there are two amendments of which notice has been given. One has been given by my hon. friend, Mr. Deshpande, which says "In page 2, line 6, after 'air forces' insert 'operating as land forces'". Now that will make it quite clear—that neither the naval forces nor the air forces can be used from the sea or from the air, but must be used and must be operating as land forces. Then there is another amendment, notice of which was given, to the same sense, by Sardar Hukam Singh, which says that they should be employed as if they were in the personnel of the army. Now, I am advised that that will add difficulties. We are only dealing with the provision for this particular purpose in this particular chapter, and according to me, the amendment which has been suggested by Mr. Deshpande will cover the purpose, i.e. "operating as land forces".

पंडित ए० आर० नान्दी (जिला आजम-गढ़ पूर्व व ज़िला बलिया पश्चिम) : अध्यक्ष महोदय, ऐसी अवस्था में जैसा कि माननीय मंत्री ने कहा है कि देशपाण्डे साहब का संशोधन स्थिति को साफ कर देता है तो इस एमेन्डिंग बिल की आवश्यकता ही क्या है? लैंड आर्मी की कमी तो है नहीं।

मिं० स्पीकर : इस की आवश्यकता जरूर है। जब एअर फोर्स और नैवल फोर्स को लैंड फोर्सेज में दाखिल कर रहे हैं तो इस बिल की आवश्यकता जरूर है।

Do I take it that the hon. Minister will move that amendment?

Dr. Katju: Yes, when the time comes. Or Mr. Deshpande can move it.

Mr. Speaker: That solves the problem. Then I think we shall make speedy progress with this Bill now, with this sweet compromise.

Now, I will put clause by clause. 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 131)

Mr. Speaker: Now we come to Clause 5. Mr. Gopalan's amendment is there. There too, the same argument applies. Now, Mr. Chacko.

Shri P. T. Chacko: I am not moving the amendment, Sir.

Mr. Speaker: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7. (Insertion of new section 132A)

Mr. Speaker: Mr. Deshpande.

Shri V. G. Deshpande (Guna): I beg to move:

In page 2, line 6, after "air forces" insert "operating as land forces".

Mr. Speaker: Amendment moved:

In page 2, line 6,

after "air forces" insert "operating as land forces".

Dr. Katju: I accept the amendment. I said so yesterday.

Sardar Hukam Singh: In relation to the armed forces "the expression 'armed forces' means the military, naval and air forces, operating as land forces..." This is the amendment. What would happen? Does it include any other armed forces of the Union?

Those forces also, if they are employed operate as land forces. That should cover all. Therefore, it should come at the end, not here.

Mr. Speaker: That will create difficulty.

Shri K. K. Basu (Diamond Harbour): Why leave it to the judiciary?

Mr. Speaker: That is not leaving it to the judiciary. If the clause is read as a whole, the meaning is perfectly clear. (Interruption). Order, order. It

is no use, to my mind, hairsplitting about these things.

Dr. P. S. Deshmukh (Amravati East): When once the words suggested by the amendment of Shri Deshpande are put in, it would mean that wherever armed forces are used, naval and air forces would be used; the meaning is clear.

Mr. Speaker: Hon. Members will see that the other armed forces do not use aeroplanes or undertake naval operations.

Shri H. N. Mukerjee: May I point out that the Government has already announced its intention of getting through Parliament the Reserve and Auxiliary Air Forces Bill, in accordance with which the auxiliary air forces are to be used for the same purpose. If we accept the amendment and allow the use of "Any other armed force", they might be used for all sorts of aerial operations.

Mr. Speaker: If the auxiliary air force is there, it will be an "Air Force", whatever it may be. And one thing is very clear from the wording—they will operate as land forces. I do not think there is any doubt. Still, if any Judge holds to the contrary, there is Parliament sitting here to amend it.

Shri Raghabachari (Penukonda): Sir, may I request the Hon. Minister to add the word "only" after "operating"—operating only as land forces? It would make the meaning very clear.

Mr. Speaker: I do not think that is necessary. Anyway, the argument against it would be that the hon. Member is too late in moving the amendment.

The question is:

In page 2, line 6, after "air forces" insert "operating as land forces".

The motion was adopted.

Pandit Thakur Das Bhargava: Now that the hon. the Home Minister has been pleased to accept the amendment, I have nothing more to say, but I very humbly submit that my point about aerial bombing has not been met. Even under section 128, when the assistance of a citizen is required, if the citizen has got an aeroplane and if he gets into the air and uses a tear bomb, he can do so. It is perfectly legal even today. Even after the acceptance of this amendment the fear is there that a citizen...

Shri B. S. Murthy (Eluru): On a point of order. Is the hon. Member entitled to speak now, when the amendment has been carried?

Mr. Speaker: Yes. I am putting the clause as amended.

Pandit Thakur Das Bhargava: I am speaking on the clause.

Mr. Speaker: I would ask the hon. Member whether there is any special necessity for raising further points which may prolong discussion?

Pandit Thakur Das Bhargava: Yes, Sir. I am submitting why it is necessary to raise this point. You were not here yesterday when some of us took part in the debate, and I was of the view that so far as the State is concerned the State is perfectly entitled to use all kinds of force if it becomes necessary. I do visualise that perhaps in the lifetime of any of us such a situation will not arise when in certain areas aerial bombing will become necessary. But at the same time it is perfectly logical for any State to arm itself with the powers which are sought under this Bill. Now, I find that in deference to the wishes of the Opposition the hon. Minister is staging a show down.

Dr. Katju: Not at all. That was the intention from the very start.

Pandit Thakur Das Bhargava: If that was the intention from the very start, we are very sorry that one day was wasted. Why was it not made very clear in the Bill itself. Can it be seriously concluded that the Bill was not susceptible of the interpretation which I made. When I supported the Bill yesterday, I said the State was perfectly and logically justified in arming itself with the power which the Bill ostensibly seeks to give it. There is nothing wrong about it. At the same time we are at one with the Opposition in submitting that we do not want that any more force than is necessary should be used in any circumstances, and that is ensured by section 130. Therefore, as the provision stood, there was nothing wrong in passing the original Bill. But since the hon. Minister has been pleased to accept the amendment, I can only submit that we will be mistaken in thinking that even now there can be no aerial bombing with tear bombs.

Mr. Speaker: The question is:

"That Clause 7 as amended stand part of the Bill."

The motion was adopted.

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

Mr. Speaker: There is an amendment by Shri S. S. More to add a new clause 8. Of course it goes, as the hon. Member knows.

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."

Shri S. S. More (Sholapur): I want to make a few remarks at this stage. I had suggested an amendment which would have amended the Procedure Code by introducing two sub-sections, and my object was this. There are frequent occasions when firing is resorted to, and the occasions will be repeated many times and firing will be resorted to. My submission is that whenever firing or such other forceful methods are used by the Government for the purpose of dispersing an unlawful assembly and deaths result, then an inquiry committee ought to be appointed by the State Government concerned. I want.....

Mr. Speaker: Order, order. It is not competent for the hon. Member again to repeat his arguments at this stage. He spoke at length—I have got the time—and the discussion now, at the third reading stage, is limited only to the amendments made, and nothing else.

Shri S. S. More: Can I make a suggestion?

Mr. Speaker: No, not at this stage. The third reading stage is the stage of complete rejection or acceptance of the Bill. But here too, it is a short statement which is called for—the three or four or five grounds, whatever they may be. But this cannot be again an opportunity for a further debate on what has been discussed by the House at length. That is the scope of discussion at this stage.

Shri M. S. Gurupadaswamy rose—

Mr. Speaker: Has the hon. Member understood the scope?

Shri M. S. Gurupadaswamy: Yes. I will only make a small submission to the hon. the Home Minister. The Bill that has been amended just now contemplates the use of all the three branches of the armed forces, and the cumulative effect of such a use of all the three branches of the armed forces would be terrible if proper caution and thought is not exercised by the officer who makes such use. So there is a feeling in the minds of many of the Opposition Members that in case all the three branches of the armed forces are called out, it might lead to repression. So, Sir, only in exceptional cases,

[Shri M. S. Gurupadaswamy]

in extraordinary circumstances, should all the armed forces be called up. In ordinary circumstances, so far as are possible only one branch of the armed forces, that is, the military, may be used. That will in a way diminish the effect upon the persons against whom the force is used. So my humble submission is that the combined effect of the use of all these branches should not be far-reaching upon the persons who assemble in a particular area for a meeting. So, as far as possible, the hon. Minister should instruct the State Governments to see that only minimum forces will be used and not the maximum forces. Of course the Bill contemplates the use of the maximum of the force. And in the detailed instructions the hon. Minister should also say that certain lethal weapons like sharp weapons and hand-grenades and machine guns should not be used for that purpose. Only lathis and such other minor weapons may be used so that the effect produced will be far less. That is my humble submission, Sir.

Sardar Hukam Singh: Certainly I congratulate the hon. the Home Minister if he had from the very start that intention that it was never in his mind to have recourse to the air force or the naval force and we are glad that the intention has been made clear. Pandit Thakurdas Bhargava has that fear still or I should call it a hope because he thought that such methods could be adopted and could be used.

Pandit Thakur Das Bhargava: May I just know from the hon. Member if he knows that the military also have got their own aeroplanes and they can use them?

Sardar Hukam Singh: I am sure that as the intention of the hon. the Home Minister has been made clear, the section read as a whole only confines itself to the use of civil force. Therefore under that section he should not fear that recourse would be had to the aerial or naval forces.

I again congratulate the hon. Minister for having clarified his intentions, and the public and the House will be satisfied in view of his clarification of the position.

Shri H. N. Mukerjee: I wish that after the hon. Minister had conceded certain points to the Opposition.....

Dr. Katju: No.

Shri H. N. Mukerjee: I wish I could congratulate him. He tells us that he

had it originally in his mind to make those concessions but it took us a debate to get him out of his shell as it were and get those concessions from him. I wish, I could congratulate him but I fear I cannot because this Bill...

Dr. Katju: I shall wait for your congratulations on another Act.

Shri H. N. Mukerjee: This Bill as it has now been amended is to have an additional engine of oppression which we fear is going to be applied against the interests of the people. I say so, because when the hon. Minister made his first speech, he said that he was afraid of possible civil disturbances because he had certain very unsavoury memories particularly in the course of his stay in Calcutta from 1948 to 1950. Now, Sir, I happen to represent one of the Calcutta constituencies where I got double the Congress vote. Calcutta happens to be a constituency where three out of the four Congress candidates were thrown out by the electorate. But that is no reason for the Home Minister to come forward and say that in Calcutta life was impossible in the years 1948-1950. I can remind the hon. Home Minister that not a hair on his head was touched by the Calcutta crowds with whom he used to hobnob in a very friendly fashion—he would go to all sorts of puja etc. during that period.....

Mr. Speaker: Order, order. The hon. Member is exceeding the limits of a third reading speech. He is going again into the old incidents, however important they may be.

Shri H. N. Mukerjee: The Home Minister says that the Calcutta incidents were a proof positive that our people in certain parts of the country were behaving in a very undesirable way and therefore some steps have got to be provided for in the Statute Book so that they could be punished from time to time. The Calcutta incidents were also referred to by Pandit Thakur Das Bhargava and one other hon. Member from that side of the House but I would say that today at any rate we need have no apprehensions at all about fighting the civil disturbances unless this Government is going to proclaim its bankruptcy in regard to the steps that it is going to take about the condition of the people ...*(Interruption)*. I hope and trust that this Government changes its character and its policy. It may be a forlorn hope. But I hope that the Government changes its policy in such a way that the people of this country will have no occasion to demonstrate against it as they have been doing from time to time.

I come from a province which has been very hard hit by the problem of rehabilitation and by the problems accruing after Partition. Now, it is very natural for people who are in the lowest depths of despair to try and agitate for securing to themselves certain human rights. Now it may be that in case of certain police officers or whichever are the authorities that are going to be entrusted with the task of calling in the armed forces of our country—it may very well happen that errors of judgment may occur so far as the operations of these authorities are concerned. I remember a Calcutta incident for example. In 1949 when the hon. the Home Minister...

Mr. Speaker: Order, order. The hon. Member is going into details as if this is the first reading of the Bill. That is my difficulty. If he wants to oppose the motion, he can just mention a few points in brief and do so.

Shri H. N. Mukerjee: I was only referring to these incidents to show how errors of judgment have happened in the past and might very well happen in future also. I would not expatiate on that point any longer because you do not wish to prolong the discussion. We on this side of the House who have been the targets of attack in the discussion, have been alleged that we pursue a path of violence. But we can tell the Government that we are here because we feel that today we can pursue a path of constructive amelioration and advance the common people. Today we can go ahead and pursue those policies which would bring about maximum agreement from the common people as well as those who have the interests of the country at heart but not those of course who are going to barter away the independence and interests of our country at the altar of imperialism. Now if that is so, if that is the present position, there is not the least reason why there should be on the Statute Book a provision of the kind which is now being put.

I was missing the delectable presence of the hon. the Finance Minister for so long. But only the other day when he was making his speech, he said that there was no reason to anticipate a revolution and we on this side of the House were going to be in the political wilderness for as long as we were going to live and that the country was in very good heart and very stout heart. If the country is in very good heart, what is the reason for the Government to come to this House in the year of grace 1952 in the month of July to ask for these provisions for the suppression of the possible civil disturbances

not only with the help of the army, but also with the help of air force and navy. That being so, I feel that this is a Bill which we should not allow to be passed without very serious and very stout opposition.

Several Hon. Members rose—

Mr. Speaker: I was just thinking of calling upon the hon. Minister to reply and I think when I see four or five people standing, the best course is to call upon the hon. Minister to reply.

Dr. Katju: I speak with all sincerity. I greatly welcome the speech which was just now delivered by the hon. Member who preceded me, and I do hope that he was speaking not only on his own behalf but on behalf of the entire party which he represents in this House, every single Member, including the Politbureau and every other section of that party. If that day comes when the party which he represents and for which he speaks sheds its belief in violence and subversive activities no one will be more happy than Members on this side. We are all working here for the good of the common people. You put before them your policies, your ideologies.....

Shri H. N. Mukerjee: On a point of order, Sir. If I was not permitted to go into the question of violence on one side or the other, why should the Home Minister call upon us to give up violence?

Mr. Speaker: Order, order. If he goes into the details of the question of violence certainly he should not be permitted to do so. But the hon. Member himself was inviting some reply on his behalf in answer to what he said. The hon. Minister gave the reasons as to why the Bill should be passed and he made some references. Now let me hear the Home Minister for some time.

Shri Nambiar: It is unfair to say that we are subversive.....

Mr. Speaker: Order, order. The hon. Member must not get up like that and speak.

Shri Nambiar: No, Sir.....

Mr. Speaker: No, no. The hon. Minister may continue.

Dr. Katju: I do not wish to pursue that topic further. I shall end my congratulations here and shall wait for future events.

So far as this Bill is concerned, I really do not deserve any congratula-

[Dr. Katju]

tions. I do not say from the house tops but I say at the top of my voice that this Bill was only intended for expeditious use of these forces when the army was not available, that there were some places where troops were not available, that if—God forbid—there were unlawful assemblies then there might be help available to the magistrates to disperse those assemblies. It was a very short measure, I said it was an innocuous measure. I said aerial bombardment never crossed my mind, I never thought of it, I never heard of it, but if hon. Members opposite create bogies and then talk about those attacks...

Dr. N. B. Khare (Gwalior): The Home Minister's own party men created the bogy.

Dr. Katju: The only sensible speech, if I may be permitted to say so, with which I entirely agree at the moment, was that of Sardar Hukam Singh. He said he was entirely in favour of this Bill if it was made quite clear that the use of the Naval Forces and the Air Forces would not lead to naval and aerial bombardment. I said it is so. We have intended it, we have expressed it and if you say so we will bring it out. Hon. Members were complaining and Pandit Bhargava was rightly complaining that a day was wasted. You claimed the division yesterday.....

Mr. Speaker: Order, order. The hon. Minister should not go into the history of the division.

Dr. Katju: I am not a young man. I am rather surprised and I am sometimes tempted to retort, therefore, I will not pursue this now. I am very happy that it has ended in a very amicable atmosphere. We all hope and pray that never in India unlawful assemblies will assemble, that there will be law-abiding nationals in this country and, therefore, never any magistrate, never any police officer will be called upon to disperse any unlawful assembly. I say, do please co-operate with me.

Mr. Speaker: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

[MR. DEPUTY-SPEAKER in the Chair]
COMMISSIONS OF INQUIRY BILL

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

“That the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers, be taken into consideration.”

This again, I will repeat,—I do not know with what success—is an innocuous measure. The origin of the Bill is a very brief one. Governments, both in the Centre and in the States sometimes are called upon, either by public demand or by resolutions in the House, and sometimes they think fit to do so on their own motions to appoint Commissions of Inquiry and Committees to inquire into specific matters, specific questions, and these Commissions have to examine witnesses, to look into papers, official documents, non-official documents, and generally expect that citizens will co-operate with them. But sometimes it does happen that such co-operation is not forthcoming and the Commission concerned feels it necessary to have certain witnesses before it, to have certain documents before it, and to exercise certain compulsory powers which are possessed in this behalf by the civil courts. It happens sometimes that when the Government thinks that this is necessary, it has to bring into effect or promote *ad hoc* legislation for any particular Commission. Two years ago, if I am not mistaken, there was a Commission appointed to go into various transactions relating to sugar. The House will remember that there was a great hue and cry when prices shot up and a Commission was appointed under the chairmanship of a very distinguished retired judge who, I am sorry to say, has recently passed away. This gentleman went into the matter very thoroughly and made detailed inquiries but he did not receive the co-operation which he expected he would, and in his report he expressed a desire that Government should take this matter into consideration, namely investing these Commissions and Committees appointed for investigation into matters of public importance with certain powers about summoning of witnesses, summoning of documents and such other powers with which the House is familiar. That led to an investigation and Government came to the conclusion that instead of passing a Bill with reference to every particular enquiry, every particular Commission or Committee, it might be better if there was a sort of standing piece of legislation which would be applicable to all such Committees and Commissions and this Bill was thereupon introduced.

The House remembers that in the Union List in the Constitution there is item No. 94 which authorises the Union Government to hold such inquiries and similarly in the Concurrent List there is item No. 45 which empowers both

the State Governments and the Union Government to appoint Committees and Commissions with reference to matters power are under the Constitution, apparently within the exclusive jurisdiction of the States and some matters which are concurrently within the jurisdiction of both the Union and the States. This Bill, as the House would have seen, mentions that a Committee or Commission may be appointed whenever either the State Government or the Union Government thinks it necessary, expedient or wise, or whenever a resolution is passed to that effect in this House or in any other State Legislature. The power of the Union Government is, of course, wide. It covers the entire field. It covers the exclusive Union field under List I and is expressly authorised to appoint Committees in relation to List II also, namely, the State sphere. On the other hand, the State Government can only appoint Committees and Commissions in relation to its own sphere.

Then there is a provision that when the Central Government has appointed a Commission, there should not be duplication. There should not be two Commissions going into the same matter at one and the same time. Therefore, provision is made that if the Central Government has appointed a Commission, the State Government should stay its hands.

Then the power of the Commission is defined. It is the ordinary power, namely, of summoning or enforcing the attendance of witnesses, requiring the discovery of documents, receiving evidence and affidavits etc. Popularly it is called in the lawyers' language "the power today possessed by any civil court."

Then another section says that the statements made by any person to the Commission shall not subject him to any liability.

These are the broad outlines of the Bill. I may say at once that I have noticed that there are no less than seventy-five amendments, and it is very likely that some more might come in during the course of the debate. Most of them, so far as I can see, are verbal and seek to effect a little change here or there. Some may be a bit substantial. After consideration, I have felt that it is quite possible that the consideration of this Bill clause by clause in conjunction with the amendments in the whole House may lead to a very prolonged consideration and may result in very elaborate discussions—which, to my mind, is not very satis-

factory. One of my hon. friends has given notice of an amendment for referring this Bill to a Select Committee. Speaking on behalf of Government, I have no objection to that course.

Dr. S. P. Mookerjee (Calcutta South-East): Congratulations.

Dr. Katju: If we refer this Bill to a Select Committee, having regard to the nature of the amendments I am sure that if we sit across the table we shall be able to dispose of all of them within two or three hours. If the House agrees to this course, then I suggest that the Select Committee may be instructed to report at a very early date. I say this for this reason that this Bill will have to go to the other House and I am anxious that the Bill should be disposed of before both the Houses rise.

Dr. S. P. Mookerjee: Why do you not give precedence, then, to this Bill over the Preventive Detention Bill?

Dr. Katju: There is no question of precedence. If you refer this Bill to the Select Committee, you have Saturday and Sunday, and after considering it for three or four days if need be, you will have the Bill back on Wednesday next. There will be no difficulty about that.

This is in my humble opinion a very simple Bill, and I commend my motion for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers, be taken into consideration."

There have been some amendments given notice of. Two have been received this morning. One is in the name of Mr. Anthony.

11 A.M.

Shri Frank Anthony (Nominated—Anglo-Indian): I intend to move it. I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon."

Mr. Deputy-Speaker: What is the date?

Shri Frank Anthony: Within three months.

Mr. Deputy-Speaker: Is he agreeable to saying "By the 15th October"?

Shri Frank Anthony: Yes, Sir.

I was very gratified to notice the accommodating attitude of the Home Minister, and because of that I may be disposed not to press my motion to its logical conclusion. The only reason I am moving my amendment in a rather formal way is because I feel that there is some need for emphasising certain basic and fundamental principles which should underlie our legislation. I think that we are inclined to forget sometimes those fundamental principles which should underlie our legislation. [There is a tendency on the part of Members on the Treasury Benches including the Home Minister sometimes to tar all of us with the same brush. I personally resent that although I consider a problem, I believe I can apply this unction to my soul that I do it objectively and not because I am in bad political company. I never did and do not at the moment question the motives behind a Bill of this kind.] The Home Minister told us that this is an innocuous measure. I am prepared to accept his word for it, but any legislation, to be acceptable, to be progressive, must be firmly based on some kind of basic principle. The motive or intention of either the Home Minister or the Government is never a sufficient justification for any piece of legislation, and that is why technically speaking I was opposed to this Bill being passed at this particular stage. I believe it offends some basic principles of good legislation both generally and in particular. The Home Minister said yesterday that he had parted company with the law courts a considerable time ago, but I do not believe that he has given up following the opinions of our judges and jurists. And I think he will agree that many of our leading judges and jurists are a little perturbed at the volume of legislation which we have undertaken since independence.

[One of our leading judges the other day commented on what he described as the "increasing prolixity and complexity" of our statute law. Other jurists have protested against what they have described as our "unplanned and undigested" statute law, and they have emphasised this principle for the attention of the Government that good Government accepts the principle of minimum legislation. (An Hon. Member: Question.) that we should as far as possible keep down the volume of our statute law. Recently we have seen the phenomenon—not a very edifying one—of legislation undertaken in haste and legislative amendment undertaken in equal haste. That is why they have drawn the attention of our legislators to this fundamental and basic principle that good Government is synonymous with the principle of minimum legislation.]

Another principle which I would recommend to the attention of the Home Minister—this is one of the reasons why I have moved this particular motion—is that legislation to be good must carry the nation, public opinion, with it. One of our friends was trying to exhaust our patience by reading at great length from the reply of the Home Minister but I was rather amazed quite frankly to hear him read the Home Minister's statement to the effect that he felt the circulation of a Bill, or that particular measure, for eliciting public opinion, was a waste of ink and good paper. I think this particular principle needs to be emphasised. I do not know whether the Home Minister will agree with me. My hon. friend Babu Ramnarayan Singh in his own inimitable way probably hit on this specific principle. He said in Hindi—and I am translating it into English—that legislation represents the opinion of the nation; it is the barometer of national and public opinion. That I think is a fundamental basic principle which we must never forget in legislating in an Independent India—that our legislation should never run ahead of public opinion. If legislation then is to be a barometer, registering public opinion, stemming from it, I would ask the Home Minister to tell us why Government should not accept this salutary principle that all legislative measures of this kind, unless national security is urgently involved, should be circulated for eliciting public opinion.

I was reading an article by one of our eminent jurists the other day wherein he says that there is a tendency in all government circles to misread or misinterpret the purpose of legislation. We believe, particularly as a country which has found its freedom newly, that we can reform our nation or our people by legislation. And this particular judge, a very eminent personality, said that that concept is not only wrong but fatal. We can never reform public opinion by legislation. Legislation must stem from public opinion; legislation must move *pari passu* with public opinion. That is why he pointed his finger against your attempts at reform. He regards them as monuments of legislative perversion—all your attempts to reform public opinion. In States like Bombay and Madhya Pradesh you are trying to reform people by legislating in respect of prohibition. When we undertake legislation with the intention of reforming public opinion, or national opinion, that legislation essentially becomes sterile. I say this with all respect. I am not pointing my finger at the Home Minister. Legislation of this sort has been undertaken in provinces like Bombay. That is why it has failed.

Legislation which does not stem from public opinion but seeks to reform public opinion will always be sterile and still-born.

There is another fundamental principle which applies particularly to this Bill and that is that legislation must be clear. I respectfully submit that this particular measure offends this basic principle that legislation to be good must be clear. What is the underlying motive of this particular Bill? It seeks to set up commissions or committees to enquire into any definite matter of public importance. Is this particular concept clear—any definite matter of public importance? The Home Minister may reply and say that it is as clear as it can be. But is it clear? The use of the word 'definite' does not make the concept definite. There will be as many interpretations of what constitutes a definite matter of public importance as there are lawyers and judges. And that is why I say that this Bill offends this principle of clearness.

May I digress a little here? Yesterday the Home Minister seemed to castigate some of us on this side: when I sought clarification of a particular measure yesterday and quoted one of the eminent lawyers from the Congress party as having made a particular interpretation, the Home Minister brushed aside my question. He seemed to suggest that if Government says that a particular measure carried with it a particular governmental intention, that should satisfy the opposition. Some of my friends here, because they are not lawyers may be prepared to accept that thesis. But those of us who are lawyers know that it has become almost axiomatic, so far as the judiciary is concerned not to consider the intention or the opinions of Government and the intention even of such an august personage as the Home Minister would not be looked at—I respectfully submit—by any tribunal which is attempting to interpret a particular provision of a particular statute. If the words of the statute are clear and unambiguous, then I submit they will not set themselves on any enquiry to ascertain what may have been the intention of the Home Minister or of any legislator in this matter. And that is one of the reasons why I am against this Bill being adopted in this particular form. It gives either the Central Government or any Government the right to appoint a committee or commission in respect of any definite matter of public importance. Now I do not wish to be facetious. I know the Home Minister has given an illustration: but that illustration is by

no means exhaustive. For instance, some hon. Members have been twisting me in the lobby; they misunderstand my motives and they say that I am trying to start some kind of movement against the propagation of *parantu* Hindi. Nothing is farther from my mind. But Hindi and its propagation is a matter of definite public importance. Would it be within the competence of the Central Government to set up a commission to investigate my activities, mis-interpreting them as constituting a movement against the propagation of *parantu* Hindi. I am only trying to illustrate my difficulty.

Then, again somebody who may not like a particular Minister may seek to get Government appoint a commission to say that Ministers who are not above 5 feet 6 inches are not competent to be Ministers. What, then, constitutes a matter of definite public importance? The Home Minister may say: "Well, you give me a better definition." This is a matter which is inherently insoluble. I say it is inherently insoluble because we give these inchoate vague powers to Government to establish these committees or commissions of enquiry in respect of a matter which is not capable of specific definition. That is why a measure of this sort should not be put on the Statute Book.

Apart from the general objections, I have certain specific objections to some of the provisions. It is an axiom—I think the Home Minister will accept this—that democracy depends for its existence on the rule of law and the supremacy of law. I feel that some of these provisions—the Home Minister may again say that I am wrong in my interpretation—are too wide. Perhaps, I would be supported in this interpretation by a distinguished lawyer like my friend Pandit Thakur Das Bhargava. Sub-clause (2) of clause 4 says:

"The Commission shall have power to require any person to furnish information on such points or matters, as in the opinion of the Commission may be useful."

I would draw the attention of the Home Minister to what I regard as unlimited powers to compel the supply of information. I feel—although here again the Home Minister may say that my feeling is wrong, that Government's intention is innocuous and that I am misinterpreting or unduly enlarging Government's intention—but I feel that in interpreting these words any judicial authority will read the obvious implication and meaning of the language. The words are that it "shall have

[Shri Frank Anthony]

power to require any person to furnish information". I say that this language in its present unqualified form is a complete supersession of the provisions of the Indian Evidence Act contained in certain sections. The Indian Evidence Act has prescribed certain limitations. It has prescribed a certain abridgement to the power of a tribunal to compel the furnishing of information. The Home Minister probably knows the law better than I do. For instance, in section 122 there is protection given to communications or information received during marriage. Then, under section 126—and this is a matter on which the legal profession is particularly jealous—information secured by lawyers in the course of their profession is absolutely protected. Now, under this, as I say unqualified power which is sought to be given to these Commissions, will it be possible for a Commission to summon a person like Pandit Thakur Das Bhargava or myself and say: "We believe you have received this information; you may have received this confidential information in the course of your profession; but we have been given unlimited power to compel you to disclose this information, even though you might have secured it confidentially in the course of your professional work?" I say to that extent this provision is definitely objectionable. We are seeking here to give powers to these Committees and Commissions of inquiry which are not given to any other normally constituted judicial authority in this country. And I say that from that point of view this is definitely objectionable.

After all, these protections and safeguards given to the citizens have been evolved as a result of decades and generations of judicial and democratic experience under a system of jurisprudence which, I feel, has no equal in the world. Why are we today, without considering the matter in any detail—the Home Minister may say it is an innocuous and simple measure, but it supersedes all those provisions in the Indian Evidence Act—why are we trying to supersede all those provisions which have stood the test of time, which represent the distilled essence of judicial experience over generations, judicial experience based on an incomparable system of jurisprudence? We are seeking with one sweep of the hand to set aside and supersede those provisions of the Indian Evidence Act.

And that objection of mine applies also to sub-clause (3) of clause 4 which reads:

"The Commission or any officer specially authorised by the Com-

mission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found, and may seize any such books of account or documents..."

I am glad that the Leader of the House has also come in. His attitude has always been helpful in securing accommodation. I am opposing this particular measure on principle. I know that the Home Minister's motives are of the highest order. This is probably directed against anti-social elements; it is intended to curb anti-social activities. But at the same time, if this measure does not conform to certain basic principles, then to that extent it offends them. I may at a certain stage accept a certain compromise. I do not say I am opposed to the principle of this particular Bill. I do not say I would be opposed to the Bill, if amendments were effected in certain ways. But I am only pointing out certain features of the Bill which definitely offend certain basic principles of good legislation.

Now, what does sub-clause (3), purport to do? It purports to give unlimited, unfettered powers in respect of search and seizure. Here again the provisions of the Criminal Procedure Code are very clear. Why is it that the Criminal Procedure Code prescribes certain salutary restrictions on the power of search and seizure? I do not know whether the Home Minister will agree with me, but against our background of experience I think the Home Minister will concede the real motive which has led to these salutary restrictions in respect of search and seizure. What is the motive? These restrictions have been prescribed because unfortunately, by and large in this country, search unless it has these salutary fetters can be undertaken in a high-handed and arbitrary manner. Here the Home Minister is going to give to some authority, to whom a Commission of inquiry will invest with this particular power, the power of searching without any of the salutary restrictions prescribed by the Criminal Procedure Code.

Then what about the seizure lists? Surely, it has been a matter within the personal experience of the Home Minister. Has he not come across cases—of course he has no clients now—where even in spite of the restrictions placed on the manner in which seizure lists have to be drawn and sent, courts have held over and over again that evidence with regard to the draw-

ing up of seizure lists with reference to the seizing of articles, is tainted? Do not we know to what extent—I say with all respect—many of our police officials are prepared to fabricate seizure lists, are prepared to fabricate seizure memos? And that is why I am opposed to the provisions contained in sub-clause (3). Because, it seeks to supersede extant and existing statutory law, to supersede the protection and safeguards which have stood the test of time and which have received the imprimatur of our courts and judges for decades. That is one of my main objections.

My final objection is to the provision contained in clause 7. What does clause 7 purport to do? It purports to give to the Government, that is, to the Central Government or to any State Government power to apply the provisions of this Bill in prospect—I am using my own language—that is, although no Commissions or Committees are even in contemplation, we are giving these omnibus and blanket powers here. This again, I say, offends the basic principle of good legislation. Without knowing what the context or the circumstances are that will warrant a particular Committee or a Commission being set up, we are giving these powers to the State Governments. I am always a little reluctant, if not suspicious, of giving omnibus and blanket powers to State Governments. I have the greatest faith in the Central Government. I say, without any intention to offend, that that same faith does not extend to some of our State Governments. And when we give these blanket and omnibus powers to a State Government to apply the sweeping provisions of this Bill to any Committee or Commission of inquiry, is it not possible for the State Government to abuse this blanket authority? My hon. friend Dr. Katju is shaking his head, perhaps to suggest that he is not accepting what I am saying. I am pleading for a principle. I am not talking in terms of personalities or in terms of a particular party. If the Congress party was to remain in power for the next 50 years, I would be very happy. I would not then have the same fear. But, the Congress Government may stay in power at the Centre. Who is to guarantee that the Congress Government will stay in power in Travancore-Cochin or even in Madras? Today, without measuring the Bill by certain yardsticks of principles, the Home Minister accepts them because he has great faith in his own *bona fides* and the greatest faith in the *bona fides* of the Congress Governments. But, the Communists may come

in tomorrow and they will beat the Home Minister with his own stick.

Dr. Katju: Not my stick.

Shri Frank Anthony: They may appoint a Commission of inquiry to investigate his conduct.

Dr. Katju: Welcome; absolutely open.

Shri Frank Anthony: With these sweeping powers, we do not even know that the Home Minister, in spite of his profound legal knowledge and acumen, will be able to escape conviction by a Committee or Commission.

Dr. Katju: That would be a different matter.

Shri Frank Anthony: I am glad that the Home Minister is accepting at least this position and is prepared to refer this Bill to a Select Committee, and I may not press this motion for circulation although I say this is a salutary principle, and I would ask the Government to consider that in respect of each piece of legislation, this principle should be the rule and not the exception that it should be circulated for eliciting public opinion.

From what I could infer from the Home Minister's statement, the last occasion when the Government thought of the appointment of a Commission of enquiry was two years ago. There is no particular hurry on this matter. I think I am right in presuming that there has been no Committee or Commission of enquiry in the meanwhile. When I have said all this, I feel that the Government should consider this position, because this offends certain general principles. We are concerned here with a matter of definite urgent public importance. These powers are too sweeping. What is the Government's objection to having *ad hoc* legislation for each Commission or Committee? Does the Government consider that unduly restrictive? After all, these things do not come up every day. It would be a salutary brake to have *ad hoc* legislation. If the Government feels that there is a matter of urgent public importance,—take the sugar scandal—let the Government come and take special powers by means of *ad hoc* legislation in respect of the appointment of that particular Commission. Or, if the Government feels that it is unduly restrictive and it will be dilatory, I have another suggestion to make. We may accept the Bill, not in its present form, but with necessary modifications, subject to this proviso: that if a particular legislature or Government wishes to set up a Committee or Commission, this Bill or this Act, if it is on the statute book, will be

[Shri Frank Anthony]

applied specifically to that particular Commission or Committee specifically, and the legislature concerned may impose further restrictions, if necessary, on the exercise of the powers. That is all I have to say, and I hope that the Home Minister will consider, although he has accepted reference to a Select Committee, whether it would not, even at this stage, be advisable to circulate the Bill for eliciting public opinion.

Mr. Deputy-Speaker: Motion moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon, by the 15th of October, 1952."

Dr. P. S. Deshmukh (Amravati East): May I move the other amendment standing in my name?

Mr. Deputy-Speaker: Why not allow all the motions, reference to the Select Committee also to be moved, and then there may be a discussion both on the consideration motion, the motion for reference to a Select Committee and the motion for circulation for eliciting public opinion. I shall take them up in the order in which they have been tabled. Mr. Anthony is not moving his motion for reference to Select Committee.

Dr. Deshmukh.

Dr. P. S. Deshmukh: I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri N. Somana, Shri Nandlal Joshi, Pandit M. B. Bhargava, Shri H. C. Heda, Shri S. V. Patil, Shri N. P. Nathwani, Shri K. G. Deshmukh, Shri Jagannath Kolay, Shri K. P. Tripathi, Shri Tek Chand, Shri Pannalal Kaushik, Shri M. L. Dwivedi, Shri T. N. Singh, Shri Jhunjhunwala, Shri S. D. Upadhyaya, Shri Seshagiri Rao, Shri C. R. Chowdary, Shri P. T. Punnoose, Shri U. M. Trivedi, Shri Hukam Singh, Shri Raghabachari, Shri Frank Anthony, Shri G. D. Somani, Dr. Katju, and the Mover, with instructions to report by the 15th July, 1952."

Some Hon. Members: It is too short a date.

Mr. Deputy-Speaker: 15th is too early; let it be 21st.

Dr. P. S. Deshmukh: May I speak now, Sir?

Mr. Deputy-Speaker: It is going to the Select Committee. The hon. Member need not speak now.

Dr. P. S. Deshmukh: Since a speech has already been made urging that the Bill should be circulated, I think it

would be well if I support my own motion and give reasons for that.

After having offered his congratulations and expressed his gratification, and after having accepted the proposition that the Bill was an innocuous one,.....

Shri Frank Anthony: Who?

Dr. P. S. Deshmukh:.....my hon. friend went a long way in condemning many of the provisions that are embodied in the Bill. Of course, he did it on certain basic principles. It appeared that he was not very serious about his motion for circulation. The main contention that he advanced before the House is that, ideally speaking, such extraordinary powers should not be given to any person, and that we should follow the ordinary canons of legislation and should not depart from it under any circumstances. While saying so, I am sure my hon. friend will have very little objection, if there are circumstances which demand extraordinary powers in the hands of any person or body. The other point that he urged was that we were superseding the existing Indian Evidence Act and that thus there is a violation of the principles on which we have been legislating so far. He had, however, to admit that we were dealing with some extraordinary circumstances and cases which have arisen more or less as an emergency. It is not normal legislation; it is a legislation which seeks to meet emergencies, because we have found that under the present situation, the powers which we authorise the Commissions to have, are not adequate to deal with the situation. So with much of what my hon. friend Mr. Anthony has said, many of us would be in agreement that legislation should be enacted to the minimum and there should not be profuse legislation, because, after all, if there is much legislation and less enforcement, it does not help the country or the administration in any way. The second proposition also that ordinarily, the ordinary canons of legislation should be followed and there should be no violent departures in legislating on any particular issue would also find general acceptance by most Members of the House. But here we are dealing with a specific situation, a situation where we have countered difficulties. It is therefore necessary that this kind of legislation should be enacted.

In interpreting the legislation, I think Mr. Anthony has fallen into certain errors and his observations were a little wrong because he had not looked care-

fully into the other provisions of the Bill. For instance, clause 3 says:

"The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by the House of the People, or, as the case may be, the Legislative Assembly of the State, by notification in the Official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions as may be specified in the notification....."

So, while there is a necessity for a notification and a resolution, wherever there is a resolution of the House of the People, there will be also a notification. This notification is intended to specify the purpose for which the Commission is appointed, and it will also specify the scope of the enquiry. With this restriction, I think there is very little possibility of any abuse.

Secondly, I would like also to urge that on the whole the Commissions and the Judges of this country have acted in a way that there has been very little abuse of the powers conferred upon them. Can Mr. Anthony point out any particular Commission that has abused the powers that were given to it. So, even if it might be agreed that they have somewhat more powers than ordinarily are given to any judges, there is no instance, to my knowledge at any rate, where a body of responsible persons appointed to enquire or a Commission to which we certainly give a lot of respect—and the Government also is very careful in choosing the personnel—has abused the power. There being no instance, I think my learned friend should not have allowed himself to be swayed by considerations of principle to the extent he has allowed himself.

Then, he objected to clause No. 8. Actually, I think he should have liked clause No. 8 because by this clause it is possible to frame rules and these rules may very well restrict the powers and it may be that every Commission need not necessarily have all the powers that have been stated here. The case will be determined by every particular instance or item which has to be enquired into, and there may be many cases in which much of the powers embodied in Clause 4 may be unnecessary and may not be given to that particular Commission. Therefore, I would style this Bill as an enabling legislation. It does not necessarily follow that

every Commission appointed shall have every bit of the powers that have been stated here. Those powers should be restricted by the rules framed not only by the Government appointing it, but by the Commission itself. So, I think that in the opposition of my friend there is not a great deal of substance. This is not a Bill which is of the ordinary sort to meet ordinary circumstances. They are extreme circumstances and when we find that people go to the extent of destroying evidence or keeping back evidence, this is the only way in which we can deal with them. Moreover, my learned friend is not quite correct, I think, in saying that there is no other provision of this nature anywhere else. I am sure in the labour Bills also there was a suggestion—I do not know whether ultimately it has been accepted; the Bills are yet to come before the House—that this sort of power to enter and seize the account books is absolutely necessary, and unless you want to allow fraudulent people to go their own way without any check or without the evidence being got at by the Commission, I am sure my friend would not like a situation like that. It has been found in instances that people go to the extent of destroying evidence which is detrimental to their interests, and there is no way in such circumstances except to clothe the Government with these powers which will certainly be given to the Commissions only where they are necessary, and not arbitrarily and as a rule to every Commission that is appointed. I therefore feel that most of the criticism that my friend has advanced is not borne out either by the provisions which have been made in the Bill or the intention with which the legislation has been brought here.

My friend suggested why not have a Bill for the appointment of every particular Commission? I think that will be a little too troublesome, and it would be certainly taking more time of this Parliament also if we are to resort to legislation in every particular instance. It is far better, therefore, that there should be a general provision of this nature on record which is not intended to be used in every case to the same extent as it may be in a particular instance, and therefore there should be no fear of abuse of these powers in any way. Moreover, this House can have the opportunity of discussing the notification or the rules that might be framed in any particular instance. I do not think it will be precluded. It can be brought before the House in various ways. So, I submit although the provisions here are not ordinary, they are not so ex-

[Dr. P. S. Deshmukh]

extraordinary as to have no precedents whatsoever. In these circumstances, there is no purpose in circulating the Bill for eliciting public opinion, and I think it should meet the wishes of my friend if my motion which means reference to a Select Committee is accepted by this House.

Mr. Deputy-Speaker: I shall place the motion before the House. Motion moved:

"That the Bill be referred to a Select Committee consisting of Shri N. Somana, Shri Nandlal Joshi, Pandit M. B. Bhargava, Shri H. C. Heda, Shri S. V. Patil, Shri N. P. Nathwani, Shri K. G. Deshmukh, Shri Jagannath Kolay, Shri K. P. Tripathi, Shri Tek Chand, Shri Pannalal Kaushik, Shri M. L. Dwivedi, Shri T. N. Singh, Shri Jhunjhunwala, Shri S. D. Upadhyaya, Shri Seshagiri Rao, Shri C. R. Chowdary, Shri P. T. Funnoose, Shri U. M. Trivedi, Shri Hukam Singh, Shri Raghbabachari, Snri Frank Anthony, Shri G. D. Somani, Dr. Katju, and the Mover, with instructions to report by the 21st July, 1952."

Hon. Members will take care to have the names typed and given to the Speaker. There are a number of names which are similar, and some Member may go and sit in the Committee whose name is not there. There is another motion standing in the name of Shri R. N. Deo to the same effect. In such matters, if any new names are suggested, of course, the House will consider them. Otherwise, it is not necessary for me to put this motion also before the House.

Shri R. N. S. Deo (Kalahandi-Bolangir): I want to add two names to the list of Members in the Select Committee proposed—Shri Bhawani Singh and Shri Tulsidas Kilachand.

Mr. Deputy-Speaker: And the Mover.

Shri R. N. S. Deo: Sir, I suggest that the following two names be added:

1. Shri Bhawani Singh.
2. Shri Tulsidas Kilachand.

Mr. Deputy-Speaker: And the name of the mover of this motion also. Does Dr. Deshmukh accept these names?

Dr. P. S. Deshmukh: I have no objection, Sir.

Mr. Deputy-Speaker: So it is proposed that to the list of Members submit-

ted by the Mover, the following three names be added:

1. Shri Bhawani Singh.
2. Shri Tulsidas Kilachand
3. Shri R. N. Deo

Shri Nambiar (Mayuram): Sir, I propose that Dr. Jaisoorya's name also be included.

Mr. Deputy-Speaker: I think there are members from each party already, and if hon. members go on suggesting further names I have no objection.

Shri A. K. Gopalan (Cannanore): I suggest that Mr. C. R. Chowdary's name be replaced by that of Dr. Jaisoorya.

Shri Venkataraman (Tanjore): I suggest that in order to have a balanced view in the Select Committee, the names of the following also be added:

1. Shri B. Shiva Rao.
2. Shri T. Subrahmanyam.

Dr. P. S. Deshmukh: I have no objection to including them.

Mr. Deputy-Speaker: So, the additional names suggested are:

1. Shri Bhawani Singh.
2. Shri Tulsidas Kilachand.
3. Shri R. N. Deo.
4. Shri B. Shiva Rao.
5. Shri T. Subrahmanyam, and
6. Shri Jaisoorya replacing Mr. C. R. Chowdary.

Hon. Members must remember that this is a Bill which is going to a Select Committee. I now call upon Pandit Thakurdas Bhargava.

Pandit Thakur Das Bhargava (Gurgaon): I am not going to imitate my hon. friend Mr. Frank Anthony who discussed general principles of legislation in this House, first, and then after applying these principles, came back to the original idea that this Bill should be referred to a Select Committee, so much so that he did not even seriously move his own motion.

Shri Frank Anthony: That was my reasonableness.

Pandit Thakur Das Bhargava: I think the hon. Member would have been still more reasonable if he had not dilated and sermonised upon general principles and had not submitted to the House that the Government was after an unplanned legislation. My reply is that his contention is absolutely wrong.

Coming to the other principles mentioned by Mr. Anthony, namely that every Bill should be circulated, I very simply say that I cannot subscribe to this general application of the principle to all Bills. But this is a Bill in which I must also join my other friends in congratulating the hon. Home Minister who has agreed to refer it to a Select Committee. Considering the very many amendments which have been tabled, I think, the best course was to refer it to the Select Committee. I therefore support the motion for referring the Bill to a Select Committee, and oppose the motion for circulation.

In doing so, I have got certain points to make, which I would like the Select Committee to consider.

As regards Clause 4 (3), I am one with Mr. Frank Anthony, while as regards Clause 4 (2), I do not agree with him. To my mind, it appears that his point is wrong. I submit that the provisions of the Indian Evidence Act will apply to all those proceedings before the Commission, Chapter IX of the Evidence Act dealing with this point—all these Sections 121 to 131—will be applicable to all commissions, and no commission will be able to force Mr. Anthony, a newly married person, to communicate what has happened overnight. (*Interruption*). According to me, all the provisions which entitle a person to keep back certain information from any court, will be applicable to him in this case also. This sub-clause will be there to protect every person in spite of the fact that this provision is there. Even in the Civil Procedure Code and the Criminal Procedure Codes, we do not find any provisions relating to the Indian Evidence Act, where such information is not specifically protected. I agree with my friend Mr. Anthony, that no commission should be armed with the power of asking any person for any information which the law gives him power to withhold. There are very good Sections in the Indian Evidence Act which are based on the experience of ages, which entitle a person to withhold information. My submission is that these provisions also apply in this case, in spite of the provision to the contrary in this Clause 4 (2). If the Select Committee finds that my view is not correct, I would beg of the Select Committee to incorporate it in so many words, as Mr. Frank Anthony has suggested.

As regards Clause 4(3), I feel more strongly than Mr. Frank Anthony in this matter. He is only anxious that the provisions of the Criminal Proce-

dure Code relating to procedure may be made applicable to certain procedures. But I go a step further and say that this Clause 4 (3) should not have been there at all. I quite understand Dr. Deshmukh's anxiety in public interest that certain commissions should be armed with the powers of seizure and search. But the Bill before us is a general one, as the Statement of Objects and Reasons will show. This is a general law, and the modicum of powers is being given to these commissions. If any necessity arises, and the Government wants to arm any particular commission with specific powers, it has got the right to do so, but I am very doubtful whether with a Bill of this nature, Government will be able to say that such and such a power may not be exercised by any particular commission. That will not be in consonance with the expected policy of this Bill. But anyhow, my submission is that we shall decide the issue in question on merits, and see whether this provision should be there or not. I am very clearly of the view that this provision should not be there in the Bill. At present, the Civil Procedure Code does not envisage such powers of seizure and search. The Criminal Procedure Code does give such powers because of the over-riding necessity of protecting society against offences, and the police officers are given in certain contingencies powers in this behalf. But even there, the use of such powers is safeguarded and properly regulated. When the Civil Courts do not handle these powers ordinarily, I am very loath to giving these powers to any Commission. After all in India, as in all the world over, every person's house is his own castle. I want that so far as the dignity of the human being is concerned, he should be perfectly protected from such kind of arbitrary exercise of powers as regards seizure and search. Such a power was demanded of this House in regard to the Tariff Commission, and we did not grant them this power. Even for the Income Tax Officers, this power has not been given, though I know that so far as the Income-Tax Investigation Commission is concerned, we have given this extra power to them, because public interest requires that they should be armed with such powers. But when we are just laying down the ordinary powers of a commission, I am loath to giving such powers to that Commission, though I am anxious that in specific cases, if the Government satisfy us that such powers should be given, they may specifically do so. I think that is the only purpose of this Clause 4 (3), namely that of enabling the Government to give these powers to a Com-

[Pandit Thakur Das Bhargava]

mission. As I read the law, and as I understand it, every commission will exercise the modicum of powers given in the Bill; it is therefore that I suggest that these powers to enter any building or place and seize any books of account or documents or extracts or copies therefrom, should not ordinarily be given to a Commission. If I were in charge of any Department, I would be most reluctant to give this kind of arbitrary power to any person against an Indian. I know, however, that sometimes, public interest may require the use of these drastic powers. But here we should strike a balance between two things, public interest, and the dignity of the human being.

We want that every person may feel safe in his own house and therefore, such arbitrary power should not be given. My submission is that if there are necessities of such an overriding character that public convenience should have priority, well I may have no objection; but otherwise, I would beg of the hon. the Home Minister to kindly accept this amendment. Ordinarily, these powers should not be given to a Commission of this sort.

Then again in regard to clause 5, the question is about perjury etc. Now, there is a proviso which runs: "Provided that the statement—(a) is made in reply to a question which he is required by the Commission to answer, or (b) is relevant to the subject matter of the inquiry". So far as (b) is concerned, I have got no objection. But with regard to (a), my submission is that perjury is perjury if it is committed in response to a question or otherwise. If a question is asked and a person perjures, does he do a more culpable or more heinous crime than if he voluntarily deceives the Commission? My submission is that this safeguard is unnecessary and mischievous because if it is there, a person may choose to voluntarily mislead the Commission or give such evidence as he knows is perfectly false, and the effect of it will be much more because it will be given in an insidious manner. Therefore, my submission is that this safeguard is unnecessary and may not work well in practice.

As regards clause 6 I have to submit a word. Now at present, there is no law by virtue of which the powers of a Commission are deemed to continue indefinitely or after a certain date. Now, it is being provided that a notification is to issue when the Commission ceases to work. The Commission ceases to work when the work is complete. So, I do not feel there is any

necessity for Government to go out of its way to issue a notification that the Commission has ceased to work. The very fact that there is no work for the Commission means that they have ceased to work and there should be no notification, though I am anxious that Government may be given the power to withdraw a Commission and to say that the powers of the Commission cease whenever it is in the public interest to do so. That power may be retained, but the provision that there should be notification is unnecessary and will not work well in practice.

Then again, exception has been taken to clause 7 by Mr. Anthony. I humbly beg to differ from him. In fact, section 7 is a very salutary section. Whereas section 3 refers to particular kinds of Commissions of Inquiry, it is a general section. If we really are out to enact a measure of this kind in which general powers are given to Commissions of Inquiry, this is only a very salutary provision which requires that all the Commissions etc. which are appointed will enjoy these powers. And what is there in these powers? These powers are very ordinary. Except those powers which have been the subject matter of comment from the hon. Members, all the powers are very ordinary.

Now, in regard to clause 8, I would submit that so far as (a) is concerned, I am not happy with it, because in my humble opinion the terms of office and conditions of service will vary with different Commissions. These things should be provided in the order of appointment and not in this general statute, because, as I have submitted, they will vary with every Commission of Inquiry. If the inquiry is an important one and if you want the services of an expert, he may demand his own charges, he may demand better emoluments etc. So you cannot lay down rules of general application.

I have to submit a word in regard to clause 4 also. In clause 4 the words are: "The Commission shall have the powers of a civil court, while trying a suit under the Code of Civil Procedure, in respect of the following matters, namely. (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of any document.....etc...." My submission is, as I have already said, that so far as documents are concerned, section 132 and other sections of the Indian Evidence Act entitle a person to withhold certain documents,

and I want that so far this power of summoning a person and getting any document is concerned, there should be a safeguard provided. Only such persons can be summoned who are only directly or indirectly connected with the subject matter of the inquiry and only such documents can be summoned which have got some relation to the subject matter of the inquiry. I have known cases in which Sessions Judges and senior Sub-Judges etc. have called friends from far off places just to have lunch with them at their place, and at the expense of the Government or the parties. I do not want that the Commission should be given such powers. If any person is directly or indirectly connected with the subject-matter of the inquiry, certainly he can be called. The power should not be a general one.

12 Noon

Dr. P. S. Deshmukh: I am sure in every one of these instances the District Judges can point to some direct or indirect relationship.

Pandit Thakur Das Bhargava: Well I know. When the witnesses come, they are given up. They are not even produced; they are given up. It must be the experience of my hon. friend also though he is not saying so. It must be the experience of lawyers that sometimes witnesses are called for ulterior purposes and then they are given up. Now I do hope that any Commission will do that, but at the same time there is no harm if you say that only such persons and such documents as have any direct or indirect bearing on the subject matter of the inquiry will be called. What is the use of giving general powers? It is unnecessary.

Therefore, I would submit that if these points are examined by the Select Committee and are gone into, the Bill will come back in a better form before us and I hope that the lacuna in the present law will be filled up. It is a law which is due. I do not agree that it is not due. It is certainly due and therefore we support it. I would respectfully submit, Sir, that these points may be considered by the Select Committee.

Dr. Krishnaswami (Kancheepuram): The hon. the Home Minister in introducing this measure said that it was an innocuous measure and that we need not trouble very much about it. I hold a different view altogether. I consider that this measure is very drastic, and in order to substantiate this point of view I should like to indulge in a reasoning of certain funda-

mental principles which, I hope, will not tire this House.

The first question which we should like to ask the hon. the Home Minister is whether *ad hoc* legislation would not have been better. Whenever we introduce *ad hoc* legislation before a particular House for constituting a Commission of Inquiry, we have to make out the grounds for constituting such a Commission of Inquiry. We have to find out what is 'public interest'. The House would be in a better position to review the whole question of public interest and we would really be in a better position to clothe this Commission with such powers. What is public interest? Public interest may be as wide as the Pacific Ocean and anything can be brought within its purview. The hon. the Home Minister no doubt pointed out that within recent times some of these Commissions had been handicapped because they had not been clothed with definite powers to inquire into breaches of control orders. But if you really are desirous of promoting inquiries into such matters, if you are desirous of finding out how some of these rules and regulations have been infringed, then I say it is better to specify what these topics are and then say that such matters as are related to these things shall form the subject for the Commission of Inquiry. It is my submission that if you do it in the general way in which you have done, anything can be inquired into. No matter, however, remote it be from public interest, can be saved from the clutches of a Commission of Inquiry, and it is a very serious matter when you come to think of it, particularly when this Commission of Inquiry would be clothed with such wide inquisitorial powers. It is indeed very troublesome to go into this matter of public interest because I know it will always be pointed out that it is open to the House of the People or to the State legislature or the Government to determine public interest. But that is not a safe way of relying on what the House of the People or the legislature or the Government really will determine, because public interest is something which can be given a very enlarged scope and which can really be made to cover almost any topic under the sun. Then, there is this point of the Government itself moving on its own motion and a Commission of Inquiry being constituted to inquire into a matter of public importance. I think that is a provision which can be abused. Particularly when you clothe the Executive Government with vast powers, you have also to be prepared for abuse of the powers

[Dr. Krishnaswamy]

It is not enough to say that there are particular men with beneficent intentions in the Government. A statute is in existence long after the Governments of the day have passed and we have also to take into account possibilities of such abuse of powers being indulged in particularly on a large scale especially when you have a general law relating to Commissions of Inquiry.

The Bill is also not very satisfactory in respect of the constitution of the Commission of Inquiry. No attempt is made to describe the qualifications of the Commission. As a matter of fact, sub-clause (2) of clause 3 reads as follows:

"The Commission may consist of one or more members appointed by the appropriate Government, and where the Commission consists of more than one member, one of them may be appointed as the Chairman thereof."

The Bill is silent on the qualifications of the members of the Commission. We do not know who would be the members of the Commission. Any individual or individuals can be appointed, and any individual or individuals may be appointed, and whether they should possess a knowledge of law or whether they should possess a knowledge of the rules of evidence is not made clear in the Bill, and perhaps for definite reasons. But at least we must know what categories of people would be included in the Commission, because without knowing that there is a possibility of grave abuse of this power by the appropriate Government or appropriate authority.

Now my friend Pandit Thakur Das Bhargava referred to certain points which I think were very germane to the discussion of the Bill. But I do not happen to agree on this point that it is necessary to have a general law relating to this subject. But the criticism that he made, namely, that clause 4(2) is not as dangerous as it is made out to be by my hon. friend who moved for the circulation of this Bill is, if I may say so without meaning any disrespect to him, not quite justified, for the simple reason that unless and until we take good care either in the Select Committee or when the Bill comes to this House again for consideration to see to it that the principles of the Evidence Act are really incorporated into this Bill, there would be a possibility of its being abused. Certainly there is a possibility of a Commission constru-

ing the provisions as they are drafted in the present clause so widely as to treat even the provisions of the Indian Evidence Act as non-existent.

Then there is the point to which he referred, namely, that the Commission or any officer specially authorised by the Commission may enter any building or place where the Commission has reason to believe that any books of account or other documents relating to the subject matter of the inquiry may be found and may seize any books of account or documents or take extracts or copies thereof. Worded as it is, it is very wide and there are possibilities of abuse. There are certain qualifications which can be made, and if those qualifications are made, I think it may be possible to mitigate considerably any abuse of the powers of the Commission.

There is the other provision which relates to other inquiring authorities. I do not see why we should have a particular clause relating to other committees or commissions. If you have a general provision on this subject, I do not see any reason why we should have another provision relating to particular committees of inquiry being constituted to inquire into matters for particular purposes. There seems to be a difference of opinion on this subject. But I hold the view that once you give a general power or authority to a commission to inquire into a matter, it would not be reasonable again to say that we want to have another committee of inquiry to inquire into other matters of importance. Looking at this provision and considering the tenor of the speeches that have been delivered today, it looks as though we seem to be in a state where we will have perpetual commissions of inquiry constituted day after day to inquire into each and every matter. That at any rate does not seem to be reasonable. That at any rate does not seem to be proper, because if we had a commission to inquire into each and every matter almost every day of our life, would become intolerable and we would certainly be subjected to various inquisitorial procedures. While I entirely agree that in many cases such as those where there have been tax evasions or breaches of control orders or where people have acted against social interests we should have Commissions of Inquiry constituted to inquire into those breaches and those infractions of law, I think it would be extremely unwise and dangerous to clothe the Executive with such wide powers, because we feel at any rate that these powers would be abused and would certainly be abused in a

fashion which is certainly not in the public interest but which might be considered to be in the public interest if the voice or the voice of certain popular legislatures only is taken into account.

In all these matters we have to adopt a far-sighted view of where exactly we are going with the legislation. Today it may be a case of our having a commanding majority in most legislatures. But tomorrow the situation might be quite different and the wide powers that have been given to the Executive and the Legislature might be used for purposes which are totally alien at any rate to the intentions of those who introduced this legislation—such intentions as we may infer from speeches made in this House or elsewhere. It does seem to me that there is no need for this general Bill being introduced and we can still rely on ad hoc legislation to constitute committees of inquiry. But in the event of this suggestion not finding acceptance, I say, that the time has come when we should examine every one of the provisions of this Bill and see to it that the powers are restricted as far as possible so that there may not be chances of abuse. Certainly those powers must be in conformity with the fundamental principles of jurisprudence. We cannot, for instance, leave it to the Commissions of Inquiry to have their own methods of procedure. I know the usual argument that is propounded that if the methods of procedure are in conflict with the principles of natural justice or infringe fundamental rights, we can certainly go to the Supreme Court and move that there is an infringement of fundamental rights. But that would be a rather tortuous process, because first of all infraction would have occurred or the possibility of an infraction would be there and we would have to go to a court of law and only then could we find out how far an infraction had occurred, and then only could a proper procedure be introduced. Instead of that, I suggest that the procedure also should be laid down, so that the procedure might be in conformity with the principles of natural justice. In the event of our deciding to have a general Commission of Inquiry, I say that we ought to take good care to see to it that some of the aspects of the procedure that have been followed in the United States of America should certainly be copied by us. After all we might be taking a very great step in the direction of building up a new branch of administrative law, and especially when we are in the formative stages,

care should be taken to see that the rules and regulations are in conformity with the principles of natural justice and do not violate any of the fundamental rights.

Shri Venkataraman: We have so far heard the familiar eloquence of vested interests. It is not the first time that objection is taken to these powers being given to committees and commissions of inquiry, Tariff Boards, Industrial Tribunals, and so on and so forth. As my hon. friend Mr. Thakur Das Bhargava spoke, I remembered all the battles we had fought in the select committee over the same and similar provisions in the Industries Control Bill, the Labour Relations Bill, and so on.

The persons who oppose the grant of these powers to committees and commissions of inquiry start on a false premise, namely, that the findings of the committees or commissions are binding as if they were a court. While every authority given to a court whose decisions are binding and final should be subject to several restrictions, the committees and commissions are only advisory in character. They go deep into matters and they are not bound by the restrictions of ordinary rules of law and procedure. They try to assess the relative merits of several aspects of a particular question and they place their findings before the legislature or before the country. If that were so, why should powers be denied to them when their decisions, when their conclusions are not going to be binding on anybody. It is to prevent an enquiry being made. It is with the intention to conceal something from the public. It is somehow to see that under the cover of law certain misdeeds are not brought forward that these so-called objections, going under the name of restrictions on civil liberty, are brought forward. If you will kindly permit me to go into the past legislation, we have similar provisions in the Industrial Disputes Act, 1948 and we had a battle royal over them also. Now after that when the Tariff Commission Bill came, we had similar provisions and even there if I remember aright my friend Pandit Thakur Das raised the same familiar argument.....

Pandit Thakur Das Bhargava: Powers of seizure and search were not given as a consequence.

Shri Venkataraman: I will read for his information. Now, Sir, section 20 of the Tariff Commission Bill, 1951, gives the following powers:

[Shri Venkataraman]

- (a) Power of summoning and enforcing the attendance of any person and examining him on oath;
- (b) power of requiring the discovery and production of any document;
- (c) power of receiving evidence on affidavits;
- (d) power of requisitioning any public record from any office;
- (e) power of issuing commissions for the examination of witnesses; and also

The Commission shall have power to require any person to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of any inquiry.

Sir, that disposes of the Commission.

Pandit Thakur Das Bhargava: I expected that my friend will read out the power of entry and seizure?

Shri Venkataraman: Now my friend Thakur Das says that the power of entry and seizure is not given. I will quote another Act—The Industries Control Act—which we passed last year. That also considered this question whether or not power should be given to the authorities to go, inspect and seize books. It is unnecessary for me to go into the double and treble systems of accounting maintained by our people and if we really want truth to be obtained and placed before the public, it is absolutely necessary that some power of going and seizing the books and of inspecting the premises should be given to these authorities. Otherwise let us give a *carte blanche* to all the people who have vested interests and say that under the cover of law, their misdeeds shall not be brought before the public.

Mr. Deputy-Speaker: What are the double and treble systems?

Shri Venkataraman: It has been my misfortune to appear in several cases before industrial tribunals and there examine the books of accounts and it has been my singular misfortune to see several account books maintained in respect of the same matter each contradictory to the other. It is not beyond your knowledge unless you want me to explain in greater detail for the benefit of the country. Now

in such cases it becomes necessary that power should be given to the authority to seize books, to inspect premises and compel the production of all facts relevant or pertinent to the subject matter under inquiry.

Now let us look at the cases in which such enquiries are usually ordered. They are matters of utmost social importance. It is not against any individual person that a Commission of Enquiry has ever been appointed. To my knowledge I do not know if ever a committee or a Commission of Inquiry was appointed to enquire into the conduct of a person. The Commission of Inquiry is usually appointed to go into some matter of social importance like the Sugar Industry or say for instance an enquiry into the conditions of working in certain industries, in plantations and so on and so forth. So in these matters if the Commissions are prevented from going into the root of the matter and trying to find out the real conditions in that industry, well we shall have to be content with only what the other side gives as their version. My friend Dr. Krishnaswamy said "where was the need for such committees when there are other committees than those mentioned in the Bill?" I am quite sure he must be familiar with several social legislations particularly in labour like the Minimum Wages Act—to quote only one—where committees are appointed to advise the fixing of the minimum wages and those committees are not appointed under this Commissions of Enquiry Bill or Act if it is passed but under several other provisions of the Acts already existing. Those committees have no power of enforcing attendance and of getting any details of the accounts from the parties concerned. I may just quote only one instance. In the Committee on Minimum Wages in which I sat, we wanted to get certain information from the employers—and as employers do usually, engaged an eminent counsel—and they said that such information cannot be given and we searched through all the rules and regulations and several books to find if there was some power vested in the Chairman to see to the production of certain figures and books and it was not there. Therefore clause 8 here deals with such of those cases in which the Committees and Commissions are appointed under other laws than under this Bill.

Then we heard the 19th century arguments rehearsed before this House. In fact my hon. friend Mr. Frank Anthony who is so modern in his looks as well as in his thought unfortunately

detailed all the 19th century argument about having least legislations in a State. I cannot for a moment accept that that State is a good one in which there are least of legislations. If you accept the principle of a welfare State, you must reconcile yourself to greater and greater laws. You must say that all social improvements will be enforced only by law and there will be greater amount of legislation. If you look upon the State merely as a policeman who keeps law and order but does not care to do anything for the welfare of the people, then the theory that there should be as little legislation as possible is sound. If on the other hand you take the view that State is the parent and that it must guard the interests of its children and that social legislation must form the bulk of modern legislation in every State, then the old theory stands discredited. In view of the fact that we have accepted the ideal that this is a welfare State, it is necessary that our Government should be clothed with the authority which is envisaged under this Bill.

I have only one thing more to say. It is not necessary that all the committees and commissions necessarily should be vested with all the powers envisaged under this Bill. Provision may be made that certain committees will have certain powers and certain other committees may have certain other powers. I think this Bill is very urgent in view of the promise which the President made to appoint a Press Commission. What is the use of appointing the Press Commission if that Commission cannot go into the details of the accounts of the press barons. It will become useless. In fact the Press Commission ought not to be appointed until this Bill is passed and powers are vested in the Government to confer those powers on the Press Commission so that they may go into several details of the Press not only on its administrative and accounts side but on several other details also. Therefore, this Bill is most welcome and I hope the Select Committee will not alter even a single word or comma in this and bring it back as it is.

Shri Datar (Belgaum North): About the scope of this Bill.....

Mr. Deputy-Speaker: Will the hon. Member kindly resume his seat? We have been observing and it is a convention not to call upon Members of the Select Committee to speak.

Shri Datar: I am not a Member of the Select Committee.

So far as the scope of this Bill is concerned, there appears to be a considerable misgiving because in certain quarters it is believed that what is called a Commission of Inquiry is almost a judicial tribunal. In the first place it should be very clearly understood that it is not a court. A commission appointed by Government as such is not a court at all. It is not a judicial tribunal as laid down in certain Acts. We have got such commissions appointed either under the Civil Procedure Code or under the Criminal Procedure Code. When the Government, Central or State, requires investigation into certain facts which are sometimes called scandals or when certain startling events happen and it is necessary for the executive Government to find out what are the real facts, Government as it is constituted may not have the machinery to enquire into all the facts nor have the necessary material to sift the evidence. For such a purpose Government has the power even now in its executive capacity to have certain commissions appointed, and in their executive capacity they arm these commissions with certain powers. But when difficulty is experienced in that these commissions may not have the powers for the purpose of finding out the real facts of the case then they are handicapped and therefore recourse is being had to the present measure. We should clearly understand that any commission of enquiry that will have the advantage of the provisions of this Bill will be only a reporting authority and ultimately its report can either be accepted by the Government or be rejected. Some of the Members who have spoken are under the impression that these Commissions are almost judicial tribunals. They are not judicial tribunals though in the course of their enquiry they may follow something like a judicial procedure. Therefore, my submission to you is that so far as this particular point is concerned there need be no misgiving at all. My friend Dr. Krishnaswami said that such *ad hoc* committees are already being appointed. But you will find, Sir, that what is intended under this Bill are not permanent committees or commissions but committees and commissions which would be appointed as occasions arise, and therefore for the advantage of all these committees and commissions there will be general powers laid down in the statute. Therefore, there is no substance in the contention that such Committees would play havoc.

Another point may also be noted on which also there appears to be a considerable amount of misgiving. You

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will find that so far as such committees are concerned, the work before them is in the nature of judicial proceedings though ultimately they do not pronounce judgments at all. But if they are to follow the line of judicial proceedings then they ought to be subject to the usual provisions of the Indian Evidence Act. For example, we find that under sub-clause (2) of clause 4 the Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for or relative to the subject-matter of the enquiry. It would be found from the sweeping nature of this expression that the framers of this Bill had not borne in mind the provisions of Part IX of the Indian Evidence Act because there are certain provisions in that Act according to which it is open to a witness not to place certain materials before the court or the officer concerned, or in certain cases withhold certain information. A lawyer, a judge, a married person and, more particularly, a Government servant, are covered under this provision. If, for example, a Government servant appears before such a Committee then in that case it must be open to him to withhold certain pieces of information on the ground of general public policy and in such cases under the Evidence Act he has got a right to claim the privilege and withhold the placing of such information before the commission. If no such reservation is made by incorporating, for example, the words "subject to the provisions of the Indian Evidence Act", and if we take the very wide wording of sub-clause (2) of clause 4, it is open to a committee of inquiry under conceivable circumstances to call upon a Government servant or other persons who are entitled to the privilege and to ask them to part with such information. Therefore, it is essential that there must be some qualifying or reserving clause like that.

Then in clause 5 we find that statements made to the Commissions by individuals are protected. It is not that they are only protected, but the parties concerned in certain cases must have the right not to make those statements at all. Therefore, I would request the Select Committee to consider the amendment given notice of by Shri Guha which says that whenever there are any such proceedings then the witness has all the privileges and immunities as are laid down in the Indian Evidence Act. I hope the Select Committee will take into account

all these factors and will ultimately send back to this House a Bill which is entirely free from all the defects and omissions that have been pointed out in this House.

Shri P. T. Chacko (Meenachil): After having heard some of my friends, I wish to point out one or two matters regarding this Bill which I hope and wish the Select Committee would go into and consider seriously. My friend, Mr. Venkataraman was reading to us Parallel provisions from some pieces of legislation and was asking us not to alter even a syllable of this Bill. Well, I do not want to go into matters which have already been referred to, for instance, sub-clauses (2) and (3) of clause 4, but I do hope the Select Committee will go through these provisions carefully. Regarding these sub-clauses (2) and (3) I want only to submit that the Select Committee has to examine it carefully and alter them suitably.

I do not think that a committee like, for instance, the Minimum Wages Committee should be vested with such powers as to go into any house at any time and to seize anything or the power to ask an advocate to divulge knowledge which he is in possession of by virtue of his being an advocate, knowledge which he got from his client. So, I submit that these questions have to be carefully examined. Now I wish to refer to another matter, namely the provision contained in sub-clause 4. Under this clause the commission is vested with powers similar to those vested in a court of law under sections 480 and 482 of the Code of Criminal Procedure. These sections relate to trial of offences under sections 175, 178, 179, 180 and 228. I believe. Under section 480 of the Criminal Procedure Code a court in whose view an offence under section 175, 178, 179, 180 or 228 of the Penal Code is committed, can immediately after taking a statement from the accused punish the accused. I do not think that a Commission of enquiry which may not have any knowledge regarding the law of contempt of court or any knowledge regarding the procedure which should be adopted in criminal trials should be vested with this power. I believe that the Select Committee will go into this matter also. My suggestion is that the Commission may be vested with only those powers that are available to courts under Section 482 of the Criminal Procedure Code. If, in the view of the Commission, an offence under Section 175, 178, 180 or 228 I.P.C. has been committed, then the Commission may take a statement from the accused and transfer the case as is done under Section 482 Criminal Procedure Code.

Then there is another small matter. I think that the Commission should be vested with powers to examine a witness not only on oath but also on affirmation, or otherwise. Even the Oaths Act provides for examination of witnesses in some cases without any oath or affirmation.

Then as regards the representation of the parties, in the enquiry, if a party wants to engage an advocate the Commission should have the power to allow for such representation, by a lawyer or even by a mukhtiar.

I believe the Select Committee will consider the provisions under sub-clauses (2) to (4) of Clause 4, and make necessary alterations. As my hon. friend Mr. Venkataraman pointed out just now, if powers under this Bill are to be vested in all Committees appointed by Governments, I fear it would be improper. These Provisions should not supersede the laws already in existence—I mean the law of evidence, procedure etc.—and in vesting special powers in these Committees or Commissions we should ensure this safeguard.

Dr. S. P. Mookerjee (Calcutta South-East): It is good that this Bill is being referred to a Select Committee and if I say anything on the provisions it will be in the nature of making suggestions which the hon. Minister and the Select Committee may consider. I agree with the Home Minister that sometimes occasions have arisen necessitating the appointment of Commissions which should have powers to obtain evidence and also to secure the production of the necessary documents. One question is whether we should have a general law or whether we should have a Bill passed on each occasion. The provisions of the Bill as drafted, to my mind, are unnecessarily drastic. Pandit Thakur Das Bhargava has referred to one important provision and that is in regard to the seizure of documents and searches to be made outside the provisions of the criminal law. I submit that that will be a dangerous procedure. Similarly, clause 7 is not easily understandable. I can understand the appointment of a Commission as provided for under clause 3, although I have got something to say on it too. But clause 7 practically throws the door wide open. Any Provincial Government may appoint any enquiring authority for any purpose which is covered by the Schedules to the Constitution where the central and provincial lists are given, and immediately on the decision of the executive all

these wide powers will be given to a specially constituted Commission or Committee. What is the necessity for having such a drastic provision? If the object is to give powers to the Provincial Governments also to appoint Commissions under clause 3 when necessary, why do you have a separate provision under clause 7? The appointment of such Commissions should not be the order of the day. These Commissions must be exceptional in nature dealing with matters which relate to questions of really urgent public importance. It is not clear also as to what happens to the recommendations made by these enquiring bodies. Does a Commission make a recommendation to the Government, or does it merely come to a finding which is ineffective? Is it proposed that after the recommendation has been made, this Commission may take executive action, or again place the matter before a judicial tribunal? The Home Minister may say that that will depend upon the nature of the findings, but it is not a judicial tribunal. I do not think the Home Minister is saying that it is a judicial tribunal. It is only a tribunal which is being given the powers of a civil court in some respects. Look at the wide powers. If a witness disobeys, immediately the provisions of the C.P.C. or I.P.C. can be invoked. Obviously, Government will have to appoint many a Commission outside the provisions of this Bill. For example, I was thinking of the proposed Secondary Education Commission, which has just been announced, with Dr. Lakshmanaswami Mudaliar as the Chairman. Can such a Commission be formed under this law? If you appoint an Educational Commission and if some people refuse to come and give evidence before the Commission, are you going to issue summons and then issue warrants of arrest and then put them in jail? Government may have to make many enquiries where obviously the evidence must be forthcoming in a voluntary way. There cannot be any compulsion. I am not thinking of the anti-social cases or other important cases where Government must find out the truth. Take the Finance Commission or the Fiscal Commission.

Mr. Deputy-Speaker: Is this not only an enabling Bill?

Dr. S. P. Mookerjee: That is what I am saying. There may be many Commissions that may have to be appointed by the Government outside the scope of this Bill. It is not as if we are having a general law passed which will cover all cases. That is

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why I am suggesting that there does not seem to be much ground for having a general legislation like this.

Take the question of appeal. Will there be a provision for appeal?

Mr. Deputy-Speaker: Appeal against.....?

Dr. S. P. Mookerjee: ...the finding of this Commission.

Dr. P. S. Deshmukh: It is only a recommendation.

Dr. S. P. Mookerjee: If it is only a recommendation of an advisory character, then it is on a different plane.

Then there is the provision here that Government will frame the rules. I am a bit nervous about the rule-making powers of the Government. In a Bill like this which is obviously of an extraordinary nature and which may be justified in special circumstances in special cases, Government should not take this indefinite power of making rules, including for instance the manner in which the enquiries should be held and the procedure to be followed by the Commission. I am referring to clause 8(b). This will not be determined by the Commission, but the Government will frame rules, and these will be binding on the Commission. Nothing is said about the composition. I am not suggesting that the Government is bringing forward this measure with any evil intention, or that it wants to apply it against individuals or against bodies whom Government may not like. I am not making that suggestion, but the utmost care has to be taken to ensure that the composition is such that it will command the confidence of all concerned.

Now, I have been trying to find out a similar provision in the United Kingdom. I do not know whether the Home Minister has seen it.

Dr. Katju: I never read other laws.

Dr. S. P. Mookerjee: He is omnipotent and omniscient. But sometimes, perhaps, it helps us, so long as at least we are in the Commonwealth, to read the laws of the United Kingdom.

In 1921 a similar general law was passed by the House of Commons in England (11 Geo. 5, C. 7—page 161 Chitty's Annual Statutes.) I have got here the proceedings of the House of Commons when this Bill was under discussion. It really affords us an interesting study. When certain matters were under discussion in the House of Commons in 1921—Mr. Bonar Law

was then the Prime Minister—a question arose as regards the appointment of a committee of enquiry, and the Prime Minister pointed out that a committee to be appointed by executive order is not empowered to compel people to give evidence or to produce documents,—the same thing as the Home Minister has said. Practically from all sides of the House there was a demand that special legislation should be undertaken. Of course, there was a difference of opinion as to whether it should be of a general nature or of an *ad hoc* nature,—the same thing as has arisen here. And within a few days, perhaps, with even greater alertness than Dr. Katju is capable of, a Bill was drafted and placed before the House of Commons for immediate acceptance. The Speaker even thought that instead of allowing any long discussion, the Bill may be passed into law at one sitting.

There the Bill as originally drafted laid down that the Government might appoint such a tribunal of enquiry,—I would ask the House to bear this in mind, because I am going to say something on our draft clause—which should be given powers to compel evidence to be supplied before the committee and also documents to be produced, as the committee may desire. The strongest objection was taken when the matter was placed before the House of Commons that such a Bill of a general character with such wide powers must not be left in the hands of the executive. In fact, some Members pointed out that what is attempted to be done almost sounds like a repetition of the Star Chamber methods. I am not referring to Dr. Katju yet; why should he touch his forehead? I do not know whether he has intentions of imposing any Star Chamber methods here. At any rate, that argument made some appeal at least to Mr. Bonar Law and the Attorney-General, who was in charge of the Bill, and by agreement it was decided that if a commission of enquiry was appointed under this general law it should be done only on the recommendation of both Houses of Parliament.

I am glad the Prime Minister has come. I was referring to a similar provision.....

Shri Jawaharlal Nehru: I could hear the hon. Member from the back of the House.

Dr. Katju: I would ask the hon. Member to address the Chair.

Dr. S. P. Mookerjee: I am always addressing the Chair and addressing the Prime Minister through the Chair.

After discussion it was decided that the commission, or tribunal of enquiry when appointed should not be appointed by the executive government, but on the recommendation of the two Houses of Parliament. This is the Act as it now stands:

"Where it has been resolved by both Houses of Parliament that it is expedient that a tribunal be established for enquiring into a definite matter described in the Resolution as of urgent public importance, and in pursuance of the resolution a tribunal is appointed for the purpose either by His Majesty or a Secretary of State, the instrument by which the tribunal is appointed or any instrument supplemental thereto may provide that this Act shall apply, and in such case the tribunal shall have all such powers, rights, and privileges as are vested in the High Court, or in Scotland the Court of Session, or a Judge of either such court, on the occasion of an action in respect of the following matters."

Now, what are those matters? We have also referred to similar matters here. The three matters in respect of which the Tribunal could exercise its special powers are:

- (a) Enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise;
- (b) Compelling the production of documents;
- (c) Subject to rules of court, the issuing of a commission or request to examine witnesses abroad;

and a summons signed by one or more of the members or the tribunal may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

That is a very simple provision which, to my mind ought to be quite adequate for the purposes that we have in view.

Secondly, questions were raised by Pandit Thakur Das Bhargava and some other Members as regards the steps to be taken if there is failure of attendance, or if questions are not answered. Mr. Frank Anthony was very nervous about a commission being appointed which might demand answers from a newly married husband. I find he is not in his seat. In England the law provides that if any questions are asked or if any documents are demanded to be produced, they must be such as can be legally demanded. They have not put any such elaborate

phraseology as we have done in our draft. It is just one single expression that only what can be legally demanded will be asked for from the person concerned. In other words, if there is a question of privilege, either absolute or partial, or if there is any other question which may be raised, well naturally the court will not proceed with that.

One hon. Member asked this question in the House of Commons:—Supposing an officer is called upon to produce some documents, or make some statements which are against the Official Secrets Act? Then what will be the position? Supposing he refuses to do that? The Attorney-General's answer was: we need not provide for such a contingency; but if a commission puts such questions and if he is deemed to be guilty of contempt then no proceedings can be taken without my approval and no Attorney-General in his senses will ever give permission for prosecuting such an officer. In England it is laid down that one may be guilty of contempt, but when dealing with that matter full opportunity should be given to the party concerned to offer his explanation and then necessary orders will be passed. The penalties have also been provided for here. Then the powers of the tribunals have been given—just as we have said here that they may or may not allow the public to be in attendance when the proceedings go on. Secondly, they have the power to authorise the representation of any person through a counsel or through a solicitor. That is a short Bill consisting of four or five clauses.

But what have we done here? Here we have got a mix-up. We have kept some powers in executive hands. Over and above the provisions of the present law we have given them power to deal with matters like seizure and search. I would earnestly ask the Home Minister to examine the simple provisions of the English law. Whether it is a general law, or whether an *ad hoc* committee is adequate, should be carefully considered. Then essential precautions should be taken so that these wide powers, this blank cheque, to all the State Governments are excluded. Only the Central Government should be given this power. The essential condition that there should be a recommendation on each case from the House, I consider is very important. Because, then the Government will come forward with its case and there will be no question of doing anything behind the scene or of doing anything for any purpose other than a legitimate one. If there is a sugar crisis

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or any such thing, the Government can make out a case and come forward with it. And no doubt all sections of the House will agree, if such a case is made out, that a Committee of inquiry should be appointed under the general law if we decide to appoint it under the general law.

I have made these suggestions. I hope the Home Minister will appreciate our bona fide intention of helping him in considering this very important matter in the Select Committee. These are questions where we should be in a position to decide matters not from any party point of view, but it should be our attempt to pass such laws which all of us can reasonably call upon the people to observe and can justify on grounds of public morality and administration.

Dr. Katju: I am rather in a position of embarrassment because I am also a Member of the Select Committee and I have got to say something in reply to the numerous points raised. But I confess at the very start to a feeling of some surprise because, I repeat, I thought it was a very innocuous measure, but here again there has been this debate. That has been my misfortune.

I have always followed the principle that whenever you are asked any question tell the truth and shun the devil. This Bill provides only for this much, that whenever you are asked a question tell the truth and whenever you are asked to produce a document produce it. If you do not produce the document, then difficulties will arise. When all the speeches were being made—I speak with great respect—I really did not know who was being represented here. Government is not going to appoint Committees and Commissions every day as a matter of amusement. Committees and Commissions are appointed rarely, for matters of great public importance, whenever there is a great demand or when there is some sort of a scandal in respect of an industry or, as one hon. friend referred to here, for the promotion of some legislation or to enquire into some deep-seated evil and so on where information is required.

It was said that this Bill does not mention anything about the personnel of the Committee or Commission. The Government must be left with some sense of prudence, expediency and experience. The higher the status of the Committee or Commission, the higher will be the personnel of it. What is your experience: Retired Judges, Judges of the High Court, men

of great experience, men of public affairs have presided over these Committees. You do not find—if I may express—ordinary people, A, B, C, presiding over these Committees.

Dr. S. P. Mukerjee: Are you referring to the Members of the House of the People?

Dr. Katju: No. The House does not consist of A, B, C. They are all gentlemen who have got fame. I was referring to the way in which it was being suggested that anybody can be shoved into these Committees. Look at it. Do you think the Government will be so unscrupulous just to appoint a Committee for the purpose of troubling—whom? I do not know.

When any such Committee is appointed what is it supposed to do? Send for witnesses. The first impulse of a gentleman who is invited to assist it is to come and tell the truth and co-operate with it, and if there is a demand "Will you kindly produce your papers, documents and account books", to send them in cart-loads. It was said that searches will take place. Mr. Venkataraman quietly referred to it. It may be the exigencies of the times. I do not know what happens. There has been a great passage of time from 1921 to 1952. In thirty-one years revolutions have taken place. Income-tax has gone up enormously. Look at what the rate of income-tax was in 1921 and what it is today. It is well known that when papers are searched it pre-supposes that papers are there and were not produced. Why not produce them? I do not understand this anxiety and on whose behalf there should be this protection against searches?

I do not want to go into all these matters because I am also a Member of the Select Committee and I have no opinions to offer at this stage.

Mr. Anthony referred to the Indian Evidence Act. For the last five or ten years I have been hearing that the Indian Evidence Act has become obsolete, that it is archaic, that it delays proceedings and that it should be simplified. Everywhere there has been a demand, in this House as well as outside, that the rules should be simplified because otherwise guilty people escape and innocent people suffer. It is the guilty people who escape because of the extra anxiety in those rules. But my hon. friend was appealing: Look at the wisdom of centuries embodied in the Indian Evidence Act.

Every point that has been raised here on all sides of the House will, I am

sure, be considered adequately and most carefully by the very strong Select Committee which has been proposed and I am sure that the Bill when it comes back will embody the combined wisdom and experience of all sides of the House.

Mr. Deputy-Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of Shri N. Somana, Shri Nandlal Joshi, Pandit Mukat Bihari Lal Bhargava, Shri H. C. Heda, Shri Shankargauda Veerangauda Patil, Shri Narendra P. Nathwani, Shri K. G. Deshmukh, Shri Jagannath Kolay, Shri Kamakhya Prasad Tripathi, Shri Tek Chand, Shri Pannalal R. Kaushik, Shri M. L. Dwivedi, Shri Tribhuan Narayan

Singh, Shri Banarsi Prasad Jhunjhunwala, Shri Shiva Datt Upadhyaya, Shri Rayasam Seshagiri Rao, Dr. N. M. Jaisoorya, Shri P. T. Punnoose, Shri Umashankar Muljibhai Trivedi, Shri Hukam Singh, Shri K. S. Raghabachari, Shri Frank Anthony, Shri G. D. Somani, Dr. Kailas Nath Katju, Shri Phawani Singh, Shri Tulsi das Kilachand, H. H. Maharaja Rajendra Narayan Singh Deo, Shri B. Shiva Rao, Shri Tekur Subrahmanyam, and the Mover, with instructions to report by the 21st July, 1952."

The motion was adopted.

The House then adjourned till a Quarter past Nine of the Clock on Saturday, the 12th July, 1952.