

Volume I

No. 1 — 21



Friday
25th 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, 25th July, 1952

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

"O.Y.E." SCHEME

***2103. Sardar Hukam Singh:** (a) Will the Minister of Communications be pleased to state whether it is a fact that "O.Y.E." Scheme announced in 1950 could not make any satisfactory progress?

(b) What were the reasons for its not becoming popular?

(c) What is the total number of exchanges where this scheme is in operation?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) (1) Inability or unwillingness of parties to advance the required deposit of Rs. 50,000/-.

(2) Unremunerative nature of the project where the subscription of Rs. 50,000/- was forthcoming.

(3) Rate of interest allowed, namely, 2½ per cent. on the investment being considered too low.

(4) Period of loan being considered too long.

(c) Three.

Sardar Hukam Singh: Do the Government contemplate any liberalisation of the terms in view of the fact that the present rate has not been so encouraging or successful?

Shri Raj Bahadur: To a certain extent, we have liberalised the terms already. In the previous instance, one person had to make a deposit of 178 P.S.D.

Rs. 50,000. We have now provided that 25 persons can join together and pay each Rs. 2000 under this OYE scheme.

Sardar Hukam Singh: May I know the total number of exchanges so far opened, since the inception of the scheme in June 1950?

Shri Raj Bahadur: As I said, Sir, it is only three. These exchanges are in operation in Malegaon, Kapadwanj, Badaum.

Sardar Hukam Singh: Do these people who have these exchanges, get any concession?

Shri Raj Bahadur: They get an interest of 2½ per cent. on the deposit made.

Sardar Hukam Singh: When and how is this loan repayable?

Shri Raj Bahadur: It is repayable in 20 years' time.

MESSAGE RATE SYSTEM

***2104. Sardar Hukam Singh:** (a) Will the Minister of Communications be pleased to state whether the message rate system has decreased the load on the telephone exchanges?

(b) What is the number of stations that are on the message rate system at present?

(c) Have the receipts on account of calls on these stations decreased or increased since they were put on the message rate system?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) 12.

(c) No call charges were levied before the Message Rate system was introduced and so the question does not arise.

Sardar Hukam Singh: Have any complaints been received about the preciseness of the recording of messages?

Shri Raj Bahadur: Complaints come and they are investigated.

Sardar Hukam Singh: May I know the number of complaints received during the last year?

Shri Raj Bahadur: I would require notice.

Sardar Hukam Singh: Is it a fact that in Calcutta, there was a complaint that a doctor who had closed his shop and gone away has also been recorded as sending out messages?

Shri Raj Bahadur: That is a specific complaint which has not been brought to my notice. I am grateful to the hon. Member for the information.

Sardar Hukam Singh: Is there any proposal to extend this system to some other stations during the next year?

Shri Raj Bahadur: Yes, Sir. During this year we propose to extend it to Hyderabad, Coimbatore, Shillong, Travandrum, Ludhiana, Jullundur and Jaipur.

HINDI TELEGRAPHS SERVICE

*2105. **Sardar Hukam Singh:** (a) Will the Minister of Communications be pleased to state whether Hindi Telegraphs service in Devanagiri script is being progressively extended to various centres?

(b) Has this service been freely utilised by the public on the stations where it is available?

(c) Have any telegrams written in any other Indian languages in Devanagiri script been transmitted from these stations?

(d) If so, what was the number at each station during the period 31st December, 1951 to 31st March, 1952?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. The Hindi Telegraph service was initially introduced on 1st June 1949 at 9 stations. It was later extended to 3 more stations in 1949-50, to 6 new stations in 1950-51 and further to 5 stations in 1951-52. During the current year, one station has already been added to the list.

(b) The service has not been much utilised by the public. Except at a few places, the average number of Hindi telegrams booked is not more than one message a day, the highest average being only about 20 messages a week.

(c) Telegrams in any Indian language written in the Devanagiri script

can be accepted at all places where the Hindi telegraph service is available. In actual practice, however, only some telegrams in Marathi are booked from places in the Bombay State and occasionally a few in Marwari from places in the Central Circle.

(d) Separate statistics of telegrams in various Indian languages are not maintained. Approximate figures of such telegrams booked during the period from the 1st January to the 31st March, 1952 are, however, as follows:

From places in
Bombay State 480 in Marathi:

From places in
Madhya Pradesh .. 2 in Marathi
and Rajputana .. 10 in Marwari

Sardar Hukam Singh: Do the Government propose to add any more stations under this scheme for the remainder of this year?

Shri Raj Bahadur: Yes, Sir.

Sardar Hukam Singh: To how many stations?

Shri Raj Bahadur: The number has to be still decided.

सेठ गोबिंद दास : क्या यह बात सही है कि जैसे जैसे समय बीतता जाता है वैसे वैसे हिन्दी में जाने वाले तारों की संख्या बढ़ती जाती है ?

श्री राज बहादुर : है, किन्तु जितनी भाषा की जाती है और जिसको संतोषजनक कहा जा सकता है उतनी गति से नहीं ।

AUTOMATIC POSTCARD VENDING MACHINE

*2106. **Shri S. N. Das:** Will the Minister of Communications be pleased to state:

(a) what was the cost of making experiment on an Automatic Postcard Vending Machine carried on by the P. & T. Department;

(b) whether the defects observed have been rectified by the supplying firm; and

(c) what were the terms of purchase of this machine from the firm?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The only expenditure incurred so far is Rs. 1256/10/3 on account of the cus-

toms duty on the Postcard vending machine.

(b) Yes.

(c) If the experiment with the machine is successful, we shall have to pay a sum of Rs. 2,493/- to retain it. If the experiment is not successful and the machine is returned, we shall pay only Rs. 831/-, representing half the cost of altering the machine to suit our requirements.

Shri S. N. Das: May I know the precise intention and object of the Government in making this experiment, whether it was with a view to having a luxury, or with a view to having economy or with a view to satisfying the curiosity?

Shri Raj Bahadur: None of these things, Sir. It will provide better service and better facilities to the public. If such machines are introduced, people could get postcards, stamps etc. even on public holidays and during those hours when the post offices remain closed, and so on and so forth.

Shri S. N. Das: May I know, while introducing such machines in India, whether the Government took into consideration the huge manpower that remains unutilised and the large number of persons that are...

Mr. Speaker: Order, order. The hon. Member is entering into an argument.

Shri S. N. Das: I want to know, Sir, what was the object in India where there is a large manpower, to have this? Where was the necessity for this?

Mr. Speaker: Order, order. This question need not be answered.

Sardar Hukam Singh: Is it for the first time that this machine is being tried in India, or has it been tried anywhere else in other countries?

Shri Raj Bahadur: Such machines are in vogue in other countries, in quite a large number.

Shri S. N. Das: May I know whether the initiative came from the Government of India themselves or from the foreign interests?

Shri Raj Bahadur: We are trying to improve our service. And as we think that there is a particular facility which can be introduced, we did so on our own initiative.

Shri M. L. Dwivedi: May I know with which countries contract, if any, has been entered for more machines?

Shri Raj Bahadur: I have answered this question a number of times, Sir. It is Messrs. Sodeco in Switzerland.

COFFEE

*2107. **Shri S. C. Samanta:** Will the Minister of Food and Agriculture be pleased to state:

(a) in which States coffee is cultivated at present;

(b) how many acres of land were utilised for coffee cultivation in 1950-51 and 1951-52 and what was the quantity of production during the same period (State by State); and

(c) the number of plantations in 1947-48 and 1951-52?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Mysore, Madras, Coorg, Travancore-Cochin and to a small extent in Orissa.

(b) and (c). A statement giving the available information is placed on the Table of the House. [See Appendix X, annexure No. 19.]

And I might add for the information of the House, that the total number of plantations in 1950-51 was 10,851 as against 6,546 in 1947-48 while the total area covered in 1950-51 was 2,24,215 acres as against 2,14,816 acres in 1947-48.

Shri S. C. Samanta: From the statement I find that the production of coffee in Orissa is very much less than in other States? May I know what steps have been taken to enhance the cultivation of coffee in Orissa and other areas?

Shri Karmarkar: Orissa, as my hon. friend will have noted, from the statement itself, is very poor in its promise. The number of plantations has not increased at all, while the total production was risen from 143 lbs. in 1947-48 to 771 lbs. in 1950-51; coffee plantations could be had only in places where it is feasible.

Shri S. C. Samanta: May I know whether any experiment has been carried on in the tea areas of Assam and West Bengal for coffee cultivation?

Shri Karmarkar: I have no information about that.

सरदार ए० एस० सहगल : क्या माननीय उपमंत्री यह बताने की कृपा करेंगे कि मध्य प्रदेश के बैतूल जिले में काफी

उत्पन्न करने के लिये क्या कार्यवाही की जा रही है ?

श्री कर्मरकर : शायद हो रही हो, हमें तो पता नहीं ।

Shri P. T. Chacko: May I know whether the system now prevailing as regards the procurement of coffee seeds does not exempt even the smallest grower even though he produces only to the extent of what is needed for his own consumption? I want to know whether Government are taking any steps to protect the interests of those who produce only for their own use.

Shri Karmarkar: I have not that information under this question. If the hon. Member puts a question. I will find out.

Shri Neswi: Is this land fit for the growth of food crops?

Shri Karmarkar: Coffee is grown under peculiar circumstances as regards land and climate. If my friend is curious, I can tell him that Indian experience shows that coffee prefers land situated at 1500 to 5500 feet above the sea level, the exact altitude being controlled to a large extent by latitude which may be put down roughly at 25th parallel of latitude north and south. The temperature best suited would appear to range from 55 to 80.

Shri N. Somana: What is the area under 'Arabica' coffee?

Shri Karmarkar: I have not got the exact figures.

Shri S. C. Samanta: May I know, Sir, the varieties of coffee that are grown in India and which variety is liked very much?

Shri Karmarkar: I understand there are two varieties: Robusta and Arabica. I understand one of the varieties is grown wildy in the hills and the other is cultivated.

"GROW MORE FOOD" COMMITTEE

*2108. **Shri S. C. Samanta:** (a) Will the Minister of Food and Agriculture be pleased to state how many times the "Grow More Food" Committee sat and what are the final recommendations of the Committee?

(b) Have the Members of the Committee toured all over India?

(c) What are the non-official agencies that were consulted by the Committee?

(d) How much has been spent in connection with the Committee?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) The Committee had three sessions. A summary of the final recommendations of the Committee is given at pp.69-77 of its report which has already been placed on the Table of the House.

(b) No.

(c) Non-official agencies like the Chambers of Commerce, Universities, Political Organisations, Co-operative and Land Mortgage Banks, eminent persons having experience in agriculture and private individuals and organisations associated or interested in the G. M. F. work including practical farmers and agriculturists, were consulted by the Committee.

(d) About Rs. 21,000.

Shri S. C. Samanta: May I know, Sir, whether the recommendations of this Committee will be compared with the recommendations of the Maitra Committee and what steps will be taken by Government?

Shri Karmarkar: Primarily our attention is devoted at the moment to the report of this Committee. All other relevant material will also be considered.

Shri S. C. Samanta: May I know, Sir, whether copies of the report of this Committee will be supplied to the Members of the House.

Shri Karmarkar: I said a copy has been placed on the Table of the House.

Shri S. C. Samanta: I want to know if copies will be supplied to the members of the House.

Shri Karmarkar: I cannot promise. It depends upon the number of copies available. We are all interested in it and we shall certainly place some copies in the Notice Office.

Shri Velayudhan: May I know, Sir, whether the Government have derived any advantage out of this Committee, and if so, what it is?

Mr. Speaker: I have not been able to understand the question.

Shri S. N. Das: With regard to the answer to part (b) of the question, may I know, Sir, why the Committee did not go to the States with a view to enquire into the working of the Grow More Food scheme?

Shri Karmarkar: Sir, I understand the members of the Committee did a little touring. But in view of the fact that they got full information from the States and from as many as 107 persons and organisations, it was not considered necessary for them to roam about the country.

Shri S. N. Das: On the floor of the House so many times various complaints were made regarding the working of this scheme in the various States. May I know, Sir, whether this point was included in the terms of reference or not?

Shri Karmarkar: This question was doubtless considered from all points of view and if the hon. Member will kindly read the report, he will find that it is fairly exhaustive and accurate.

श्री आर० एन० सिंह : क्या यह सही नहीं है कि कुछ प्रान्तों में यह श्रो मोर फूड कम्पेन एक प्रहसन मात्र था ?

श्री करमरकर : माननीय मेम्बर के इस आरोप को मैं स्वीकार नहीं करता और उससे इंकार करता हूँ। कमेटी की फाइंडिंग यह है : The grow more food campaign has proved a success.

Shri Veeraswamy: May I know, Sir, whether the results of the grow-more-food scheme in the States are up to the satisfaction of Government

Shri Karmarkar: Sir, 100 per cent satisfaction is 100 per cent, and 60 per cent satisfaction is 60 per cent.

INDO-BURMA TRADE AGREEMENT

*2109. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state the quantity of Burma rice so far imported into India under the Indo-Burma Trade Agreement?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): Under the Indo-Burma Trade Agreement entered into in May 1951, 2,11,000 tons of rice was imported in 1951, and 2,34,000 tons in 1952 upto the 15th July, 1952.

Dr. Ram Subhag Singh: May I know, Sir, the total quantity of rice to be imported from Burma under this Indo-Burma agreement?

Mr. Speaker: Was this not answered before?

Shri Sarmah: May I know the landed cost of Burma rice in India?

Shri Karmarkar: It is not in the public interest to disclose the price.

Dr. Ram Subhag Singh: May I know the total quantity to be imported under this agreement?

Shri Karmarkar: The total quantity to be imported during 1951 was 2,40,000 tons out of which I find 2,30,000 were actually imported. During 1952, the total quantity programmed to be imported, was 3,50,000 tons out of which the quantity that has been received has been about 2,00,000 tons.

श्री पि० एन० राजामोह : बर्मा से आयात होने वाले चावल की तुलनात्मक कीमत क्या है, क्या यह हिन्दुस्तान चावलसे बहुत अच्छा होता है ?

श्री करमरकर : इसके बारे में मैं कुछ नहीं कह सकता। It is not in the public interest to disclose it,

Sardar Hukam Singh: Is it stipulated in the agreement that a specified quantity of rice shall have to be imported to the end of 1955 or every year a new allocation is to be made?

Shri Karmarkar: Sir, the hon. Member is right. We have at the present moment made an agreement from 1952 to 1955, for four years. In fact, the agreement was for five years. The agreement will last till 1955. During the four year 3,50,000 tons are programmed to be imported.

Shri M. S. Gurupadaswamy: May I know, Sir, whether the Government is allowing any private import of rice from Burma?

Shri Karmarkar: Private imports through private trade channels?

Mr. Speaker: This question was also answered before.

Shri Damodara Menon: Sir, the hon. Minister has said that it is not in the public interest to disclose the price of Burma rice. I want a ruling on that. After all we should know the price of articles the Government are importing.

Mr. Speaker: The point is, what is there to be kept away under the plea of public interest, that the price should not be disclosed.

Shri Karmarkar: Sir, I think in this matter the explanation that I give will

appeal to the House. We are at different times negotiating with different countries. Supposing the price from that country is published and is higher than the price we are negotiating with another country, the country from which we are importing at a lower price will say: "You are willing to give a higher price for the rice that you purchase from that country". That is the difficulty.

IMPORT OF MILO FROM CHINA

*2110. **Dr. Ram Subhag Singh** (a) Will the Minister of Food and Agriculture be pleased to state whether milo has been imported into India from China?

(b) If so, what quantity of milo has so far been imported from China since January, 1952?

(c) Is Chinese milo cheaper than the American milo?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) Yes Sir.

(b) Approximately 90 thousand tons.

(c) Government do not consider it desirable to disclose information about the prices paid on account of recent purchases made from different sources.

Dr. Ram Subhag Singh: Sir, the hon. Minister has said that it is not, in the public interest to disclose the relative prices.

Mr. Speaker: He has said so for good reasons.

श्री पी० एन० राजाभोज : क्या सरकार इस माइलों को सस्ते भाव से मिलने के लिये कुछ अधिक महायत्ना देती है ?

Shri Veeraswamy: May I know whether the Government are aware that the people of Madras State do not like Milo or take only a small quantity?

Mr. Speaker: It does not arise out of this.

Shri Raghavaiah: Are arrangements made for foreign shipping or Indian shipping for the import of this milo?

Shri Karmarkar: At the moment, I understand, Indian shipping is not generally available. In these agreements we try to secure terms in favour of Indian shipping.

Shri Dabhi: What is the quantity of Milo in stock in the country as a whole?

Shri Karmarkar: I should like to find out.

Shri Veeraswamy: May I know whether the Government are aware that the people of Madras State do not like to take milo?

Mr. Speaker: It does not arise out of that.

Shri Raghavaiah: May I know whether arrangements are made with foreign shipping or with Indian shipping for the import of this milo?

Shri Karmarkar: At the moment I understand Indian shipping is not available, but generally in these agreements we try to secure terms in favour of Indian shipping.

Shri Dabhi: What is the quantity of imported milo at present in the country as a whole?

Shri Karmarkar: I cannot say it off-hand.

PRICE OF SUGAR CANE

*2111. **Shri Shivananjappa:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is a proposal to reduce the price of sugar cane;

(b) the factors that go to determine the price of sugar cane; and

(c) the price of sugar cane for 1951-52 allowed by the Mysore Sugar Co., at Mandya to cane-growers?

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

(b) The following factors are taken into consideration in determining the price of sugarcane:—

(i) Estimated cost of cane cultivation.

(ii) Estimated return to the grower if he converts his cane into gur.

(iii) Estimated return to the grower from the alternative crops.

(c) Rs. 47/10/- per ton upto 15th July, 1952.

Shri Shivananjappa: May I know what is the price of sugarcane fixed for 1952-53 and from which month it comes into force?

Shri Karmarkar: I think we are fixing that.

Shri Shivananjappa: Are Government aware that the cost of cultivation, including the cost of fertilizers and transport charges, has remained as before?

Shri Karmarkar: I should like to have notice of that.

Shri Shivananjappa: In view of the fact that the cane-planting season at Mandya has commenced in June and the ryots of this area do not know what price they will get for the cane, do the Government contemplate to allow the 1951-52 rates to continue?

Shri Karmarkar: We understood that the sowings were already over round about March.

Shri Kelappan: Do Government guarantee a minimum price to cultivators?

Shri Karmarkar: I think usually they do. This price fixation is done with a view to give the growers a minimum price.

Shri Nambiar: Have the Government of India agreed to allow the disbursement of the prices to the cane growers in two instalments rather than in one instalment, and may I know whether there was any representation from the Madras State against payment in two instalments?

Shri Karmarkar: I am not aware of any representation but I will find out.

Shri Sarangadhar Das: May I know if the price paid at Mandya is the same as is paid in Bihar and Uttar Pradesh?

Shri Karmarkar: Speaking off hand, I think the prices vary, but I have not got the exact figures with me.

Shri Nevatia: Will the hon. Deputy Minister kindly inform the House the price realised for sugarcane by converting the same into gur as compared with the price fixed for supply of cane to the sugar factories?

Shri Karmarkar: Sir, it is a very complicated calculation which I will have to make.

स.वार ए० ऐस० सह्याल : क्या माननीय मंत्री यह बताने की कृपा करेंगे कि यदि शगर केन की कीमत में कमी होगी तो क्या चीनी के भाव में भी रद्दो बदल होगा ?

श्री कर्मकर : जी हाँ, शगर केन की कीमत कम हो जाये तो शगर की कीमत भी कम हो जायेगी ।

CHAMRAJA NAGAR—SATYAMANGALA
RAILWAY LINK

*2112. **Shri Shivananjappa:** (a) Will the Minister of Railways be pleased to state whether Government will take

up construction of the proposed Chamraja Nagar and Satyamangala Railway link on the Southern Railways in the current financial year?

(b) If the answer to part (a) above be in the negative, when do they propose to take up construction and when do they propose completing it?

The Minister of Railways and Transport: (Shri L. B. Shastri): (a) No.

(b) It has been decided by the Central Board of Transport that the project should be taken up during 1954-55 and 1955-56. Government are not in a position to state at present when the line will be completed, as this would depend on the availability of funds from year to year.

Shri Shivananjappa: Has any preliminary survey been undertaken?

Shri L. B. Shastri: Yes, a survey has been conducted.

Shri Madiah Gowda: May I know the cost of this project?

Shri L. B. Shastri: The cost of this project will be about Rs. 4.65 crores.

Shri Madiah Gowda: Is it a fact that a number of representations were made by the people of South India to take up this project and give it high priority in view of its importance?

Shri L. B. Shastri: We are giving priority to it but we cannot take it up before 1954-55.

Shri M. S. Gurupadaswamy: What are the exact reasons for not taking up this line this year?

Shri L. B. Shastri: I have already given the reasons. It is not possible to take it up earlier. We have got a plan and we have provided this project for the year 1954-55—we cannot take it up before that.

Shri T. S. A. Chettiar: May I know whether Government is aware that the Mysore Legislature has passed a resolution pressing for this scheme to be taken up early?

Shri L. B. Shastri: That may be so—I am not aware of it.

OVERLOADING

*2113. **Shri B. L. Tudu:** Will the Minister of Railways be pleased to state:

(a) whether there was any overloading case instituted by any passenger against the Railway Department during the year 1951-52;

(b) if the answer to part (a) above be in the affirmative,

(i) how many; and

(ii) what are the decisions in those cases; and

(c) what steps have been taken by Government to do away with the overcrowding in trains especially in third class?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) No.

(b) Does not arise.

(c) Endeavours are being made to get new rolling stocks as quickly as possible and the measures taken to put on line additional coaching stock have been explained fully under the heading "PLANNING FOR RECOVERY" at pages 6-9 and under the heading "ROLLING STOCK" at pages 56-57 of the White Paper issued along with the interim Budget Papers in February, 1952.

महानदी पर पुल

*२११४. श्री जांगड़े : यातयात मंत्री

यह बनवाने की कृपा करेंगे कि क्या सरकार महानदी के ऊपर हिराकुड बांध के पास वाले ओर अंग के पास वाले दो पुशों के अनिवार्य को और पुल बनवाने का बचाव कर रही है या बनवा रही है ?

The Minister of Railways and Transport (Shri L. B. Shastri): Not at present. An additional bridge will be required for the National Highway System over the Mahanadi near Cuttack in due course.

श्री जांगड़े : क्या यह सच है कि मध्य प्रदेश, उड़ीसा और केन्द्रीय सरकार के बीच में सारंगगढ़ और रायगढ़ के बीच महानदी पर पुल निर्माण करने का विचार किया जा रहा है, जैसा कि यातायात मंत्रालय की रिपोर्ट में दिया गया है ?

श्री एल० बी० शास्त्री : जी हाँ, यह ठीक है. इस पर विचार किया जा रहा है।

श्री जांगड़े : क्या मैं यह जान सकता हूँ कि महानदी पर सारंगगढ़ और रायगढ़ के बीच जो पुल बनाने का विचार किया जा

रहा है, उस के कब तक बन जाने की सम्भावना है।

श्री एल० बी० शास्त्री : इस समय तो इस का बतलाना कठिन है। जैसा मैं ने कहा अभी इस विषय पर विचार किया जा रहा है इसलिये विचार हो जाने के बाद ही यह बताया जा सकेगा कि वह कब तक बनेगा।

श्री जांगड़े : क्या मैं यह जान सकता हूँ कि महानदी पर आरन के पास जो पुल बनाया जा रहा है उस पर अब तक कितना खर्च हुआ है और वह पुल कब तक बन जायेगा ?

श्री एल० बी० शास्त्री : यह तो नहीं मालूम कि अब तक कितना खर्च हो चुका है, लेकिन कुल खर्च २२ लाख रूपया उस पर खर्च होगा। अब तक एक तिहाई काम पूरा हो चुका है।

Shri Sarangadhar Das: May I know when the Mahanadi bridge near Cuttack is likely to be constructed?

Shri L. B. Shastri: I have already said that the project is still under consideration. Therefore it is difficult to say when the work will commence.

Pandit Lingaraj Misra: May I know what will be the cost of this project?

Shri L. B. Shastri: We have not estimated the cost as yet.

ABOLITION OF FIRST CLASS

*2116. **Shri L. N. Mishra:** Will the Minister of Railways be pleased to state:

(a) the savings that Government propose to have with the abolition of present first class travelling in the railways;

(b) the names of the classes that would continue afterwards; and

(c) the heads over which the estimated savings are to be spent?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) and (c). The financial implications of abolition of the first class are still under examination and no estimate of savings is yet available.

(b) It is not proposed to change the nomenclature of the existing classes except that the First Class accommodation will be eliminated.

Pandit Lingaraj Misra: May I know by what time the abolition will be completed?

Shri L. B. Shastri: So far as the branch lines are concerned, I think the 1st class will be abolished in the next six months.

Dr. P. S. Deshmukh: How does the Ministry contemplate to meet the difficulties of tourists if 1st class is abolished?

Shri L. B. Shastri: They can travel in 2nd class or if they like in the air-conditioned saloons.

Sardar Hukam Singh: If the classification is going to be changed, then would the highest class continue to be called "Second Class"?

Shri L. B. Shastri: We will consider that and decide later on.

Shri M. Khuda Baksh: In view of the fact that the Government propose to abolish first class, is there any proposal to reduce the fare for air-conditioned coaches?

Shri L. B. Shastri: There would not be any increase in the fares.

श्री पटेलिया : जब सरकार फर्स्ट क्लास तोड़ रही है तो क्या सेकंड क्लास के डबबों की तादाद बढ़ाई जायगी ?

श्री एल० बी० शास्त्री : वह तो अपने आप बढ़ जायेंगे क्योंकि जो डबबे फर्स्ट क्लास के हैं वह सेकंड क्लास के हो जायेंगे ।

Shri M. Khuda Baksh: My question has not been caught. I want to know if there is any proposal to reduce the fares for air-conditioned coaches.

Shri L. B. Shastri: No, Sir.

Shri L. N. Mishra: Do the Government propose to have air-conditioned coaches on all the lines and in all the trains?

Shri L. B. Shastri: It is difficult to say that, but we are manufacturing air-conditioned saloons and we shall provide as many as possible.

Prof. D. C. Sharma: May I know if it is the policy of the Government to abolish all classes excepting third class and am I right in taking it that this is the first step in that direction?

Shri L. B. Shastri: It is true that this decision has been taken on policy grounds. The abolition of the first class is a step in that direction. But I would prefer to say less and do more, because I would like to proceed in the matter cautiously. The question of abolition of all classes was raised in this House and it has been under my consideration, but it is difficult to say that we shall be able to take a decision in the matter soon.

Prof. D. C. Sharma: May I know how far this classless policy may stretch in length of time?

Shri L. B. Shastri: The hon. Member will have to wait and see.

Dr. P. S. Deshmukh: May I know the comparative cost of manufacturing an air-conditioned coach and a first-class coach?

Shri L. B. Shastri: I require notice.

Shri Sarangadhar Das: Is it in contemplation to introduce the air-conditioned coaches on the narrow gauge and metre gauge lines also?

Shri L. B. Shastri: Let us make air-conditioned coaches available in the broad gauge first; metre gauge and narrow gauge may come later.

Shri Pocker Saheb: May I know whether, when the first class is abolished, the highest fare for railway travel will be equivalent to the present second class fare?

Shri L. B. Shastri: Of course, but the fares for air-conditioned saloons will be more.

Shri Raghavaiah: May I know whether the abolition of the first-class is expected to result in the increase of amenities for 3rd class travellers with no increase in fares?

Shri L. B. Shastri: Certainly.

Dr. N. B. Khare: Is this step taken in pursuance of the policy of having a classless society?

Mr. Speaker: Order, order.

TELEPHONE EXCHANGES

*2117. **Shri N. P. Sinha:** Will the Minister of Communications be pleased to state:

(a) whether there is any proposal to introduce automatic exchanges for Telephones at Patna, Hazaribagh and Giridih;

(b) if so, when; and

(c) whether telephone connections are given to the public in Giridih in the District of Hazaribagh freely or there are restrictions?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) There is a proposal for installing an automatic exchange at Patna, but none for Hazaribagh and Giridih.

(b) It is anticipated that Patna will have automatic exchange by 1955.

(c) In view of the limited capacity of the telephone exchange and cable pairs, it has not been possible to give connections to every one on the waiting list. It has been programmed to expand this exchange during the current financial year and to wipe out the waiting list.

Shri N. P. Sinha: With reference to the reply to part (c), may I know if it is a fact that the subscribers at Giridih are asked to supply their own wires and equipment?

Shri Raj Bahadur: I am not aware of that.

PRESS LAWS

*2118. **Shri N. P. Sinha:** Will the Minister of Home Affairs be pleased to state:

(a) how many and which of the newspapers in Delhi were warned for publication of objectionable matter and violation of Press Laws in 1951 and 1952; and

(b) how many and which of the printers and publishers were convicted for such violations?

The Minister of Home Affairs and States (Dr. Katju): (a) and (b). I place on the Table of the House a statement containing the relevant information. [See Appendix X, annexure No. 20].

Shri N. P. Sinha: From the statement I find that about 11 newspapers were warned for breaches of the provisions of press laws and about 4 were warned for publishing objectionable matters. May I know when this warning crosses into the realm of actual prosecution—in other words, why were they not prosecuted?

Dr. Katju: I require notice. Warning may have been considered sufficient for the time being.

Shri N. P. Sinha: May I know what is the dividing line between matter considered objectionable from the point of view of security and from the point of that which is obscene?

Dr. Katju: Objectionable matter is objectionable matter. It is a matter which is really very difficult to define.

Shri Velayudhan: May I know whether the hon. Minister will be able to give a list of cases of warnings or prosecutions after the passing of the Press Act?

Dr. Katju: The information I have given is from 1st January 1951 to 30th June 1952. I cannot give this further sub-division.

Shri P. T. Chacko: May I know whether Government have launched any prosecution against any paper or journal under the Penal Code for circulating false rumours?

Dr. Katju: I require notice.

बाबू रामनारायण सिंह : अभी गृह मंत्री जी ने कहा कि आब्जेक्शनेबल मैटर की व्याख्या करना कठिन है। मैं जानना चाहता हूँ कि ऐसी हालत में किस के पास जाया जाय जहाँ इस की व्याख्या हो सके।

Mr. Speaker: Order, order.

STIPENDS

*2119. **Shri K. K. Basu:** Will the Minister of Communications be pleased to state:

(a) the number of trainees granted training allowance for specialised training in the Posts and Telegraphs department during the years 1949-50, 1950-51, and 1951-52;

(b) the total amount of such allowance; and

(c) whether the trainees after this specialised training in the department are absorbed?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). As persons directly recruited into the Posts and Telegraphs in all categories, including postal and telegraph clerks, mail sorters, engineering supervisors, linemen, repeater station assistants etc., are given training allowance for specialised training, the exact number of trainees and the total amount of such allowances paid is very difficult to compile.

(c) All the trainees after the specialised training are absorbed in the department subject to their being found.

fit on the basis of an examination. Ordinarily, the number of persons not absorbed is negligible.

Shri K. K. Basu: Are Government aware that a number of engineering graduates of the Jadarpur Institute who had received specialised training in electric working and telephones were not absorbed in the Department after two years of training?

Shri Raj Bahadur: We did not train them.

Shri K. K. Basu: They got the specialised training in the Department after passing in that institution and subsequently they were not absorbed.

Shri Raj Bahadur: No such case has been brought to my notice.

Shri K. K. Basu: Will Government consider such cases if they are brought to notice?

Shri Raj Bahadur: Of course, any case which deserves consideration will be duly considered.

Shri R. K. Chaudhury: When telephone lines are out of order, may I know whether wireless is allowed to be used by the public?

Shri Raj Bahadur: How does it arise, Sir?

Shri R. K. Chaudhury: I could not follow the answer.

Mr. Speaker: His question does not arise out of this.

FOOD-PUBLICITY

*2120. **Shri C. N. P. Sinha:** Will the Minister of Food and Agriculture be pleased to state:

(a) the amount of money spent on publicity measures for G.M.F. Campaign in 1950, 1951 and 1952;

(b) the results achieved so far; and

(c) whether Government propose to expand its publicity activities in this respect?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a)—

Year	Amount spent.
1949-50	Rs. 3,720
1950-51	69,239
1951-52	42,476

(b) It is difficult to assess quantitatively the results achieved; but the nation-wide publicity Campaign conducted through the Press, Radio,

Films, Pamphlets, Posters etc. has helped to create a better understanding of the food situation and of the steps taken by Government to meet the difficulties.

It has also helped to disseminate information about matters of agricultural interest.

(c) Yes. A proposal to intensify efforts to reach the farmers more closely is under consideration.

Shri C. N. P. Sinha: What steps have been taken by Government to see that this publicity campaign has the proper effect on the rural public?

Shri Karmarkar: Through these various means which I have described, we have tried to publish the material and see to it that it reaches the farmers. As I said in answer to part (c) of the question, our efforts require to be intensified and we are considering a proposal in that regard.

Shri C. N. P. Sinha: Are there any films produced to help this campaign?

Shri Karmarkar: Two films have been produced, Sir.

श्री एम० एल० द्विवेदी : क्या मैं मंत्री महोदय से जान सकता हूँ कि इन लीफ़लेट्स, पैंफ़लेट्स और अखबारों से अशिक्षित जनता में कैसा असर पड़ता है ?

श्री कर्मकारकर : जो पढ़े लिखे हैं वह अशिक्षित जनता में प्रसार करते हैं ।

Prof. D. C. Sharma: Is the same kind of publicity directed towards different sections of the population or are there different kinds of publicity specially meant for institutions like schools, colleges and universities, peasants and villagers.

Shri Karmarkar: As is obvious from the budgeted amount, the campaign as it is being carried on at present under this particular item is not as intense as my hon. friend would like it to be. As more funds become available, we shall try to intensify the work and carry it to all strata of society.

Shri M. S. Gurupadaswami: May I know whether publicity is being conducted in almost all the languages of India?

Shri Karmarkar: I find from information available to me that the pamphlets have been principally in Hindi. About posters I cannot say. Possibly the advertisements may be in different languages, but I have no definite information.

Shri H. N. Mukerjee: Is the publicity conducted usually in general terms or are concrete suggestions offered to the agriculturists so that they can really objectively improve production?

Shri Karmarkar: Concrete suggestions regarding particular method etc., as my hon. friend must be knowing are carried on much more by scientific societies like the Council of Agricultural Research. Special pamphlets are published by them which are available to all concerned.

This particular work is being carried on by the States and is meant for the general public. What we do is to co-ordinate and supplement what they have been doing; but it is mainly their job.

Shri Nana Das: May I know, Sir, whether Government have issued any instructions to State Governments to take over lands left fallow by the landlords and zaminders?

Shri Karmarkar: We have not considered that aspect yet.

Pandit Thakur Das Bhargava: What amount is spent for publicity in the English language?

Shri Karmarkar: I have not got the break-up. Whatever information I have I have given.

WHEAT PRICES

*2121. **Shri A. C. Guha:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the price of U.S.A. loaned wheat is higher than the present price of wheat in the international market; and

(b) if so, whether Government have asked the U.S.A. Government to revise the rate and with what result?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) No. The wheat in question was purchased by us from time to time at the prices prevailing in the U.S.A. market.

(b) Does not arise.

Shri A. C. Guha: My question was about the wheat we got on loan; not wheat purchased by us from time to time.

Shri Karmarkar: That was purchased in the open United States market at the rates prevailing at the time.

Shri A. C. Guha: May I know the present rates and the rates at which the wheat was purchased.

Shri Karmarkar: I said on an earlier occasion that it is not possible to disclose the price.

Shri A. C. Guha: May I know whether the price that was paid was higher than the prevailing price?

Shri Karmarkar: I have no idea at the moment.

BHUPAT

*2122. **Shri Dabhi:** Will the Minister of States be pleased to state:

(a) whether it is a fact that Bhupat the notorious outlaw of Saurashtra, has fled to Sind and has been arrested by the Pakistani Police in Karachi; and

(b) if the answer to part (a) above be in the affirmative, whether Government have taken steps to see that Bhupat is handed over to the Saurashtra Government with a view to making him stand his trial in a Court of Law in Saurashtra?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

(b) The question is under consideration.

Shri Dabhi: Are there any reciprocal arrangements for the extradition of persons between the two countries?

Dr. Katju: At present none.

Shri A. C. Guha: Have there been any other cases between India and Pakistan about extradition of suspected accused persons?

Dr. Katju: Not to my knowledge.

Shri H. N. Mukerjee: Has Government made any enquiries into the allegations made even on the floor of the House that important personalities in Saurashtra were associated with the running away of Bhupat?

Dr. Katju: The question does not—with all respect—arise out of this question.

Shri M. L. Dwivedi: May I know what is the total number of outlaws who have taken shelter in Pakistan from India?

Dr. Katju: I have no knowledge at all.

Jonab Amjad Ali: Is it the ruling of the Chair that Mr. Mukerjee's question does not arise out of this?

Mr. Speaker: Supposing I say it is within this question, the hon. Minister's answer would be that he does not know, because it is a matter for the State Government.

CALCUTTA—NAGPUR RAILWAY LINE

*2123. **Shri Jasani:** Will the Minister of Railways be pleased to state:

(a) whether any survey was made for diverting the present railway line running from Calcutta to Nagpur via Bhandara town; and

(b) if so, at what stage this work has reached?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) A Traffic survey for the diversion was carried out in 1947.

(b) After considering the Report, it was decided, that the diversion of the line was not justified.

श्री जसानी : क्या शमन को इस बात की जानकारी है कि भंडारा टाउन भंडारा जिले की कचहरी और अदालत का मुख्य स्थान है ?

श्री एल० बी० शास्त्री : जी हां, इस बात की सरकार को जानकारी है।

श्री जसानी : क्या सरकार को इस बात की जानकारी है कि मौजूदा भंडारा टाउन जो है वह भंडारा रेलवे स्टेशन से सात मील की दूरी पर पड़ता है और वहां तक यात्रियों को पहुंचने में बहुत तकलीफ का सामना करना होता है ?

श्री एल० बी० शास्त्री : जी हां, यह वाक्या है कि भंडारा शहर स्टेशन से करीब साढ़े सात मील के फासले पर है, लेकिन वहां तक काफी अच्छी सड़क बनी हुई है और बस सविस भी है, इसलिये ऐसे डाइवर्शन के बनाने का सरकार का विचार नहीं है।

KEY VILLAGE CENTRES

*2124. **Seth Achal Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) how many and where Key Village Centres have been established; and

(b) what steps have been taken for the prevention and eradication of infections and contagious diseases affecting the life and health of Bovine

Cattle and to improve the Cattle Breed by the Central Council Gosamvardhan during the years 1950 to 1952?

The Deputy Minister of Commerce and Industry (Shri Karmarkar): (a) 92 Key Village Centres have so far been sanctioned by the Government of India. A statement showing the State-wise distribution of these Centres is laid on the Table of the House. [See Appendix X, annexure No. 21.]

(b) None so far, as the Council was constituted only recently.

सेठ अचल सिंह : क्या माननीय मंत्री यह बतलाने की कृपा करेंगे कि उत्तर प्रदेश में ऐसे कितने की विलेज सेन्टर्स खोले गये हैं ?

Shri Karmarkar: I have placed a statement on the Table of the House Uttar Pradesh is 21.

सेठ अचल सिंह : क्या माननीय मंत्री यह बतलाने की कृपा करेंगे कि गौ संवर्धन कौंसिल ने अब तक अपने काम के बारे में कोई रिपोर्ट प्रकाशित की है ?

श्री करमारकर : जी हां, मैं ने कहा था कि गौ संवर्धन कौंसिल की कार्रवाई अभी अभी शुरू हो गई है।

We had our first meeting on the 7th May 1952.

Pandit Thakur Das Bhargava: How many centres have been opened out of the sanctioned stations?

Shri Karmarkar: Out of the 92 sanctioned, 80 have been opened—I am speaking subject to correction.

श्री जांगड़े : इस गौ संवर्धन के लिये जो केन्द्र खोले जा रहे हैं, उन केन्द्रों में इस वर्ष कितना रुपया व्यय होने का अनुमान किया गया है ?

श्री करमारकर : उसका बजट मेरे पास नहीं है, लेकिन मुझे स्मरण है कि पहले सवाल के जवाब में मैं ने उसके डिटेल्स दिये थे लेकिन अगर मैं ने न दिया हो, तो मैं उसको देने को तैयार हूं।

Pandit Thakur Das Bhargava: How many heads of cattle there are in these eight centres?

Shri Karmarkar: I should like to have notice of that question. But this is a preliminary to about 600 centres being opened during the course of the new two years. The real scheme is to come into force during 1952-53. Gradually we are developing 600 centres and the idea is to have about six breeding bulls for about 500 cows concentrated in one particular area.

I can assure my hon. friend that the work that has been done has been welcomed.

श्री गणपति राम : क्या माननीय मंत्री बतला सकते हैं कि गो संवर्धन स्कीम का समावेश पंचवर्षीय योजना के अन्दर भी है, यह यदि है, तो उसमें कितना रुपया अलाट किया गया है ?

श्री करभारकर : जी हाँ, यह उसमें शामिल है, कितना रुपया अलाट किया गया है, इसका नोटिस चाहिये ।

TELEPHONE CONNECTION FOR SAHARSA

*2125. **Shri L. N. Mishra:** Will the Minister of Communications be pleased to state:

(a) whether there is a proposal to provide telephonic connection to Saharsa, a sub-district headquarters of Bihar; and

(b) if so, at what stage the said proposal is at present?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, Sir.

(b) The proposals is under consideration.

Shri L. N. Mishra: May I know by what time it is expected to provide the telephone connection?

Shri Raj Bahadur: We have made a budget provision in the current year, but the thing depends upon some private party or the Bihar Government furnishing a guarantee.

Shri L. N. Mishra: May I know the new places that are to be provided with telephonic connections in Bihar and the dates by which they are expected to be provided?

Shri Raj Bahadur: It is not possible to say at the moment.

श्री आर० ऐस० तिवारी : क्या माननीय मंत्री जी यह बतलाने की कृपा

करेंगे कि बिन्ध्य प्रदेश के सीकरी जिले में तार के यातायात के साधन नहीं हैं, इस पर कोई विचार किया जा रहा है ?

श्री राज बहादुर : प्रश्न में तो एक निश्चित स्थान के लिये कहा गया था, सारे देश के फ़िगर्स मेरे पास नहीं हैं ।

CENTRAL GOVERNMENT EMPLOYEES ORGANISATIONS

*2126. **Shri H. N. Mukerjee:** Will the Minister of Home Affairs be pleased to state whether organisations of Central Government employees are precluded from holding meetings of their own for representing their grievances to Members of Parliament?

The Minister of Home Affairs and States (Dr. Katju): The established practice and instructions on the subject require that any representation of the grievances of Government servants, whether made individually or collectively, orally or in writing, should be submitted only through the recognised official channels. The adoption of any other means or intermediaries is regarded as objectionable on the ground that it is prejudicial to the maintenance of discipline and the proper direct relationship between the Government and its employees.

Shri H. N. Mukerjee: Is it the desire of Government that such meetings held by government employees to represent their grievances to Members of Parliament of different parties should be penalised?

Dr. Katju: There is no question of penalisation. If meetings are held merely with the object of acquainting the Members of Parliament in regard to conditions prevailing in any particular service, there is no harm. But I imagine that the House will agree with me that it will be detrimental to discipline if any approach is made to Members of the Legislature with the object of trying to bring pressure upon the Government or any Minister of the Government for any purpose whatsoever.

Shri H. N. Mukerjee: Is Government aware that on the 1st of May, 1952, the Commissioner of Income-tax, West Bengal threatened the Bengal Income-tax Association, which is a recognized Association of Income-tax employees in West Bengal, that action would be taken against them by the Board of Revenue for presenting their grievances in an

open meeting where they felicitated Members of Parliament belonging to different parties?

Dr. Katju: This is a matter dealing with the Ministry of Finance. But so far as I know, it was not a very harmless meeting as is depicted by my hon. friend opposite. Much objectionable matter was disseminated and many objectionable speeches were delivered. Therefore it may be that the Commissioner of Income-tax may have taken the action which he might have thought fit. If members of any particular Employees' Union resort to such practices which are contrary to discipline and contrary to rules, of course their recognition is liable to be withdrawn.

Dr. N. B. Khare rose—

Mr. Speaker: Let the hon. Member finish his questions.

Shri H. N. Mukerjee: Is Government aware that on the day when the meeting in question was held, except for one Opposition M.P. at least half a dozen Congress M.P.'s were present, and is Government also aware.....

Mr. Speaker: Order, order. Now we are going into details

Shri H. N. Mukerjee: I will put another question. Is Government also aware that on the same day as the Commissioner of Income-tax wrote a letter threatening action by the Board of Revenue, the Assistant Secretary of the Association was discharged in spite of seven years' service, without any reason being assigned for the discharge?

Dr. Katju: I require notice.

Shri H. N. Mukerjee: Arising out of the answer given to this question that the Government want to encourage recognised channels for the ventilation of grievances, I just want to know if the Government are aware of cases in which genuine and representative Associations of employees under some of the Ministries have been denied recognition in spite of their efforts for more than two years and that the organizers of such Unions have been arbitrarily victimized under the very nose and with the knowledge of the Minister concerned.

Dr. Katju: I have no such knowledge and I would be very much sorry to find

that anything of what my hon. friend has said is correct.

Shri Gadgil: May I ask the hon. Minister whether he is aware of the fact that the President of the Union of scientific Assistants of Ordnance factory in Kirkee has been suspended because in his capacity as President of the Union he wrote me a letter?

Dr. Katju: I have no knowledge.

मलेरिया

*२१२७. श्री बी० भिस्ति : क्या स्वास्थ्य मंत्री यह बतलाने की कृपा करेंगी :

(क) पिछले वर्ष मलेरिया से हुई मृत्युओं की संख्या ;

(ख) भारत के वे भाग, जहाँ मलेरिया का अत्यधिक प्रकोप रहता है, और उस के कारण ; और

(ग) अब तक भारत को विश्व-स्वास्थ्य-संघ से क्या क्या लाभ हुए हैं और विशेषतः मलेरिया को रोकने के लिये उस संघ से धन, परामर्श या औषधियों के रूप में कोई सहायता मिली है या नहीं, और यदि मिली है, तो किस रूप में ?

The Minister of Health (Rajkumari Amrit Kaur): (a) The figures relating to the number of deaths due to malaria during the last year are not yet available.

(b) and (c). A statement is placed on the Table of the House. [See Appendix X, annexure No. 22.]

Shri V. P. Nayar: Has the World Health Organisation rendered any assistance to us in the therapeutic use of malarial parasite in psychiatry or treatment of mental diseases?

Rajkumari Amrit Kaur: As far as that question is concerned I have no information. But as far W.H.O. help in the matter of eliminating malaria from India is concerned, the hon. Member will find a detailed account in the statement I have laid on the Table of the House and see that we have eliminated malaria from some parts in India with the help of W.H.O. and U.N.I.C.E.F.

Shri A. C. Guha: May I know if there are any Malaria Clinics or Research Institutes and, if so, how many and where they are located?

Rajkumari Amrit Kaur: There is one All India Malaria Institute located in Delhi.

Shri P. T. Chacko: May I know whether Government are aware that a number of spurious drugs are sold in the market as specifics for malaria which are really harmful to health and, if so, whether Government propose to take any steps to prevent such things?

Rajkumari Amrit Kaur: Government are aware that there are spurious drugs sold in the market. Whether there are specifics for malaria it is difficult to say—perhaps there are. The Drugs Act exists in all the States. The machinery is there to take action against those who manufacture spurious drugs.

Shri K. P. Tripathi: May I know in what States of India the W.H.O. teams have worked against malaria?

Rajkumari Amrit Kaur: In U. P., Mysore, Madras and Orissa.

Sardar Hukam Singh: May I know whether the proposed Section in the Malaria Institute here in Delhi will do research work in filariasis?

Rajkumari Amrit Kaur: There is no research on filariasis being done in the Malaria Institute. But research on filariasis has been undertaken by the Indian Council for Medical Research.

WRITTEN ANSWERS TO QUESTIONS SUGAR

***2115. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Food and Agriculture be pleased to state what are the chief markets in India where sugar sold at a rate lower than the controlled rate in the latter half of May 1952 and what has been the trend of prices since then?

(b) How would it affect the production of sugar cane?

(c) What is the position of export of sugar in the current year?

The Minister of Food and Agriculture (Shri Kidwai): (a) Open market sugar was reported to sell at prices below the controlled rates at Kanpur, Hapur, Delhi, Bombay, and Calcutta. The prices have, however, displayed a slight upward trend from the beginning of July, 1952.

(b) As the sowings for 1952-53 cane crop were over before the prices in the free market went below the controlled rates, it would not have any effect on the production of sugarcane.

(c) 7,280 tons sugar has been released for export upto 14-7-52.

POLICE ACTION IN HYDERABAD

***2128. Shri Vittal Rao:** Will the Minister of States be pleased to state:

(a) the total expenditure incurred by the Government of India for "Police Action" against the Nizam's Government during september, 1948; and

(b) whether this amount has been finally paid by the Government of Hyderabad?

The Minister of Home Affairs and States (Dr. Katju): (a) It is not in the public interest to disclose this information.

(b) Half the cost of the Police Action was allocated to the Hyderabad Government and they have paid up their share.

COLLECTIVE FINE

***2129. Shri Rishang Keishing:** Will the Minister of States be pleased to state:

(a) what amount as collective fine was levied from Awang Jeeri, Kha Jeeri, Keirao, Lamlai and Challao in Manipur during the operation against communists; and

(b) what amount was refunded?

The Minister of Home Affairs and States (Dr. Katju): (a) A sum of Rs. 1,370 was levied from Awang Jeeri village as collective fine. No fine was levied from the other villages.

(b) A sum of Rs. 221 was refunded.

BLIND RELIEF WORK

***2130. Shri Jhulan Sinha:** Will the Minister of Health be pleased to state the subsidy and encouragement, if any being given to non-official societies and missions engaged in blind relief work?

The Minister of Health (Rajkumari Amrit Kaur): This is mainly the responsibility of State Governments. A statement showing grants given by the Central Government during 1949-50, 1950-51 and 1951-52 to non-official societies and missions engaged in blind relief work is placed on the Table of the House. [See Appendix X, annexure No. 23.]

AGRICULTURAL SEMINARS

***2131. Shri Madiah Gowda:** Will the Minister of Food and Agriculture be pleased to state:

(a) how many agricultural Seminars were conducted for the year 1951-52;

(b) how many are programmed to be conducted for the current year;

(c) what amount is allotted for the expenses of each Seminar; and

(d) whether actual cultivators take part in these Seminars?

The Minister of Food and Agriculture (Shri Kidwai): (a) Two.

(b) No programme for seminars in the current year has yet been finalised.

(c) Generally no expenses are incurred, the persons attending being mostly nominees of States.

(d) The two Seminars already held were for Extension workers from States. Association of farmers with future Seminars will depend upon the purpose for which such seminars are arranged.

POTATO CULTIVATION

***2132. Shri B. N. Roy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any steps have been taken for the development of potato cultivation; and

(b) if so, what are the steps and their results?

The Minister of Food and Agriculture (Shri Kidwai): (a) Yes.

(b) A note detailing the steps taken and the results achieved is placed on the Table. [See Appendix X, annexure No. 24]

GODOWNS

***2133. Shri K. C. Sodhia:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total amount of Rent paid by the Central Government for the storage of foodgrains during 1951-52; and

(b) what amount was spent in building godowns by the Central Government for the storage of foodgrains during 1951-52?

The Minister of Food and Agriculture (Shri Kidwai): (a) The total amount payable is Rs. 8.42.723. Out of this, a sum of Rs. 6.66.185 has been

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paid and for the balance of Rs. 1,76,538 claims have not been received.

(b) No godown was built. Surplus military structures were purchased and repaired at a cost of Rs. 11,74,900.

RAILWAY ENGINE DRIVERS

***2134. Shri Muniswamy:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that orders have been issued recently to drivers of Railway Engines in Southern Railway that they must run the train at a stretch for 200 miles instead for 100 miles as at present;

(b) if so, what are the reasons thereof; and

(c) whether any extra allowance is granted to them?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) and (b). There was no limit of 100 miles beyond which drivers were not previously required to work. As a result of the review of certain links over the former S. I. Railway portion of the Southern Railway, changes have been introduced so as to make the pattern on the whole Southern Railway system more uniform, and this change has resulted in some drivers working mail and express trains over a distance of about 200 miles instead of only about 100 miles as they used to do before.

(c) Extra mileage allowance, based on the additional number of miles run by the drivers, is paid to them for the extended runs.

मध्यप्रदेश में चीनी का कारखाना

***२१३५. श्री बाण्डक :** क्या साख तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या मध्य प्रदेश में चीनी का कारखाना चलाने के बारे में सरकार की कोई योजना है ; और

(ख) यदि है तो सरकार द्वारा उस दिशा में क्या पग उठाये गये हैं और यह योजना इस समय किस स्थिति में है ?

The Minister of Food and Agriculture (Shri Kidwai): (a) Yes.

(b) A party was selected by the State Government and approved by the Government of India to start a sugar factory in Harda Tehsil of the Hoshangabad District. As the party has not yet made any progress in the matter it is under consideration, in consultation with the State Government, whether the permission granted to the party should be cancelled.

संतरी के निर्यात के लिये रेल के सी० ए०

टाइप के डिब्बे

*२१३६. श्री चाण्डक : क्या रेल मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या सेंट्रल रेलवे पर स्थित कलमेश्वर, कोहली, काटोल, कालंभा, नरखेड तथा पांडूरना की संतरा-मंडियों के व्यापारियों और उत्पादकों की ओर से बड़े बड़े शहरों में संतरे भेजने के लिये रेल के सी० ए० टाइप डिब्बे दिये जाने के बारे में सरकार को कोई अभ्यावेदन मिला था ;

और

(ख) सरकार ने इस विषय में क्या पग उठाये हैं ?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) No representation has been received from Orange dealers and farmers from these stations for the supply of C. A. type wagons for orange traffic.

(b) Does not arise.

नागपुर और दिल्ली के बीच फलों की विशेष माल गाड़ियां

*२१३७. श्री चाण्डक : क्या रेल मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या सरकार को नागपुर और दिल्ली के बीच फलों की विशेष माल गाड़ियां चलाने के बारे में कुछ आवेदन मिले हैं ;

और

(ख) यदि मिले हैं, तो सरकार ने इस विषय में क्या पग मे उठाये हैं ?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) No.

(b) During the period 15th February to 10th May, 1952, the Central Railway, on their own initiative, ran 62 coaching specials for the movement of oranges from the Nagpur Division.

AMMONIA SULPHATE

*2138. **Shri P. C. Bose:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the use of the chemical fertilizer Ammonia Sulphate, renders the land sterile and unproductive for several years;

(b) what is the authoritative scientific opinion about the effect of this fertilizer on land; and

(c) whether Government have issued any pamphlet or literature describing in detail the use of this fertilizer for the information of the cultivators?

The Minister of Food and Agriculture (Shri Kidwai): (a) No.

(b) The scientific opinion given by our experts is that Ammonium Sulphate is superior to other forms of inorganic nitrogen. Its continued use for a long period is, however, likely to produce deleterious effects unless it is applied with proper irrigation and in combination with organic manures.

(c) The State Governments issue pamphlets and literature in the regional languages detailing the use of fertilisers for the guidance of the cultivators according to local conditions of soil and climate and the nature of the crop to be raised.

SCHEDULED CASTES IN SERVICES

*2139. **Shri Jangde:** Will the Minister of Home Affairs be pleased to state whether the proposal dated the 15th August, 1951 sent by certain M.P.'s to the Commissioner for Scheduled Castes and Scheduled Tribes is being considered favourably in view of the inadequate representation of Scheduled Castes in services?

The Minister of Home Affairs and States (Dr. Katju): The proposals have been considered carefully and, while it has not been possible to accept

them in the form in which they were made, alternative methods of securing practically the same results are under consideration. Final decisions are expected shortly. In this connection, I would invite the hon. Member's attention to the reply to part (c) of Shri Jatav-vir's question No. 1970 on the 22nd instant.

STAMPS SERIES ON POETS

***2140. Shri A. K. Gopalan:** Will the Minister of Communications be pleased to state:

(a) whether the Postal Department is shortly issuing a series of stamps bearing pictures of the Poets of India;

(b) who are the poets whose pictures will be carried by the stamps;

(c) did Government conduct a comprehensive all-India survey before finalising the above lists of poets; and

(d) whether Government have elicited public opinion in the matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). Yes, of certain saint-poets and poets, namely Tulsidas, Mira Bai, Surdas, Kabirdas, Mirza Ghalib and Rabindra Nath Tagore.

(c) The projected series is not fully representative and does not exhaust the list of saint-poets and poets. Government have acquired a photogravure printing press, and, in order not to let it remain idle, a start has been made with one series. Other series will have to be brought out and Government have before them the names of saint-poets and poets of repute of various languages and different parts of the country and it will be no doubt seen that they find place in those series. They have also made a note of all the names suggested to them, or which have appeared in the press, in this regard and will consider them when the next series is contemplated.

(d) No, this is not normally done.

TELEGRAPH AND TELEPHONE DEPARTMENTS OF KASHMIR AND JAMMU STATE

***2141. Shri U. M. Trivedi:** Will the Minister of Communications be pleased to state whether any control of the Telegraph and Telephone Departments of Kashmir and Jammu State has been obtained by the Union Government and if not, why not?

The Deputy Minister of Communications (Shri Raj Bahadur): No. This will be considered in connection with the proposals for the Financial Integration of the State.

RAJASTHAN HIGH COURT

***2142. Shri U. M. Trivedi:** Will the Minister of Home Affairs be pleased to state:

(a) what is the strength of Judges of the Rajasthan High Court;

(b) what is the sanctioned strength;

(c) what is the number of cases pending at the Jodhpur bench and what is the number pending at the Jaipur bench;

(d) what was the strength of the Judges on the 26th January, 1950;

(e) what was the strength of the High Court Judges before integration into the Rajasthan State;

(f) since when the present vacancies exist; and

(g) why these have not been filled up?

The Minister of Home Affairs and States (Dr. Katju): (a) Five.

(b) Six.

(c) On the 18th July 1952, 974 cases were pending at Jodhpur and 2,588 at Jaipur.

(d) Nine.

(e) Twenty.

(f) and (g). At present there is one vacancy due to the retirement of a Judge in November last. Steps are now being taken to fill it up.

FOREIGN NATIONALS IN GOVERNMENT SERVICE

***2143. Pandit C. N. Malviya:** Will the Minister of Home Affairs be pleased to state how many foreign nationals are under the service of the Government of India?

The Minister of Home Affairs and States (Dr. Katju): As I stated in my reply to Shri Velayudhan's question No. 651 on the 10th June, 1952 there are 660 non-Indians serving as officers under the Government of India. I am not sure whether there are any non-Indian members of non-gazetted establishments not included in this figure. On this point information is being collected and will be laid on the Table of the House when it is ready.

TRANSPORT OF PULSES TO SOUTH

***2144. Shri A. K. Gopalan:** Will the Minister of Railways be pleased to state:

(a) whether Bengalgram, blackgram, redgram, peas, flatgram, greengram,

beans and pulses etc., are moved by the Railways from their producing centres in the North to the South;

(b) whether direct wagons are made available;

(c) whether booking is normally done to Bombay alone and goods shipped from there to South;

(d) whether it is a fact that booking for this purpose is occasionally closed for months together; and

(e) the per maund cost of transport in case of direct Railway booking from North to South and of Railway booking from North to Bombay and shipment thereafter?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Yes.

(b) Yes.

(c) No. Booking is open to all places.

(d) No. Booking of traffic is sometimes restricted for operational reasons, but not for months at a stretch.

(e) In the absence of specific particulars of forwarding and receiving stations, it is regretted it is not possible to supply this information.

NURSES

***2145. Sardar A. S. Saigal:** Will the Minister of Health be pleased to state:

(a) whether the Government of Australia have agreed to give free training to 100 nurses from India;

(b) whether Government have selected 100 candidates for the training of nurses in Australia;

(c) whether the Government of India will invite applications or how they will select the candidates; and

(d) whether it is a fact that the All India Women's Association have agreed to send the candidates for training?

The Minister of Health (Rajkumari Amrit Kaur): (a) Government of India have received no such offer from the Government of Australia.

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

(d) The offer that has come to the All India Women's Conference from some women's organisations in New Zealand is under their consideration.

POSTAL DELIVERY AREAS IN BARODA DISTRICT

***2146. Shri M. M. Gandhi:** Will the Minister of Communications be pleased to state:

(a) whether the areas for postal delivery are fixed in Chhota-udepur and Jubugam talukas in the Baroda district, Bombay State;

(b) whether any application from the public is received about this; and

(c) if so, what steps have been taken in the matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. The delivery jurisdictions of the post offices in the two talukas are well defined.

(b) No.

(c) Does not arise.

POST OFFICES IN BARODA DISTRICT

***2147. Shri M. M. Gandhi:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that people from Chhatrali and Kalarani villages of the Baroda district have applied for the Post Office and also agreed to bear the loss, if any; and

(b) if so, what steps are taken in the matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). The residents of Chhatrali and Kalarani have applied for the opening of Post Offices and in the case of Chhatrali a guarantee for the amount of the loss has been offered. Since upto now the Department has been concentrating only on villages with a population of 2,000 and above, and the population of these two villages is 658 and 733 respectively, they have not been provided with Post Offices. However, because a guarantee against loss has been offered by the people of Chhatrali its case is being reconsidered. No guarantee has been offered in respect of village Kalarani, which cannot, therefore, be considered for the opening of a Post Office.

WIRELESS STATIONS AT UTTARKASHI AND HOJAI

***2148. Shri Bhakta Darshan:** Will the Minister of Communications be pleased to state:

(a) whether it is a fact that two wireless stations were opened at Uttarkashi in Uttar Pradesh and at Hojai in Assam in connection with the recent General Elections;

(b) if so, whether they have been closed down now; and

(c) if so, what alternative arrangements have been made for catering to the needs of the people of those areas?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) A wireless station was opened at Hajo in Assam on 31st December, 1951, in connection with the recent General Elections. The wireless station at Uttarkashi was opened on the 26th May, 1952, for the benefit of the pilgrims during the pilgrim season which ends in October, 1952.

(b) Hajo wireless station was closed on the 28th January, 1952. Uttarkashi wireless station is still working.

(c) There is a telegraph office at Amingaon, 12 miles from Hajo. The other offices in this area are North Lakhimpur and Sadia wireless stations.

LABOUR OFFICERS

***2149. Shri Bhakta Darshan:** Will the Minister of Communications be pleased to state:

(a) whether there are any Labour Officers working under the Posts and Telegraphs Department;

(b) if so, what is their number and what are their functions;

(c) whether Government have under consideration any proposal to increase their number; and

(d) whether Government are satisfied that they are doing useful work?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Nine. A relevant extract of Rule No. 11, of the Labour Officers (Central Pool) Recruitment and Conditions of Service, 1951, which details their duties, is placed on the Table of the House. [See Appendix X, annexure No. 25.]

(c) Yes.

(d) Yes.

TUNDLA-KAS GANJ RAILWAY LINE

***2150. Ch. Raghuraj Singh:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that a survey for the construction of a railway line from Tundla to Kas Ganj via Etah was ever made; and

(b) whether there is any possibility to revive this survey in near future?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The reply is in the negative.

(b) It is not proposed to undertake any survey in the near future.

IMPORT OF RICE FROM CHINA

***2151. Shri Muniswamy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that ten thousand tons of rice have been recently imported from China; and

(b) if so, how would they be distributed to the various States of India?

The Minister of Food and Agriculture (Shri Kidwai): (a) and (b). We have entered into a contract with the Chinese Government to purchase one lakh metric tons of rice from China. Up to 17-7-52 about 19,300 long tons rice has been received and is being distributed as follows:—

(1) Bombay	3,600
(2) West Bengal	6,100
(3) Madras	7,600
(4) Travancore-Cochin	2,000
	<hr/>
	19,300

SHILLONG-AGARTALA ROAD

***2152. Shri S. C. Deb:** Will the Minister of Transport be pleased to state:

(a) whether Shillong-Agartala Road is a National Highway and whether the work on the road is being done accordingly;

(b) what part of it will be new construction and what part will be taken from old road; and

(c) in what stage it is now and when the work will be completed?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) No.

(b) Only the Passi-Badarpur and Churaibari-Agartala sections are entirely new construction. The others are improvement of existing kutcha roads or tracks at different stages of development.

(c) A statement is laid on the Table of the House. [See Appendix X, annexure No. 26.]

SHAHADARA-SAHARANPUR LIGHT RAILWAY

***2153. Dr. N. B. Khare:** Will the Minister of Railways be pleased to state:

(a) if the policy of Government under the new re-grouping and re-

organisation scheme was to take over private-owned Railway Companies by the Government;

(b) when did the lease of the Shahadara-Saharanpur Light Railway expire last;

(c) has the lease been renewed; and

(d) if so, the reasons thereof?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) No. The taking over of privately-owned Railways is regulated by contracts with the parties concerned.

(b) to (d). The last option to Government to take over the Shahdara (Delhi) Saharanpur Light Railway occurred on 18-4-48 but was not exercised on financial grounds. There is no question of renewing the lease as according to the terms of the existing contract the option, if not exercised, is automatically postponed and recurs after every 7 years.

RAILWAY LINK FROM GARO HILLS TO ASSAM RAILWAY SYSTEM

*2154. **Jonab Amjad Ali:** Will the Minister of Railways be pleased to refer to the reply given to starred question No. 1741 (c) asked on the 14th July, 1952 and state:

(a) whether any preliminary survey was made for the railway line from the main Railway System of Assam to the projected coal fields of Garo Hills and if so, from which place to which place;

(b) what is the estimated cost of the proposed Railway;

(c) whether the cost of constructing a bridge over Brahmaputra between Jogighopa and Pomeharatna was also estimated; if so, what was the total estimate; and

(d) when were these estimates made?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) Preliminary engineering survey was made for a Railway line from Pandu to Darangiri in the Garo Hills via Amjanga.

(b) The line was estimated to cost Rs. 529.91 lakhs.

(c) The hon. Member's attention is invited to the reply given by me to his question No. 1111 on 23rd June 1952, when he was informed that no estimate for the construction of the bridge was prepared.

(d) The estimate for the rail connection between Pandu and Darangiri was prepared in 1950.

SCHEDULED AND BACKWARD CLASSES

*2155. **Shri Elayaperumal:** Will the Minister of Home Affairs be pleased to state whether the Government of India have appointed any Commission to investigate the conditions of Scheduled Classes and Backward classes?

The Minister of Home Affairs and States (Dr. Katju): The matter is under consideration and a decision will be taken shortly.

MATCH WOOD AND SEMAL TREES

538. **Shri Hem Raj:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government put into operation the scheme for the plantation of Match wood and semal trees;

(b) which State possess the most suitable soil for these plantations;

(c) what share the Central Government is contributing to the State Governments for its implementation; and

(d) what sums have been allotted to different States under this scheme?

The Minister of Food and Agriculture (Shri Kidwai): (a) Yes.

(b) In every State there are suitable localities in reserve forests for matchwood species.

(c) Central Government have agreed to contribute 50 per cent. of the total expenditure incurred by each State.

(d) For the year 1952-53 we have allocated the following sums to different States:

	Rs.
(1) Uttar Pradesh	78,000
(2) Assam	50,000
(3) Bombay	60,000
(4) Travancore-Cochin	40,000
(5) Madras	7,000
TOTAL	2,35,000

IMPORT OF FOODGRAINS (FREIGHT)

539. **Shri Jhunjhunwala:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity and value of foodgrains imported into India in the year 1951 from different countries;

(b) the number of steamers which brought these foodgrains from different foreign ports;

(c) the quantity of foodgrains discharged at the different ports in India; and

(d) the amount of freight paid by the Government of India on the import of foodgrains in 1951, in dollars, sterling and rupees and the total amount so paid?

The Minister of Food and Agriculture (Shri Kidwai): (a) 4·7 million tons of foodgrains costing approximately 216 crores of rupees were imported during 1951. Grain-wise particulars of quantity and value of foodgrains are published in the January, 1952 edition of the Bulletin on food statistics published by the Ministry of Food and Agriculture. It is not in public interest to disclose at present the country-wise break-up of the value of the foodgrains imported from each country.

(b) 662 steamers.

(c) The quantity of foodgrains discharged at different Indian ports during 1951 is as follows:—

Name of port	Quantity in 000 tons
Bombay ..	1627·7
Calcutta	1514·5
Madras ..	477·5
Cochin ..	566·3
Visakhapatnam..	205·1
Bhavnagar	15·1
Navlakhi	157·1
Tuticorin	85·5
Marmugoa	25·7
Calicut	14·8
Okha	28·6
Kakinada	6·4
TOTAL	4724·3

(d) Break-up in terms of rupees, sterling and dollars is not readily available and the information is being compiled. A Statement will be placed on the Table of the House shortly, giving the required information.

NATIONAL HIGHWAYS IN ASSAM

540. Shri J. N. Hazarika: Will the Minister of Transport be pleased to state:

(a) the mileage of the portion of National Highways from Makum to

Ledo in Assam; and the amount of money spent in the years of 1950-51 1951-52 for its improvement; and

(b) what amount will be spent in 1952-53 for its surface dressing etc. and when the portion will be completed?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) 27 miles; Rs. 44,050 during 1950-51 and Rs. 84,000 during 1951-52.

(b) An amount of Rs. 2·7 lakhs for surface dressing etc. has been tentatively earmarked for 1952-53. It is expected that the work will be completed by the year 1954.

MIGRATION TO INDIA FROM PAKISTAN

541. Shri S. N. Das: Will the Minister of Home Affairs be pleased to state:

(a) the total number of persons who having migrated to the territory of India from the territory now included in Pakistan be deemed to be citizens of India at the commencement of the Constitution as envisaged in article 6(b)(i) of the Constitution;

(b) the number of such persons who having migrated to the territory of India from Pakistan on the nineteenth day of July, 1948, have been registered as citizens of India as envisaged in article 6(a)(ii) of the Constitution;

(c) the number of persons who having migrated to Pakistan have returned to the territory of India under permit for settlement or permanent return have been registered as citizens as envisaged in Article 7 of the Constitution; and

(d) the number of persons who have registered themselves as citizens of India under article 8 of the Constitution up to date giving different figures for different countries?

The Minister of Home Affairs and States (Dr. Katju): (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

EXTRA DEPARTMENTAL POST OFFICES

542. Shri S. N. Das: Will the Minister of Communications be pleased to state:

(a) what are the main difficulties experienced in the working of the extra Departmental Post Offices that have been brought to the notice of the Department by the Post-Masters of these post offices;

(b) whether it is a fact that in a very large number of such post offices,

sufficient amount of money required for payment of money orders is not made available in time with the result that money orders remain unpaid for a week or a fortnight causing much inconvenience to the public; and

(c) what are the materials for want of which the work of rural post offices is not carried on smoothly and efficiently?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No serious difficulties experienced in the working of the extra-departmental post offices have been brought to the notice of the Department by the extra-departmental postmasters.

(b) Generally, sufficient funds are always made available for payment of money orders received at extra-departmental post offices. In the case of such offices situated in the interior and far away from the sub treasury stations, however, delay does sometimes occur in payment of money orders when the amount required to be disbursed is in excess of the funds available at the time. Money Orders are then held up till such time as funds arrive. The position about the availability of funds at the various offices is carefully watched.

(c) Does not arise.

RAILWAY SCHOOLS

543. Shri S. C. Samanta: Will the Minister of Railways be pleased to state:

(a) how many Railway Schools are there on the Indian Railways;

(b) how many of them are Anglo-Indian and how many are Indian; and

(c) in cases where the existing Railway Schools cannot absorb all the children of all the Railway employees there, whether the Railways meet a part of the cost of education of children sent to an out-station?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) 144.

(b) 64 Anglo-Indian Schools and 80 Indian Schools.

(c) No, unless the School is not one of the requisite standard as explained in the rules in the State Railway Establishment Code Vol. I.

कोसा (टसर) और लाख विषयक अनुसंधान

५४४. श्री जांगहे : क्या लाख तथा कृषि

मंत्री यह बतलाने की कृपा करेंगे कि कोसा

और लाख की उपज बढ़ाने के लिये सरकार ने क्या प्रयोग या अनुसंधान किये हैं और उस के परिणाम क्या हुए हैं ?

The Minister of Food and Agriculture (Shri Kidwai): A statement is laid on the Table. [See Appendix X, annexure No. 27.]

डाक घर

५४५. सेठ गोविन्द दास : क्या संचरण

मंत्री १९५१-५२ में बन्द किये गये डाक

घरों की संख्या बतलाने की कृपा करेंगे ?

The Deputy Minister of Communications (Shri Raj Bahadur): (i) Number of rural post offices closed. ... 18

(ii) Number of urban post offices closed ... 14

PRODUCTION OF FOODGRAINS

546. Shri Dhusiya: Will the Minister of Food and Agriculture be pleased to state the estimated additional target of production of foodgrains in 1951-52 and its shortfall?

The Minister of Food and Agriculture (Shri Kidwai): 14 lakh tons. Actual achievement is not yet known since the year 1951-52 ended only in June, 1952.

SLEEPERS (PURCHASE)

547. Shri Jasani: Will the Minister of Railways be pleased to state:

(a) the quantity of sleepers purchased by the Railway Department during the years 1949-50, 1950-51 and 1951-52;

(b) the price paid yearwise for these purchases; and

(c) the policy usually followed by Government for purchasing sleepers?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The required information in respect of the years 1949-50 and 1950-51 is contained in paragraphs 95 and 93 respectively of Volume I of the Report by the Railway Board on Indian Railways for these years. The figures for 1951-52 are under compilation and will be incorporated in the Report for 1951-52.

(b) This information in respect of the years 1949-50 and 1950-51 is contained in Appendix A, Volume II of the Report by the Railway Board on Indian Railways for these years. The figures in respect of the year 1951-

52 are under compilation and will be incorporated in the Report for that year.

(c) Sleepers are of two kinds—

(i) Wooden sleepers; and

(ii) Metal sleepers, which may be of—

(1) cast iron; or

(2) steel.

For procurement of wooden sleepers, there are three Railway purchase organisations called **Sleeper Groups**. These Groups arrange for requirements of railways in their zone partly through the State Forest Departments and partly through calling open tenders.

Arrangements for the supply of cast iron sleepers are made by the Railway Board who enter into annual agreements with the old established firm or firms which manufacture such sleepers, either by negotiation or by calling tenders. A number of Cast Iron sleepers are also manufactured in Railway Workshops.

For steel sleepers, the Railways place their orders on the Director General, Supply and Disposals (Ministry of Works, Housing and Supply), who places orders on the manufacturing firms after calling for tenders.

GOVERNMENT MEDICAL COLLEGE,
ORISSA

548. **Shri Sanganna:** Will the Minister of Health be pleased to state:

(a) whether the Government Medical College in Orissa State has been recognised by the Indian Medical Council;

(b) if so, when;

(c) if not, why not; and

(d) whether the degrees of the Utkal University (Orissa) in Medicine are recognized for recruitment to posts under the Central Government?

The Minister of Health (Rajkumari Amrit Kaur): (a) No.

(b) Does not arise.

(c) The Indian Medical Council accords recognition to any Medical qualification only after it is satisfied regarding the standards of the qualification. The reports of the Inspectors deputed by the Medical Council on the facilities that obtain at the College and the professional examinations which are conducted by the Utkal University, together with the observations of the Medical Council of India thereon, are pending with the University for their

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remarks. Until these remarks are received from the University, the Medical Council of India will not be in a position to take a decision in the matter.

(d) As the medical degrees granted by the Utkal University have not yet been recognised under the Indian Medical Council Act, 1933, the holders thereof are ineligible for recruitment to Class I and Class II posts under the Central Government.

T.B. RAILWAY AUTHORITIES

549. **Shri J. N. Hazarika:** Will the Minister of Railways be pleased to state:

(a) the amount of compensation paid or to be paid to the former T. B. Railway Authorities of Assam which has since been integrated with the N. E. Railways; and

(b) the number of employees engaged in that (T. B.) Railway, and whether all of the employees will be retained after complete integration?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The Tezpur Balipara Railway is to be taken over with effect from 1st September 1952 and the amount of purchase price payable is still under negotiation with the Company.

(b) The total number of employees engaged in the Tezpur Balipara Railway is 260. All the existing staff will be retained after integration provided they are suitable and qualified for railway service and are willing to continue in service.

RAILWAY SALOONS

550. **Shri K. P. Tripathi:** Will the Minister of Railways be pleased to state:

(a) what is the number of Saloons in the Assam part of the North Eastern Railway; and

(b) how far these are surplus to requirements of the Assam part of the said Railway?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) On the Pandu Region of the North Eastern Railway there are twenty-three Inspection carriages which include seven bogies and sixteen six or four-wheeled carriages.

(b) This question will be examined after the regrouping scheme in the Pandu Region has been fully implemented.

DISPLACED GOVERNMENT EMPLOYEES

551. **Sardar Hukam Singh:** Will the Minister of Home Affairs be pleased to state:

(a) whether any Displaced Government employees from N.W.F.P. were absorbed in the Central Secretariat by the Transfer Bureau on assignment;

(b) if so, what is their number;

(c) how many of them have been confirmed; and

(d) whether the length of service they rendered in N.W.F.P., and the posts they held are being taken into consideration for deciding their seniority and pensionary benefits?

The Minister of Home Affairs and States (Dr. Katju): (a) Yes.

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

(d) Yes.

PERSONS DISPLACED FROM MUZAFFARABAD

552. **Sardar Hukam Singh:** Will the Minister of States be pleased to state:

(a) what was the number of Hindus and Sikhs who were displaced from Muzaffarabad in the Kashmir occupied territory during the raiders attack;

(b) what was the number admitted into various camps out of (a); and

(c) whether others (who did not enter any camps) have been or are being given the same facilities as regards rehabilitation as are available to those who were admitted into the camps?

The Minister of Home Affairs and States (Dr. Katju): (a) No census of persons displaced from Muzaffarabad or other parts of the Jammu and Kashmir State during the raiders attack has been taken. The information available with the State Government is however being collected.

(b) The number admitted in the two Relief Camps run by the Government of India was as follows:

(i) Former Nagrota Camp at Jammu, 370 families comprising of about 1450 persons.

(ii) Yol Camp, 744 families comprising of about 2,900 persons.

Information in respect of Relief camps run by the Government of Jammu and Kashmir is being obtained.

(c) The rehabilitation of Kashmiri displaced persons is primarily the responsibility of the Jammu and Kashmir Government. Attention is invited in this connection to the reply given to Unstarred Question 408 on July 14, 1952.

नागपुर-पारसिया रेलवे लाइन

५५३. श्री चांडक : क्या रेल मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या नागपुर-छिंदवाड़ा पारसिया की छोटी लाइन को बड़ी लाइन में बदल देने की कोई योजना या प्रस्ताव सरकार के हाथ में है ; और

(ख) यदि है, तो सरकार ने इस विषय में क्या पग उठाया है ?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The reply is in the negative.

(b) Does not arise.

SUPPLY OF FOODGRAINS TO TRAVANCORE-COCHIN

554. **Shri Achuthan:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of foodgrains delivered to the Travancore-Cochin State during the first 6 months of 1952 and how much of it is rice;

(b) whether whole stock was delivered from the imported or locally procured quantity; and

(c) what is the difference in the price of the imported and locally procured rice and wheat per ton in Travancore-Cochin?

The Minister of Food and Agriculture (Shri Kidwai): (a) The total quantity of foodgrains delivered to Travancore-Cochin during the period from 1st January to 30th June, 1952 amounts to 2,26,153 tons. Out of this quantity 1,73,701 tons was rice.

(b) A part of the supplies consisted of grains imported from abroad and a part of grain offered by surplus States in India.

(c) The difference between the ex-godown economic cost of locally produced rice and (a) imported coarse rice and (b) imported fine rice is Rs. 8-7-0 and Rs. 11-12-0 per md. respectively. Wheat is not grown in the State and the question of difference in the prices of imported and locally produced wheat therefore does not arise.

ROAD RESEARCH INSTITUTES

555. **Shri Badshah Gupta:** Will the Minister of Transport be pleased to state the names of the Road Research Institutes at work in the Indian Union with their respective dates of commencement, monthly expenses thereon, and the names of the respective heads under whose supervision the work is being done?

The Minister of Railways and Transport (**Shri L. B. Shastri**): The Central Road Research Institute near Okhla, Delhi, which was formally declared open by the Prime Minister on the 16th July 1952, is the only complete Institute for Road Research in India at present. This started functioning in a temporary building since the beginning of 1950. Its monthly expenditure during 1951-52 was approximately Rs. 32,000. Its Director is Dr. Ernst Zipkes.

There is a Central Road Test Track at Calcutta which was set up in 1939. Monthly expenditure on this Test Track is about Rs. 3,000. Its work is supervised by the Special Chief Engineer, West Bengal, on behalf of the Consulting Engineer (Roads).

There are also several State Laboratories at present doing Road Research in certain limited directions in places like Karnal, Lucknow and Madras. These are, however, the direct responsibility of the State Governments concerned and information is not available regarding the dates when they were set up, the monthly expenses on each and the names of their directing officers.

SUPPLY OF FOODGRAINS TO HYDERABAD

556. **Shri H. G. Vaishnav:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity and price of the various foodgrains supplied to Hyderabad State during the year 1951;

(b) the quantity and price of the foodgrains procured from Hyderabad State during the same year; and

(c) whether Hyderabad State is surplus or self-sufficient or deficit area so far foodgrains are concerned?

The Minister of Food and Agriculture (**Shri Kidwai**): (a) Hyderabad was supplied 1,29,000 tons of foodgrains comprising 17,000 tons of rice, 96,000 tons of wheat and 16,000 tons of other grains during 1951. A statement showing the prices of various grains supplied to Hyderabad is placed on the Table of the House. [See Appendix X, annexure No. 28.]

(b) During the same year, Hyderabad Government procured 1,59,000 tons of foodgrains consisting of 62,000 tons of rice, 7,000 tons of wheat and 90,000 tons of other grains out of local production. A statement showing the procurement prices of foodgrains in Hyderabad State during 1951 is laid on the Table of the House. [See Appendix X, annexure No. 29.]

(c) Hyderabad was net exporter of foodgrains up to 1946 and thereafter they became net importer of foodgrains.

SITAPUR RAILWAY STATION

557. **Shri G. L. Chaudhary:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the Sitapur an important Railway Station on O. T. Railway now Northern Railway, has no electricity connection, while the Sitapur city has the electricity and the power house

(b) do Government propose to have electricity connection on this station; and

(c) if so, how long will it take?

The Minister of Railways and Transport (**Shri L. B. Shastri**): (a) and (b). The reply is in the affirmative.

(c) The scheme is under investigation. It is proposed to electrify the station as soon as power is available at reasonable rates.

PRODUCTION OF WHEAT IN MADHYA PRADESH

558. **Shri Pateria:** Will the Minister of Food and Agriculture be pleased to state:

(a) the quantity of wheat produced in Madhya Pradesh in the year 1951-52:

(b) what is the total requirement of the State for a year; and

(c) the quantity of wheat exported in the year and the names of the States where it has been sent?

The Minister of Food and Agriculture (Shri Kidwai): (a) No estimate of production of wheat in Madhya Pradesh for 1951-52 is yet available.

(b) It is difficult to give any definite figure to represent the requirements of a State in which a large part of the population is not rationed. The requirements will depend a great deal on the price. The rationing requirements of Madhya Pradesh of wheat in a normal year are about 54,000 tons.

(c) There has been no export of wheat from Madhya Pradesh.

JAGHADIA-NETRANG RAILWAY LINK

559. Shri C. S. Bhatt: Will the Minister of Railways be pleased to state:

(a) whether Government have any scheme for extending the Jaghadia-Netrang Section upto Dediapada in Western Railways; and

(b) if the answer to part (a) above be in the affirmative, whether Government contemplate in the near future to construct this section?

The Minister of Railways and Transport (Shri L. B. Shastri): (a) The reply is in the negative.

(b) Does not arise.

EXPORT OF FRUIT

560. Shri Badshah Gupta: Will the Minister of Food and Agriculture be pleased to state:

(a) which Indian fruits are exported to foreign countries for sale; and

(b) the earnings on that account during 1951-52 from the various foreign countries?

The Minister of Food and Agriculture (Shri Kidwai): (a) Dried fruits like cashewnuts, walnuts etc. and fresh fruits like mangoes are allowed to be exported freely. Besides, limited quantities of fresh fruits like bananas, citrus, grapes, coconuts, sofolas, guavas etc. are also permitted to be exported.

(b) A statement is placed on the Table of the House.

STATEMENT

Value of exports of fresh and dried (including salted and preserved) fruits from India by Land, sea and air during 1951-52.

Country	Value (lakh Rs.)
U.S.A.	649
Pakistan	306
U.K.	254
Canada	28
Australia	23
Ceylon	19
Burma	14
Others	43
TOTAL	1335

RURAL POST OFFICES

561. Shri G. L. Chaudhary: Will the Minister of Communications be pleased to state:

(a) how many applications have been received from the Uttar Pradesh for opening rural post offices in 1951-52;

(b) how many have been opened in response to these applications in Uttar Pradesh; and

(c) what is the extra estimated cost for it?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 630.

(b) and (c): 222 at the cost of Rs. 2.18 lakhs.

SPECIAL POLICE ESTABLISHMENT

562. Shri A. K. Basu: Will the Minister of Home Affairs be pleased to state:

(a) the number of cases in which Gazetted Officers were prosecuted and sent up for trial by the Special Police Establishment during the calendar years 1947 to 1952;

(b) the number of such cases—

(i) that are now pending,

(ii) that have ended in conviction.

- (iii) that have ended in acquittal in the trial Courts; and
- (c) the number of such cases—
- (i) that are now pending in appeal,
- (ii) in which the trial Court's orders were confirmed on appeal,

- (iii) in which the trial Court's orders were set aside on appeal by higher Courts?

The Minister of Home Affairs and States (Dr. Katju): A statement is laid on the Table of the House. [See appendix, X, annexure No. 30].

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, 25th 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.

Shri Madhao Reddi (Adilabad): May I make a submission? As you are aware, Sir, India has won yesterday the Olympic Hockey Championship

Mr. Speaker: Order, order. Let there be no talk. Any hon. Member wishing to raise any point not connected with the proceedings of the day is first required to see me in the chamber, just to inform me as to what the point is, to let me have some time to consider whether it is really of such an importance that I should permit it to be raised and then I will say whether he could raise the point or not.

An Hon. Member: It is an exciting event.

Mr. Speaker: He has never told me. He should have contacted me in the morning. We will proceed with the further business of the House now.

COMMISSIONS OF INQUIRY BILL

PRESENTATION OF REPORT OF SELECT
COMMITTEE

The Minister of Home Affairs and States (Dr. Katju): I beg to present the report of the Select Committee on the Bill to provide for the appointment of Commissions of Inquiry and for vesting such Commissions with certain powers.

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ESSENTIAL GOODS (DECLARATION
AND REGULATION OF TAX ON
SALE OR PURCHASE)
BILL—Contd.

Mr. Speaker: We will now proceed with the further consideration of the following motion moved by Shri Tyagi yesterday:

“That the Bill to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community, as reported by the Select Committee, be taken into consideration.”

Dr. Lanka Sundaram (Visakhapatnam): Sir,.....

Shri U. M. Trivedi (Chittor): I was speaking yesterday.

Mr. Speaker: Did he not finish?

An Hon. Member: He raised a point of order.

Shri U. M. Trivedi: No, Sir, I never raised a point of order.

Mr. Speaker: I find that Mr. Guha was on his legs.

Shri U. M. Trivedi: He interrupted me. He wanted to put a question.

Mr. Speaker: Was he called yesterday?

Shri A. C. Guha (Santipur): The whole matter is in something like a ‘suspense’ and in fact I was not allowed to continue.

Mr. Speaker: I shall call Mr. Guha first and then the hon. Member.

Dr. Lanka Sundaram: Sir, the Deputy-Speaker promised yesterday to give a ruling. The point was whether we could discuss the Bill as a whole in view of the report of the Select Committee and Messrs. Thakur-das Bhargava, Guha and Trivedi stood up in that connection. The Deputy-Speaker said that he would consider and would give us a ruling.

[Mr. Speaker: I could not understand what the point of order is.]

Mr. Speaker: I could not understand what the point of order is.

Dr. Lanka Sundaram: The point was raised whether on the discussion of the Select Committee report, we could go into a discussion of the principles of it.

Mr. Speaker: I do not think we could go again into the whole Bill. The matter was discussed before it went to the Select Committee.

Dr. Lanka Sundaram: It was a very specific point. The words 'made after the commencement of the Act' were one of the main phrases of the Bill. There was a suggestion made in the Minute of Dissent to delete that particular expression and that was the point that was being debated yesterday and the Deputy-Speaker.....

Mr. Speaker: The speeches will have to be confined to the Bill as it is reported by the Select Committee and more particularly to the changes made by the Select Committee during the course of its deliberations. The whole legislation is not open for discussion.

Dr. Lanka Sundaram: We can discuss the Minute of Dissent.

Mr. Speaker: I will consider it when it arises.

Shri A. C. Guha: Yesterday, I was just discussing about the Minute of Dissent appended to the Select Committee report. I think the real purpose of this Bill was to bring about uniformity in the Sales tax in all the States. Even when the Bill was under discussion in the Select Committee it was reported that some State was trying to rush through a Bill to impose sales tax on some of the items already included in the original Bill; and thus in order to bring about some uniformity the Bill should have some retrospective effect. Then it was pointed out to us that the opinion of the Law Ministry and of the Advocate General was that in view of the wording of the clause, we cannot go beyond what is specified here i.e., "after the commencement of this Act." Though we are all anxious that there should be some uniformity in the sales tax prevailing in all the States, in view of the legal opinion, we cannot do that. Recognizing that difficulty, I do not support the Minute of Dissent requiring the words 'made after the commencement of this Act' be deleted because that would make the entire enactment liable to be questioned in the court, and it will open the gate of litigation.

At the same time I recognise that it will be an awkward position both for the Finance Minister here and for the Finance Ministers in the States if there is no uniformity and if certain States go on imposing sales tax on articles that will be included in the present Bill when it will be passed by the House. It is the responsibility of the Finance Minister then to somehow persuade those States to come to some uniformity or if necessary Government should amend the Constitution so that the real purpose of this Act, namely, to bring about uniformity in the sales tax can be realized.

However much anxious we may be to bring about uniformity we should also consider the position of the States' finances. The Schedule has been rather generously extended in the Select Committee and there are some more amendments also for inclusion of some items in the Schedule. That will affect the financial position of the States. Here when we pass a Bill, we should also consider how it will affect the finances of the States included within the Union of India and for that purpose, I would like the hon. Finance Minister to call a conference of the Finance Ministers and also to make some more allocation from the Central revenues to the States so that the latter can carry on their work even though they may have to give up some of the items of the sales tax. That is an obligation which the hon. Finance Minister or the Government of India cannot repudiate when they will pass this Bill and put some restrictions on the revenues and financial condition of the States.

I would like to say that this tax is ultimately a tax on the consumers, whereas it should have been a tax on the producers. Now it has turned out to be a tax on the consumer. From that point of view, the whole structure of the sales tax should be reviewed and I request the hon. Finance Minister to consider that point of view so that he may give any relief to the consumers.

In some of the States there is multiple point taxation. Even foodstuffs are taxed at more than one point in some of the States. When this article on Sales Tax was considered in the Constituent Assembly at the time of constitution making, all these points were there before the Constituent Assembly, and the Constituent Assembly tried to put some restrictions. But, even then I do not think all these restrictions are being respected in spirit. Sometimes I think there have been some evasions of the restrictions

put in the clause in the Constitution. Some items have been subject to sales tax when those items are sold outside the province where they are produced, in the Constitution there is a bar to that. I think there are some cases even now where this provision is not strictly adhered to.

As regards the Schedule, I have only one point to submit and that is, that paper should be exempted. Apart from the fact that it is indirectly a tax on knowledge, I should like to say that paper is something like a raw material as far as the production of books, newspapers, journals, etc., are concerned. Just as cotton, jute and other raw materials have been put in the Schedule paper should also be put in the Schedule and exempted from sales tax.

With these words, I commend the Bill.

Mr. Speaker: I think it will be better if I invite the attention of the hon. Members to the last two lines of the proposed clause 3 in this Bill, which says: no law made by any State Government shall have effect unless it has been reserved for the consideration of the President and has received his assent.

Shri A. C. Guha: That will affect only laws passed after this Act, but not those that have already been passed.

Mr. Speaker: I believe there is some misapprehension either in my mind or in the hon. Member's. Laws passed before the commencement of this Act.....

Shri A. C. Guha: They will not be affected by this clause.

Shri U. M. Trivedi: Sir, I think you for giving me this opportunity to speak. I would request my friends that when a Member is trying to speak, they should not interrupt and deprive him of his opportunity to speak. There was no point of order in this.

Mr. Speaker: I may assure the hon. Member, he is not deprived of his speech.

Shri U. M. Trivedi: However, the point that I was going to raise was this much. Somehow or other if we read the Minute of Dissent, we come to this conclusion that in the Select Committee also, party politics seem to have played a part. Hon. Members have not seen and understood the object of a Select Committee. When we go into a Select Committee, we must forget that we belong to any

party or that we have party affiliations. We must see that reason also should work.....

Mr. Speaker: Order, order. The hon. Member may make his remarks on the merits of the Bill instead of making remarks on the Members of the Select Committee.

Shri A. C. Guha: As a Member of the Select Committee, I may say, there was no party question there.

Shri U. M. Trivedi: The Minute of Dissent is by Mr. Somani and Mr. Kilachand, both non-congressmen. So to say. Very reasonable remarks have been made in the Minute of Dissent. If anybody had applied his mind to the remarks made in the Minute of Dissent, there would have been no necessity for any further consideration of this Bill and it could have been passed in ten minutes. We have to see that the words used in clause 3 are: "made after the commencement of this Act". As has been rightly pointed out by them, if these words are dropped, we would have complete uniformity of taxation so far as exempted goods are concerned. What is going to happen today by making this provision? Those States you may call them alert, like Madras and Bombay which have already levied taxes on these things which are being exempted by the provision of this law, will continue to levy those taxes, those States like Madhya Bharat and Rajasthan, which were not so alert, and which are now going to levy this tax in order to increase their revenue, will be deprived of this source of revenue from the very same items on which Madras and Bombay will continue to levy taxes. In other words, the people in Madras and Bombay will suffer a sort of disability in as much as they will have to pay taxes on articles which will be exempt in Madhya Bharat and Rajasthan. That is, they will not be able to tax these articles while those in Madras and Bombay will tax. Rajasthan and Madhya Bharat will be deprived of a large part of revenue which is easily available to Madras and Bombay. This sort of inequality in the case of the several States is not called for under our Constitution. It will create inter-State disputes and difficulties, and at the same time, it may lead to some kind of litigation between the States and the Central Government also. In these circumstances, it is desirable to obtain uniformity in the administration of this tax. If these words are dropped, all these difficulties will be removed as also the chances of litigation; there will be uniformity in taxation.

[Shri U. M. Trivedi]

With these words, I commend the motion.

Dr. Lanka Sundaram: As a result of the statement made by my hon. friend Mr. Tyagi, yesterday, and in particular, the memorandum that he quoted from the Law Ministry, I am confirmed in the grave misgivings that I expressed at the consideration stage of this Bill.

In the Statement of Objects and Reasons, it is stated very clearly that the Bill if enacted "may help to achieve a certain measure of uniformity in the taxes, and also prevent essential goods from being unduly taxed". I would like to know from the Finance Minister how these two objects are going to be achieved through this Bill. I agree with my hon. friend Shri Trivedi when he said that some of the States in the country which do not have sales-tax legislation, would be penalised and I think that is a very important point to be considered.

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

Dr. Lanka Sundaram: That is only one aspect of the question. I say penalised to the extent that they will not be able to bring forward legislation covering these items listed in the Schedule. I hope my hon. friend the Commerce Minister would not have any difficulty to accept this statement.

Pandit Thakur Das Bhargava (Gurgaon): Only they have to be reserved for the consideration of the President.

Dr. Lanka Sundaram: Reservation of any future legislation about sales-tax covering the items listed in the Schedule for the assent of the President can only mean that there is a limit imposed. I hope I am not wrong in this interpretation. But, it is only a minor point. If I am not mistaken, I recall that in reply to the debate on the general discussion, the hon. Finance Minister made a sort of a general statement to the effect that he is in consultation with such States where the sales-tax does not exist, to see that no undue hardship is caused. I would like to know when my hon. friend Mr. Tyagi replies to the debate, how the Government propose to protect the interests of those States where the sales-tax does not exist at the moment, how in future if any State Government brings in legislation covering the items listed in the Schedule, it will be protected. That is a small point as I said.

The major point to my mind is something about which I made a brief reference in my speech last time. Take the total yield of sales-tax in this country. It is stated to be of the order of Rs. 45 crores. I may tell the House, with all sense of responsibility, that nearly half of the total for the whole country is being collected in Madras alone. I make reference to this point because, as I have said, the Statement of Objects and Reasons says this Bill is intended to prevent essential goods from being unduly taxed. I do not know how, when this Bill is placed on the Statute Book, this sort of rack-renting of the substance of the community by individual States will be protected against. I am prepared to say that this Bill will become entirely infructuous. In the first place, the States which do not have sales tax laws will be penalised. In the second place, and to my mind this is more important, the existing level of taxation in some of the States which have taken recourse to this impost, will not be reduced. That was the reason why I argued on the last occasion that the net effect of this Bill would be to force up the sales-tax, not to bring it down. Last time, I made reference to the controversy going on in the Bombay State where an attempt was being made to convert the single-point system into a multi-point system. At that time, the Finance Minister intervened while I was speaking and said that consultations were proceeding. I am glad, Sir, that at the moment there seems to be a decision on the part of the Bombay Government not to proceed with the Bill as originally drafted and announced in the Legislature to convert the single-point into a multi-point system.

But, what is worrying me is this. This Bill, according to the words used yesterday by my hon. friend Mr. Tyagi, would only make explicit what is implicit in article 286 (3) of the Constitution. I have no quarrel with that. But, how is the purpose achieved, viz., to secure a measure of uniformity and to reduce the level of sales-tax on essential goods. I find that judging from both these angles, there is no relief at all in this Bill. Actually, to my mind, this Bill is brought here, if I may be permitted to say so with due respect, under false pretences, more or less. The purposes for which this Bill is drafted and placed before the House are not being fulfilled, and will not be fulfilled.

I am glad that in the Select Committee an attempt was made to widen the Schedule. I am glad for the

provision. in particular, of articles like certain categories of medicines, gur, edible oils, oilseeds, handloom cloth etc. I welcome the inclusion of these. But the point I am driving at is: what exactly are the intentions of the Government? Is it only to put on the Statute an innocuous Act making explicit the intentions which are implicit in the Constitution? Then, there is no necessity for this Bill. Or, is their intention to secure uniformity all over the country and also to reduce the incidence of the sales-tax in certain States where it is heavily impinging upon the life of the community. I believe this House is entitled to receive straight answers to these questions. In this connection, I would like to recall two statements made in response to my request by the hon. Finance Minister on the last occasion. One was, the Select Committee—I think I am quoting him very clearly—he said: the Select Committee would look into the fiscal content of this Bill. I would like to know from my hon. friend Mr. Tyagi whether the Select Committee has gone into the fiscal content of this Bill, and if so with what result? That again is a question of intention.

The second assurance given on the last occasion by the Finance Minister was that a Taxation Enquiry Committee would be appointed. He said it was being appointed. What is the purpose of the Taxation Enquiry Committee? Is it to look into the incidence of taxation with reference to the sales-tax, or is it to bring about some sort of central control of sales-tax so that there will be uniformity all over the country? As I have said before, and I repeat it here most unashamedly, I have been carrying on agitation for ten years that the sales-tax must be taken over by the Centre and administered by the Centre, so that the principle of uniformity on the one hand and the question of controlling the incidence of the tax on the other would be secured. I would like to hear from my hon. friend Mr. Tyagi answers to these very important questions which I raised on the last occasion and which I raise again now, particularly in view of the doubts expressed by hon. friends like Pandit Thakur Das Bhargava, Shri Guha, Shri B. Das and so many others yesterday. After hearing that, I will have to say a few words at the stage when we take up the Bill clause by clause.

पंडित ए० आर० शास्त्री (जिला

आजमगढ़—पूर्व व जिला बलिया—पश्चिम):

अध्यक्ष महोदय, कल मैं ने यह प्रश्न उठाया

था कि धारा २८६ का भाग ३ किस अर्थ में आता है? ला मिनिसट्री (Law Ministry) की राय है कि उस के अनुसार जो विधियां हम बनावेंगे वह उन्हीं पर लागू होंगी जो इस के बाद के बिक्री कर के सम्बन्ध में स्टेट्स बनावेंगी। मैं समझता हूं कि ला मिनिसट्री की यह राय सही नहीं है। इसलिये सही नहीं है कि जो भावना इस के पीछे है वही उस के विरुद्ध चली जाती है। भावना यह है कि जो विभिन्न राज्यों में बिक्री कर सम्बन्धी विधियां हैं वह ऐसी न हों कि जीवन के लिये जो उपयोगी और अनिवार्य आवश्यकता की वस्तुएं हैं उन पर इस प्रकार के कर लगाये जायें कि जो जनता को अखरे और उन के मूल्यों में इस तरह का अन्तर हो कि एक राज्य की अपेक्षा दूसरे राज्य के रहने वालों को वह खटकने वाले हों। जीवन की उपयोगी और आवश्यक सामग्रियां ऐसी ही उपयोगी हैं जैसे सूर्य का प्रकाश, वायु का प्रवाह और पानी। जैसे यह अनिवार्य हैं और सब जगह उन का मूल्य समान है और यह मनुष्य की आवश्यकताओं को पूरा करती हैं वैसे ही इस शिड्यूल (schedule) में जिन सामग्रियों का उल्लेख है वह उतनी ही अनिवार्य, उतनी ही आवश्यक हैं और इन के सम्बन्ध में एक सामान्य विधि होनी चाहिये जो कि सब स्टेट्स में पाई जाय। यह नहीं कि मनमाने ढंग से नमक का बिक्री कर कहीं कम हो और कहीं अधिक हो या अन्य आवश्यक सामग्री के ऊपर कहीं बिक्री कर कम हो और कहीं अधिक हो। ऐसा होने से उन के मूल्यों में बड़ा भारी अन्तर पड़ जाता है और बाजार भर में ऐसी आवश्यक सामग्रियों के मूल्य में अन्तर होने का परिणाम बहुत बुरा होता है। इसलिये धारा २८६ में बिक्री कर के सम्बन्ध में कुछ प्रतिबन्ध लगाये गये थे। बिक्री कर विभिन्न

[पंडित ए० आर० शास्त्री]

स्टेट्स में पहले से चल रहा था। अब यह आवश्यकता अनुभव हुई कि इस में एक समानता लाई जाय। अब यह अर्थ लगाया जाय कि यह कांस्टीट्यूशन (Constitution) उन्हीं विधियों पर लागू होगा जो विधियां कि कांस्टीट्यूशन बनने के बाद बनें तो जो संविधान बना है उस के बनने से पहले बहुत से अनुचित कानून हमारे देश में प्रचलित थे और यह कहा गया है कि इस संविधान के बन जाने के बाद जो विधियां इस की भावना से, इस के अक्षरों से और उन अक्षरों के अर्थ से, इस के शब्दों से और उन शब्दों के पीछे जो भावना है उस के विरुद्ध पड़ती हों तो वह सारी विधियां और विधान जो इस से पहले प्रचलित थे रद्द समझे जाने चाहिये। यह नहीं हो सकता कि पहले कोई विधि बनी हो और वह विधि इस संविधान की भावना के विरुद्ध जाती हो तो क्योंकि वह पुरानी विधि है, पहले से चली आती है, इसलिये चालू रहेगी, नहीं वह रद्द हो जायेगी। तो इसलिये ऐसा तो कोई कानून नहीं हो सकता कि जो इस संविधान के विरुद्ध पड़ता हो।

अब धारा २८६ की भावना क्या है ? भावना यह है कि जो जीवन की उपयोगी सामग्रियां हैं उन सामग्रियों पर विभिन्न स्टेट्स के लगे हुए बिक्री कर ऐसे न हों कि जो अखरने वाले हों और जनता को उनसे राहत कम मिलती हो। अगर यह अनुभव न होता कि ऐसे कर हैं तो २८६ की धारा आती ही नहीं। वह लाई ही इसलिये गयी थी। उस के भाग २ में लिखा हुआ है कि वे विधियां जो चालू हैं वे मार्च १९५१ तक चालू रहेंगी, बशर्ते कि प्रेसीडेंट (President) किसी लिखित आज्ञा से उन को रद्द न कर दे। और तीसरी धारा में यह कहा गया है कि पार्लियामेंट जिन सामग्रियों को आवश्यक सामग्री

निर्धारित कर देगी, उन के सम्बन्ध में कोई विधि तब तक नहीं बन सकती जब तक कि प्रेसीडेंट की मंजूरी न ले ली जाय। तो इस का मतलब यह है कि जो विधियां बनी थीं और जो विधियां बनेंगी सब रद्द हैं जो कि इन सामग्रियों के सम्बन्ध में हैं जिन का उल्लेख इस में कर दिया गया है। अब उन सब के बारे में स्टेट्स को चाहिये कि पार्लियामेंट में जो इस विधि के द्वारा जो उस के सामने आज प्रस्तुत है, निर्धारित कर देती है, उस के अनुसार प्रेसीडेंट की आज्ञा ले कर उन विधियों को जारी रखे। जो विधि पहले से स्टेट्स में प्रचलित थीं वह भी और जो आगे बनेंगी उन सब पर यह समान रूप से लागू होगी। वह समान रूप से लागू न हो तो समानता मिट जायेगी। यदि ऐसा न हो तो इन आवश्यक सामग्रियों के मूल्य में बड़ा भारी अन्तर रहेगा। एक स्टेट में उस का दाम कुछ होगा और दूसरे में कुछ होगा। इस तरह से एक अव्यवस्था जारी रहेगी और जो राहत २८६ की धारा जनसाधारण को इन सामग्रियों के मूल्य के विषय में, इन के उपयोग के विषय में पहुंचाना चाहती है वह सुविधा उन को नहीं मिल सकती है और वह सुविधा उन को मिलनी चाहिये क्योंकि जैसा मैं ने पहले आप से नम्र निवेदन किया यह सामग्रियां जीवन के लिये उतनी ही अनिवार्य हैं, उतनी ही आवश्यक हैं, जितना कि सूर्य का प्रकाश और बहती वायु का सुन्दर प्रवाह और बहती हुई जल धारा का पानी। यह सब जैसे आवश्यक हैं वैसे ही वह भी आवश्यक हैं। इसलिये इन के बारे में भी वैसी ही समानता होनी चाहिये। जैसे प्रकाश सब को समान रूप से मिलता है, हवा सब को समान रूप से मिलती है, पानी सब को समान रूप से मिलता है वैसे ही यह सब को मिलनी चाहिये। पहले किसी ने कोई कानून बना

दिया है और वह उस से लाभ उठा रहा है। इस से आप कहते हैं कि उन स्टेट्स की आमदनी कम हो जायेगी। आमदनी और खर्च का हिसाब तो पहले ही आप के सामने था और इस लिये आप ने इस को बनाया। आमदनी तो स्टेट्स की हो, लेकिन जनता का रक्त शोषण कर के नहीं, उस का पोषण कर के होनी चाहिये। इसलिये जो विधि बनी है और जो बनेगी सब पर यह विधि समान रूप से लागू होनी चाहिये। यही मेरा निवेदन है।

पंडित ठाकुर दास भागंब (गुड़गांव) : जनाब स्पीकर साहब, जब यह बिल सिलेक्ट कमेटी के सुपुर्द हुआ उस वक्त मैं ने हाउस में अर्ज की थी कि दरअसल जो चीजें हम चाहते हैं और जो कांस्टीट्यूएंट असेम्बली (Constituent Assembly) में कानून बनाते वक्त हम ने जिन को मद्देनजर रखा था वे दो थीं। अब तो यह कि जो ऐसी चीजें हैं कि जो ज़िन्दगी के वास्ते ज़रूरी हैं उन के ऊपर टैक्सेशन (taxation) न लगाया जाय और दूसरी चीज यह थी कि हिन्दुस्तान में टैक्सेशन की यूनीफार्मिटी (uniformity) की जाय। हम रोज़ शिकायतें सुनते हैं कि बम्बई के लोग कहते हैं कि पंजाब व उत्तर प्रदेश में अनाज पैदा होता है और हम को वह उस भाव से नहीं मिलता है जिस भाव पर कि उत्तर प्रदेश में और पंजाब में मिलता है। कुछ लोग कहते हैं कि अगर बम्बई वाले कपड़े पर कुछ कर लगाना शुरू कर देंगे तो जायज़ होगा क्योंकि कपड़ा बम्बई में बनता है। इसी तरह बिहार के कोयले का सवाल आता है। मैं अर्ज करूंगा कि यह असूल हिन्दुस्तान की एकता के बिल्कुल खिलाफ़ है। यह एकता तभी होगी जब कि सारे हिन्दुस्तान में जो ज़िन्दगी की ज़रूरी चीजें हैं वह हिन्दुस्तान में रहने वाले हर एक इन्सान

को उसी भाव से मिलें कि जिस पर वह दूसरे को मिलती हैं।

Shri Bansal (Jhajjar-Rewari): Is it not a fact that exports are exempted? If cloth is exported from Bombay, it is not subjected to sales tax?

पंडित ठाकुर दास भागंब : मेरे लायक दोस्त ने उस नुक्ते खयाल को नहीं सोचा जो मैं ने अर्ज किया। मैं ने किसी खास चीज के कर के बारे में अर्ज नहीं किया। मैं तो उसूल की बात कह रहा हूँ।

तो मैं जनाब वाला की खिदमत में अर्ज कर रहा था कि मैं तो शर्म के मारे मर जाऊंगा अगर मुझे कोई कहे कि पंजाब का पैदा होने वाला अनाज किसी दूसरे प्राविन्स (Province) को या किसी दूसरी जगह के रहने वाले को हिन्दुस्तान के अन्दर उस भाव पर नहीं मिलना चाहिये जिस पर कि पंजाब में मिलता है और उसे उस से फ़ायदा उठाना चाहिये। पंजाब में वह सस्ता मिले और मद्रास में महंगा मिले। अगर हम इस तरह से उस यूनीफार्मिटी के उसूल को छोड़ देंगे तो हिन्दुस्तान का कोई भी सवाल तय नहीं होगा। हिन्दुस्तान की इकानामी (Economy) एक है। इस वास्ते ज़रूरी है कि जहां तक ज़िन्दगी की ज़रूरी चीजों का सवाल है उन के बारे में यूनीफार्मिटी आफ टैक्सेशन होनी चाहिये।

इस यूनीफार्मिटी आफ टैक्सेशन के अलावा दूसरा सवाल जो कांस्टीट्यूएंट असेम्बली के सामने था जब हम ने यह धारा बनाई वह यह था कि जहां एक तरफ़ हिन्दुस्तान में एक सा टैक्स हो वहां दूसरी तरफ़ ज़रूरी चीजों पर टैक्स न लगे। अब सवाल यह है कि हम इस असूल को कैसे तय करें। अगर मैं वकील न होता तो मेरे

[पंडित ठाकुर दास भागंब]

लायक दोस्त श्री अलगू राय शास्त्री की तरह से इस सवाल को देखता तो मैं यही कहता कि जरूर हमें इस मंशा को पूरा कर देना चाहिये जो कि दफा २८६ की रू से निकलती है। लेकिन, जनाब वाला, २८६ दफा के अन्दर जो उस के अल्फाज हैं, आखिर वह अल्फाज ही डिटरमिन (determine) करेंगे कि यह पार्लियामेंट इस बारे में इस बिल के द्वारा क्या कर सकती है, इस का क्या हक है। उस के जो अल्फाज हैं, वह जैसा मैं ने पिछली दफा भी अर्ज किया था, वह जनाब की खास तबज्जह के काबिल हैं कि उन को इंटरप्रेट (interpret) किया जाय। अगर जनाब वाला २८६ की दफा २ को देखें, तीन के बजाय, तो जाहिर होगा कि पहले कानून का मंशा यह था कि जिन कानून को जीवित रखना था उन को खस तौर से २८६ (२), में बचा दिया। इसी तरह २८८ की धारा २ को देखें तो उस में उसी तरह के अल्फाज हैं जो कि २८६ (३) में है। २८८ (२) में है

"no such law shall have any effect."

चाहे वह पहले के हों, चाहे बाद के हों लेकिन मैं यह भी मानने के लिये तैयार हूं कि २८६ (३) में दो तीन लफ्ज ऐसे हैं कि स्टेट्स में जो कानून वजूद में नहीं आये उन के अन्दर प्रेसीडेंट की संक्शन (sanction) की जरूरत है। प्रेसीडेंट साहब २६ जनवरी, १९५० से पहले वजूद में नहीं आये। ला मिनिस्ट्री (Law Ministry) की जो राय कल हमें सुनाई गई थी उस में दो बातें दर्ज हैं। मैं ने अपनी पहली स्पीच में इन दोनों बातों को अर्ज किया था। इसलिये मैं कहता हूं कि यह डाउटफुल (doubtful) चीज है। ला

मिनिस्ट्री कहती है वह भी मतलब निकल सकता है। इसलिये यह डाउटफुल इंटरप्रीटेशन (doubtful interpretation) का सवाल है। लेकिन यह चीज डाउटफुल नहीं है कि पालिसी क्या थी, कांस्टीट्यूट असेम्बली क्या करना चाहती थी और देश क्या चाहता है।

चुनांचे जो हो चुका है वह हो चुका। अब यह बात "रैस्ट्रिक्शन आन दी इम्पोजीशन ऑफ टैक्स" जो २७९ का हेडिंग है, का क्या मतलब है? मैं ने निहायत अदब से फायनेन्स मिनिस्टर साहब की खिदमत में अर्ज किया था और वही बात अब अर्ज करता हूं कि वह मुझे यह बताये कि सेंट्रल गवर्नमेंट की क्या पालिसी (policy) है। क्या वह ऐसे प्राविसेज को जिन में कि पहले से टैक्स लगे हुए हैं उन को परमुएड (persuade) करना चाहते हैं कि वह यूनीफार्मिटी कर दें। मैं जानता हूं कि यह सवाल रुपये आने पाई का है। यह तकरीबन २० करोड़ रुपये मद्रास स्टेट के टैक्स का सवाल है। इसी तरह से और जितने भी प्राविसेज हैं उन के अन्दर यह बड़ा अहम सवाल है। हम रोज कहते हैं कि अच्छी सड़कें बन जायें, अच्छे अस्पताल बन जायें और तालीम हो जाये। और जब टैक्स का मवाल आता है तो कहते हैं कि टैक्स न लगायें। यह दोनों बातें एक दूसरे के खिलाफ पड़ती हैं। लेकिन हमें इन के अन्दर बैलेंस (balance) निकालना पड़ेगा। मैं नहीं चाहता कि जिन स्टेटों ने पहले टैक्स लगा दिये हैं उन को सरकार वैसे ही छोड़ दे। सेंट्रल गवर्नमेंट को यह करना चाहिये कि अपनी पालिसी को वह रिव्यू (review) करे। मैं ने पिछली दफा भी फायनेन्स मिनिस्टर साहब से पूछा और कल त्यागो साहब से खास तौर से पूछा जब वह अपना

भाषण दे रहे थे कि गवर्नमेंट अपनी पालिसी को साफ़ करे। मैं चाहता हूँ कि सेंट्रल गवर्नमेंट अपनी पालिसी इस तरह से कायम करे कि जिन स्टेट्स में एसेंशियल गुड्स (essential goods) पर टैक्स लग चुका है वह सारे हिन्दुस्तान में एकसा हो। सारे हिन्दुस्तान में यूनीफार्म हो। जहां तक कि वह स्टेट्स कि जिन में नहीं लगा है वहां उसी हद तक उन दूसरी स्टेट्स को अख्तियार दिया जाय कि उन चीजों पर वह टैक्स लगा सकें। इस वास्ते मैं चाहता था कि आप अपनी पालिसी को साफ़ कर दें। मैं यह मानने के लिये तैयार नहीं हूँ कि सारी चीजों पर टैक्स जैसे कोई स्टेट चाहे वैसे लगाती जाय। मैं यह कहना चाहता हूँ, बहुत ज़ोर के साथ वहना चाहता हूँ कि कांस्टीट्यूएंट असेम्बली का मंशा सारे देश का मंशा, और हमारे हिन्दुस्तान के ३५ करोड़ आदमियों की सामानता का मंशा, हमारे एक मुल्क को बिलॉग (belong) करने का मंशा बिल्कुल हट जायगा अगर यह पालियामेंट इस यूनीफार्मिटी को नहीं करेगी। इस वास्ते मेरी अदब से यह गुज़ारिश है कि मैं यह मानने के लिये तैयार हूँ, क़ानून दां होने की वजह से, कि २८६ का मंशा वह भी हो सकता है जो कि ला मिनिस्ट्री ने रखा है।

जनाबवाला यह चीज़ तबज़ह के क़ाबिल है कि जिन स्टेट्स ने इस क़ानून के नाफ़िज़ होने के बाद नई तरह से टैक्स लगा दिये, उन का केस इन अल्फ़ाज़ में जो इस दफ़ा में दर्ज हैं, बिल्कुल डाउटफ़ुल है और यह कहना बड़ा मुश्किल है कि वह इस के अन्दर आयेंगे या नहीं आयेंगे और जैसा कि कल हमारे कामर्स मिनिस्टर साहब ने फ़रमाया इन अल्फ़ाज़ का एक दूसरा इंटरप्रेटेशन भी हो सकता है और मैं अर्ज

करता हूँ कि उन का वह इंटरप्रेटेशन भी मुमकिन है। अभी हमारे लायक़ दोस्त श्री अलगू राय शास्त्री ने जो यह कहा कि सेन्टर द्वारा इस क़ानून के बन जाने के बाद यह क़ानून सारे प्रान्तों पर लागू होगा और प्रान्तों को इस क़ानून के मातहत ही अपने यहां टैक्स लगाने होंगे और अगर उन्होंने कोई दूसरे इससे भिन्न क़ानून बनाये हैं, तो वे बेकार हो जायेंगे। तो मैं पूछना चाहता हूँ कि अगर वह इस दफ़ा के अल्फ़ाज़ को इस तरह इंटरप्रेट करते हैं तो फिर प्रान्तों में लेजिस्लेचर्स (legislatures) की जिन को टेक्सेशन का पूरा अख्तियार दिया जा चुका है क्या आवश्यकता रह जाती है और उन का क्या मतलब रह जाता है। मैं अर्ज करता हूँ कि किसी शर्क़ को यह हक़ नहीं होना चाहिये कि वह जो इंटरप्रेटेशन करता है वही दुरुस्त है और बाकी सब ग़लत है। मैं तो सिर्फ़ इतना ही अर्ज करूंगा कि उन का यह इंटरप्रेटेशन डाउटफ़ुल है। मैं आप के रिये ज़फ़िर इस बात को ईर्स ईवान में दुहराना चाहता हूँ कि सेंट्रल गवर्नमेंट को इस हाउस में साफ़ तौर पर हम को बता देना चाहिये कि हम इस पालिसी को करना चाहते हैं कि जहां तक हो सके हम सब स्टेट्स में एसेन्शियल एन्ड नेसेसरी गुड्स (essential and necessary goods) में टेक्सेज़ में समानता रखें, जहां तक संभव हो एक सा टैक्स हो, जिन स्टेट्स को न इन गुड्स पर टैक्स लगाने की इज़ाज़त हो, उन को इज़ाज़त दी जाय ताकि वह भी दूसरे प्रान्तों के समान उन चीजों पर टैक्स लगा सकें। मैं इन अल्फ़ाज़ के साथ अपनी तक्ररी ख़त्म करता हूँ और आख़िर में अदब से अर्ज करूंगा कि इस चीज़ को इस दफ़ा में बिल्कुल स्पष्ट कर दिया जाय।

Mr. Speaker: It is better that the hon. the Minister just clarifies the whole position now, as there seems to

[Mr. Speaker]

be some confusion in the minds of hon. Members, in the light of the discussion that has followed; let us understand from him what the exact position is.

Shri T. T. Krishnamachari: Sir, my object in intervening in the debate at this stage is to try to clear the misconception that has been aroused by the Minute of Dissent submitted by two hon. Members of the Select Committee. The intentions of the Constituent Assembly have been called to support the views taken by the two hon. Members. As one who was present at the time when this particular article was framed and right through all the discussion on it, I think I might throw some light on the intentions. The intention of this particular clause of article 286 is merely to ensure consultation with the Government of India by the various State Governments, with a view to secure uniformity as far as possible. If that is conceded, the next thing is to look into the particular provisions of this clause which reads like this:

"No law made by the Legislature of a State imposing, or authorising the imposition of, a tax on the sale or purchase of any such goods as have been declared by Parliament by law to be essential for the life of the community shall have effect unless it has been reserved for the consideration of the President and has received his assent."

I would invite the attention of the hon. Members to two passages in this clause, particularly. The first is 'as have been declared by Parliament by law to be essential'. The first condition precedent is that Parliament must declare by law that certain commodities are essential and that is sought to be done by this Bill. The second thing is, a mere declaration is not operative. What the declaration does is that it ensures that it shall be reserved for the consideration of the President. These are the only two things here. We declare these commodities are essential. Having declared, what happens? It does not debar a State from enacting legislation: any State can enact legislation in respect of commodities declared to be essential and raise the taxes or impose fresh taxes. It is not *ultra vires* of the Constitution, but it can only be operative when it has been reserved for the consideration of the President and has received his assent. If these two facts are comprehended, then all the points raised by my hon.

friends would fall in their proper perspective. If in order to tell a State Government that the law enacted by that Government shall not be operative, a refusal of consent of the President is essential. Therefore how do you expect to make this retrospective or operative from the date of the commencement of the Constitution? There must be some method to say that this has not received the assent of the President and therefore it is *ultra vires* of the Constitution. There is no liability on the part of the State Governments to reserve a Bill for the assent of the President until this law is passed. It is only after this law is passed that the Government will say that this is a thing that falls within article 286 (3), therefore, it ought to be reserved for the assent of the President. It is for the President to say 'yes' or 'no'. Hon. Members will please note this particular point. If the interpretation is, as they say, that the moment we pass this particular law here in Parliament it has retrospective effect, how are the stages to be gone through? When is it to be reserved for the assent of the President? So obviously it is impracticable for this legislation to be *ex post facto*. It must only operate from the date that it becomes law. If that point is understood, the very impossibility of your doing anything in the matter is clear, no matter what the Supreme Court or anybody else may say. It is impossible to put it into practice. If you realise that point, then the meaning of the words 'after the commencement of this Act' becomes very clear. Well, Sir, I quite agree that the words can be removed. That is my own view, subject to what the legal advisers will say. I think my hon. friend on my left is having the position examined by the legal advisers, whether it is necessary or not: because the law becomes operative only when it receives the assent of the President. Unless it is mentioned in the body of the Bill that it will take effect from the 1st August, 1952 or from the 1st of January, 1953, it becomes operative immediately after it is notified in the Gazette after the President has given assent. I mean that is the normal procedure. Therefore, to fasten an objection to the tenor of the Bill on that particular clause 'after the commencement of this Act' is, I think—it is my own personal view, but it is a matter subject to correction by people who are experts—I am not an expert in this particular case—meaningless. If these two things are understood, I think my hon. friends who have been raising this question here in this House will

see that we are not competent to raise it. Of course it may be that other bodies outside may have their own interpretation. If the Supreme Court gives a different opinion on a particular measure from that intended by the framers of the Constitution, that is a different matter altogether. But as it is now, the intention is very clear. The intention is that only after the Parliament declares by law that these commodities are essential, any enactment has to be reserved for the consideration and assent of the President. These two things operate in regard to any legislation that has been passed before and any tax law that has been operating.

10 A.M.

The second question that my hon. friend, Mr. Sundaram, raised was in regard to the position of States which have not enacted sales-tax laws. Again, I would like to impress upon hon. Members that this is only a legislation which seeks more or less the same powers as are sought by subjects in the Concurrent List. Where the legislative sphere of the Centre and the States are co-extensive, what is done is that a Bill passed by a State Legislature is reserved for the assent of the President merely to see that there is no overlapping in the jurisdiction, between the Centre and the States. Similarly, in this regard it does not mean that the Centre is likely to say i.e., my hon. colleague, the Finance Minister, is going to advise the President: 'Please refuse consent for this particular law'. It is merely to see if any tax imposed on a commodity is higher than the rate prevailing in the various States. Then very possibly my hon. friend will say: "Well, this affects exports, this affects food consumption, this affects certain industries; please do not raise it to this level but keep it at the same level as other provinces". The position of the States which have not imposed a sales-tax will be amply safeguarded. The Finance Minister will be bound to allow them to levy a sales-tax equivalent to and certainly not higher than the rate of tax that is prevalent in the adjoining States. That position is clear. My hon. friend was raising this question about States which had not levied sales-tax or which had not raised sales-tax to the same extent as prevailing in States like Bombay, U.P. or Madras. I have no doubt in my mind that no Finance Minister can possibly refute the assent of the President for any enactment where the rate of tax does not exceed the rate in adjoining areas. That is where uniformity comes in. Uniformity is not something which is

achieved by reduction of the rate of sales-tax in other provinces. It is a matter of internal autonomy. But it is achieved merely by seeing that it is not raised beyond the rates that are now obtaining—that is the intention of the Government. I am quite categorical on that point. There is nothing more intended than to see that the position is not in any way worsened rather than that the position is bettered.

The other point that my hon. friend, Mr. Sundaram, referred to was in connection with the Taxation Enquiry Committee.

Shri U. M. Trivedi: On a point of information, Sir. Can the hon. Minister say something about the provisions of articles 13 and 14 of the Constitution?

Mr. Speaker: I think we are going into a further question which is not relevant to the present discussion.

Shri T. T. Krishnamachari: Sir, that is what I wanted to convey. The other point raised by my hon. friend was regarding the Taxation Enquiry Committee. It is something totally different. Every time the Finance Minister makes his Budget speech or brings in legislation affecting taxation, this question is brought up, and my colleague has given an assurance that before long we shall have a Taxation Enquiry Committee. How are you going to implement the recommendations of the Taxation Enquiry Committee? It is a matter which we cannot prejudge at the moment.

Dr. Lanka Sundaram: In respect of this.

Shri T. T. Krishnamachari: If the Taxation Enquiry Committee says that there should be uniformity in regard to sales-tax—say it should be a particular percentage—it will involve an amendment of the Constitution, rather than a manipulation by means of the powers vested in the Government of India under article 286 (3). As I said, the powers are very limited. The powers cannot be exercised to the detriment of those States who are not levying sales-tax. It cannot be exercised to the detriment of those States which are levying a lower rate of tax. If all these points are conceded, well we must find other means of implementing the recommendations of the Taxation Enquiry Committee. Should we feel that we should do so, that perhaps might lead us to the question of an amendment of the Constitution, with the consent of the participating States, because their consent would be necessary for any amendment of the Constitution.

[Shri T. T. Krishnamachari]

That is a question which cannot be brought in in a fairly limited circumstance like this. What I would like to emphasise once again is this: the words 'after the commencement of this Act' are not vital because the law will operate only after the commencement of this Act. The liability on the part of the Governor of a State to reserve this Bill for consent of the President will only operate after the commencement of this Act, and no matter how you interpret it here, you cannot make this Bill retrospective. It is not the intention of the Government at all. If the courts hold a different view, that is a different matter altogether. At the moment that is the intention of the Government. Once again I emphasise, speaking on behalf of the Government, that it is not their intention to jeopardise the interests of those States who have not levied sales-tax or those who have levied nominal sales-tax in regard to commodities that are envisaged by this Bill. Surely the Finance Minister will give his due consideration to that and the question of uniformity is only uniformity at the stage to which we have reached. It is not a question of achieving uniformity by downgrading things. After all my hon. colleague, the Finance Minister, has told us that he is going to have a conference of Finance Ministers. The matter might be discussed by common agreement. They might say, "Well, on these commodities we should not levy more than one per cent. or one and a half per cent.", and by persuasion and agreement each State might introduce legislation. But that is done not by means of this Act but by means of persuasion. But, if they once downgrade their tax, well, then this Act will apply and they cannot upgrade it again. They cannot say, "Before the Act was passed we had two per cent.; after the Act was passed we voluntarily put it down to one per cent., now we want to put it up again to two per cent., with the consent of the President". No, they cannot do it; once they downgrade it they cannot put it up again. That is the position as I understand it and as I think generally the Government understands it.

Mr. Speaker: I should like to ask a question of the hon. Minister. I suppose he has explained the legal position and not what the policy of the Government is. To me it appears that, the interpretation of the relevant article of the Constitution is not at all doubtful and it makes no difference whether the words "after the commencement of this Act" are there

or are not there. In the other view, the interpretation is doubtful and perhaps if these words are dropped this piece of legislation will have a retrospective effect even in respect of laws that are at present existing. I think if the hon. Minister and his legal advisers are very clear on their interpretation, the whole dispute can be ended by dropping these words, "after the commencement of this Act".

The Minister of State for Finance (Shri Tyagi): It is not the intention to give it retrospective effect—let me make it clear. The point is that the States have levied taxes among which sales-taxes are of an important nature. The States are deriving quite substantial revenues through some of these items howsoever essential they may be. Sitting here at the Centre to pass an enactment which might upset their revenues and to dictate to them on their fiscal policy will rather amount to taking a leap in the dark. We know that the Taxation Enquiry Committee will start work soon and their report might be available soon. They will have the right of advising all the States to come to a uniform level of taxation. They will look into the incidence of taxation everywhere. But if by eliminating the words "after the commencement of this Act" there can be a possibility that the law can be interpreted to have a retrospective effect, then Government opposes the idea, because, we do not want to take that risk. As far as the achievement of uniformity is concerned, it is our intention to call a conference of the State Finance Ministers and by their agreement try to achieve the uniformity if it is possible. Because that can be done only when the Finance Ministers concerned and we are in a position to judge as to how much revenue each State will have to forego on account of this uniformity and what other avenues are open to them. They too have to examine the case. Therefore as I said it is our intention to invite this conference and to secure such a measure of uniformity as far as possible not only in respect of the goods included in this Schedule but also in respect of all commodities if it is possible to do so. That is our scheme, but the success of all such schemes always depends on doing these things with an amount of goodwill. If the States, on the other hand, were told that we are compelling them to agree to uniformity then it will only be open to litigation and we will not be able to achieve anything. Therefore, for the present the intention is not to give it a retrospective effect.

Shri M. A. Ayyangar (Tirupati): Sir, I want to say a few words. So far as removing this phrase is concerned, I am not in favour of that because if the phrase is kept there it will carry out the intention and indicate that the Act ought to have no retrospective effect. It largely depends upon the intention of the Government as has been placed before the House. Let the phraseology remain or not remain—we will come to it later—but the question now is: Is it our intention to give it a retrospective effect? The question of uniformity has been referred to again and again on the floor of the House. I believe that under this article of the Constitution no uniformity can be attained. After all it is limited only to essential goods and not the other goods; on other goods each State can impose any kind of sales-tax or multiple tax and there cannot be uniformity in that matter—so far as I am aware there is no provision in the Constitution giving a right to the Centre to impose a uniformity upon the States. But with respect to essential goods a kind of uniformity may be sought. It is not more in the interest of uniformity that this article has been included as to see that heavy burdens are not imposed on consumers by way of taxes on essential commodities like vegetables, cereals, etc. The intention is that they ought to be available to the consumer though to that extent the community may suffer; it is a question of balance of interest. The question was whether the interest of the consumer should prevail or the general interest of the State should prevail by way of getting taxes for the purpose of other ameliorative measures. As between these two considerations it was decided that essential commodities such as cereals, vegetables and such other things, even coarse cloth, medium cloth, handloom cloth, should not be taxed under normal circumstances. But if for any particular reason, for the purpose of raising taxes some tax is levied in some States, it must be open to the Centre to advise the President to see that such taxation is not burdensome, that in particular cases no taxes ought to be imposed at all, and with respect to others there ought to be uniformity.

Shri Kelappan (Ponnani): Cannot we leave it to the State.....

Mr. Speaker: Order, order. I do not wish to encourage these questions and cross-questions. It has got the effect of pro'onging the speeches. He can have an opportunity later if he likes.

Shri M. A. Ayyangar: This question of uniformity is only one of the side issues so far as this Bill is concerned. These are essential goods and the question is whether with respect to these goods any State should be allowed to impose any taxes and if so how low it ought to be. To see whether such taxation is burdensome or not is the main purpose for which this article has been enacted and power given to the President so that he may regulate it or restrict it. But so far as the majority of goods are concerned which do not come under the category of essential goods, they are still untouched, the President has no power in the matter and they cannot be reserved for the consideration of the President.

Now let us examine the need for this particular clause. Normally, as the hon. Commerce Minister has told us, no law is retrospective unless it is stated in the law, but there is an article in the Constitution which says in general terms that particular things have to be reserved for the Centre, and so far as essential goods are concerned the moment this Parliament declares a commodity as being one of the categories of essential goods immediately the question will arise as to whether the article of the Constitution will apply or not notwithstanding the general law that no law can be presumed to be retrospective. In view of the article that is in the Constitution, the question is whether, the moment a particular commodity is brought into the category of essential goods, that commodity will not come in the ambit of this article and give it retrospective effect even against the rules of ordinary law. Sir, it is a question of intention: Do we want to give it a retrospective effect or not? As the hon. Minister has said, it is not the intention of Government to upset the whole scheme of the States. It was not yesterday or day before yesterday that the Sales Tax Acts were passed in the States but they were enacted so early as 1941. In some States they were passed earlier, it was in 1937 that the Sales Tax Bill was introduced and passed in the Province of Madras. After the introduction of prohibition today it is the sales-tax that is contributing practically the bulk of the revenues of the Madras State. Thus it is not the intention and it ought not to be the intention or right of this Parliament to go and upset the whole taxation structure on which most States are standing today. From a practical point of view and from the point of view of principle, I would like that

[Shri M. A. Ayyangar]

this ought not to be given retrospective effect, but in order to avoid any chance of an interpretation by the Supreme Court or any other court that on account of this article it may have retrospective effect merely because it is included in this category, I would like that these words should continue in the Statute itself. Let us not waver, and leave it to the interpretation of the courts. Let us make up our minds whether we want to give it retrospective effect, in which case let this be removed. Otherwise, if no retrospective effect is to be given to this, we ought to retain those words and I would humbly request the Government not to yield on this matter.

Pandit Thakur Das Bhargava: May I, with your permission, put one question to the hon. Member who has just concluded in regard to article 286? If according to him this should have retrospective effect, then will the Supreme Court not be competent to hold that this legislation is infructuous?

Mr. Speaker: Order, order. Let us not go into this question. That is why, if the hon. Minister feels that, according to the advice tendered by his legal advisers this legislation cannot be retrospective. I suggested to him that we may consider the question of dropping those words "after the commencement of this Act": because if he is certain in regard to the interpretation the presence or absence of those words is not going to make any difference. If there is any doubt about it, I have nothing to say. I think that we should now proceed to the main question.

Dr. Lanka Sundaram: May I have your indulgence for raising a small point of some importance? Every year, the State Governments bring forward Finance Bills and sales-tax where it exists today is part of the Finance Bill. If this Bill becomes law and the States of Madras and Bombay continue to allow the sales-tax to figure in their annual Finance Bills, then will that not mean that they will have to reserve Finance Bills for the consideration of the President?

Mr. Speaker: Certainly, if they want to pass a Bill by way of amendment, it will be a new law and that position will obtain. It is very clear.

Shri T. T. Krishnamachari: May I point out that both in Madras and Bombay where sales-tax is levied—I am not familiar with other States—only the rates are varied at the time of the Finance Bill.

Mr. Speaker: His point is restricted to the annual Finance Bill.

Shri T. T. Krishnamachari: I think it does not come in the Finance Bill in Madras and there is a separate law. Only in Bombay it does come in as part of the Finance Bill.

Mr. Speaker: But even in other States, if there is any attempt to amend the legislation, that amendment will come within the purview of this Act.

Dr. Lanka Sundaram: Apart from amendment, the existing level of taxation is included in the Schedule to the Finance Bill, which is an annual Bill.

Mr. Speaker: It is the same thing, and much more so in the case of annual taxes. Whether it is annually in the Schedule of the Finance Bill or whether it is by way of an amendment of the Sales Tax Act in that particular State, it makes really no difference. It becomes a new legislation. On a proper interpretation of the matter, I feel that there is no doubt. After all, my interpretation may be taken for what it is worth. I do not know how far it will weigh with the courts, but it cannot be said that merely because you amend an old legislation therefore that legislation is now new. So far as that point is concerned, the position is clear.

Dr. Lanka Sundaram: What about continuation of the existing legislation?

Mr. Speaker: Order, order. I think it is not necessary to discuss the matter any further. Let us leave it to the courts to interpret it. If the hon. Minister is not sure of his ground, he may insist upon the retention of these words as the hon. Deputy-Speaker suggested. It is for him and the hon. Members to decide. Let us make up our minds as to whether this legislation is to have retrospective effect or not. That is the chief point.

Shri M. S. Gurupadaswamy (Mysore): I want to draw your attention to article 288.

Mr. Speaker: I do not think it is necessary to go into the legal aspect. The matter has been sufficiently discussed.

Shri M. S. Gurupadaswamy: It is a related article.

Mr. Speaker: I know, but article 286 has been referred to so many times and the matter has been fully dealt with.

Shri M. S. Gurupadaswamy: I will try to throw some new light on the interpretation.

Mr. Speaker: I do not think that the matter is so dark to hon. Members as he seems to think. They have had a proper appreciation of article 286 and we may leave it there.

Dr. Lanka Sundaram: Is the Finance Minister replying to the debate or has he concluded?

Mr. Speaker: He has concluded, but the debate continues.—Yes, Shri Gandhi.

[MR. DEPUTY-SPEAKER in the Chair.]

Shri V. B. Gandhi (Bombay City—North): Sir, when this Bill was first moved, very high hopes were raised in the minds of many in this House that at last here was being initiated a legislation to bring about some kind of uniformity in the sales-tax laws as they prevailed in the various States. It was as a result of these rather high hopes entertained by many that there was that very great enthusiasm to try and get included in the Schedule as many new categories of goods as possible, but now it is becoming very apparent that what many in this House thought was to be the result of this Bill is not going to be realised.

Let us first understand clearly that it appears to be the intention of the Government in sponsoring this Bill that the categories included in the Schedule attached to this Bill are categories which are not going to be exempted from sales-tax as some of us had hoped. The sales-taxes on these categories which are already in existence will be allowed to continue and what is more, other States which do not at present have any sales-taxes will be permitted to impose new sales-taxes but only after they have reserved their legislation for the consideration and consent of the President. Therefore, the much-talked-about uniformity and the high hopes about uniformity which we have been entertaining all reduce themselves to this that that uniformity will be that new sales-tax laws will not be permitted to impose taxes at a rate higher than the rate prevailing in other States which have had these sales-taxes. This is very clear from the speeches of the hon. Minister Shri Tyagi and the hon. Minister Shri Krishnamachari. This disposes of the fear of our friends like Shri Trivedi who was worried as to what would happen to the States which do not have sales-taxes. It is very clear that they are free to have sales-taxes and the idea of uniformity is now so modified or qualified that uniformity will be enforced only in respect of the rates of taxes. Now, if that is so, then where is the point in making

so much noise about the question of giving effect retrospectively to this Bill? After all, the taxes that are already in existence will continue. So, whether you say that it will have retrospective effect or you do not say so, those taxes are not going to be abolished. In the light of the explanation given by the two hon. Ministers, the *raison d'être* of the demand for giving retrospective effect to this new Bill disappears altogether.

About the intention of the framers of the Constitution in respect of article 286, there is one point which I would like to submit. It seems in some of the discussions that we have had in this House, we have been proceeding on the assumption that the framers of the Constitution were oblivious of the existence of the sales-taxes in the States when they framed clause (3) of article 286. I think it would not be right to assume that they were oblivious of the existence of sales-taxes in the States. Now if the framers of the Constitution had wanted that clause (3) should have retrospective effect or if they had any intention to deal in any particular way with the sales-taxes that existed in the States at that time they would certainly have made some kind of a provision, just as they have made a provision in clause (2). In clause (2) they have added a proviso to the effect that those sales-taxes which deal with inter-State commerce shall continue to have effect only until the 31st day of March, 1951. That is clear evidence of the fact that they did take notice of the sales-taxes that were being levied at the time and where they wanted that a clear provision should be made a proviso has been added. They could just as well have added a similar proviso to clause (3) if that was their intention.

Finally, I would say that our only hope for a real uniformity in sales-taxes rests in having Sales-Tax some day made a Central subject and I want to assure my hon. friend Dr. Lanka Sundaram that he has friends on this side also wishing to see some day as a result of the efforts of the Taxation Enquiry Committee uniformity being achieved. Therefore in this attenuated form I do not think this House ought to spend much of its ardour on consideration of this Bill. As it is it is neither going to achieve much good nor result in much harm.

Shri T. S. A. Chettiar (Tiruppur): I have nothing more to add to what has been clarified. I certainly agree with you, Sir, that there are already doubts thrown on the original article

[Shri T. S. A. Chettiar]

in the Constitution and it would not be good to leave this matter in doubt. So, the phrase "after the commencement of this Act" is absolutely essential, so that the States' finances may remain undisturbed.

Dr. Lanka Sundaram said something about the sales-tax in Madras. If I may correct him, it is nearly one-third of the total collection of sales-taxes in India—that is, nearly Rs. 15 crores comes from sales-tax in Madras.

Dr. Lanka Sundaram: I did not say one-third; I said 46 per cent. in my opening speech.

Shri T. S. A. Chettiar: The point is that we have to be practical men. Article 286 (3) enunciates a very good principle that essential goods should not be taxed. But while giving effect to the principle, it is also desirable for us to appreciate the conditions obtaining in the provinces and see that we do not upset the finances of the various provinces. A fear was entertained about this at the time of the framing of the Constitution. Very wisely on consultation with the various States and the Finance Ministers the Government of India have come to the conclusion that this must have effect only after the commencement of this Act.

One of my hon. friends referred to the Finance Bill in the States. May I point out to him that as far as the sales-tax is concerned, in Madras any change in it is not made in the Finance Bill, but by an amendment to the Sales-Tax Act. So, the question of Finance Bill does not arise. So any amendment to the Sales-Tax Act passed in the provinces after this Act will have to be reserved for the approval or consent of the President.

Mr. Deputy-Speaker: He wants to know whether in the annual Finance Bills the rates of sales-taxes are included.

Dr. Lanka Sundaram: My hon. friend Mr. Chettiar was an old Minister of Madras Government. What about the budgetary statement of yields of various taxes? Is the sales-tax not reckoned in the Budget statement?

Shri T. S. A. Chettiar: It does not recur every year.

Dr. Lanka Sundaram: How do you make up your statement of revenue and expenditure every year?

Mr. Deputy-Speaker: Even if it is taken into account, why should it be a part of the Finance Bill? As a matter of fact when the tariff rates

are changed, it is the Tariff Act that is amended.

Shri T. S. A. Chettiar: The sales-tax is not for one year; it is a permanent tax, unless it is changed.

There was one point raised by certain Members of the House, that inter-State trade will be affected. May I point out to them that clauses (1) and (2) of the same article amply make provision that any sales tax levied in any one State does not affect inter-State trade when things are exported to other States. So that fear need not be entertained. The time-limit has also been given beyond which sales-tax on inter-State trade cannot be levied, that is 31st day of March, 1951. Today no sales-tax can be levied on goods exported from one State to another. So no fear need be entertained on that score.

Now, Sir, I would like to say a few words about the Schedule, where I have not been able to understand certain items. In item 16 antibiotics and sulpha drugs have been added. They are very important. But equally important, I should think, are anti-malaria and anti-tuberculosis medicines.

Mr. Deputy-Speaker: The hon. Member may table an amendment to that effect.

Shri T. S. A. Chettiar: Before doing so, I would like to know whether they would accept it.

Malaria is a big scourge and tuberculosis is becoming one of the biggest scourges of India. I understood that one of the objections for their inclusion is that there are various anti-malaria medicines, Ayurvedic, etc. I would suggest that there are certain specifics with regard to anti-malaria; there are also certain specifics with regard to tuberculosis and it should not be difficult for Government to include them in the Schedule.

Secondly, I would refer to item 15. Item 15 is "books, exercise books and periodical journals". Surely books are very important and exercise books should go with them because they are necessary for education throughout the country.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): Printed textbooks should also be included.

Shri Tyagi: Books will include printed textbooks.

Shri T. S. A. Chettiar: May I say one word about periodical journals? There are journals and journals. In my State—I do not wish to mention

them—there are certain journals against which action has been taken so many times. Today certain journals are being published in our Indian languages which cater to the worst tastes and these will get the advantage of limited sales-tax. These in my opinion should be discouraged in every way. If they are also to be encouraged as an essential commodity and be declared in a Bill like this that they are essential for the well-being of the people of this country I think that is a gross misunderstanding of what was the intention of article 286 (3) as well as what we intend, and I would very earnestly request the Government to consider the matter. I have given an amendment to omit "periodical journals", or they can have it as "educational journals". But to give such a wide phraseology as in the Bill will encourage a kind of literature which it is not our intention to encourage—which it is not the intention of either the Government or, I believe of the House to encourage.

Mr. Deputy-Speaker: May I ask the hon. Member if it is open to Parliament to arbitrarily include any article under these 'essential articles'?

Shri T. S. A. Chettiar: Any article which this Parliament considers essential for the life of the community can be included.

Mr. Deputy-Speaker: Is it open to any State to call it in question and say "these are not essential, Parliament is wrong in doing so, and Parliament is thereby taking away from our jurisdiction"?

Shri T. S. A. Chettiar: There is no power for the State to question it. Under article 286 (3) "no law made by the Legislature of a State imposing, or authorising the imposition of, a tax on the sale or purchase of any such goods as have been declared by Parliament by law to be essential for the life of the community shall have effect.....".

Mr. Deputy-Speaker: I am afraid the hon. Member has not understood my question. Is it open to a State to call in question the propriety of including some articles as 'essential' in the opinion of Parliament when as a matter of fact, according to them, they are not essential and the jurisdiction of the State is being taken away?

Shri T. S. A. Chettiar: No State can call it in question.

Mr. Deputy-Speaker: It is not said expressly.

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Shri T. S. A. Chettiar: As far as this section is concerned, whatever is considered essential by Parliament.....

Mr. Deputy-Speaker: I am only referring to it for the purpose of telling hon. Members that merely because we have got the power we cannot include all and sundry articles unless they are essential. The main point ought to be whether a particular newspaper or a class of newspapers is essential for the life of the community—whether a distinction ought not to be made in this respect or whether it is absolute and because it is declared as essential by Parliament the State should not call it in question.

Shri K. P. Gounder (Erode): Such a thing would be a fraud on the use of the power. That would be *mala fide*.

Shri T. S. A. Chettiar: Whatever is considered as essential by Parliament, the State Government cannot call it in question whether that is essential or not.

There is one other matter which requires clarification. Agricultural machinery is added on to the Schedule, and very correctly because agricultural machinery is a very essential instrument of production in this country. But today in a large part of the country electric motors and pump-sets are being utilised as part of agricultural machinery. I hope it will be made clear that "fertilisers and manures, agricultural machinery and implements" will include such things as electric motors and pump-sets which are actually utilized for agricultural purposes. I hope the Government will make it clear that it is so. That is all that I have to say, Sir.

Shri Neswi (Dharwar South): On a point of information. May I know whether daily newspapers come under the category of 'periodical journals'?

Mr. Deputy-Speaker: The hon. Minister will take a note of all the questions and he may reply to them when he speaks in reply.

श्री सिंहासन सिंह (जिला गोरखपुर—
दक्षिण): उपाध्यक्ष महोदय, यह विधेयक जो
इस सदन के सामने है उस पर एक ही
दृष्टि से बातें हो रही हैं और वह सही दृष्टि
है। इस विधेयक को पास कर देने के बाद इस
का असर हमारे सारे प्रान्तों के उन विधायकों
पर क्या पड़गा जो अब तक मौजूद हैं। सेल्स
टेक्स (sales tax) लगाने का अधिकार

[श्री सिंहासन सिंह]

इस भारतीय विधान के अन्दर केवल प्रान्तों को है। सेल्स टैक्स लगाने का अधिकार इस केन्द्रीय सरकार को नहीं है, केन्द्रीय सरकार को केवल अखबार के कागज पर सेल्स टैक्स लगाने का अधिकार है। सातवें शेड्यूल की सेकेन्ड लिस्ट (second list) में जो कि प्रान्तों की लिस्ट है उस के ५४ वें भाग में इस प्रकार है कि :

“Taxes on the sale or purchase of goods other than newspapers.”

न्यूज पेपर पर सेल्स टैक्स लगाने का अधिकार केन्द्रीय सरकार को है और वह आइटम ९२ केन्द्रीय सूची में है :

“Taxes on the sale or purchase of newspapers and on advertisements published therein.”

तो चूंकि केवल प्रान्तों को ही अधिकार है, अन्य वस्तुओं पर टैक्स लगाने का, इसलिये प्रान्तों में आपस में विषमता हो सकती है। एक प्रान्त किसी वस्तु को एसेन्शियल (essential) समझ सकता है दूसरा उसे एसेन्शियल न समझे यह हो सकता है। हो सकता है कोई अधिक टैक्स लगावे कोई कम लगावे। इस विषमता को दूर करने के लिये हमारे संविधान में एक दफा रक्खी गई है और उस दफा में उस का जो कोष्ट है उस में लिखा हुआ है :

“Restrictions as to imposition of tax on the sale or purchase of goods.”

यानी सेल और पर्वेज आफ गुड्स (sale or purchase of goods) पर जो कानून बनेगा उस पर हमारी केन्द्रीय संसद् रेस्ट्रिक्शन (restriction) लगा सकती है, इस के लिये दफा २८६ दी हुई है और उसी के अन्दर आज हम इस विधेयक को लाये हैं, और इस विधेयक के लाने में

जो उस का कारण दिया गया है उसके अन्दर भी यही कारण दिया गया है कि चूंकि विषमता हो सकती है इसलिये उन विषमताओं को दूर करने के लिये इस विधेयक की आवश्यकता है।

अब दफा २८६ के अन्दर जो विधेयक बन रहा है उस के अन्दर यह शब्द आये हैं :

“After the commencement of this Act.”

वे अमुक अमुक चीजें जो शेड्यूल में दी गई हैं वह ऐसी आवश्यक वस्तुएँ मानी जायेंगी जिन पर बिना हमारे राष्ट्रपति की अनुमति के सेल्स टैक्स नहीं लग सकता। यानी आवश्यक वस्तुओं पर सेल्स टैक्स लगाने का अधिकार प्रान्तीय सरकारों को होने के बावजूद वह अधिकार सीमित हैं। उस पर सेल्स टैक्स नहीं लग सकता जब तक हमारे राष्ट्रपति की स्वीकृति उस के लिये नहीं मिल जाती। अब तक बहुत से विधेयक बन चुके हैं, उन के लिये राष्ट्रपति की स्वीकृति की आवश्यकता नहीं थी, आज इस विधेयक के जरिये हम चाहते हैं कि वह विषमता दूर हो और सब कानून एक प्रकार से लाये जायें। हमारे कामर्स के मिनिस्टर महोदय (Minister of Commerce) ने कहा कि हम वह विषमता इस तरीके से दूर करेंगे कि जिन प्रान्तों में कानून बन गये हैं अगर उन में कोई चीज ऐसी है जिस पर ज्यादा टैक्स हो, तो आइन्दा जो कानून बनेंगे उन में उन चीजों पर भी उतना ही टैक्स रखा जायेगा जिस में सब जगह समानता हो। यानी जो दृष्टिकोण आप की सरकार का है उस के अनुसार आवश्यक वस्तुओं पर भी टैक्स बढ़ाने का इरादा है कम करने का नहीं है।

दूसरा प्रांत समझता है कि यह आवश्यकिय वस्तु है। और उस को जीवन यापन के लिये जरूरी समझ कर उस पर टैक्स नहीं लगाता। लेकिन जैसा कि मेरे मित्र कृष्णमाचारी ने इस का मतलब लगाया उस को उतना ही कर लगाना पड़ेगा जैसा कि और प्रान्तों ने लगाया है। अब इस विधेयक के रहते हुए इस का असर क्या होगा। हमारे एक श्रेणी के प्रान्तों में से सब ने यह कानून बना रखा है। बी० श्रेणी के प्रान्तों में से भी मसूर, कोचीन और मध्य भारत ने यह कानून बना लिया है। अब बी० और सी० श्रेणी के छोटे छोटे प्रान्त रह गये हैं जिन्होंने सेल टैक्स का कानून नहीं बनाया है। दिल्ली ने भी सेल टैक्स का कानून बना लिया है। जिन प्रान्तों ने सेल्स टैक्स का कानून बना लिया है उन पर यह विधेयक जो हम पास करने जा रहे हैं कोई असर नहीं डाल सकता। हम चाहे वस्तुओं को आवश्यकिय करार भी दे दें तो भी उन प्रान्तों पर यह लागू नहीं होगा। नतीजा यह होगा कि भारत के चार बटे पांच हिस्से पर इस विधेयक का कोई असर नहीं होगा। तो हम इस सदन में जो विधेयक पास करें अगर उस का असर भारत के बड़े भाग पर न हो कर एक छोटे भाग पर ही होता हो तो उस के लिये हम लाखों रुपया क्यों खर्च करें। मेरे विचार से हम ऐसा विधेयक बनायें ताकि और प्रान्तों में जो विधेयक बने हुए हैं वे भी इस के अनुरूप हो जायें। अब इस के लिये एक राय जो कल हमारे मंत्री महोदय की तरफ से पढ़ कर सुनाई गई उस के अनुसार उन को कानूनी सलाहकारों ने यह बताया है कि इस दफा की रू से हम ऐसा कानून नहीं बना सकते जिस के जरिये उन कानूनों पर भी जो कि बन चुके हैं और प्रान्तों ने बना लिये हैं इस का असर पड़े इसी संविधान के अन्दर एक दफा है जो कि हमारे राष्ट्रपति को यह अधिकार

देती है कि वह ऐसे किसी कानून को कि किसी प्रान्त ने बना लिया हो लेकिन जो इस संविधान की किसी धारा के या किसी पैरा के विरुद्ध हो तो उस को संतुलित कर दें जिस से कि जो कानून बनें वह सब एक लाइन में आ जायें। इस सम्बन्ध में मैं संविधान की दफा ३७२ के क्लॉज २ को पढ़ देना चाहता हूँ।

Continuance in force of existing laws and their adaptation.

जो पुराने कानून हैं वह ला (Law) के रूप में कायम रहें और वह किसी तरह से नवीन ला के साथ मिला दिये जायें इस के लिये दफा ३७२ हम ने संविधान बना रखा है। संविधान की दफा ३७२ क्लॉज २ इस प्रकार है :

"372. (2) For the purpose of bringing the provisions of any law in force in the territory of India into accord with the provisions of this Constitution, the President may by order make such adaptations and modifications of such law, whether by way of repeal or amendment, as may be necessary or expedient, and provide that the law shall, as from such date as may be specified in the order, have effect subject to the adaptations and modifications so made, and any such adaptation or modification shall not be questioned in any court of law."

फिर आप इस का ऐक्सप्लेनेशन (explanation) देखें। ऐक्सप्लेनेशन नम्बर १ इस प्रकार है :

"Explanation 1.—The expression 'law in force' in this article shall include a law passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that it or parts of it may not be then in operation either at all or in particular areas."

यानी जो ला इन फोर्स (law in force) है उस को भी डिफाइन (define) किया है और यह पावर्स (powers) भी दी हैं कि अगर किसी प्रान्त की विधान सभा

[श्री सिंहासन सिंह]

ने इस संविधान के लागू होने के पहले कानून बना दिया हो तो उस कानून को भी संविधान के समानान्तर लाने के लिये राष्ट्र-पति को अधिकार है कि वह उस को अपने आर्डर से जिस तरह चाहें माडीफाई (modify) करके एक लाइन में ला सकते

। तो मेरा सुझाव यह है कि हम जो इस वक्त विधेयक लाये हैं अगर हम ने इस को पास कर दिया तो वह इस प्रकार का कानून होगा जिस का असर भारत के चार बड़े पांच भाग पर नहीं होगा, केवल एक बड़े पांच भाग में आवश्यकीय वस्तुओं पर वह लागू होगा। अगर हम कुछ और वस्तुओं को आवश्यकीय मान लेते हैं तो जो कानून बन चुके हैं उन को भी हम इस के अन्दर लावें। हम आज बहुत सी वस्तुओं को आवश्यकीय करार दे सकते हैं परन्तु सम्भव है कि दूसरे प्रान्त उन को आवश्यकीय वस्तु न मानते हों। जैसा आप ने कहा यह उन वस्तुओं पर लागू नहीं होगा जो कि आवश्यकीय नहीं हैं। मगर जो आवश्यकीय वस्तुयें करार दी जायेंगी, जैसा कि पार्लियामेंट को संविधान के अनुसार अधिकार है, उन पर अगर किसी प्रान्त में पहले से कानून बना है तो उन वस्तुओं पर यह लागू नहीं होगा। तो यदि ऐसे प्रान्तीय कानून को संविधान के समानान्तर बना दिया जाय तो यह विधान के विरुद्ध नहीं होगा। एक ही वस्तु पर इस भारत में दो तरह का कानून न लागू हो इसी लिये दफा २८६ सब क्लाज ३ इस संविधान में रखा गया है। तो मेरा सुझाव है कि अभी हम इस विधेयक को मुलतवी कर दें। यह जरूरी नहीं है कि जो विधेयक यहां लाया जाये वह पास हो ही जाय चाहे उस का असर कुछ हो या न हो। अगर कोई विधेयक लाना है तो इस प्रकार लाना चाहिये कि वह सारे देश के लिये लाभप्रद हो। मैं यह नहीं कहना

चाहता कि हम यहां जो विधेयक पास करते हैं और जिन पर लाखों रुपया खर्च करते हैं वह बेकार हैं। पर मैं यह कह सकता हूं कि उन में से कुछ ऐसे हैं कि जिन की कभी जरूरत नहीं पड़ेगी। अभी आप ने क्रिमिनल ला अमेंडमेंट ऐक्ट पास किया जिस के अनुसार घूस खोरी को बन्द करने के लिये दफा १६५ए बनाई है कि घूस देने वाला भी उतना ही अपराधी है जितना कि घूस लेने वाला। इस का परिणाम यह होगा कि घूस खोरी पकड़ी ही नहीं जायेगी क्योंकि घूस देने के बाद कोई आदमी यह कहने नहीं आयेगा कि मैं ने घूस दी है। क्योंकि अगर काम बन गया तो कौन आयेगा, और अगर काम नहीं बना तो वह पकड़ा जायेगा। कहा गया कि उसको ऐप्रूवर (approver) बना दिया जायेगा। अब ऐप्रूवर बनने के लिये कितनी दिक्कतें उठानी पड़ती हैं यह ऐप्रूवर ही जान सकता है। और ऐप्रूवर बनने पर भी जब तक मुकदमा चलेगा तब तक उस को जेल में रहना पड़ेगा। तो कौन सा ऐसा आदमी मिलेगा जो रुपया भी दे और जेल जाये और अपने हथकड़ी लगवाये और ऐप्रूवर बने। इस के अलावा आप ने एक दूसरा विधेयक भी पास किया। इस कानून को आप ने इसलिये पास किया कि गैर कानूनी असेम्बली के खिलाफ अब नेवी (Navy) और एअर फोर्स (Air force) को भी इस्तेमाल किया जा सकेगा। हम ने देखा कि ब्रिटिश हुकूमत के जमाने में भी यह कानून बना हुआ था कि ऐसे मौकों पर मिलिटरी को काम में लाया जा सकता था लेकिन हम ने देखा कि सिवा एक दो जगहों के, जैसे कि जलियां वाला बाग में, उस का इस्तेमाल कभी नहीं हुआ। अब हम ने इस में एक नई धारा लगा दी जिस का कि कभी इस्तेमाल नहीं होगा। इसलिये मैं इस सदन से और अपने मंत्री महोदय से

बड़े अदब से प्रार्थना करना चाहता हूं कि महज विधेयक के लिये विधेयक न लाया जाय। वह विधेयक लाया जाय जो कि पास होने के बाद हमारे देश के लिये कल्याणकारी हो। तो मैं कहता हूं कि आप इस पर गौर करें और अगर इस को रखना है तो इस को रिट्रास्पेक्टिव (retrospective) बनायें। इस के लिये जो मैं ने अमेंडमेंट (amendment) दिया है उस को अगर आप मंजूर कर लें तो यह रिट्रास्पेक्टिव हो जायेगा और सब स्थानों पर भी लागू हो जायेगा। ऐसा करने के लिये अगर इस बिल को कुछ समय के लिये मुलतवी कर दिया जाये तो कोई हर्ज नहीं होगा। मैं ने अपनी सही राय हाउस के सामने रख दी वैसे अगर वोट का वक्त आयेगा तो इस बिल के मुआफिक ही वोट देना होगा, चाहे यह बिल सही हो या गलत हो। लेकिन जो मेरी सही राय है वह मैं ने हाउस के सामने रख दी है। इसलिये मैं फिर कहना चाहता हूं कि यह जो आप इतना बड़ा विधेयक यहां पास कर रहे हैं इस का असर ए क्लास के ९ प्रान्तों पर नहीं पड़ेगा। बी क्लास की जो आठ स्टेट्स हैं उन में से तीन ने सेल्स ऐक्ट पास कर दिया है। उन पर यह लागू नहीं होगा। इस के अलावा आप ने इस में यह भी दिया है कि जिन प्रान्तों के संविधान लागू होने के बाद भी ऐसा कानून पास कर दिया है उन पर भी यह लागू नहीं होगा। दिल्ली ने पास कर दिया है तो सब ने पास कर दिया है सिर्फ रह गये हैं दो तीन स्टेट जैसे कुर्ग या कच्छ। तो सिर्फ इन छोटी स्टेट्स पर लागू करने के लिये इस बिल को यहां पास करना बेकार होगा। यह छोटी छोटी स्टेट्स हैं। रहा राजस्थान सो वहां के आदमी ज्यादातर बाहर रहते हैं। इसलिये मेरा सुझाव यह है कि गवर्नमेंट इस पर गौर करे और गौर करने

के बाद इस विधेयक को ऐसा रूप दे कि यह सारे भारत पर लागू हो जिस से सारे देश का लाभ हो।

Shri M. S. Gurupadaswamy: Sir, the trend of the debate.....

Mr. Deputy-Speaker: Hon. Members will be kindly brief. The principle of the Bill has been argued at length. The question of law has also been argued at length. No doubt some more articles may be cited. The matter has been debated at length.

Shri M. S. Gurupadaswamy: The recent trend of the debate seems to take a turn from the more important to the less important, from the more essential aspects of the Bill to the less essential aspects. The question is whether there should be a declaration of certain goods as essential. And, if it is the intention of the Government to declare certain goods as essential, whether there should be any tax at all, and if there should not be any tax, then the question should it be retrospective or not? That is the whole point.

I gather the intention of the Government is that the tax should not be retrospective. But, the provision of the Constitution is very clear and unambiguous. I wish to draw the attention of the hon. Minister to certain related provisions of the Constitution. I want him to see articles 288 (1) which is very clear. It says:

"Save in so far as the President may by order otherwise provide, no law of a State in force immediately before the commencement of this Constitution shall impose, or authorise the imposition of, a tax in respect of any water or electricity etc....."

There, the phrase, "no law of a State in force immediately before the commencement of this Constitution" is deliberately included. The intention here is not to make it retrospective, but to make it apply only to future cases, after the commencement of the law. If it is the intention of the authors of the Constitution not to make it retrospective, then, the same wording should have found a place in article 286 (3).

Shri Tyagi: In that case, it becomes retrospective till the time when the Constitution came into force.

Shri M. S. Gurupadaswamy: Yes; that is what I mean. The retros-

[Shri M. S. Gurupadaswamy]

pective aspect of this law should commence of course after the commencement of this Constitution. That is very clear. My only point is this. If the Government's intention is to apply this law only to future cases, then this phrase ought to have found a place in article 286 (3). That is not to be found. What we find there is this, "No law made by the Legislature of a State imposing, or authorising the imposition of, a tax....." Therefore, if it is the intention of the Constitution makers to make this law to apply after the commencement of the Act that is passed by Parliament, then, you should have found after the words 'No law' the word 'hereafter'. I am of opinion that the words 'No law made.....' should be interpreted.....

Mr. Deputy-Speaker: Is it not the other way? I thought the hon. Member was saying that because in article 288 (1) a particular provision is made, after the commencement of the Constitution, notwithstanding the provision in the earlier law, that provision will cease to be in operation. That is what I understood. Whenever the Constitution wanted to apply a particular law to modify a pre-existing law, it has stated so definitely. Here, it is not so stated. Therefore, it is not retrospective. That is what flows from the argument of the hon. Member. He seems to argue conversely.

Shri M. S. Gurupadaswamy: Sir, what I have understood from this provision is this. If it is the intention of the Government or the Constitution makers not to make this law retrospective, then, this phrase should have found a place. It is explicitly provided here.....

Mr. Deputy-Speaker: No, no. On the other hand, the hon. Member will read article 288 where it says:

"Save in so far as the President may by order otherwise provide, no law of a State in force immediately before the commencement of this Constitution....."

That is, unless he says that this shall not be retrospective, no law of a State in force shall impose or authorise the imposition. That is, in force already. And, if it is imposed, to that extent it is repugnant, in the case of water, electricity, etc. But for the words "no law in force" this will not be retrospective. The hon. Member says that because these words are not there, it is not retrospective. The argument is the other way.

Wherever the Constitution wanted to say that a particular law must be retrospective, it is said so. Wherever it did not want, it did not say so and left in general terms as in article 286. I am afraid the hon. Member is putting into article 288 a construction which is absolutely contrary to the intention of the framers. Possibly I may be wrong. I would like to be corrected.

Shri T. T. Krishnamachari: I may also explain, Sir, that the position here is this. It is a question of immunity of instrumentalities. Immunity is withdrawn only by Presidential action. It does not really apply to the other question at all.

Mr. Deputy-Speaker: Is it not in article 288?

Shri T. T. Krishnamachari: Article 288 (1) says that there should be absolute immunity of instrumentalities. But, that is saved by Presidential action. If the President says, well, immunity cannot be withdrawn in certain cases, then, it operates. Otherwise, there is no Presidential action and there is absolute immunity of instrumentalities.

Mr. Deputy-Speaker: The wording in article 288 is "no law in force immediately before the commencement of the Constitution"; that is what we are concerned with.

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Shri T. T. Krishnamachari: Your interpretation, Sir, is quite correct. There is express provision there. It says there is absolute immunity. If the immunity is to be saved, Presidential action is necessary. There is no such provision here. Your interpretation, so far as I understand, or at any rate, the intention of the framers of the Constitution is more in line with your interpretation rather than the interpretation of my hon. friend.

Shri M. S. Gurupadaswamy: My only point is this. There is the phrase "no law of a State in force immediately before the commencement of this Constitution"; According to the explanation, "law of a State in force" shall include a law of a State passed or made before the commencement of this Constitution and not previously repealed.

Mr. Deputy-Speaker: Exactly.

Shri M. S. Gurupadaswamy: That is in fact my whole doubt.

Mr. Deputy-Speaker: There are pre-existing laws today. There are a number of Sales-tax Acts in various States. The question is whether in the absence of any provision in article 286 that notwithstanding the existence of any previous law passed by any State imposing or authorising the imposition of a particular rate of tax, it shall be open to the President to modify or bring them into line, as is contained in article 288, it is open to apply this retrospectively. The hon. Member wants to use the wording for the purpose of proving that the absence of it enables it to be retrospective. As a matter of fact, it is the presence of it that makes it retrospective. The hon. Member will reconsider that position.

Shri T. T. Krishnamachari: May I again point out, Sir, that under the second part, Presidential refusal is necessary in order that article 286 (3) can operate. How can Presidential refusal come in in regard to Acts which have been passed and President's consent or refusal has not been obtained?

Shri M. S. Gurupadaswamy: If it is the intention of the Constitution not to make this law retrospective, then, the word "hereafter" should have been added before or after the word "made". When we do not find such a word explicitly expressing the intention of the Constitution makers, we are not in a position to say that this particular clause does not allow us and does not permit us not to make it retrospective. Rather it makes us say that this particular Act should be made retrospective. It is clear that it is the intention of the framers of the Constitution. And, I may draw the attention of the hon. Minister to article 287 also. There the intention is more clear. And also, Sir, I wish to draw the attention of the House to Part III, Chapter on Fundamental Rights, article 13 (1) and (2). There it is explicitly stated:

"(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void."

And then, clause (2) says:

"The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void."

And along with this, I want the hon. Minister to read article 14 as well.

Mr. Deputy-Speaker: What is the conclusion? He has referred to all these articles, but what is the point? Hon. Members need not read all the clauses. They might say that the conclusion to be arrived at from reading all these articles is this. Let us proceed to the point.

Shri M. S. Gurupadaswamy: The conclusion is that there should be equality before the law under article 14. The equality should be applied to all cases of law. Here, according to the intention of the Government, I gather that there should be uniformity of taxation, but it cannot be achieved if we accept the interpretation of the Government. Suppose in Mysore and in Madras the Governments have already taxed certain articles which are declared essential, but according to the intention of the Government, they may continue to tax, they need not amend their existing Acts.....

Dr. Lanka Sundaram: At any level.

Shri M. S. Gurupadaswamy: At any level, and only the other States where such taxes are not levied, may be prohibited from taxing such articles. There, it will jeopardise equality under law that is contemplated under article 14.

Mr. Deputy-Speaker: That is, article 14 is to be read to say that a sales tax imposed in any particular state must automatically be extended to other states also because even that will be discrimination.

Shri M. S. Gurupadaswamy: If you intend to interpret it in that way, Sir, I have nothing to say. But that is not the intention of the authors of the Constitution.

Mr. Deputy-Speaker: It is unnecessary to go into that, what I would say is that at this stage all those points of order and law can be raised without which we may not be able to go on, but about the further future interpretation as to what they are going to do, let the law take its own course.

Dr. Lanka Sundaram: Would that be a correct approach to the Bill in this case? We want to avoid future litigation.

Mr. Deputy-Speaker: It is impossible to avoid. We need not go into matters over which we have no jurisdiction, or where we have jurisdiction, leave it in quiet and give scope for litigation. It is not my intention. This has to be observed. This kind of discrimination.

[Mr. Deputy-Speaker]

between essential and non-essential goods, is there under the Constitution itself? Then, with respect to essential goods, they have to be reserved. As to what action the President is going to take, whether he is going to be rigorous with respect to particular States which have not yet evolved Sales Tax legislation, whether he is going to allow some higher rates in the interests of a State's revenues whether the other States which have already got other sources of revenue, will be allowed to increase their rates—these are all matters where there is room for discrimination and discretion. If we go further and say that we have to decide now what is going to be contemplated in the future with reference to particular articles of the fundamental rights, it is impossible to know what the President is going to do, and what can this House do?

Dr. Lanka Sundaram: My hon. friend's point was simply this. It is not what might be called extension of the incidence of sales tax prevailing in one State to other States in the country.

Mr. Deputy-Speaker: I am arguing on that analogy.

Dr. Lanka Sundaram: His point was equality in terms of tax incidence as between one constituent State and another.

Mr. Deputy-Speaker: It is only to lead to that argument, I said by way of analogy. It is not that I did not follow it. We need not go into all these points. If there is such discrimination, each State will take it up. As at present devised, Government seem to think that that should mitigate difficulties and try to bring up the States which have not imposed sales tax and are lagging behind in revenues to the level of some other States which have already imposed the sales tax, and they intend using some discrimination. Whether this discrimination is valid under the law or not is a matter for the future to decide.

Shri M. S. Gurupadaswamy: Apart from the legal aspects, Sir, I want to draw your attention to one or two other points. According to the purposes and objects of the Bill, it is the intention of the Government to exempt essential goods under the Bill from taxation or effect reduction. That is the main intention, and as far as possible, the intentions of the Government should be carried out.

Shri T. T. Krishnamachari: There is no exemption really.

Mr. Deputy-Speaker: There is really no exemption. With respect to a particular class of goods, say, vegetables or cereals, the President may advise that they should not be taxed, or that a lesser amount of tax should be levied. It is not purely exemption.

Shri M. S. Gurupadaswamy: I understand, Sir, that certain goods which are declared essential should not be unnecessarily taxed. That is the intention of the Government. And if there is a particular article that should be treated as essential, then, naturally, we expect, according to the Bill, that the President will automatically give his consent. And that particular article should not be taxed because it is so essential to the community.

Mr. Deputy-Speaker: Slightly varied taxes, absolute exemption—all these are contemplated.

Shri M. S. Gurupadaswamy: If you allow the States to continue the existing sales tax on certain articles which are declared essential here, then, can you still maintain that those articles are essential when they are taxed? What are essential goods, and what are not essential goods according to your definition? In my opinion, Sir, the difference should be that the essential goods to be called essential as far as possible, should not be unnecessarily taxed because they are so indispensable to the life of the Community. That must be the intention of the Bill.

Shri Dhulekar (Jhansi Distt.—South): It is not the purpose of this Bill.

Shri M. S. Gurupadaswamy: That is the whole purpose. If it is the sole intention of the Government to help the living of the people, if it is the intention of the Government not to harass the common man by too much taxation.....

Babu Ramnarayan Singh (Hazari-bagh West): Hear, hear.

Shri M. S. Gurupadaswamy: then, if you allow the sales tax to operate in certain States, to that extent, your definition of essential goods falls flat. Or suppose, a particular article, say, a newspaper is taxed in Mysore, and you cannot reduce the taxation or exempt it from sales tax, then it follows that so far as Mysore State is concerned, newspaper does not come under the category of essential goods, whereas, if it is exempted in Rajasthan or some other State where they have not yet imposed sales tax on a newspaper and which will not be imposed hereafter because of this Act.

then, newspaper will become an essential article to the Rajasthan people or, to some other people. So an article which is essential in one State becomes unessential in some other State. So, this anomaly is there. You cannot get out of this anomaly. If it is the intention of the Government to have uniformity of treatment, if it is the intention of the Government to declare certain articles as essential, it should be declared essential throughout the length and breadth of the country. We are independent. We are one united whole. You cannot apply one set of principles in one particular area, and another set of principles in another area. It is nothing but sabotaging the very spirit of the Constitution. The hon. the Minister has taken pains to refer the matter to the legal advisers in the Law Ministry. They have not advised him properly, because they have not as a matter of fact taken all aspects into consideration. So my frank submission to the hon. the Minister is this. If you want particular articles to be treated as essential, then those articles should get equal treatment in all the States, either in respect of taxation or anything else. I want a clear declaration from the Government as to whether they want to have a uniform policy, whether they want this principle to be applied in all the States, irrespective of any other consideration, financial or otherwise. The question is a simple one any way. Goods which are to be treated as essential should be treated so throughout the length and breadth of the country, and should not be subjected to any discriminatory and divergent taxation in any State. On this point, I oppose the Government. On the last occasion when I made my speech before the Bill was referred to the Select Committee, I supported the Bill presuming that this Bill would be retrospective.....

Mr. Deputy-Speaker: How can the hon. Member believe that it is to be retrospective when the words 'after the commencement of this Act.' occur in clause 3?

Pandit Thakurdas Bhargava: These words were there even at the time the Bill was introduced, before it was referred to the Select Committee.

Mr. Deputy-Speaker: So, how can the hon. Member presume that?

Shri M. S. Gurupadaswamy: I only want you to go into the speeches of all the hon. Members delivered on the last occasion. It will be seen from them that the presumption was that this is going to be retrospective.

Many Hon. Members: No, no.

Mr. Deputy-Speaker: The hon. Member has been disillusioned.

Shri M. S. Gurupadaswamy: They are all denying it now, Sir.

Shri T. N. Singh (Banaras Distt.—East): As a matter of fact certain hon. Members stated that they did not want the provincial sources of revenue to be touched. It is quite wrong to say that the hon. members presumed that the Bill is going to have retrospective effect.

Shri M. S. Gurupadaswamy: At least now it is not too late.

Mr. Deputy-Speaker: Why argue all that? Let the hon. Member say that he wants the Bill to have retrospective effect, and then say that this particular clause shall go out.

Shri M. S. Gurupadaswamy: That is all my intention.

Mr. Deputy-Speaker: Then I shall call upon other hon. Members.

Shri M. S. Gurupadaswamy: I shall just conclude by saying that this is a very important aspect which has to be considered by the hon. the Minister. If the Government still feels that it could not be made retrospective, then it is better to withdraw the Bill from the House.

Shri Barman (North Bengal—Reserved—Sch. Castes): I beg to move:

"That the question be now put."

Shri Dhulekar: Sir, I wanted to say a few words.....

Mr. Deputy-Speaker: When the closure motion has been moved, it is necessary that I first put that motion to the vote of the House.

The question is:

"That the question be now put."

The motion was adopted.

Mr. Deputy-Speaker: There has been sufficient discussion now. There is an amendment to clause 3 given notice of by Mr. Sinhasan Singh. When we come to the discussion of that clause, whichever hon. Member has not spoken on this point till now, may speak. But let them be brief.

Shri Raghavalah (Ongole): Will you kindly fix a time limit of five or ten minutes for each speaker, in order that those who want to speak on the Schedule may get chances to do so, and the full list of speakers may be exhausted?

Mr. Deputy-Speaker: When I come to this Schedule, I shall consider that matter. Now I shall call upon the hon. the Minister to reply.

Shri Tyagi: Sir, I do not want to inflict another speech on the House, but I want the House to be so pleased as to learn to pity the position of a Finance Minister. His is the most difficult position. He is also unpopular because he has to realise taxes from everybody, and taxes are always unpopular. Whenever any hon. Members want to speak, it is easier for them to come and plead the cause of the consumer or the taxpayer and create an atmosphere in their favour. But when I have to get up, and oppose them or just express my differences with them, it seems as if in the whole House I am the only villain. Such is the position of a Finance Minister.

I must say at the very outset that I agree with the sentiments expressed by my hon. friends on the other side and also on my right, cent per cent, that this sales tax must be uniform in the whole country. I have only just a few minutes ago announced the policy and intention of the Government. I want to repeat it again. It is my intention to call, as soon as it is convenient, a conference of all the Finance Ministers of the State Governments, to sit with them and try to convince them that the most patriotic policy in the interests of the consumers and the common man, and for the welfare of the people would be for all of us to agree to a uniform policy of sales tax, because this very variety of taxes, and the various types of load on various commodities are such that they obsess the trade. We have already decided in our Constitution that for the purpose of commerce and trade, India would be always one unit without any restrictions either of customs or of taxes terminal or otherwise. Therefore the intention of the law has been absolutely plain in this matter. But I want to point out to the House the difficulty in doing so. If I were to agree that retrospective effect should be given to this law, then it is very problematical. In the first place, even the learned hon. Members here, whose opinions I always value with respect, have already between themselves differed on this issue. Then the courts also can take a different view for instance, by saying that this Act is *ultra vires* or that Act is *intra vires*. All the taxes which a certain State Government has levied on various commodities which we now want to declare as essential goods, forthwith be declared as *ultra vires*, because of the passing of this Act, if it were to have retrospective effect. It is very difficult to imagine how it will affect the finances of that particular State. Sir, the State Governments are also democratic. They have also been elected

by the adult franchise, and so they also have a certain responsibility for the people of their States. And there is no reason to doubt that they are less patriotic than we are. In fact they are the people who directly deal with those persons who pay the taxes. If they are levying certain taxes, they are incurring the displeasure of their people who pay the taxes direct to them. We come in only indirectly, and we are slightly more distant from them than those State Governments are. But their needs might be such that they could not do without sales tax. They might well have committed themselves already to some programmes of public welfare or some development programmes. If there is a democratic State, and it chooses to have prohibition, then it is a democratic right on their part to have it. You cannot surely enforce your views on the representatives of the State. Whatever their programmes are, they stand committed to them, and they have gone sufficiently far enough towards the fulfilment of these commitments, and how far they are involved, one cannot know. Now it is very easy to upset their economy; sitting here in the Centre it is easy to pass a law being guided by high ideals, but then who is to complete or fulfil your ideals? You have to see to it that they are so aptly applied that they do not upset the very programme of improvement for which you are applying those ideals. So I submit, Sir, it will be very, risky to say: 'Give retrospective effect to this measure'. Firstly, it is problematical whether it will be *ultra vires* or *intra vires* of the Constitution. That is one thing. If retrospective effect is given, then we should also know what is the risk from the point of view of the interest of the State Governments to their finance. In these circumstances it is not possible for me to agree to the idea of giving retrospective effect to this Bill. Legal difficulties apart, I have already pointed out those difficulties yesterday and also my friend has clarified the position today.

I must again repeat that the Taxation Enquiry Committee is soon going to be appointed and it will be its business to look into the incidence of all taxes in the country. They would look into the incidence of sales tax as well and through that enquiry we may be able to come to some sort of settlement. It is open to the Taxation Enquiry Committee to recommend that the sales tax must be on a uniform basis in the whole country. When uniformity is achieved, then each State will know at what cost it is achieved. Some States may be faced with the problem of

giving up some revenues on some items. Well then they shall have to find that revenue from other avenues and so they must be given opportunity to substitute the avenue which you take away from them, so as to bring them the same amount of revenue to carry on their work, from some other source. They must have a right to have that chance. In addition to the Taxation Enquiry Committee's recommendations, there is going to be a Conference which I have suggested just now and which it is the intention of the Central Government to call as soon as it is convenient. We shall sit together there, to understand their difficulties and in their consultation alone we can have the best uniformity. Otherwise, uniformity will be a difficult task, for it will be open to all sorts of litigation. If the House wants to enforce uniformity—the State Governments have also got some rights of their own given to them by the Constitution, they have got their own list of authority. From the Centre without knowing how and where and how much would be the incidence of this enforcement on the finances of each State, it will be rather taking a leap in the dark altogether,

and I think, as the representative of the Finance Department in the Centre, it is my care to see that my colleagues, my counterparts in the State Governments, are not in the least inconvenienced. It seems to me there is no sympathy for the Finance Minister at all in this House or even for the Finance Ministers elsewhere. Well, I stand as the protector of their interests and it is my duty to safeguard their interests because they are not here. In these circumstances, I hope the House will agree and will trust the intentions of the Government to carry out the wishes of the House in establishing uniformity not only on those essential commodities alone, but as I have said and as I promised, we shall strive to achieve uniformity on all the commodities as regards sales tax so that sales tax may be uniform from end to end of the country. That is what we also desire. After this I hope my friend, Pandit Thakur Das and Dr. Lanka Sundaram and all the rest who are very keen for it will now see and give me way to get this Bill passed so on.

There are some objections raised about the States who have not yet been able to pass any enactment regarding the sales tax. I have already promised that those States will not suffer on that account. If they have not passed their Acts and if in the conference we succeed and these commodities which the House today is declaring as essential for the life of the community go free, then of course those States will also not be able to levy any tax on

them, but if there is unanimity in the conference and by agreement some small tax which they have been levying so far is decided to be continued further, then those States who have not yet had the benefit of this avenue of tax will surely be allowed to go that far, to the extent to which the neighbouring States have gone. And when their Bills come up, they will be scrutinised from this point of view, and full justice and uniform treatment will be given to those who have not yet come in the field. So there is no question of fear on that account and I hope that will be convincing to the Members.

There are other matters which, of course, are coming up in the amendments and I shall then deal with them. I would therefore beg leave of this House to move that the Bill be taken into consideration.

Mr. Deputy-Speaker: The question is:

"That the Bill to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2.—(Declaration of certain goods to be essential for the life of the community)

Mr. Deputy-Speaker: There is no amendment to clause 2. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Regulation on tax on sale or purchase of essential goods)

Mr. Deputy-Speaker: Does the hon. Member, Shri Sinhasan Singh, wish to move his amendment or shall I allow a general discussion on this clause?

Shri N. Somana (Coorg): The hon. Member is not present here.

Mr. Deputy-Speaker: So it is not moved. Mr. Jhunjhunwala. Hon. Members have heard so much and also the reply of the hon. Minister.

श्री ज़ुनज़ुनवाला (भागलपुर मध्य) :

I shall be very brief, Sir.

उप वाचस्पति जी, जब इस बिल को सरकार का सिलेक्ट कमेटी में भजने का इरादा

[श्री झुनझुनवाला]

शुरू में नहीं था उसी समय में ने यह अमेंडमेंट (amendment) दिया था कि "After the commencement of the Act" यह हिस्सा बिल में से निकाल दिया जाय। पर पीछे जब यह सिलेक्ट कमेटी में चला गया तो मेरे पास खबर आई कि यदि आप अमेंडमेंट देना चाहते हैं तो अभी आप न दें, सिलेक्ट कमेटी की रिपोर्ट जब आ जाय उस के बाद आप यह अमेंडमेंट दें। उस के बाद मैं ने देखा कि गवर्नमेंट इस बात पर अच्छी तरह विचार कर चुकी है और जो गवर्नमेंट करेगी सो होगा तो जो कुछ मुझे कहना होगा बिना अमेंडमेंट के ही कह दूंगा। आखिर में मामले को तै करना तो गवर्नमेंट के ही हाथ में है। इसलिये मैं ने अमेंडमेंट नहीं दिया। पर मैं इस के विषय पर बोलना चाहता हूँ।

Shri N. Somana: On a point of order, Sir. May I know on what amendment my hon. friend is speaking?

Shri Jhunjhunwala: You should have heard before.

Mr. Deputy-Speaker: The hon. Member is speaking on the clause itself.

श्री झुनझुनवाला : मैं कह रहा था कि इस विषय पर मुझे कुछ कहना है। उपवाचस्पति जी, आप ने अपने व्याख्यान में इस बात को बहुत ही साफ़ कर दिया है और मैं आप की बातों से पूरी तरह से सहमत हूँ। आप ने यह कहा है कि इस में यूनीफारमिटी (uniformity) का इतना सवाल नहीं है। बेसी सवाल इस में यह है कि कौन कौन सी ऐसी मुख्य वस्तुयें हैं जिन की सब साधारण लोगों के लिये अति आवश्यकता है। यह मुख्य सवाल है। इसी के लिये यह धारा २८६ सब क्लाज ३ कांस्टीट्यूशन में आया है। मैं आप के व्याख्यान से यह समझा कि यूनीफारमिटी का सवाल इतना नहीं है

क्योंकि यदि यूनीफारमिटी का सवाल होता तो बहुत सी स्टेट्स में बहुत सी चीजों के ऊपर टैक्स (tax) लगाये जाते हैं और बहुत सी स्टेट्स में उन्हीं चीजों के ऊपर टैक्स नहीं लगाये जाते हैं, इस पर कहीं भी किसी तरह से भी आपत्ति नहीं आती। मेरा कहना यही था कि गरीब जनता जो है उस के लिये उन पदार्थों को खरीदने में दिक्कत न हो जिनकी उन के प्राणों के लिये आवश्यकता है। उपवाचस्पति जी, मैं आप की ही स्टेट का उदाहरण देता हूँ। मेरे पास एक बड़ा भारी रिप्रेजेंटेशन (representation) आया था, मैं उस की कापी नहीं लाया हूँ। उस में कहा गया है कि वहां पर केले के ऊपर तीन जगह टैक्स लगता है। उस चीज पर तीन जगह टैक्स लगाया जाता है। उस में उन्होंने यह लिखा था कि यदि यह टैक्स न लगाये जायें तो हम एक आने में तीन केले दे सकते हैं और दो आने में एक आदमी अपना पेट भर सकता है। हमारे प्राइम मिनिस्टर साहब और दूसरे लोगों ने भी यह कहा है कि जहां सीरियल (cereal) खाने के लिये नहीं मिलते हैं, तो वहां पर लोगों को सबस्टीट्यूट फूड (substitute food) खाने की आदत डालनी चाहिये। लेकिन अगर आप उस को इतना मंहगा कर देंगे और कोई स्टेट उस को अपने यहां मंहगा कर देती है तो लोग उस को खाने में भी असमर्थ हो जायेंगे और बड़ी दिक्कत होगी। इस क़ानून का उद्देश्य ही यह है कि जहां तक हो सके सर्वसाधारण की आवश्यक चीजों पर कर न लगाया जाय। आप ने यह भी कहा कि यदि इस चीज को रिट्रोस्पेक्टिव एफ़ेक्ट (retrospective effect) दे दिया जाये तो बैसी हालत में हमारी जितनी स्टेट्स हैं जिन का काम इन सेल्स टैक्स (sales tax) के ऊपर निर्भर है और सेल्स टैक्स की आमदनी से जिन का

काम चल रहा है, उन के फाइनेंस (finances) एकदम से गड़बड़ा जायेंगे और वह बड़ी मुश्किल में पड़ जायेंगी। मैं आप की इस बात से भी पूर्णरूप से सहमत हूँ। अब सवाल यह आता है कि एक जगह तो एक स्टेट को अधिकार था सेल्स टैक्स लगाने के लिये तो उन्होंने उस को लगा लिया, और इस तरह उस स्टेट ने तो अपने फाइनेंस को ठीक कर लिया, लेकिन एक दूसरी स्टेट के लिये क्या उपाय हो, यह हमारे फाइनेंस के स्टेट मंत्री ने कुछ भी नहीं बताया। अभी उन्होंने केवल यही कहा है कि इस पर विचार किया जायगा और सब स्टेट्स वालों की एक कान्फ्रेंस की जायेगी और इस कान्फ्रेंस में यह बात सोची जायेगी कि सब स्टेट्स को किस तरीके से अधिकार मिले। परन्तु मेरी समझ में यह नहीं आया कि जो लोग टैक्स लगा चुके हैं और जो लोग टैक्स नहीं लगाये हुए हैं, वह दोनों आदमी बैठ कर आपस में किस तरीके से एकमत होंगे। यह तो ऐसी हालत में हो सकता है जैसे हमारे भाई लंका सुन्दरम ने कहा कि यह चीज ऐसी है कि अगर इस को सेंटर (centre) अपने हाथ में ले ले, तभी यह चीज ठीक हो सकती है। आप ने यह भय प्रकट किया कि यदि आज हम-इस को रिट्रोस्पेक्टिव एफेक्ट देते हैं तो उन लोगों की दिक्कत बहुत बढ़ जायेगी। मेरा यह कहना है कि उन की दिक्कत नहीं बढ़ेगी। जैसा हमारा क्लॉज (clause) है, यदि आज हमारे कामर्स मिनिस्टर (Minister of Commerce) साहब जो कि कांस्टीट्यूशन बनाने में बहुत ही दिलचस्पी लेते थे, और बहुत योग्यता से उस काम में अपना भाग लिया और हांलांकि वह कहते हैं कि वह कानून नहीं जानते, तो भी कानून के अमल पर वह अच्छी ही राय देते थे, उन्होंने इस बात के ऊपर हम लोगों को समझाया है, पर जितना भी अभी

सुनाया गया, उस से यह तय नहीं हो पाता कि यदि "आफ्टर दी कमेंसमेंट आफ दिस एक्ट" ये शब्द इस में से उठा दिये जायें तो यह कानून रिट्रोस्पेक्टिव होगा या नहीं होगा। इस के ऊपर अभी पूर्णरूप से मतभेद है। गवर्नमेंट ने अपना इरादा साफ बतला दिया है कि हमारा इरादा रिट्रोस्पेक्टिव इस को करने का है और इस तरह से उन्होंने अपनी राय इस के ऊपर बना कर हम लोगों के सामने रख दी है कि इस का इरादा इस को रिट्रोस्पेक्टिव बनाने का है ही, चाहे यह शब्द रखें या न रखें। मैं ने कानूनी राय ली है और मुझे यह बतलाया गया कि यह रिट्रोस्पेक्टिव ही होगा। यदि ऐसा हो तो जैसा कि हमारे स्पीकर साहब ने कहा यह शब्द आप उठा लीजिये अब उठाने में यह दिक्कत आ सकती है कि इस के सम्बन्ध में दो रायें हैं। हम लोग लिटीगेशन (litigation) नहीं चाहते कि वह हो, परन्तु जो मुख्य चीज है खाने की उन पर सेल टैक्स लगा दी गई है। उसको उठाने का क्या उपाय किया जाय कुछ समझ में नहीं आता है। हमारे उपाध्यक्ष महोदय ने कहा कि हमें भय है कि यदि हम इस को रिट्रोस्पेक्टिव एफेक्ट दे दें तो उन स्टेट्स का समूचा फाइनेंस गड़बड़ा जायगा। इसलिये मेरा यह कहना है कि जैसा कि उस में सैक्शन २८१ में लिखा है :

"No law made by the Legislature of a State imposing, or authorising the imposition of, a tax on the sale or purchase of any such goods as have been declared by Parliament by law to be essential for the life of the community shall have effect unless it has been reserved for the consideration of the President and has received his assent."

मेरा यहां पर यह कहना है कि आखिर जो पहले का ला (law) बना हो और जो आप अभी ला बनावें और जिन चीजों

[श्री भुनमुने बाला]

की फ्रेहरिस्त हम ने इस एक्ट में लगा दी है उन चीजों पर पहले का टैक्स ही लगायें, या अभी और टैक्स लगावें दोनों में ही आप को प्रेसीडेंट (President) की मंजूरी लेनी होगी। हमारे प्रेसीडेंट तो एक बहुत रिस्पॉसिबल (responsible) आजमी हैं और सारे देश के हेड (head) हैं, और यदि वह यह देखेंगे कि अगर बम्बई बंगाल या मद्रास स्टेट्स में जो टैक्सेज लगे हुए हैं, उन टैक्सेज को अगर हम गड़बड़ाते हैं तो उन की हालत बहुत बुरी हो जायेगी, तो ऐसी हालत में आप यह कैसे पहले से सोच लेते हैं कि वह उस पर अपनी एसेंट (assent) नहीं देंगे, वह तो जब मुनासिब समझेंगे तब ही अपनी एसेंट देंगे। अब जो नया ला बनने वाला है उस पर भी अगर प्रेसीडेंट मुनासिब समझेंगे तो अपनी मंजूरी देंगे। हम यदि किसी भी तरह से यह इंटरप्रेटेशन (interpretation) कर के यहां पर यह कह दें कि इस कानून को रिट्रोस्पेक्टिव एफेक्ट होगा, तो उस का असर यह होने वाला है कि सब स्टेट्स एक जगह आ कर ठहर जायेंगी और उन में एक समानता आ जायेगी और सब स्टेट्स की पोलीशन एक सी हो जायेगी और सब एक जगह में रह कर काम कर सकेंगे और इस तरह सब में मेल हो जायेगा और आप का जो उद्देश्य है और मकसद है वह जल्दी से जल्दी पूरा हो सकेगा। गवर्नमेंट तो वर्षों से इस बात को कह रही है कि हम इस सेल्स एक्ट के बारे में कुछ न कुछ करना चाहते हैं, उस को सेन्ट्रलाइज (centralize) करना चाहते हैं और उस में जो दिक्कतें हैं उन को दूर करना चाहते हैं। बहुत सी स्टेट्स ऐसी चीजों पर टैक्स लगाती हैं जिन पर नहीं लगाना चाहिये, हम इस को ठीक करना चाहते हैं, परन्तु हमारे चाहने पर भी हम इस को अभी तक

ठीक नहीं कर पाये हैं, अतएव मेरी गवर्नमेंट से और सब सज्जनों से प्रार्थना है कि वह लोग इन शब्दों को उठाने के लिये वोट करें और गवर्नमेंट भी इस को मान ले कि यह शब्द यहां पर न रहें।

बाबू रामनारायण सिंह : मैं इस धारा तीन (३) का घोर विरोध करता हूं। और यह कहता हूं कि इस लोक सभा को कोई अधिकार नहीं है कि इस विधेयक को पास करे। हमारे संविधान में जो धारा २८६ है उस के मुताबिक इस लोक सभा को अधिकार है कि वह इस की घोषणा कर दे कि कौन कौन से पदार्थ आवश्यक पदार्थ हैं। उस को एकमात्र इतना ही अधिकार है, और अधिक नहीं। इस अधिकार से इधर उधर जाना घोर अन्याय है। उपाध्यक्ष महोदय, जिस वक्त संविधान बन रहा था आप लोग भी थे, हम लोग भी थे, वहां पर इतनी बातें लोगों के दिमाग में नहीं थीं कि सेल्स टैक्स (Sales tax) वहां जारी है और वहां नहीं जारी है। इन को कठिनाई होगी, उन को नहीं होगी, यह सब उन के दिमाग के अन्दर नहीं था। हम लोगों के दिमाग में चीज यह थी कि देश के लिये सच्ची बात और भली बात क्या है, और वह यह थी कि कुछ ऐसे पदार्थ होने चाहिये जिन के बारे में लोक सभा घोषणा कर दे कि उन पदार्थों पर टैक्स न लगे। सीधी सी बात इतनी है। इसलिये मैं तो विरोध करता हूं और कहता हूं कि इस लोक सभा को कोई अधिकार नहीं है। और इस सरकार का तो क्या कहना है। सरकार तो सब काम गड़बड़ करती ही है। सरकार खुद भी डूबेगी और हमारी लोक सभा को भी डूबायेगी। अपने भी बुरा काम करती है और हम से भी कराती है।

उपाध्यक्ष महोदय : आप उन के साथ में बैठें हैं आप भी तो डूब सकते हैं ।

बाबू रामनारायण सिंह : लेकिन मैं बच जाऊंगा । उपाध्यक्ष महोदय, यह विचारने की बात है आप ने भी इसी तरह से कहा था कि अगर " आफ्टर दि कमेन्समेंट आफ़ दिस ऐक्ट " यह नहीं रहता है तो कई राज्यों की जो आर्थिक तस्वीर है वह गड़बड़ा जायेगी । मैं आप से कहता हूँ कि यदि आज हम लोगों को जो अधिकार है और हम लोगों के लिये जो करना मुनासिब है वह करेंगे तो सारे देश में जो ३५ करोड़ लोग हैं वह हम लोगों से प्रसन्न होंगे । लोग कहेंगे कि हां, हमारे प्रतिनिधि सच्चे थे, और उन लोगों ने ठीक काम किया है कि जिन जिन पदार्थों पर टैक्स नहीं लगना चाहिये उन को उन लोगों ने बरी कर दिया । तो सारा देश हमारा प्रसन्न हो जायेगा । मैं आप से कहता हूँ कि टैक्स लगाने में या नियम बनाने में हमेशा हम लोगों को यह सोचना चाहिये कि हमारी लोक सभा क्या है और समाज सरकार के लिये है या सरकार समाज के लिये ।

कुछ माननीय सदस्य : दोनों एक दूसरे के लिये हैं ।

बाबू रामनारायण सिंह : नहीं साहब जो दोनों कहते हैं गलत कहते हैं । जान लीजिये कि सरकार प्रत्येक व्यक्ति के लिये है और समाज के लिये है । समाज सरकार के लिये नहीं है, सरकार तो हम रोज बनायेंगे रोज बिगाड़ेंगे । एक सरकार से काम नहीं चलेगा तो दूसरी बनायेंगे, लेकिन समाज तो ज्यों का त्यों रहेगा । इस वास्ते यह सोचने की बात है और इस में ईमानदारी की बात है और हम लोगों को जो यहां प्रतिनिधि हो कर आये हैं यह जानना चाहिये कि हम को लोक हित का ध्यान हर बात में करना

चाहिये यह नहीं कि सरकार को कहां कठिनाई होगी ।

मैं तो कहता हूँ कि आज जो इतना रुपया हमारे भाईयों के हाथ में जात है उस का क्या होता है । हमारे त्यागी जी ने बहुत नम्र शब्दों में कहा, ऐसे शब्दों में कहा कि जिस से मालूम होता था कि वह कुसूर कर रहे हैं लेकिन उन को अपनी कठिनाई भी होगी, लेकिन उन का खयाल अनुचित था । वह प्रार्थना करते हैं कि किसी तरह से इस को पास कर दो, फिर देखा जायगा । फिर क्या देखा जायेगा ? त्यागीजी महोदय, मैं कहना चाहता हूँ कि जब कभी लोक सभा में कोई बात पेश होती है तो हम लोगों को यह भी ध्यान रखना चाहिये कि कहीं गड़बड़ होती है तो उसे दुरुस्त कर दें कहीं ज्यादा मुकदमे होते हैं तो उन को कानून के द्वारा कम करें, या खत्म करें, यह नहीं कि बढ़ा दें । जहां तक मुझे मालूम है कि यह सुप्रीम कोर्ट में आयेगा और वहां अल्ट्रावायर्स (ultra vires) डिक्लेअर (declare) होगा, और हम लोग जितने ३५ करोड़ भारतवासियों के प्रतिनिधि हैं सब का मुंह काला होगा । हम में अक्ल नहीं है कि हम कानून बना सकें ।

कुछ माननीय सदस्य : कम कड़े शब्द नहीं कह सकते ?

बाबू रामनारायण सिंह : मुझे कुछ नर्म होना चाहिये इस में कोई शक नहीं, और मैं आप लोगों से इस बारे में सहमत हूँ, और मैं कह देना चाहता हूँ कि यदि मेरे मुंह से कोई कड़े शब्द निकलते हैं तो उस के लिये मैं शर्मिन्दा होता हूँ, पर इस तरह के अनर्थ को देख कर हृदय में आग लगती है । जले हुए हृदय से मधुर शब्द निकलना मुश्किल बात है ।

[बाबू रामनारायण सिंह]

उपाध्यक्ष महोदय, एक और बात है और वह यह कि जिस तरह से हम लोग यहां कोई नियम बनाने लगते हैं खास कर रुपये पैसे के बारे में, मैंने पहले भी कहा था कि हमारी सरकार जो है और हमारे त्यागी जी जो हैं वे हर राज्य के फ़ाइनेंस डिपार्टमेंट (Finance Department) के लोगों का समर्थन करते हैं जनता के जो पैसे इन के हाथ आते हैं उस पैसे को जनता के हित में खर्च करना चाहिये और इसी विचार से जहां जरूरत हो वहीं खर्च करना चाहिये।

*** लेकिन, उपाध्यक्ष महोदय, मुझे दुःख है कि आप भी कभी कभी बहुत मुलायम हो जाते हैं। आप को इतना मुलायम होना नहीं चाहिये। शास्त्र का वचन है :

“ हित मनोहारि च दुर्लभं वचः ”

हित की बात मीठी हो, यह बड़ा कठिन है।

उपाध्यक्ष महोदय : इतनी खट्टी नहीं होनी चाहिये।

बाबू रामनारायण सिंह : एक बार एक भाई मुझ से कहते थे कि अरे भाई तुम तो हमेशा ज़हर ही उगला करते हो। मैंने कहा था और आज फिर कहता हूं भाई त्यागीजी को, उन के सारे समाज को, कि इतने बड़े देश का शासन करना खेल नहीं है। उन लोगों का हृदय इतना विशाल होना चाहिये कि जो बात कही जाय वह सुनें और मेरे ऐसे आदमी के कड़े शब्दों में भी आशीर्वाद देखने की ताकत पैदा करें और कोशिश करेंगे तो मेरे शब्दों में उन को आशीर्वाद ही मिलेगा। और उस में कोई बुरा शब्द भी नहीं है। लेकिन शब्द के बारे में मधुर हों, यह तो मैं चाहता हूं, जैसा मैंने पहले कहा। किन्तु जैसी परिस्थिति है उस में उपाध्यक्ष महोदय, मधुर होना बड़ा मुश्किल हो जाता है।

खैर, तो मैं कह रहा था कि यह लोग जितने हमारे देश के पैसे रखते हैं उस के ये धातीदार हैं। यह तो मैंने पहले भी कहा था और आज फिर कहता हूं और मेरी नसों नसों में यह बात घुस गयी है और मैं समझता हूं, ईमानदारी के साथ समझता हूं, कि हमारे जितने पैसे हैं उन सब को ये बरबाद करते हैं, कोई काम ठीक नहीं करते।

Mr. Deputy-Speaker: Why should not the hon. Member come to the Bill under discussion. These are all general observations.

बाबू रामनारायण सिंह : सभापति महोदय वही मैं कह रहा हूं कि जिन लोगों के बारे में आप ने कहा है कि आर्थिक तस्वीर गड़बड़ा जायेगी राज्यों की। उन्हीं के बारे में मैं कहता हूं कि पैसे तो जितने भी उन के पास जाते हैं उन से यह भला काम करते नहीं। गड़बड़ ही करते हैं। तो कम पैसा मिलेगा तो कम गड़बड़ होगी। जो पैसा इनको मिलता है उस का सद्व्यवहार हो यह तो मैं चाहूंगा और वह भी चाहेंगे। लेकिन चाहे प्रादेशिक राज्य हों, चाहे जो राज्य हों, इन लोगों को कम पैसा मिलेगा, उपाध्यक्ष महोदय, तो इन लोगों को धर्म होगा, यह लोग गड़बड़ ज्यादा नहीं करेंगे।

Mr. Deputy-Speaker: I am sorry to say that all this is irrelevant. What is the good of saying the less the Finance Minister gets, more economy will there be. It is irrelevant to this Bill.

बाबू रामनारायण सिंह : उपाध्यक्ष महोदय, जब आप ही बोल रहे थे तो आप ने कहा था कि ऐसा प्रावधान (provision) आफ्टर दी कमंसमेंट आफ़ दी एक्ट (after the commencement of the Act) रहना चाहिये ताकि यह क़ानून जिस दिन से पास होगा

उस के पहले से लागू न हो। यदि ऐसा नहीं होता है, तब क्या होगा? कई राज्यों की आर्थिक तस्वीर गड़बड़ा जायगी। आप ने कहा था और उसी के ऊपर मैं कहता हूँ कि आर्थिक तस्वीर गड़बड़ नहीं होगी, सुधरेगी। वह जो गड़बड़ करते हैं वह नहीं करेंगे और काम ठीक होगा।

खैर, और अधिक बात न कहकर मैं खत्म करता हूँ और मैं सबों से कहता हूँ कि मैं देश के हित की बात करता हूँ, जनता के हित की बात करता हूँ, किसी सरकार के भले बुरे की बात नहीं करता हूँ। सरकार तो गड़बड़ रहती ही है। खैर, मैं तो उन को आशीर्वाद देता हूँ कि उन को बुद्धि हो और वह गड़बड़ न करें।

यह कह कर मैं इस धारा का विरोध करता हूँ और उम्मीद करता हूँ कि यह धारा अल्ट्रा वायर्स तो डिक्लेयर होगी ही और हम लोग अपमानित होंगे कि ३५ करोड़ भारतवासियों के जो प्रतिनिधि हैं उन को नियमकानून बनाने की अक्ल नहीं है।

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श्री धुलेकर : श्रीमान् उपाध्यक्ष महोदय, मैं ने इस बिल को पढ़ा और जब मैं ने इस को दो हिस्सों में पाया कि इस में "एसेंशियल गुड्स डिक्लेरेशन एंड रेग्यूलेशन आफ़ टैक्स आन सेल आर परचेज" [Essential goods (Declaration and Regulation of tax on sale or purchase)] तो मैं यह समझता था कि डिक्लेरेशन (Declaration) के साथ तो जो वस्तुएं कि आवश्यक हैं उन की फ़ेहरिस्त बना दी जायगी और जब रेग्यूलेशन (Regulation) किया जायेगा तो उस का अर्थ यह निकलेगा कि जो आवश्यक वस्तुएं एंड रीजन्स (Objects and Reasons) में दिया है :

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"The Bill may help to achieve a certain measure of uniformity in the taxes, and also prevent essential goods being unduly taxed."

मैं यह समझता था कि तीसरी धारा के सम्बन्ध में जरूर कुछ बातें इस में ऐसी रखी जावेंगी कि जब हमारे सदन के जितने सदस्य थे उन्होंने जो इस बात पर जोर दिया था कि एक तो बात यह रखी जाये कि एसेंशियल गुड्स (Essential goods) पर जो टैक्स लगाया जाय वह सारे भारतवर्ष भर में यूनीफ़ॉर्म (Uniform) हो, एकसा हो, और दूसरी बात यह हो कि जो आवश्यक वस्तुएं हैं उन पर बेजा भार न पड़े, तो इसलिये मैं यह समझता था कि डिक्लेरेशन के साथ तो शिड्यूल बनाया जायगा और रेग्यूलेशन के साथ कोई ऐसी शर्तें तीसरी धारा में कुछ दो चार शब्द इस प्रकार के रखे जायेंगे कि जिस से जो प्रादेशिक विधान सभाएं हैं उन को यहां से एक प्रकार का कुछ थोड़ा सा डाइरेक्शन (direction) हो, सुझाव इस बात का मिल जाये कि उन को यह चाहिये कि भारतवर्ष में जो सारे प्रदेश हैं जिस तरह का टैक्स लग रहा है उस से ऊपर या अधिक न लगाया जाय, और दूसरे जहां तक हो सके वहां तक इस बात की कोशिश हो कि वह टैक्सेज एक से हों। अब आप इस बात को देखें कि जिस समय कि कोई नया टैक्स कहीं पर लगाया जायगा तो यह कहा गया है कि प्रेसीडेंट के लिये वह रिज़र्व (Reserve) किया जायगा। मैं कहता हूँ कि यह ठीक है कि प्रेसीडेंट के पास वह भेजा जायगा। तो क्या कहने का मतलब यह है कि हमारा सदन तो ऐक्ट पास करे और प्रेसीडेंट के ऊपर इस बात की जिम्मेवारी रखे कि वह इस बात को जांचे कि सारी प्रादेशिक विधान सभाओं ने कैसे टैक्सेज लगाये हैं और यदि लगाये हैं तो वह एक से हैं या नहीं हैं, और यदि एक से हैं तो भारी हैं या

[श्री धुलेकर]

नहीं हैं। इस का मतलब यह हुआ कि हम ने तो अपने ऊपर से भार उतार दिया और प्रेसीडेंट के माथे यह भार मंड दिया कि यदि किसी जगह पर मध्य भारत में या राजस्थान में, कोई नया सेल्स टैक्स बिल आये तो वह प्रेसीडेंट के पास जाये और वह इस बात की जिम्मेवारी लें कि चूंकि उत्तर प्रदेश में किसी वस्तु के ऊपर दो पैसे रुपया है तो उन्होंने उस पर नौ पाई कैसे लगा दिया। मैं समझता हूं कि यह प्रेसीडेंट के ऊपर भार डालना बिल्कुल अनुचित है और इसलिये मेरा निवेदन यह है कि जब हमारे सदन में जो इस तरफ के बैठने वाले, मैजोरिटी पार्टी (majority party) के हैं, वे और जो अपोजीशन की पार्टी (Opposition party) के हैं, वे सब लोग इस बात पर एक मत हैं कि भारतभर भर में यूनीफार्म रेट्स (Uniform rates) होने चाहियें तो मेरा यह सवाल है कि उन सिलैक्ट कमेटी के मेम्बरों ने जो कि उस में बैठे उन्होंने इस बात पर क्यों नहीं विचार किया और उन्होंने तीसरी धारा को क्यों बदलने का प्रयत्न नहीं किया। मैं तो यही समझता हूं कि जिस समय वहां पर वह लोग गये तो उन्होंने जो कुछ कि यहां पर सदन में दोनों तरफ के जो व्याख्यान हुए उन पर गौर नहीं किया। मैं समझता हूं कि सिलैक्ट कमेटी ने जो इस प्रकार का कार्य किया, उस के लिये मैं अपमान शब्द तो मैं नहीं कहूंगा, लेकिन मैं यह जरूर कहूंगा कि सदन की इच्छा की अवहेलना तो अवश्य ही सिलैक्ट कमेटी के सदस्यों ने की। वरना यह जो तीसरी धारा है इस में दो चार शब्द यदि इस प्रकार के रख दिये जाते कि प्रत्येक ऐक्ट या बिल जो आगे सेल्स टैक्स के सम्बन्ध में बनेगा उस में इस बात का ख्याल प्रादेशिक विधान सभाओं रखेंगी कि वह टैक्सेज यूनीफार्म हों और

अनड्यूलू हैवी (Unduly heavy) न हों, तो ठीक होता। यदि यह चार छः शब्द इस प्रकार के वहां पर रख दिये जाते तो मैं समझता हूं कि सदन का जो इतना समय लगा इतनी जो बातें दूसरी तरफ से हुई, कटु आलोचनाएं हुई, वह न होतीं।

हमारे फ़ायनेन्स मिनिस्टर साहब ने खड़े हो कर यह बड़े नम्र शब्दों में कहा कि, खैर जो बात आप कहते हैं वह तो सही है। अब हम तमाम फ़ायनेन्स मिनिस्टर्स की एक सभा बुला कर के उनके सामने यूनीफार्मिटी का प्रश्न और अनड्यूलू हैवीनेस का प्रश्न रखेंगे। मैं आप से इस सम्बन्ध में कहता हूं कि जब यह बिल पास हो जाता है, ऐक्ट बन जाता है, तो उस वक्त प्रत्येक फ़ायनेन्स मिनिस्टर को यह अधिकार है कि वह आप से कह दे कि सारे हाउस ने यूनीफार्मिटी की बात कही थी, सारे हाउस ने अनड्यूलू हैवीनेस की बात कही थी, फिर भी जब वहां से वह चीज पास नहीं हुई, आप का बिल बिल्कुल अमेंड नहीं हुआ तो फिर आप हम को यूनीफार्मिटी के लिये क्यों बोलते हैं। हम तो यह समझते हैं कि हम को तो २० करोड़ रुपया, २५ करोड़ रुपया अमुक वस्तु के लिये चाहिये। हम तो इस टैक्स को लगावेंगे कोई क़ानून ऐसा नहीं है कि जिस की वजह से हम आप से दबें और हम इस टैक्स को एक सा कर लें। एक बात तो मैं आप के सामने यह रखता हूं।

दूसरी बात मैं आप से यह कहता हूं कि यदि एक सिंगिल ऐक्ट (Single Act) प्रेसीडेंट के सामने गया तो प्रेसीडेंट जब एक सिंगिल ऐक्ट को आठ या दस ऐक्टों की बराबरी में रखेगा तो क्या आप इस बात की आशा करते हैं, या क्या आप समझते हैं कि प्रेसीडेंट के लिये यह उचित होगा कि सात आठ

ऐक्टों को वह बदलने के लिये तैयार हो जाये सिर्फ एक ऐक्ट का निर्माण करने के लिये या उस पर अपनी अनुमति देने के लिये? यदि एक ऐक्ट को बदलने के लिये प्रेसीडेंट महोदय कहते हैं कि हम इस को नहीं मानते तो उन के ऊपर यह ज़िम्मेदारी पड़ जाती है कि सात आठ स्टेटों को वह दबायें और फिर उस के बाद उस स्टेट को दबायें। क्योंकि जब उन के सामने अनड्यूली हैवी टैक्सेशन का प्रश्न आयेगा तो वह छोटी स्टेट कहेगी कि श्रीमानजी हम तो गरीब हैं। उत्तर प्रदेश और मद्रास जो कि इतनी बड़ी बड़ी स्टेट्स हैं वह एक चीज़ पर दो आने लगाती हैं, यदि हम ने अपने यहां उसी चीज़ पर तीन आना लगा दिया तो क्या, क्योंकि हमको तो रूपया चाहिये। अब आप हम को क्यों मारना चाहते हैं। तो आप ऐसा कीजिये कि जब तक आप औरों का काम न करें तब तक हमारा भी काम न करें। लेकिन जैसा कि हमारे सिंहासन सिंह जी ने कहा आप उन का कम नहीं कर सकते। तो वह छोटी स्टेट्स कहेंगी कि श्रीमान जी हम को तो इजाज़त दीजिये ताकि हम अपना टैक्स लगा लें और अपने फ़ाइनेन्सेज को ठीक कर लें। हमारे फ़ाइनेन्स मिनिस्टर साहब तो एक व्यावहारिक आदमी हैं पर मैं तो यह समझता हूँ कि यह बहस एक ऐसी बहस है जैसे कि मान लीजिये कि मेरे एक लड़का है और उस की शादी हो रही हो और मैं दूसरे से कहता हूँ कि मेरे पास तो चार पांच सौ रूपया है और बिराबरी को देने के लिये दो तीन हजार रूपया नहीं है, और साथ ही चार आदमी और खड़े हो जाते हैं और कहते हैं कि यह लड़का तो गोरा है, खूबसूरत है, मालदार है या नौकर होने वाला है, इस से शादी कर दो। तो मेरे दिल की तो यह बात है कि किसी तरह से मेरे लड़के की शादी हो। अगर चार आदमी

मेरे लड़के में बहुत से गुण देखते हैं तो मैं भी कहता हूँ कि मेरे लड़के में यह गुण हैं क्योंकि मैं तो यह चाहता हूँ कि मेरे लड़के की शादी हो जाय। इसी तरह से हमारे मिनिस्टर साहब ने चारों तरफ से लोगों को यह कहते सुना कि यह बिल बहुत अच्छा है, इस का स्वागत किया जाय, इस से यूनी-फ़ार्मिटी हो जायगी इस से टैक्सेशन हैवी नहीं होगा। तो यह सब गुण लोगों ने बखान किये। तो मिनिस्टर साहब ने भी कहा कि हमारा बिल सर्वगुण सम्पन्न है इस को पास कर दिया जाय। मैं समझता हूँ कि इसी तरह की बहस उन्होंने सिलेक्ट कमेटी में रखी होगी और धारा तीन पास करवा ली। उस के बाद कौन पूछता है आबजैक्ट्स एंड रीजन्स को। हमारे फ़ाइनेन्स मिनिस्टर साहब ने वायदा किया है कि वह एक कानफ़्रेंस बुलायेंगे।

[PANDIT THAKUR DAS BHARGAVA
in the Chair.]

इसमें यह शब्द लिखे हैं कि हम एक लिस्ट (List) बनायेंगे लेकिन यह नहीं लिखा है कि इन पर टैक्स हैवी न हो। इस में लिखा है :

“No law made after the commencement of this Act by the legislature of a State imposing, or authorising the imposition of, a tax on the sale or purchase of any goods.....” Mind you, “imposing, or authorising the imposition of”.

इस में कहीं नहीं लिखा है “of a uniform tax and a tax which is not heavy”। यह बिल पास होने पर कोई किसी जगह पर एतराज़ नहीं कर सकता। चाहे वह सुप्रीम कोर्ट में जाये पर जो शब्द हैं वही देखे जायेंगे। मैं कहता हूँ कि आप इस चीज़ को साफ कर दें। फ़ाइनेन्स मिनिस्टर्स कानफ़्रेंस होगी। उस में सब अपनी अपनी बातें सामने रखेंगे। आप का फ़ाइव इअर्स प्लान (Five Years Plan) सामने आ रहा है। कौन सी ऐसी स्टेट होगी

[श्री धुलेकर]

जो कि फाइव इअर्स प्लान के टुकड़े टुकड़े कर दे और इसेंशियल गुड्स (Essential goods) के मामले में एक पैसा भी कम कर दे। तो यह सब कठिनाइयां आप के सामने आयेंगी। इसलिये मैं यह अर्ज करना चाहता हूँ कि अगर आप इस चीज को मानते हैं तो जैसा मेरे मित्र सिंहासन सिंह जी ने कहा कि आप इस में कोई ऐसे प्रोवाइजो (proviso) रख दीजिये। क्या जरूरत है आप को फाइनेंस मिनिस्टर्स की कानफ्रेंस बुलाने की। दो चार शब्द जो कि ठीक हों आप इस में रख दें जैसे कि :

"Provided that no taxation which is not uniform or is heavy will be imposed by the State Government."

इस तरह से दो चार शब्द जो आप मंजूर करें इस में जोड़ दीजिये जिस से एक सिटीजन (citizen) को ठीक पोजीशन (position) तो मालूम हो और वह मांग कि यह जो टैक्स लगाया जा रहा है यह हेवी है या यूनीफार्म नहीं है। वह कह सकता है कि आप हर कोई नया टैक्स नहीं लगा सकते। तो एक बात तो यह है।

दूसरी बात यह है कि आप स्वयं देखें कि इस में कितना डिस्क्रिमिनेशन (discrimination) हो सकता है। जब यूनीफार्मिटी का सवाल आयेगा तो उस के अर्थ करने में मुश्किल होगी। वही टैक्स एक जगह हेवी नहीं होगा और दूसरी जगह वह हेवी माना जायेगा। जैसे दिल्ली शहर में अगर एक जोड़े जूते पर सेल्स टैक्स लगाया जाता है तीन आने रुपया के हिसाब से तो वह हेवी नहीं है क्योंकि जो आदमी २६ रुपये १४ आने का जूता पहन सकता है वह उसके लिये ३७ रुपये दो आने भी दे सकता है। ऐसा करना उस के लिये कोई

बात नहीं होगी। अब आप यही तीन आना रुपया लगा दीजिये बुंदेलखंड में। इस में आपने दो चीजें रखी हैं हाइड्स एंड स्किन्स (Hides and skins) या-की कच्चा चमड़ा। अब हमारे बुंदेलखंड झांसी में जिस वक्त इस कच्चे चमड़े का सामान तैयार किया जायगा तो ज्यादा से ज्यादा वह तीन सौ सवा तीन सौ रुपये में बिकेगा। लेकिन जिस वक्त वही कच्चा चमड़ा दिल्ली में आता है और उस के सूटकेसेज (suit cases) और दूसरी चीजें बनती हैं और नुक्स के केसेज बनते हैं तो वही पचास रुपये का कच्चा चमड़ा यहां दो हजार का हो जाता है। तो अगर यहां दिल्ली की मारकेट (market) में आप उस चमड़े पर आठ आने रुपया के हिसाब से भी सेल्स टैक्स लगा दें तो कोई बात नहीं लेकिन अगर बुंदेलखंड में दो आना रुपया भी लगाया जाय तो वहां के देहात के चमार मर जायेंगे।

Shri P. N. Rajabhoj: (Sholapur—Reserved—Sch. Castes): On a point of order. आप दो हजार कैसे बताते हैं।

आप को यह कैसे मालूम हुआ। चमड़े की कीमत में इतना फर्क नहीं होता है।

Mr. Chairman: Order, order. Let the hon. Member proceed. He has only given an example.

श्री धुलेकर : यह चश्मे का घर एक रुपय में मिलता है। यह कितनी छोटी चीज है और इसका दाम एक रुपया होता है। मैं हाइड्स और स्किन्स की बात कह रहा हूँ मैं पक्के चमड़े की बात नहीं कह रहा। मैं चाहता हूँ अध्यक्ष महोदय कि आप इस बात पर गौर करें कि जो कच्चा चमड़ा दिल्ली के मारकेट में बिकता है वह सेल टैक्स (sale tax) का वजन काफ़ी

श्लेस सकता है लेकिन जो छोटी जगहें हैं वहां पर वही कच्चा चमड़ा उतना बोझ नहीं श्लेस सकता। यह बिल्कुल स्पष्ट बात है। अगर कच्चा चमड़ा दिल्ली के देहात में बिके तो कोई भी मनुष्य उसके लिये दो चार पांच रुपया सेल्स टैक्स दे कर ५५ रुपये में खरीद लेगा क्योंकि वह समझता है कि उस को पक्का करके पांच सौ में बेच सकता है। लेकिन अगर कहीं किसी और देहात में रुपये में तीन आने भी टैक्स होता है तो खरीदने वाले को दो रुपया चार आना दे कर खरीदने में बहुत नुकसान होगा। उस का वह चमड़ा इतना मंहगा बिकेगा नहीं। हो सकता है कि आठ रोज तक भी वह न बिके। तो इसलिये मैं आप को बतलाना चाहता हूं कि जो बात आप ने प्रेसीडेंट महोदय के लिये रखी है उस में यह होगा कि जब प्रेसीडेंट के सम्मने कोई भी ऐसा बिल आयेगा जिस में प्रादेशिक सरकारें टैक्स लगायेंगी तो उस वक्त वह इस बात की कोशिश करेंगी कि जिस कदर आरग्यूमेंट (argument) उस के पक्ष में रखे जा सकते हैं रखेंगी और प्रेसीडेंट को यह तै करना बहुत मुश्किल हो जायेगा कि जो बातें कही गई हैं वह सही हैं या गलत हैं और इसलिये यूनीफार्मिटी का इस प्रकार से होना बहुत मुश्किल है। इसलिये मैं आप से कहना चाहता था कि जिन चीजों का शेड्यूल में इंदराज कर दिया गया था, सिलेक्ट कमेटी ने इस बात पर बिल्कुल गौर नहीं किया कि आया इन को यूनीफार्मिटी के लिये उस में रखना चाहिये या नहीं रखना चाहिये। मैं न जैसा आप को बतलाया हाइड्रोजेन स्किन्स और एन्टीबायोटिक्स और सल्फा ड्रग्स (Sulfa Drugs) यह दो शब्द इस में डाल दिये गये हैं

Mr. Chairman: May I just remind the hon. Member that the Schedule is yet to be gone into and he is dilat-

ing on matters which have been included in the Schedule?

श्री धुलेकर : मैं यूनीफार्मिटी पर अर्ज कर रहा हूं। पहली बात तो यह है कि एन्टी-बायोटिक्स और सल्फा ड्रग्स को फारेन मैन्युफैक्चरर्स (foreign manufacturers) ही क्यों बनाते हैं, यहां पर भी तो बड़े बड़े लोग उस को बनाते हैं, सिलेक्ट कमेटी ने इस बात पर गौर नहीं किया कि ड्रग्स को अगर इसेन्शियल गुड्स (essential goods) की लिस्ट में रखते, तब तो मेरे दिमाग में यह बात आती कि ३५ करोड़ आदमियों के लिये यह सोच कर कि ड्रग्स और मेडीसिनस् एक आवश्यक वस्तु है, इसलिये उस को इसेन्शियल गुड्स में रख दिया और उस के ऊपर टैक्स भी नहीं लगना चाहिये। लेकिन यह जो एन्टीबायोटिक्स और सल्फा ड्रग्स जैसी चीजें रक्खी गयी हैं उस का क्या नतीजा हुआ है, मैं तो पार्लियामेंट के फ्लोर (floor) पर साफ यह कहना चाहता हूं कि मालूम पड़ता है कि यह शब्द वहां पर सिर्फ इस लिये डाल दिये गये हैं क्योंकि सरकार पर कैपिटलिस्ट्स (Capitalists) फर्मस् और उन के एजेन्ट्स की कनवेंसिंग (canvassing) का असर पड़ा है, वरना मैं कोई वजह नहीं समझता कि यह दो शब्द यहां पर क्यों डाले गये हैं? मैं तो यह कहता हूं कि उसके मुकाबिले में लबण भास्कर, हरं और चूर्ण इन पर सेल्स टैक्स लगे और वह इसेन्शियल गुड्स में न रखे जायें, तो इस से और क्या नतीजा हम निकाल सकते हैं, सिवाय इस के कि सरकार बड़ी बड़ी कैपिटलिस्ट फर्मस् के प्रोपेगन्डा में आ गयी है कि सल्फा ड्रग्स वगैरह तो इसेन्शियल गुड्स में आ गयी हैं और इन को उस में शामिल नहीं किया गया।

Dr. M. M. Das (Burdwan—Reserved—Sch. Castes): May I say for his information that Antibiotics comprises Aurlomicyn and Streptomycin.

श्री धुलेकर : मैं और क्या कह रहा हूँ, मैं भी तो यही कह रहा हूँ। जब मेरे घर में बीमारी हुई तो डाक्टर चार दिन की दवा के लिये ११५ रुपये का नुस्खा लिख गया और अगर सेल्स टैक्स लगा कर वह ११७ रुपये का भी नुस्खा लिख जाता तो मैं क्या कर सकता था, लाचारी थी, रुपये पैसे से चाहे बर्बाद हो जाता लेकिन मरते को बचाना तो लाजिमी था। मैं आप से यह कहना चाहता हूँ कि इसेन्शियल गुड्स की व्याख्या और रेगुलेशन आफ़ टैक्स यह दो चीज़ें एक साथ मिला दी गयी हैं। मैं पूछना चाहता हूँ कि क्या यूनिकार्मिटी आफ़ टैक्स (uniformity of tax) है? हमारे घर में कोई बीमार हुआ तो डाक्टर ११५ रुपये का नुस्खा लिख देता है। यह पता नहीं कि ऐरिओमिसिन (Auriomicyn) ८५ रुपये की या ९५ रुपये की है, ११५ या ११७ रुपये कुछ ही उस की क्रीमत कह दे, वह मैं दे देता, क्योंकि मेरे घर में तो आदमी दम तोड़ रहा है, तो कौन ११५ और ११७ के वास्ते मुंह देखे। अब आप ही बतलाइये कि यह हमारे देश के लिये दवाइयाँ जो इतनी क्रीमती होती हैं, कहां तक लाभ कर और हितकर साबित हो सकती हैं, और हमारी गरीब जनता कहां तक इन दवाइयों का उपयोग कर सकती है। मुझे कहने पर बाध्य होना पड़ता है कि हमारी सरकार अभायबश अलोपैथी डाक्टरों और अंग्रेजी दवाइयों की बड़ी बड़ी फ़र्म्स की कन्वेंसिंग में आ गयी है।

Mr. Chairman: Order, order, I am very sorry to interrupt the hon. Member, but he must know that he is speaking on clause 3. So far as the scope of clause 3 is concerned, the question of uniformity or the question of the article being an essential one do not arise. If the hon. Member is

speaking on the whole Bill, his speech may be quite relevant. So far as clause 3 is concerned, these need not be emphasized at this stage.

श्री धुलेकर : मैं इस के लिये माफ़ी चाहता हूँ, मैं इस चीज़ को यहीं पर ख़त्म कर दूंगा और यूनिकार्मिटी के ही बारे में अर्ज करूंगा। यूनिकार्मिटी का सवाल जो इस धारा तीन में आया तो मैं यह पूछना चाहता हूँ कि यह दो शब्द रखने से आप का क्या अभिप्राय है।

Mr. Chairman: I am very sorry to interrupt the hon. Member again. The question of uniformity does not arise in relation to clause 3. That is exactly what I am pointing out.

Babu Ramnarayan Singh: What is the purpose of this section?

Mr. Chairman: The hon. Member has not realized the objection which I have raised. The entire Bill deals in a subsidiary manner with the question of uniformity. The Bill is aimed at securing that uniformity. The Bill does not say that there should be uniformity or no uniformity at all. Clause 3 only deals with certain aspects of the question. It does not deal with the necessary articles or even with uniformity etc.

श्री धुलेकर : अध्यक्ष महोदय, मैं अर्ज कर रहा था कि इस बिल के दो हिस्से हैं, पहला हिस्सा तो डिक्लारेसन आफ़ इसेन्शियल गुड्स (Declaration of Essential Goods) का है और दूसरा रेगुलेशन फ़ॉर दी इम्पोज़ीशन आफ़ टैक्स (Regulation for the imposition of tax) है और वह धारा तीन है। उस धारा तीन के सम्बन्ध में मुझे यह कहना है कि इस धारा तीन में यूनिकार्मिटी और अनइयू हैवीनेस आफ़ दी टैक्स का ज़िक्र उस धारा के अन्दर आना चाहिये था। इसलिये मेरी अर्ज यह है कि मौजूदा शकल में जैसी धारा तीन है, वह डिफ़ेक्टिव (defective)

है और इस बिल के बनाने से हमारा जो मक़सद है, वह अगर यह धारा जैसी है वैसी की वैसी ही रहने दी जाती है, तो उस का मतलब ही ख़त्म कर देती है अगर उस धारा के अन्दर युनीफ़ार्मिटी एन्ड अनड्यू हेवीनेस आफ़ दी टैक्स का ज़िक्र नहीं आता है। इसलिये मैं धारा तीन को इस प्रकार से कहना चाहता हूँ ताकि शेडयूल में जो चीज़ें आप ने रखी हैं और जो युनीफ़ार्मिटी को पैदा नहीं करती हैं और टैक्सेज के रेवन्यूज (revenues) को भी कम नहीं करती हैं बल्कि वह उन चीज़ों को भी ख़राब कर देती हैं जिस की वजह से प्रादेशिक सरकारों के हाथ में एक ऐसी ताक़त पहुँच जाती है कि जिस की वजह से वह न तो टैक्सेज को यूनीफ़ार्म करे और न कम करे वह चीज़ ठीक होनी चाहिये और इसलिये मैं ने आप की सेवा में दो तरह के उदाहरण पेश किये और जैसे कि मैं ने कच्चे चमड़े के बारे में आप को बताया कि प्रादेशिक सरकारें अपने भिन्न मत रख कर प्रेसीडेंट महोदय के सामने यह बात रख सकती हैं कि कच्चे चमड़े पर हमारे प्रदेश में इतना टैक्स होगा, चाहे दूसरे प्रदेश में उस पर कोई दूसरा टैक्स लगा हो, लेकिन हम अपने प्रदेश में उस पर यह टैक्स रखना चाहते हैं। दूसरी बात जो मैं ने अर्ज की थी वह यह थी कि, अगर क़ीमती चीज़ें आप उस में रखते हैं तो क्या उन के नाम पेटेन्ट (patent) हैं यदि आप ऐसा नहीं करते तो मेरी अर्ज यह है कि यह बहुत बड़ा डिस्क्रिमिनेशन (discrimination) है और इस ऐक्ट में जो इशेन्शियल गुड्स की धारा है उस में इस को नहीं लाया जा सकता। और अगर एन्टी बायोटिक्स और दूसरी सल्फ़ा ड्रग्स को इस में रखते हैं तो इशेन्शियल गुड्स का रेगुलेशन इस पर लागू होता है, और अगर आप ऐसी चीज़ों को जो पूरा मेडिसिनल सब्जेक्ट (Medicinal subject) है उस में

रखते हैं तो यह एसेन्शियल गुड्स के रेगुलेशन में नहीं आ सकतीं।

एक माननीय सदस्य : वह सब अमरीकन हैं।

श्री धुलेकर : अमरीकन हों या कुछ हों। सल्फ़ा ड्रग्स के माने यह है कि वह ड्रग्स जिन में सल्फ़र (sulphur) होता है, उन को छोड़ देंगे और दूसरों का रेगुलेशन करेंगे तो, श्रीमान्, मैं अर्ज करूंगा कि बड़ा भारी डिस्क्रिमिनेशन है। अगर सल्फ़ा ड्रग्स का मतलब आप इस से लेते हैं कि जिन दवाओं में सल्फ़र हो, तो मैं कहूंगा कि आयुर्वेद में हिरण्यगर्भः और हेमगर्भः तथा जितने रस और भस्म बनते हैं उन सब में सल्फ़र होता है। मैं जानना चाहूंगा कि यह डिस्क्रिमिनेशन सल्फ़र ड्रग्स के ही लिये क्यों किया जा रहा है? अगर सल्फ़ा ड्रग्स के यही माने लेते हैं तो इस के मातहत तो आयुर्वेद की सारी औषधियाँ आ जाती हैं। एन्टीबायोटिक्स का मतलब यह है कि.....

Mr. Chairman: I would again remind the hon. Member that he is speaking practically on the Schedule, on the question of the inclusion of antibiotics and sulphur drugs in the list of necessary articles. He is practically speaking on that subject and he has almost exhausted himself on this matter. I would request him to proceed further with his arguments.

श्री धुलेकर : इसलिये मैं यह अर्ज करना चाहता था कि यह जो बिल इस प्रकार से यहां पर आया है यह दोनों बातें पूरी नहीं करता है और इसलिये मैं यह समझूंगा कि जो कुछ हमारे फ़ाइनेन्स मिनिस्टर साहब युनीफ़ार्मिटी के बारे में कहते हैं उस की कोई डेट (date) नहीं होती है। मेरे मित्र सिंहासन सिंह जी ने कहा कि यह बात अगर हम मानते हैं तो कोई वजह नहीं है कि हम इस में दो चार शब्द और न

[श्री धुलेकर]

जोड़ दें। यह कोई बात नहीं है कि हाउस बैठे इस पर बहस हो जाय, सब के दिल में यह हो कि अगर यूनीफार्मिटी हो जाती तो अच्छा होता, मगर आखिर में यह धारा टाक आउट (talk out) हो कर ऐसी ही छोड़ दी जाये जिस में आगे पीछे हाउस भी कुछ न कह सकेगा और न प्रान्तीय सरकारें ही कुछ करेंगी। आखिर प्रान्तीय सरकारें कुछ कहने के लिये क्यों आवेंगी, क्योंकि इस तरह तो उन के लिये एक इन्स्ट्रुमेंट (Instrument) मिल जायेगा कि वह जैसा टैक्स चाहें अपने यहां लगावें और अपनी जरूरतों को देख कर के जो मुनासिब समझें करें।

Shri U. S. Malliah (South Kanara—North): I beg to move:

"That the question be now put".

Mr. Chairman: The question is:

"That the question be now put".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

The Schedule

Dr. M. M. Das: I beg to move:

(i) In page 2, line 18, for "Antibiotics and sulpha drugs" substitute "Drugs and medicines".

(ii) In page 2, line 18, after "drugs" add "anti-malarial drugs, such as quinine and paludrine".

The Select Committee to which the Bill was referred has made some important changes and some additions and alterations in the Schedule to the Bill. While these changes made by the Select Committee have improved the Bill to some extent and have made it more acceptable to the House, I must painfully submit that neither our Government who are the sponsors of the Bill, nor the Select Committee to which this Bill was referred, have done

justice to the millions of people of our country who suffer from crippling and devastating diseases. It is simply amazing that when an item like flower seeds has been included, has been considered as an essential article necessary for the life of the community, drugs and medicines have not found a place in the list or in the Schedule. In item No. 2 of the Schedule, I find flower seeds have been included; but medicines prepared from vegetables and plants have been deliberately left out

श्री धुलेकर : मैं भी बही कह रहा था।

Dr. M. M. Das: With all humility, I beg to ask this House whether it is the considered opinion of this House that flower seeds are more important or more essential to the life of the community than medicines. Our neighbouring country Pakistan has given exemption from sales tax to all drugs and medicines including—it will please my hon. friend, Mr. Dhulekar—*Ayurvedic* and *Unani* medicines. I am sorry to find, Sir, that neither the Government nor the Select Committee has thought it proper to give any exemption from sales tax to medicines and drugs, either *Allopathic*, or *Unani* or *Ayurvedic*. It is difficult to understand how a welfare State like India that spends a substantial part of our annual revenue for fighting death and disease, for improving the health of the country, can be so callous as to permit the imposition of sales-tax upon drugs and medicines.

In item 16 of the Schedule, two classes of drugs, antibiotics and sulpha drugs have been included. There is no doubt that in modern medicine, today, these two classes of drugs, antibiotics and sulpha drugs occupy the highest and most important position. But, in a poor country like India, I find no reason, no justification at all why other drugs and medicines should not be included, and should not be considered as essential to the life of the community. This brings me to what my hon. friend Mr. Dhulekar said. I understand he likes *Ayurvedic* medicines and he wants that concessions should be given to this system of *Ayurveda*. But, I do not understand why he makes unnecessary attacks upon the modern system of medicine, I mean the *Allopathic* system.

Shri Dhulekar: No, I do not. I advocate my case; I do not attack others.

Dr. M. M. Das: Anyhow, my greatest grievance about which I feel rather strongly, is about anti-malarial drugs,

like quinine, paludrine, mepacrine and others. Everybody in this House is well aware of the havoc caused every year among the rural population of our country by this crippling disease, malaria. I appeal in the name of humanity to the hon. Mover of this Bill.....

Shri Velayudhan: In the name of God also.

Dr. M. M. Das:and to my colleagues in this House to include drugs and medicines in this Schedule. But, if for any reason, technical or otherwise, because drugs and medicines contain alcohol and other things, it is not possible to include drugs and medicines, as the terms are in the Schedule, I beg to add at least anti-malarial drugs, quinine, paludrine, in item 16, after the words "Antibiotics and sulpha drugs". I appeal to this House, and to the hon. Minister in charge of the Bill not to permit the imposition of sales tax upon drugs like quinine and paludrine which are well known in every part of the country, even to the illiterate rural population, and are used by them in large quantities even without the advice of medical men.

I am fully aware of the scope of this Bill. Although theoretically speaking, this Bill is a very important one, as it seeks to implement one of the provisions of our Constitution, yet, in actual practice, this Bill has become nothing more than a pious wish, or a pious sentiment, somewhat like the Directive Principles of our Constitution.

Mr. Chairman: May I just request the hon. Member to confine his remarks to the actual amendment before the House. A discussion of the principles of the Bill again at this stage will lead us nowhere. We are only concerned with the Schedule. He has moved his amendment, and I would request him to confine his remarks to the actual amendment.

Dr. M. M. Das: I am speaking on the schedule. Am I allowed to speak about the other items of the Schedule upon which I have got no amendment?

Mr. Chairman: Those amendments have not yet been moved. It may be assumed that some of them are going to be moved. He may have his say on those amendments also.

Dr. M. M. Das: Coming to the items in the list, I beg to draw the attention of the hon. Minister in charge of the Bill to item No. 10. It is rather funny to note how hides and skins become essential articles, essential to the life

of the community. I could have understood if he included leather and leather goods in place of hides and skins. As for hides and skins, they are used only in the manufacture of musical instruments—some of them. If the hon. Minister has in mind that hides and skins should include leather and leather goods,—I mean tanned leather and goods manufactured from leather—then, it should be explicitly expressed in this item. I beg to submit that so far as hides and skins are concerned, they cannot be regarded as essential to the life of the community.

Then there is another point on which I want to ask for the hon. Minister's clarification. It is item 13 "coal, including coke and other derivatives". Now, the derivatives of coal consist of so many things—coal gas, coal tar, aniline dyes, coal tar products, some medicines such as carbolic acid etc. They are all included in the term derivatives of coal. I want to ask the Minister in charge of the Bill whether by coal derivatives, he wants to include all these articles which I have just mentioned.

Then, petroleum and petroleum products. Petroleum products also consist of petroleum jelly, i.e., vaseline, ordinary vaseline. I want to know whether this is included in the list of the Bill.

If the hon. Minister wants to include all these things, hides and skins, flower seeds, vaseline, carbolic acid, coal tar etc., then, I do not know what objection he can have to include drugs and medicines in this list. I hope, the hon. Minister and my hon. friends in this House will give kind consideration to the proposals I have made with regard to medicines and drugs, and especially with regard to anti-malarial drugs, quinine and paludrine.

Mr. Chairman: I take it that the hon. Member has only moved his second amendment.

Dr. M. M. Das: Both the amendments, Sir.

Mr. Chairman: Amendments moved:

(i) In page 2, line 18, for "Antibiotics and sulpha drugs" substitute "drugs and medicines".

(ii) In page 2, line 18, after "drugs" add "anti-malarial drugs such as quinine and paludrine".

श्री सिंहासन सिंह : इस के सम्बन्ध में और भी अमेंडमेंट्स हैं। अगर सब पर एक साथ ही विचार कर लिया जाता तो

[श्री सिंहासनसिंह]

अच्छा होता। और भी अमेंडमेंट्स हैं और उन सब को ले लिया जाय।

Mr. Chairman: I am now only concerned with amendments which are on the same subject, for instance Nos. 14 and 16. I therefore request Mr. Sinhasan Singh to move his amendment No. 14.

श्री सिंहासन सिंह: सभापति महोदय, जो अमेंडमेंट मेरे नाम से है, चूंकि इस अमेंडमेंट का मतलब बिल्कुल हल हो जाता है अगर जो अमेंडमेंट १२ नम्बर पर है, "ड्रग्स एंड मेंडिसिन्स", उस को सरकार कबूल कर ले, तो मेरे अमेंडमेंट की जरूरत नहीं है। ड्रग्स और मेंडिसिन्स इतने वाइड टर्म्स (wide terms) हैं कि यह सब को कवर (cover) करते हैं। हमारा अमेंडमेंट जो बाद में आया है उन में सब दवाइयों का अलग अलग नाम दिया गया है। १७ नम्बर के अमेंडमेंट में,

"All medicines, Allopathic, Homoeopathic, Unani and Ayurvedic."

यह शब्द आये हैं। इसलिये मेरी राय में ड्रग्स और मेंडिसिन्स, यह सब प्रकार की औषधियों को और विभिन्न प्रकार की दवाइयां जो हैं उन सब को शामिल करता है। इस को कबूल कर लिया जाय। इस सम्बन्ध में मेरा यह निवेदन है कि जो मौजूदा विधान के अन्दर है "एंटीबायोटिक्स एंड सल्फा ड्रग्स" यह, जैसा श्री घुलेकरजी ने कहा, ज्यादातर ऐसी दवाइयों से सम्बन्धित हैं कि जो बड़ी बड़ी दवाइयां हैं। लेकिन देहातों में और दूर दूर के स्थानों में जहां कि यूनानी प्रथा है, होम्योपैथिक प्रथा है, आयुर्वेदिक प्रथा है, वहां इन का समावेश नहीं होता। यदि यह शब्द यहां बदल कर "ड्रग्स एंड मेंडिसिन्स" रख दिये जायें तो यूनानी आयुर्वेदिक और होम्योपैथिक सब दवाइयां इस में आ जायें। यह शब्द लाने से बड़े

काम बन जायेगा और इस में सब की भावना एक साथ होगी कि सब प्रकार की दवाइयों का सरकार को ध्यान है, सब को वह एक नजर से, एक विचार से देखती हैं और सब को एक सन्तुलन की दृष्टि से देखती हैं। इसलिये मेरी राय में जो डाक्टर मनमोहन दास के नाम से अमेंडमेंट है वह ले लिया जाय और उस के रहते हुए मैं अपना अमेंडमेंट मब नहीं करना चाहता। मैं डाक्टर मनमोहन दास के अमेंडमेंट को सपोर्ट करता हूं।

Shri V. Missir (Gaya North): I beg to move:

In page 2, after line 18, add:

"17. All oils excluding vanaspati oil.

18. All medicines, Allopathic, Homoeopathic, Unani and Ayurvedic."

अध्यक्ष महोदय, मैं अपने १७ नम्बर के संशोधन को सदन के सामने रखते हुए यह कहना चाहता हूं कि यह संशोधन बहुत जरूरी है, और जरूरी इस लिये है कि उस में दवाइयों का भी जिक्र है। दवाई आदमी की ज़िन्दगी के लिये कितनी जरूरी है, इस में शायद किसी आदमी को ऐतराज न होगा इस से ज्यादा इस के बारे में मुझे कुछ नहीं कहना है। मैं समझता हूं कि जो बिल के मूवर (mover) हैं वह इसे कबूल कर लेंगे, इसलिये कि यह आदमियों की ज़िन्दगी के लिये बहुत जरूरी चीज़ है और यह आशा करते हुए मैं अपना संशोधन पेश करता हूं।

Mr. Chairman: First, let all these amendments be moved. Then we shall come to the general discussion.

Amendment moved:

In page 2, after line 18, add:

"17. All oils excluding vanaspati oil.

18. All medicines, Allopathic, Homoeopathic, Unani and Ayurvedic."

Shri Ramachandra Reddi (Nellore): May I suggest one thing, Sir? The

various items in the Schedule might be taken up one by one, and then disposed of.

Mr. Chairman: I propose to call upon those who have given notice of amendments to kindly stand up one by one, and I shall allow them to move their amendments.

Shri Ramachandra Reddi: My suggestion is a different thing. In the Schedule there are about 16 items, and I suggest that each item might be taken up separately, and the amendments might be discussed separately under each item and then disposed of.

Mr. Chairman: First of all, let all the amendments be moved, and then the entire matter will be open for discussion. The items as well as the amendments moved. I shall be calling upon the various hon. Members who have given notice of amendments one by one.

Shri S. C. Samanta (Tamluk): I beg to move:

(i) In page 1, line 17, after "bran" insert "flattened rice and fried rice".

(ii) In page 1, after line 22, insert "2A. Betel leaves and arecanut."

(iii) In page 2, after line 6, insert "8A. Cotton hosiery goods."

(iv) In page 2, line 17,

(a) for "exercise books" substitute "paper"; and

(b) after "periodical journals" add "maps, charts, and teaching materials".

Mr. Chairman: Amendments moved:

(i) In page 1, line 17, after "bran" insert "flattened rice and fried rice".

(ii) In page 1, after line 22, insert "2A. Betel leaves and arecanut."

(iii) In page 2, after line 6, insert "8A. Cotton hosiery goods."

(iv) In page 2, line 17,

(a) for "exercise books" substitute "paper"; and

(b) after "periodical journals" add "maps, charts, and teaching materials".

Shri V. P. Nayar (Chirayinkil): I beg to move:

(1) In page 2,

(i) lines 8 and 9, omit "jute

seeds, raw jute, sun hemp, and mesta"; and

(ii) after line 9, insert "9A. Jute seeds, raw jute, sun-hemp and mesta".

(2) In page 2, for line 16, substitute:

"14. Nails, bolts and nuts, hinges and other articles manufactured from metals and used for building purposes."

Mr. Chairman: Amendments moved:

(1) In page 2,

(i) lines 8 and 9, omit "jute seeds, raw jute, sun hemp, and mesta"; and

(ii) after line 9, insert "9A. Jute seeds, raw jute, sun hemp and mesta".

(2) In page 2, for line 16, substitute:

"14. Nails, bolts and nuts, hinges and other articles manufactured from metals and used for building purposes."

Shri Punnoose (Alleppey): I beg to move:

In page 1, line 19, after "coconuts" insert "including coconut husks, coir fibre, coir yarn and coir products"

With regard to this amendment, some explanation is necessary. 'Coconuts' has been included in the Schedule by the Select Committee, but coir products have not been included. I think that has happened because the importance of the coir industry as an essential industry for the community has not been realised by the Select Committee. The word 'industry' itself is rather misleading with regard to coir. It has been calculated that about 13 lakhs of people are affected by the present slump in the industry, while purely industrial workers are not more than a lakh. The coir industry is a cottage industry. Even the word 'cottage industry' does not convey the full meaning of the term. It is not a secondary type of work a supplementary occupation actually lakhs of people live entirely by this. In the whole coastal line, you will find that tens of thousands of homes depend only on this industry. More than 50 per cent. of the products are consumed by the people. For a long time past, there has been persistent demand from all interested parties and sections for the removal of the

[Shri Punnoose]

sales tax on these products. For the time being, the sales tax has been suspended by the State Government concerned. It is calculated that about 1,200 kandies of coir are produced everyday which in normal times will get about Rs. 390,000, and it must be specially noted that about Rs. 260,000 are spent on merely wages alone. There are several stages in the coir industry—husking, soaking etc. All these are performed as cottage industry. I do not object to any sales tax being imposed on coir products during normal days, but in the case of coir, it has been deceptive in the past, the fluctuations have been so violent and everytime the price of coir products goes down, lakhs and lakhs of people are thrown into difficulties, and therefore, I very strongly urge that this amendment be accepted.

For the time being, there is no sales tax on these products. It was only a few weeks ago that this was lifted owing to very strong agitation. If my amendment is not accepted, there is every likelihood of its being re-imposed again.

I very strongly urge that the importance of the industry must be realised, and so I suggest that the words 'coconut husks, coir fibre, coir yarn and coir products' be also included in the Schedule.

Mr. Chairman: Amendment moved:

In page 1, line 19, after "coconuts" insert "including coconut husks, coir fibre, coir yarn and coir products".

Shri Viswanatha Reddy (Chittoor):
 I beg to move:

In page 2, line 17, after "exercise books" insert "slates and slate pencils".

Mr. Chairman: Amendment moved:

In page 2, line 17, after "exercise books" insert "slates and slate pencils".

Shri N. P. Sinha (Hazaribagh East):
 I beg to move:

In page 2, after line 18, add:

"17. Mica (except finished mica meant for export)".

Sir, with regard to this a little explanation is necessary. So far as the nature of this industry is concerned, I would like to place in as few words as possible before this House how this particular industry is carried out in Bihar, especially in parts of Chota Nagpur. First of all, I would say at the outset that it has today

become a multiple taxable commodity. It is taxed as soon as it passes from one hand to another. For instance, when mica is mined, it is taken out in the shape of crude mica and this mica is sold in the open in the same state to others. At that point it is taxed. Then it is treated to what is called the 'sickle process'. That also is sold and it is taxed at that point. In the same way it is dressed, it is processed, it is graded, it is classified. It is placed in different baskets according to different qualities and all these different kinds of qualities and different kinds of grades, when they are sold by one dealer to another are taxed. The main point that I want to place before the House and to which I would like to invite the attention of the hon. Minister in charge is that this mica should be taxed as it used to be taxed internally before the passing of article 286 of the Constitution. When this article 286 was adopted, of course the sales tax which used to be collected by exporters from the foreign buyers ceased. The result was that the tax was distributed internally on the so-called small dealers. Mica, today, has ceased to be the monopoly business of a few rich. It has now become a business of thousands and thousands of small dealers who invest some money, some small capital and do business; sometimes they sell it in the same way as they buy it. So what I mean to suggest is that this mica should not be a multiple taxable commodity, as it affects a large number of small dealers who have to depend for their livelihood on this very trade in our parts of Chota Nagpur. I, therefore, suggest that this should be included in the list of essential commodities.

Mr. Chairman: Amendment moved:

In page 2, after line 18, add:

"17. Mica (except finished mica meant for export)".

Now all these amendments and the Schedule are open to discussion.

Before we adjourn, I would request the Secretary to read out the message from the Council of States.

MESSAGE FROM THE COUNCIL OF STATES

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

"I am directed to inform the House of the People that the Council of States

At its sitting held on Friday, the 25th July, 1952, has passed the enclosed motion concurring in the recommendation of the House of the People that the Council do join in the Joint Committee of the House on the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith. The names of the Members nominated by the Council to serve on the said Joint Committee are set out in the motion."

Motion

"That this Council concurs in the recommendation of the House of the People that the Council do join in the Joint Committee of the Houses on the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air

Force and for matters connected therewith, and resolves that the following members of the Council of States be nominated to serve on the said Joint Committee:

- (1) Shri Jaspat Roy Kapoor
- (2) Shri Jagannath Das
- (3) Shri Kailash Bihari Lal
- (4) Shri M. Govind Reddy
- (5) Shri Pir Mohammad Khan
- (6) Shrimati Mona Hensman
- (7) Shri H. D. Rajah
- (8) Shri K. C. George
- (9) Shri C. G. K. Reddy
- (10) Shri N. Gopalaswami Ayyangar."

The House then adjourned till a Quarter Past Eight of the Clock on Monday, the 28th July, 1952.