

Volume I

No. 1 - 21



Monday

28th 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

Monday, 28th July, 1952

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

PATENTS

*2156. **Sardar Hukam Singh:** (a) Will the Minister of Natural Resources and Scientific Research be pleased to state whether any applications for securing patents in foreign countries as a result of work carried out in the National Laboratories in India were filed during the year 1951-52?

(b) If so, what was the number of such applications, and which were the countries where the patents have been filed?

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

(b) Eight applications for securing patents in foreign countries were filed by the Council of Scientific and Industrial Research during 1951-52. Of these, four were filed in the U.S.A., three in the U.K. and one in France.

Sardar Hukam Singh: May I know what are these items for which applications have been filed in the U.S.A.?

Shri K. D. Malaviya: The inventions in respect of which applications for foreign patents have been filed in the U.S.A. are:

- (1) Air drying wrinkle finish coating composition.
- (2) Utilization of the seed oil of Mallotus.

(3) A process for the recovery of Beryllium Oxide.

(4) Process of extracting oil from oil bearing material.

Sardar Hukam Singh: Have these reached a stage when they can be put to commercial purposes or are they still in an experimental stage?

Shri K. D. Malaviya: The applications for patents have been filed in these countries and as soon as the patents are sealed their full commercial exploitation should start.

DEFENCE SERVICES

*2157. **Sardar Hukam Singh:** (a) Will the Minister of Defence be pleased to state whether any students were sent abroad during 1951-52 for training in Defence services?

(b) If so, what was the number and which were the countries where they were sent?

(c) Did any students from other countries participate in our courses of training during this period?

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

(b) I lay a statement on the Table of the House. [See Appendix X, annexure No. 31.]

(c) Yes.

Sardar Hukam Singh: Were there any special subjects that were studied there?

Shri Gopalaswami: They were sent for a number of different courses of study: Staff college courses, engineering courses, signals courses, etc.

Sardar Hukam Singh: Do those countries send their students also to our country?

Shri Gopalaswami: Yes, Sir.

Sardar Hukam Singh: Have they sent any during the last year?

Shri Gopalaswami: There were about 79 persons from Burma alone who came over here for Air Force training and there were two or three who came to our Staff College in Wellington. Then there were candidates for two or three months' training in a number of Indian institutions, for instance, in the National Defence Academy, the Infantry School, the College of Military Engineering, the School of Mechanical Engineering and so on.

Babu Ramnarayan Singh: Has it already been decided that after return these students will be employed by the Department and their achievements could be utilised for the good of the country?

Shri Gopalaswami: After return from training?

Babu Ramnarayan Singh: Yes.

Shri Gopalaswami: Yes, certainly. After return from training they are used in posts which are intended for the good of the country.

Shri Velayudhan: May I know whether the total expenditure on these students is being borne by the Defence Ministry alone or only partly by them?

Shri Gopalaswami: We bear the expenditure on those of our Army, Air Force and Naval personnel whom we send out.

Shri S. C. Samanta: May I know how many were sent abroad for studying aeronautical and radar engineering?

Shri Gopalaswami: We sent out two for radar training. That is about all.

CENTRAL AGENCY SECTION

*2158. **Shri S. N. Das:** Will the Minister of Law be pleased to state:

(a) whether the working of the Central Agency Section created under his Ministry has been examined with a view to find whether the Section will remain as a permanent part of the Ministry;

(b) whether it is a fact that some of the State Governments have not participated in the scheme;

(c) if so, what are the reasons for their non-participation; and

(d) the total number of cases dealt with by this Agency so far giving separate figures for the States and the Central Government?

The Minister of Law and Minority Affairs (Shri Biswas): (a) No, Sir.

(b) Yes, Sir.

(c) So far as the Government of India are aware, for reasons of convenience they prefer to work through their own Agents for the present.

(d) The number of cases including Petitions and Habeas Corpus matters dealt with by this Section upto 10th May, 1952, are as follows:

| | |
|------------------------|-----------|
| (1) Union of India | 113 Cases |
| (2) Bombay | 87 " |
| (3) Madras | 65 " |
| (4) Punjab | 154 " |
| (5) Madhya Pradesh... | 65 " |
| (6) Bihar | 35 .. |
| (7) Orissa | 25 " |
| (8) Rajasthan | 18 " |
| (9) Saurashtra | 5 " |
| (10) Hyderabad | 24 " |
| (11) Mysore | 20 " |
| (12) Madhya Bharat ... | 6 " |
| (13) Travancore-Cochin | 36 .. |
| (14) Vindhya Pradesh | 3 .. |
| (15) Himachal Pradesh | 5 .. |
| (16) Delhi | 12 " |
| (17) Manipur | 4 " |
| (18) Kutch | 2 " |
| (19) Pepsu | 7 " |
| (20) Tripura | 1 Case. |

Total ... 687 Cases.

Shri S. N. Das: May I know whether, if those Governments who were so far not participating in the scheme now participate, the strength of the section will have to be increased or it will remain as it is?

Shri Biswas: There are three States which are not participating at present, namely Uttar Pradesh, Assam and West Bengal. All the other States are participating and the volume of work has increased considerably. In fact, there has been an increase in the staff. From time to time the working of the section is reviewed to consider to what extent the staff should be increased. The Section started with one Government Agent and one Assistant Agent. In 1951 the post of Deputy Government Agent was filled due to increased pressure of work. Again in 1952 two

Assistants and Clerks were added to the staff.

Shri S. N. Das: I wanted to know if those who have not been participating so far do so now the strength will increase or it will remain as it is.

Shri Biswas: That will depend on the number of cases which will have to be dealt with.

Shri S. N. Das: What is the total expenditure incurred by the Central Government during 1951-52 and how does it compare with the expenditure incurred on this section in the previous year?

Shri Biswas: I will give the full figures. The matter stands as follows. The accounts are taken annually except that in the first year the accounts were taken for the period 4th August, 1950 (when this section was started) to the 31st January, 1951. The total expenditure in this period came to Rs. 28,318-9-0 and the share of the State Governments was Rs. 17,519-10-0. For the period 1st February, 1951 to 31st January, 1952 constituting a complete year, the share of the State Governments was Rs. 46,486-2-0 out of a total expenditure of Rs. 62,253-14-9.

Shri S. N. Das: May I know whether the starting of this section has led to economy and efficiency, as was anticipated?

Shri Biswas: It has led to considerable economy and efficiency.

Mr. Speaker: It would be a matter of opinion.

MICA RESEARCH CENTRE

*2159. **Shri N. P. Sinha:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether a Mica Research Centre is going to be opened in India; and

(b) if so, when and where?

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

(b) A scheme for Mica research has been prepared jointly by the Director of the Central Glass and Ceramic Research Institute and the Director of the Geological Survey of India. According to this scheme research would be carried out partially in the Ceramic Research Laboratory at Calcutta and partially in the National Physical Laboratory at Delhi.

Action with regard to the purchase of some equipment has already been taken and the question of placing orders for the remaining is under consideration. In the meanwhile, work on the utilisation of Mica waste and some work on investigating the possibility of utilising Mica as a heat insulating material has been initiated. As soon as the equipment arrives, work on the standardisation of Mica will be put in hand.

Shri N. P. Sinha: May I know why the mica producing area was not selected as one of the sites for this research centre?

Shri K. D. Malaviya: There is no particular reason for eliminating an area where mica is found, but other considerations were also before us.

Shri N. P. Sinha: May I ask what amount is going to be initially invested by the Government and if that includes also any further donation?

Shri K. D. Malaviya: Yes, Sir. There is a public donation by Shri Ram Kumar Agarwal of a sum of Rs. 2 lakhs. A sum of Rs. 61,000 has been provided for in the Budget of the Geological Survey of India for the purchase of equipment, staff charges etc.

PHYSICAL EDUCATION AND RECREATIONAL ACTIVITIES

*2160. **Shri S. N. Das:** Will the Minister of Education be pleased to state:

(a) whether any grant was given to any institution for physical education and recreational activities during 1951-52;

(b) if so, the names of the institutions with amount given to each; and

(c) whether any of the State Governments was given any grant out of this fund?

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

(b) A statement is placed on the Table of the House. [See Appendix X, annexure No. 32.]

(c) No.

Shri S. N. Das: May I know whether Government have taken any other steps besides giving these grants in order to encourage physical education and if so, what are they? This was one of the recommendations of the University Commission.

Shri K. D. Malaviya: This matter has entirely been left to the State Governments and it is they who are in the best position to tell us what is being done in this regard.

Shri S. N. Das: May I know whether the Government have taken any steps to implement the recommendation of the University Commission regarding the starting of a Central Institute of Physical Education?

Shri K. D. Malaviya: Government have so far taken no steps in that direction.

Shri T. S. A. Chettiar: May I know when such grants are given whether they are given on the recommendation of the State Governments or whether they are given direct?

Shri K. D. Malaviya: Previously the Government of India used to give these grants not on the recommendations of the State Governments but direct, but now the policy is to leave all this work to the States.

Dr. P. S. Deshmukh: May I know what is the total amount spent on this item by the Government of India?

Shri K. D. Malaviya: The total amount spent in 1951-52 is Rs. 26,800.

Shri M. D. Ramaswami: May I know the considerations and conditions on the basis of which grants are made to these institutions?

Shri K. D. Malaviya: There is no specific condition which has been before us.

Shri S. N. Das: May I know whether there are any schemes which the Government are following regarding this physical education?

Shri K. D. Malaviya: As I said, the schemes are for the State Governments to frame.

URANIUM AND THORIUM DEPOSITS

*2162. **Dr. Ram Subhag Singh:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is true that deposits of uranium and thorium ores have been found in certain parts of the Madras State?

(b) if so, in which parts of Madras these ores have been found?

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

Stray specimens of Uranium bearing minerals have been found from some old abandoned workings of mica mines in Madras State. These, however, are not of the nature of workable deposits.

Dr. Ram Subhag Singh: May I know how Government propose to exploit these uranium and thorium ores?

Shri K. D. Malaviya: Government are already doing it in Travancore-Cochin and mostly they utilise the black sand of Travancore-Cochin for the exploitation of uranium.

Dr. Ram Subhag Singh: May I know whether the uranium and thorium ores are exported to any foreign countries from India?

Shri K. D. Malaviya: No, Sir.

Shri V. P. Nayar: Are there foreign scientists helping in the investigation of thorium and uranium deposits?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): No.

Jonab Amjad Ali: May I know whether all the possibilities of exploiting these two valuable minerals have been exhausted in the State of Mysore?

The Prime Minister (Shri Jawaharlal Nehru): No, Sir. There are still enormous possibilities to be explored all over the country.

Sardar Hukam Singh: Have we got any factory to produce compounds of these rare minerals?

Shri Jawaharlal Nehru: Yes. In Travancore there is a factory which is just starting the processing of monozite.

Dr. Ram Subhag Singh: May I know whether monozite sands are still exported to foreign countries?

Shri Jawaharlal Nehru: No, Sir. Most of these minerals are not normally allowed for export, but some parts are exported by special arrangements when we get something of value in return for them.

Dr. Ram Subhag Singh: To which country is this sand exported by special arrangements and what do we get in return?

Shri Jawaharlal Nehru: I could not immediately answer that question, but actually arrangements exist with France for sending certain rare ores. A small quantity is, I think, sent to the United States for experimental purposes and there is an arrangement also with the United Kingdom, I think.

Dr. Ram Subhag Singh: May I know, Sir, what if any do we get in return from the United States of America?

Mr. Speaker: I think it is no use going into that question.

WEST BENGAL BANKS

*2163. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) if there has been any approach to the Reserve Bank of India from scheduled and Co-operative Banks of West Bengal to allow them discounting facilities as regards loans to tea gardens under Section 17 of the Reserve Bank Act;

(b) if so, what decision has been arrived at in the matter?

The Minister of State for Finance (Shri Tyagi): (a) No scheduled or Co-operative bank in West Bengal has so far approached the Reserve Bank for rediscounting facilities under Section 17 of the Reserve Bank of India Act for the specific purpose of providing finance to tea gardens.

(b) Does not arise.

Shri A. C. Guha: Is the Government aware that some foreign banks are lending money on the hypothecation of standing tea crops?

Shri Tyagi: I have no information just now in my pad, but I might say that the European companies generally do not want any finance from the banks here. Probably, they may be having finance from banks outside.

Shri A. C. Guha: The hon. Minister said that no scheduled or co-operative banks have approached the Reserve Bank. May I know if there has been any approach from any other quarter to the Reserve Bank for financing the standing tea crops?

Shri Tyagi: No, Sir. On the other hand, offers were made to the tea industry that they could contact the banks for financial facilities.

Shri A. C. Guha: May I know whether after the amendment of the Reserve Bank Act a sort of enquiry was started by the Government for the financing of tea crops, and if so, what has been the result of that enquiry?

Shri Tyagi: In response to a question put here by Mr. U. N. Barman, the Reserve Bank of India was requested to depute some officer and they deputed one. According to the report of that officer, the European-owned tea gardens represent about 80 per cent.

of the total Indian tea industry and it is only the remaining 20 per cent. of the industry that is owned by Indians. The European section of the industry is not experiencing any special financial difficulties. Up to 90 per cent. of the Indian-owned gardens also do not experience much difficulty in obtaining short-term finance from banks. Only 10 per cent. of the total number of Indian tea gardens, principally small proprietary gardens in Assam, are reported to have experienced difficulties in raising finance, but the reason is not so much the lack of banking finance as that of the fact that these small gardens are too small to function as economic units and as such banks do not consider it a good banking risk to make large advances to them.

Shri A. C. Guha: Since there is at present a crisis in the tea industry, may I know whether since this enquiry there has been any change in the situation as regards Indian-owned tea gardens?

Shri Tyagi: I have no information about the change, but I may add for the information of the hon. Member that the Reserve Bank of India could not render any direct assistance to the tea gardens for the purpose of tea financing. The only facility lying within the present scope of the Act is the rediscounting of bills by scheduled and co-operative banks provided the bills bear signatures. The Reserve Bank's decision to extend re-discounting facilities to scheduled and co-operative banks in respect of letters of credit and loans to tea gardens was brought to the notice of the Central Tea Board by the Ministry of Commerce and Industry in May last, but so far no scheduled or co-operative bank in West Bengal has availed of that facility for financing tea gardens.

Shri A. C. Guha: May I know whether the committee that was going into this matter last month has made any recommendation in this respect?

Shri Tyagi: An enquiry committee was sent from here to Assam, South India and Kangra valley tea gardens and they have submitted their report. It is still under consideration and it is too premature for me to comment on the report.

Shri K. P. Tripathi: Is the Government aware that owing to the curtailment of financial facilities some of the Assam tea gardens have threatened to serve notices on labourers?

Shri Tyagi: I am afraid I could not make out what "curtailment of financial facilities" means.

Shri K. P. Tripathi: Because tea prices have fallen, to that extent the banks have curtailed their financial facilities. Therefore the difficulty has arisen.

Shri Tyagi: The Industrial Finance Corporation also expressed their willingness to extend long-term credit facilities to tea gardens which are public limited companies against the security of machinery and buildings. This was specifically brought to the notice of the Tea Board, but they did not avail themselves of this facility.

GEOLICAL SURVEY OF INDIA

*2164. **Shri S. C. Samanta:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that detailed systematic mapping and mineral survey was continued in the Eastern Circle of the Geological Survey of India in 1951-52; and

(b) if so, what are the places surveyed with results?

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

(b) A statement giving the information available is laid on the Table of the House. [See Appendix X, annexure No. 33.]

Shri S. C. Samanta: May I know, Sir, the reason why the Kashimara valley and the Telchira oil seepage area in the Khasi States Union in the border of Assam-Pakistan were not re-examined in this year and whether Government propose to re-examine them in the next year?

Shri K. D. Malaviya: I cannot say anything specific about these areas.

Shri S. C. Samanta: May I know, Sir, whether the B.O.C. geologists asked for any help of our Geological experts for Petrographical survey in Assam?

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

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): Eastern Circle means Bihar, West Bengal and Orissa.

Shri S. C. Samanta: In the Geological Survey of India published by Government, I find that Assam is also included in the Eastern Area. So, I put the question.

Jonab Amjad Ali: May I know why Assam is excluded from the Eastern circle.

مولانا آزاد: گورنمنٹ نے کام کی اسائی کے لئے الگ سرکل بلائے ہیں۔ اگر اس میں آسام نہیں ہے تو اس کا مطالب یہ ہوئی ہے کہ آسام چوروں دیا گیا ہے۔ وہ دوسرے سرکل میں ہوا۔ ہمارے پاس جو ڈیورٹ اس وقت ہے اس میں یہ لکھا ہے کہ ایسٹرن سرکل میں ویسٹ بنکال، بہار اور اڑیسا ہے۔

[Maulana Azad: Government have formed separate circles in this connection for the sake of convenience. If Assam is not included in a particular circle, it does not mean that it has been excluded. It might be included in some other circle. The report that is before us at present says that West Bengal, Bihar and Orissa constitute the Eastern Circle.]

جناب امجد علی: کہا میں جان گئنا ہوں کہ آسٹن کس سرکل میں ہے؟

[Jonab Amjad Ali: May I know the circle in which Assam is included?]

مولانا آزاد: میں اس وقت نہیں بت سکتا۔

[Maulana Azad: I cannot give this information offhand.]

شی ۱۸۰ شی ۱۸۰ سامنٹ: کہا میں مبینی مہوہدی سے جان سکتا ہوں کہ ایسٹرن سسٹس کے گارے میں جو انوسانچان سرای کے لیے اور سیہ-بھوہ جیلیوں میں ہوئے ہے انہی سے پہلے اس کے گارے میں کوئی انوسانچان ہوئے ہے یا نہیں؟

شی ۱۸۰ شی ۱۸۰ مالویہ: پہلے کے گارے میں نہیں کہ سکتا پر جو آفیسی

इन अनुसंधानों के लिये गये थे वे अब लोट कर आये हैं। वहां उन्होंने जो नतीजे देखे हैं उनको वे दफ्तर में बैठ कर अध्ययन करेंगे तभी कुछ बताया जा सकता है।

Sardar Hukam Singh: Could any fruitful results be achieved out of a comprehensive survey of the mica belt of Bihar in this circle?

Shri K. D. Malaviya: This question can be answered only after the matter has been thoroughly studied.

Shri Raghavaiah: May I know the total number of foreign experts engaged in Geological Survey of India?

Shri K. D. Malaviya: I do not know the exact figure.

PROPERTIES OF FOREIGNERS DYING IN INDIA

*2165. **Shri S. C. Samanta:** Will the Minister of Law be pleased to state:

(a) how much worth of properties of foreigners dying in India came into the hands of the Government of India since 1947 (year by year);

(b) how those properties were disposed of; and

(c) have any claims for properties reached the Government of India from the heirs of those deceased persons?

The Minister of Law and Minority Affairs (Shri Biswas): (a) and (b). The information is not available with the Government of India. If the hon. Member desires the information will be obtained from appropriate authorities and placed on the Table.

(c) No.

Shri S. C. Samanta: May I know whether any such reciprocal arrangements exist with any other country?

Shri Biswas: There is no question of any reciprocal arrangements. There are certain provisions in our Acts under which these properties, if not claimed are taken over by the Administrator-General and it remains with him until a claim is made, and that claim is established either by some relative or some other person obtaining letters of administration from the courts. If there is no claim, after a lapse of twelve years the funds are credited to the Government. There is no question of any reciprocal arrangement in this matter.

Shri S. C. Samanta: I want to know whether any country up till now sent any such information about the returning back of the property left there by Indians.

Shri Biswas: No; no such claims have been received.

Shri M. S. Gurupadaswamy: How many foreigners have died so far in this country?

Shri Biswas: I have not got the figures.

INDIAN COUNCIL FOR CULTURAL RELATIONS

*2166. **Shri S. C. Samanta:** Will the Minister of Education be pleased to state:

(a) what sum has been spent for exchange of Professors and Students with the Middle East and South East Asia wings in the years 1950-51 and 1951-52 by the Indian Council for Cultural Relations?

(b) how many Professors and Students came to India during these years and from which countries?

(c) how many Professors and Students were sent to other countries in Asia during these years and what are the names of the countries?

(d) how is the scheme expected to work during 1952-53?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) to (c). During 1950-51 and 1951-52 the Indian Council for Cultural Relations spent Rs. 6,181/10/- and Rs. 4,800 respectively on one Indian professor of Sanskrit and Indology whose services were placed with the Tehran University by the Government of India at the request of Anjuman-e-Iran Shinasí.

During 1950 Prof. Syed Naficy, a Litterateur and Savant from Iran toured over this country and delivered lectures.

No money was spent on exchange of professors and students with any other country during the period.

(d) Proposals are under consideration.

श्री एस० सी० सामन्त: क्या मैं मानसीय मंत्री जी से यह जान सकता हूँ कि तेहरान यूनिवर्सिटी की स्थापना के लिये जो कोशिश की गई थी उस के बारे में क्या हो रहा है?

شی کے ڈیو مالکیت: اس سوال میں تو یہ پوچھا گیا تھا کہ باہر کوئی سماں گئے ہے اور کلچرل ریلیشنز کوئی نسل کے ماتحت کیا کاریبیا ہے ہری ہے۔ اس کا جواب میں نے دے دیا۔

سٹن گوبیند داس: کیا ماننی یہ ماننی یہ یہ باتانے کی کوپا کرے گی کہ ابھی جو عوام نے کہا کہ اس سماں میں اور بھی پرستا ہوں پر ویکھا رہا ہے، وہ پرستا ہوں کیس پر کا کہے ہے؟

مسنٹر اف ایجکویشنی ایلڈ نیچرل
وسووسز ایلڈ سائٹیٹنک دسروج (مولانا آزاد): کونسل کا مقصد ہے باہر کے ملکوں سے ہمارے کلچرل ویکھیں بڑھیں بروفھسوس کا بھیجا استوچنیتیں کا ایکسچیج وغیرہ۔ لیکن ابھی فائلیشن حالت ایسی نہیں ہے کہ بے پیمانہ پر کام کیا جائے۔ اس لئے ہم غور کر رہے ہیں کہ ابھی کہاں تک قدم اٹھایا جائے۔

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The objectives of the Council are to enhance our cultural relations with the foreign countries, to send professors abroad and to exchange students, etc., etc. But our financial position at present does not warrant us to start this work on a large scale. And so we are considering how far we should go in this matter.]

شی کے ڈیو مالکیت: میں جانتا ہوں کہ جنہیں کاروباری کیا جائے۔ ایک انکش کوارٹری نکلا جا رہا ہے۔ وہ جلدی ہی نکل جائیگا۔ اور ہو کام اس پرے میں شروع ہونگے۔

[Maulana Azad: Steps are being taken in this direction. An English quarterly is going to be published soon. Some other activities are also being initiated.]

شی کے ڈیو مالکیت: کیا ماننی یہ ماننی یہ یہ باتانے کی کوپا کرے گی کہ جو ویکھا رہا سے آتے ہے۔ اس میں سے کوچ سانکھ پڈنے کے لیے بھی آتے ہے؟

مولانا آزاد: میں ابھی قطعی طور پر نہیں بتتا مگر ایسے استوچنیتیں ضرور ہونگے۔

[Maulana Azad: I cannot say anything definitely; but there should be some such students who would be studying Sanskrit.]

Sardar Hukam Singh: Apart from exchanging professors and students, there are any other activities of these wings?

شی کے ڈیو مالکیت: Yes, Sir, there are various other activities also, for instance, publications of quarterlies, exchange of students and savants, maintenance of chairs, etc.

شی کے ڈیو مالکیت: May I know whether the expenditure on the particular Iranian professor was met by the Government of India or by the sponsoring Government?

شی کے ڈیو مالکیت: It was met by the Council for Cultural Relations.

شی کے ڈیو مالکیت: ایک اس سی سی سماں کے باہر بے بنے کے لیے کوئی ایک ایجاد سیلکے شان کمٹی ہے یا ایک ایجاد میں اسٹریٹری یونکا نیواچن کرتی ہے؟

شی کے ڈیو مالکیت: میں اس سماں تک اس کا عتار نہیں دے سکتا کیونکہ کوئی بے بنے نہیں ہے۔

BANARAS AND ALIGARH UNIVERSITIES

***2167. Prof. Agarwal:** Will the Minister of Education be pleased to state:

(a) what steps are the Government of India taking to see that the former communal atmosphere of the Aligarh and Banaras Universities is cleared;

(b) how many Hindu students are, at present, studying in the different Faculties of the Aligarh University; and

(c) what is the number of Muslim and Christian students studying in the Banaras University?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): (a) The Government of India have amended the Aligarh Muslim University and Benares Hindu University Acts whereby the membership of the Courts of the two Universities has been thrown open to all persons irrespective of religion or caste. Religious instruction in both the Universities is now given only to those who wish to receive it.

(b) and (c). Information for 1952-53 is not yet available as admissions have just commenced. A statement showing the information for 1951-52 is laid on the Table of the House. [See Appendix X, annexure No. 34.]

پرو. اپریوال: کیا میں یہ جان سکتا ہوں کہ اعلیٰ گاہ یونیورسٹی میں جو ویڈیار्थی پढتے ہوں وہ اک ساٹھ ہوستلز میں رہتے ہوں یا اعلیٰ اعلیٰ ہوستلز میں رہتے ہوں؟

مسنٹر آف انجوکیشن اینڈ نیچرل سائنسز ایڈنٹ سائٹیٹیک دسچ (مودنا آزاد): جہاں تک گورنمنٹ کے علم میں ہے کوئی خاص لگ انتظام نہیں ہے۔ وہاں ملی چاندی زندگی ہے۔

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): So far as the Government are aware, there are no separate arrangements. They live together.]

پرو. اپریوال: کیا میں یہ سمجھ سکتا ہوں کہ اعلیٰ گاہ یونیورسٹی میں کیتھے نان مسیلیم پروفیسرس ہیں اور بنارس یونیورسٹی میں کیتھے نان ہنڈو پروفیسرس ہیں؟

مولانا آزاد: اس کا جواب میں ابھی نہیں دے سکتا۔

[Maulana Azad: I cannot give this information at this time.]

اوی. امجد علی: کیا میں ماننی یہ بھی سمجھ سکتا ہوں کہ ریزرو بینک

یونیورسٹی میں جو آپسے ملائی کی شاہرا ہوں گے اسکے لیے سرکار نے کیتھے رکھ دے کا ویچار کیا ہے؟

Mr. Speaker: I think he is repeating that question in a different form.

شی. م. ل. دویویڈی: It was not replied to on that day.

Mr. Speaker: Order, order. He may put a separate question.

مولانا آزاد: اس کا تعلق مھلے ملستری سے ہے۔ ایجوکیشن ملستری سے نہیں ہے۔

[Maulana Azad: The question relates to the Ministry of Health and not to the Ministry of Education.]

شی. س. ن. داہ: May I know the number of students in each of these Universities who had expressed their willingness to receive religious instructions and the number of students who are already given religious instruction there?

مولانا آزاد: میں یہیک اسکا جواب کیسے دے سکتا ہوں۔ نوٹس کی ضرورت ہے۔

[Maulana Azad: I cannot give this information offhand. I require notice.]

Jonab Amjad Ali: Sir, may I ask, through you, the hon. questioner a question? What does he mean by "the communal atmosphere of the Aligarh and Banaras Universities"?

Mr. Speaker: Order, order.

Jonab Amjad Ali: Is he prepared to explain it, Sir?

Mr. Speaker: The Question-hour is intended for eliciting information from the Treasury Benches and not information from other sources.

Jonab Amjad Ali: The question mentions...

Mr. Speaker: I know what he wants, but he may discuss it outside with him.

RESERVE BANK CREDIT POLICY

*2168. **شی. بارمن:** Will the Minister of Finance be pleased to state:

(a) what amount of credit the Reserve Bank of India had financed

to the Scheduled Banks in the years 1950 and 1951;

(b) what is the amount that has been paid back to the Reserve Bank in these two years; and

(c) what are the main purposes for which the credit was given for working capital, for productive investment or for other necessities?

The Minister of State for Finance (Shri Tyagi): (a) and (b). The total advances granted by the Reserve Bank of India to scheduled banks amounted to Rs. 13.72 crores in 1950 out of which Rs. 12.98 crores was repaid during the year and to Rs. 76.57 crores in 1951 out of which Rs. 56.67 crores was repaid during the year.

(c) The credit was given mainly to enable the banks to meet their temporary requirements of cash resources arising out of factors such as increased demand for money due to stringent conditions in the money market, withdrawal of deposits, etc. The question of such advances being made for "working capital" or for "productive investment" does not arise.

Shri Barman: May I know if the recent increment in the rate of interest has in any way affected productive investment in the country?

Shri Tyagi: It will be difficult for me to give a definite reply offhand to this wide question.

Dr. Deshmukh: Could the hon. Minister state the amount of advances made during the year 1952, up to the end of June?

Shri Tyagi: I would like to have notice of that question.

Shri A. C. Guha: Arising out of the answer to part (c) of the question may I know how many banks have been helped in this way and what is the number State-wise?

Shri Tyagi: I am sorry I have not got statistics about the number of banks.

ओ आर० एन० सिंह : क्या मैं जान सकता हूँ कि इंडिया के शिड्यूल बैंक्स में इमदादी बैंक रामपुर भी है या नहीं।

Mr. Speaker: Order, order.

Dr. P. S. Deshmukh: Has the Government followed a credit policy of contracting the debt during 1952 as

compared with 1951—has it been their policy to give less advances in 1952 as compared with 1951?

Shri Tyagi: No, Sir. It was not basically the policy of the Reserve Bank to give or not to give advances. It was more based on the demand that came from the scheduled banks.

Shri A. C. Guha: May I know what amount the Reserve Bank has advanced to scheduled banks for agricultural purposes?

Shri Tyagi: It is difficult to give separate figures. I have got the total figures. The breakup can be supplied if the hon. Member is anxious to have it. I would like to have notice.

Shri Barman: May I know whether it is the policy of the Reserve Bank at the time of granting these credit facilities to the scheduled banks to consider what kind of investments the scheduled banks are financing for which they want the credit facilities—do they consider it as a matter of policy or not?

Shri Tyagi: In 1950 a smaller amount of advances was given to the scheduled banks. They demanded smaller amounts. That was partly due to easy conditions in the market and not on account of the Reserve Bank refusing to give the advances.

Shri T. S. A. Chettiar: Is it one of the conditions of the advance that it should not be invested in long-term investments?

Shri Tyagi: In fact the Reserve Bank cannot give any long-term loans, and therefore the result is that the scheduled banks cannot also invest large amounts on a long-term basis.

HOOKAH TOBACCO

*2169. **Shri Barman:** Will the Minister of Finance be pleased to state:

(a) what are the prices ruling this year of Hookah tobacco and what is the excise duty payable on such tobacco; and

(b) is it a fact that the price of tobacco has gone down abnormally?

The Minister of State for Finance (Shri Tyagi): (a) A statement showing the wholesale prices of established qualities of Hookah tobacco, ruling in the principal markets, during the period January to July 1952, is laid on the Table of the House. [See Appendix X, annexure No. 35.]

The rate of excise duty on Hookah tobacco is six annas per lb.

(b) The fall in prices between January 1952 and July 1952 ranges from 8 to 26 per cent, approximately in six of the principal varieties, and in one variety, namely, Deshi (Morhan) Tobacco, the fall is about 42 per cent.

Shri Barman: May I know from the hon. Minister why the statement does not include the relative price of tobacco grown in West Bengal and no indices are given for such?

Shri Tyagi: The West Bengal tobacco probably is not classified under the heading 'Hookah tobacco' and if my hon. friend has knowledge of some being grown in West Bengal, then that variety must be very small in quantity.

Shri K. K. Basu: Why not verify that?

Mr. Speaker: Order, order.

Shri Barman: In view of the fact that even this year the price of tobacco in some cases, as the hon. Minister has stated, has fallen upto 42 per cent, do Government consider the desirability of inquiring whether this fall in prices will affect in any way the growing of tobacco in the coming season?

Shri Tyagi: So far our report is that the cultivation of tobacco even this year has not decreased, but this larger fall of prices—42 per cent—is affecting only one variety of Hookah tobacco and not the others. The others have not fallen to that extent.

Shri Barman: As regards the Hookah Tobacco will the hon. Minister consider if it is desirable to enquire whether this fall in price will affect this variety of tobacco in the coming year? If so, will he consider the reduction of duty as regards Hookah Tobacco?

Shri Tyagi: Out of the total duty collected to the extent of Rs. 25.59 crores on all varieties Hookah tobacco yielded only Rs. 4.43 crores and all these varieties which are used in hookah tobacco have not fallen so badly in prices as only one variety, out of the many.

Shri M. Islamuddin: May I know whether Hookah Tobacco is exported outside the country? If so what is the quantity and value of the tobacco exported last year?

Shri Tyagi: I have no information ready at hand and I cannot also say whether Hookah tobacco is exported. I will find out for the benefit of the hon. Member.

Shri S. C. Samanta: May I know whether there is any representation of the Hookah Tobacco smokers in the Indian Central Tobacco Committee?

Shri Tyagi: Mostly smokers do not represent to us. It is only those persons who deal in tobacco that represent to us.

Dr. P. S. Deshmukh: May I know if the hon. Minister knows whether the continued high duty on cigarette tobacco has afforded any encouragement to Hookah smoking and has it gone up?

Mr. Speaker: These are suggestions for action. I shall go to the next question.

AID UNDER COLOMBO PLAN

***2170. Sardar Hukam Singh:** Will the Minister of Finance be pleased to state:

(a) how many motor vehicles are to be received under the Colombo Plan and when;

(b) how does Government propose to dispose of these vehicles; and

(c) whether these vehicles are to be imported complete with tyres and body etc.?

The Minister of State for Finance (Shri Tyagi): (a) 1285 vehicles are to be received by the end of 1952.

(b) These vehicles would be sold to the Bombay Road Transport Corporation who will use them for the public transport of goods in the State of Bombay.

(c) These details are still being worked out in Canada with an officer of the Bombay State Transport Corporation.

Sardar Hukam Singh: Are there any special reasons why the whole consignment is proposed to be given to the Bombay Transport Company?

Shri Tyagi: Yes. The difficulty was that out of 15 million Canadian dollars that were available to us this year, we could utilise only 10 million Canadian dollars on account of wheat and the rest was to be utilised within this financial year; otherwise the amount would lapse. The other commodity available in Canada just now to consume this balance of credit available to us are these vehicles. The Planning Commission according to the programme in the Five Year Plan, suggested that this Bombay Road Transport Corporation should be encouraged. Therefore, we thought it best to utilise

the amount and get those vehicles for the purpose.

Sardar Hukam Singh: What is the amount of credit to our country on account of these tyres and tubes, when we get these vehicles?

Shri Tyagi: I am not yet sure whether these vehicles will come alone with the tyres and tubes or without them.

सेठ गोविंद दास : क्या हर साल इस प्रकार की गाड़ियां यहां आवेगी और यदि आवेगी तो क्या भविष्य में वे हर प्रदेश में वितरित की जावेगी या किसी खास प्रदेश को ही मिलेंगी ?

श्री त्यागी : जैसा कि मैं ने अभी हाउस से अर्ज किया था, यह जो गाड़ियां हैं वे हर साल आने वाली नहीं हैं, बल्कि एक योजना के अनुसार जो हमको कैंनेडियन डालर कैनाडा में हासिल थे, उनका इस्तेमाल करने के लिये एक पंचवर्षीय योजना में जो वम्बई की मदद के बास्ते उसका हिस्ता था उसके लिये यह गाड़ियां ले ली गयी हैं।

Shri Raghavaiyah: Is it a fact that because we are already committed to the import of motor cars from Canada, the Government of India have prohibited the disposal of motor cars of the Soviet Union at the International Exhibition Bombay and the import of motor vehicles from the U.S.S.R.?

Shri Tyagi: The supply of vehicles under this arrangement has nothing to do with the prohibition policy of the import of motor cars into India, whatever. The policy of prohibition is being enforced on the import of motor cars on account of patriotic reasons for the purpose of developing the motor car industry in India.

Several Hon. Members rose—

Mr. Speaker: Order, order. I am going to the next question.

BHOPAL STATE FORCES

*2171. **Pandit C. N. Malviya:** Will the Minister of Defence be pleased to state whether any relief in the form of (i) loan, (ii) land or (iii) monetary grants has been given to the ex-servicemen of the Bhopal State Army?

The Minister of Defence (Shri Gopalaswami): No relief in the form of loan or land has been given to the

ex-servicemen of the Bhopal State Army, but the Bhopal Government have been asked to prepare suitable schemes for the resettlement of ex-servicemen on land. Regarding monetary grants, those who opted for absorption in the Indian Army, but were rejected or not absorbed, were granted mustering out concessions by the Central Government. Non-optees were granted mustering out concessions by the State Government under their rules.

Pandit C. N. Malviya: May I know if the cases of ex-servicemen whose services are more than 10 years are still pending with the Central Government in the Defence Ministry?

Shri Gopalaswami: If there are any such pending, I shall see that they are quickly disposed of.

Pandit C. N. Malviya: May I know the number of cases of ex-servicemen which are pending?

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

Shri M. L. Dwivedi: May I know if the scheme prepared for the ex-servicemen of Bhopal is applicable to other Part C States and if so, what are the States?

Shri Gopalaswami: In the case of all States whose forces have been dealt with in the same way, the same course will be adopted.

Shri C. K. Nair: May I know what is the number of Scheduled Caste people who have been discharged from the Army and what arrangements have the Government made to rehabilitate them for the last two years?

Shri Gopalaswami: From the Bhopal State Army?

Shri C. K. Nair: Discharged from the Indian Army.

Pandit C. N. Malviya: The hon. Minister stated that some persons were rejected and not accepted in the Indian Army. May I know the reason? Is it a fact that the same facilities were not given to these ex-servicemen there as it was given in other places?

Shri Gopalaswami: Those who opted for the Indian Army were not all taken into the Indian Army, but some of them were actually rejected and as we had at the time a scheme of reducing the strength of the Army, it was decided that all the men of the Bhopal Army should be released but wherever there were cases where they had exercised their option in favour of the Indian Army and they had

either not been absorbed or had been rejected we gave them a better scale of mustering out concessions than those who did not so opt.

Pandit C. N. Malviya: May I know when this Bhopal State army was disbanded and how long it will take for the Bhopal Government to make schemes for their settlement?

Shri Gopalaswami: I cannot answer for the Bhopal Government. We have asked them for schemes and the schemes have yet to come, so far as settlement is concerned.

CENTRAL CHILDREN'S BILL

*2172. **Shrimati Sushama Sen:** Will the Minister of Education be pleased to state:

(a) whether the Government of India contemplate enacting a "Central Children's Bill" as a reformative measure for juvenile offenders; and

(b) how many children's homes are there in the capital city of Delhi?

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

(b) There is only one children's home in the capital city of Delhi which is under the administrative control of Delhi State Government.

Shrimati Sushama Sen: May I know if it is a fact that the only juvenile court in Delhi is situated next to the jail and the ordinary amenities for child offenders are not available in Delhi?

Shri K. D. Malaviya: The Delhi State Government can answer this question. I will pass on the wishes of the hon. Lady Member, to the Delhi State Government.

Mr. Speaker: It is no use putting these questions; it is a matter for the Delhi State Government. Next question.

Shri Velayudhan: One question, Sir.

Mr. Speaker: Next question.

SOCIAL EDUCATION

*2173. **Shri Madiah Gowda:** Will the Minister of Education be pleased to state whether any measures suggested by the Planning Commission in the matter of Social Education have been implemented?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): No, the Commission

is still finalising its report. Nothing can be said at this stage about the implementation of its proposals regarding Social Education.

Shri Madiah Gowda: Is any amount allotted for this purpose in the current year's budget?

Mr. Speaker: I think it is premature to ask this question, when the proposal is still being finalised. Next question.

RECRUITMENT OF SCHEDULED CASTES TO THE ARMY

*2174. **Shri Ajit Singh:** Will the Minister of Defence be pleased to state:

(a) whether any reservation has been made for the Scheduled Castes for recruitment to the Naval, Armed and Air Forces;

(b) if not, why not?

The Minister of Defence (Shri Gopalaswami): (a) No, Sir.

(b) It is Government's policy to recruit officers and men to the Armed Services without any distinction of class or creed.

Shri Ajit Singh: May I know whether Government are aware of the amalgamation of the backward classes Sikh Light Infantry Regimental Centre with the Second Punjab Regimental Centre?

Shri Gopalaswami: They are aware.

Shri Ajit Singh: In view of this fact, can the hon. Defence Minister assure this House that the backward people will get their equal share in regard to promotions, etc., in the army?

Shri Gopalaswami: Scheduled caste people?

Shri Ajit Singh: Backward classes.

Shri Gopalaswami: That, of course, depends upon their having the necessary qualifications.

Jonab Amjad Ali: May I know whether certain classes are preferred for recruitment to the army?

Shri Gopalaswami: No, Sir.

Shri Velayudhan: May I know from the hon. Minister whether the Mahar Regiment still continues or has been amalgamated?

Shri Gopalaswami: The Mahar regiment continues to exist in the old form.

Shri Nana Das: How many scheduled caste officers are there in our army today?

Mr. Speaker: I think it is going into great details. I am going to the next question.

Shri Nana Das: Which is the highest.....

Mr. Speaker: Order, order; next question.

INDO-U. S. TECHNICAL CO-OPERATION AGREEMENT

*2175. **Shri Badshah Gupta:** Will the Minister of Finance be pleased to state what annual interest the Government of India will have to pay to the Government of U.S.A. on account of the Technical Cooperation programme entered into between the Government of India and the Government of U.S.A.?

The Minister of State for Finance (Shri Tyagi): No interest will be payable as the operational agreements entered into under the Technical Co-operation Programme do not provide for any loans being received.

BASIC EDUCATION

*2176. **Shri M. Islamuddin:** Will the Minister of Education be pleased to state the amount allotted to each State in 1951-52 and 1952-53 to train basic teachers?

The Parliamentary Secretary to the Minister of Education and Natural Resources and Scientific Research (Shri K. D. Malaviya): No provision was made, during 1951-52 for the training of Basic teachers. During 1952-53, a sum of Rs. 1 crore has been provided for Basic and Social Education, out of which a suitable amount is proposed to be utilized for grants to States for schemes under the 5-year educational plan which includes training of basic teachers.

Shri M. Islamuddin: May I know the amount spent by each State for training of basic teachers?

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

Shri M. Islamuddin: May I know the total number of teachers trained in India on basic education?

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

Mr. Speaker: The point is that the subject is a State subject. He cannot answer all these questions.

Shri M. Islamuddin: I asked about training. May I know whether free and compulsory basic education has been introduced anywhere in India?

Shri K. D. Malaviya: This question is not related to the answer that I have given. These enquiries about basic education schemes should be made from the State Governments.

प्रेम अध्यात्म : क्या मैं जान सकता हूँ कि जो वैसिक शिक्षा उत्तर प्रदेश में है, क्या भारत सरकार उस को सचमुच वैसिक समझती है ?

Mr. Speaker: It is a matter of opinion and interference with the administration of U.P. The question must be addressed to the State Government.

श्री एस० एन० दास : जो रकम इस साल सामाजिक शिक्षा के लिये रकमी गयी है, उसके बंटवारे के लिये क्या कोई योजना तैयार की गयी है ?

श्री क० डॉ मालवीय : जी नहीं, यह तो पंचवर्षीय योजना के अन्दर एक रकम निर्धारित की गयी है और उसके बंटवारे का जहां तक मुझे मालूम है, अभी कोई निश्चय नहीं किया गया है।

Shri B. K. Das: May I know whether there is any Central scheme for the training of teachers or whether each State Government has its own scheme.

Shri K. D. Malaviya: It is a matter for the State Government to decide.

मध्य भारत का केंद्रीय राजस्व और व्यवस्था

*२१७७. **श्री आर० सी० शर्मा :** क्या वित्त मंत्री यह बतलाने की कृपा करेंगे:

(क) पिछले दो वित्तीय वर्षों में केन्द्रीय वित्तीय समन्वय हो जाने के फलस्वरूप मध्यभारत से हुई आय; और

(ख) केन्द्रीय सरकार द्वारा इस आय में से मध्यभारत में कर्मचारियों के वेतन और कार्य-प्रबन्ध पर कितनी राशि व्यय की गई और उसमें से कितनी

राशि वहां जनहित के कामों के लिए दी गयी।

The Minister of State for Finance (Shri Tyagi): (a) and (b). I am afraid it is not possible to furnish the information because the account of revenue attributable to a particular area and of the expenditure met out of such revenue are not kept distinct from those for the rest of the country, nor is it practicable to do so.

Mr. Speaker: The question List is over.

WRITTEN ANSWERS TO QUESTIONS

HINDI IN SECONDARY SCHOOLS

*2161. **Shri N. S. Nair:** Will the Minister of Education be pleased to state:

(a) in how many States Hindi has been enforced as second language for Secondary Schools; and

(b) in how many of these States English is still taught as a compulsory subject, over and above the local language?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). A statement giving the available information is laid down on the Table of the House. [See Appendix X, annexure No. 36.]

EDUCATION IN TRIPURA

563. **Shri Biren Dutt:** Will the Minister of Education be pleased to state:

(a) the amount granted for non-Government schools in Tripura;

(b) the amount granted for the construction of college building;

(c) the progress made in respect of construction work since the grant was made; and

(d) the number of primary and secondary schools expected to be started as a result of the grants made to Tripura?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Rs. 28,800 during 1951-52.

(b) Rs. 26,000 during 1951-52.

(c) The outer walls of the eastern half of the building were plastered.

(d) Provision has been made in 1952-53 for grants to five new High English Schools, five Middle English Schools and ten new Primary schools.

EDUCATION IN BHOPAL STATE

564. **Pandit C. N. Malviya:** Will the Minister of Education be pleased to state:

(a) what amount was spent by the Central Government on education in the Bhopal State from June 1949 to March 1952;

(b) what was the number of (i) Primary Schools, (ii) Upper Primary Schools, (iii) Middle Schools and (iv) Secondary Schools in July 1949 and March 1952; and

(c) what was the total number of students in July 1949 and in 1952 in (i) Primary Schools, (ii) Upper Primary Schools, (iii) Middle Schools and (iv) Secondary Schools?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

EXCISE DUTY ON TOBACCO

565. **Dr. P. S. Deshmukh:** Will the Minister of Finance be pleased to state the revenue from excise duty from tobacco State-wise for the years 1949-50, 1950-51 and 1951-52?

The Minister of State for Finance (Shri Tyagi): A statement is laid on the Table of the House. [See Appendix X, annexure No. 37.]

NEW YORK HERALD TRIBUNE

566. **Shri S. N. Das:** Will the Minister of Education be pleased to refer to Unstarred Question No. 362-A, dated the 4th October 1951 and state:

(a) the names of students who were selected as Indian delegates to the New York Herald Tribune;

(b) names of the institutions to which each of them belonged;

(c) nature of part played by them during discussion;

(d) whether any report in this connection has been received by the Government?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). (1) Mr. Rajendra Nath Bara

from Cotton College, Gauhati (Assam) and (2) Miss Myrtle Dorai Raj from Stella Maris College, Madras, were selected as Indian Delegates to the New York Herald Tribune.

(c) These students took part in Class room discussions in various schools in the United States of America and also addressed assemblies on India in particular and on Eastern problems in general.

(d) Government have received no report from the Forum authorities.

BABATPUR AERODROME

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

(a) whether large areas of lands requisitioned for the construction of Babatpur Aerodrome at Banaras during the war have been returned to the owners;

(b) if so, what areas of the lands are still to be returned;

(c) whether and when will they be returned; and

(d) whether all compensations due for the period of requisition of all the lands have been paid?

The Minister of Defence (Shri Gopalaswami): (a) Yes. All lands, other than those permanently acquired for the Director General of Civil Aviation have been released to the owners.

(b) Nil.

(c) Does not arise.

(d) Yes.

NATIONAL SAVINGS CERTIFICATES

568. Shri Sanganna: Will the Minister of Finance be pleased to state:

(a) what amounts have been invested under the National Savings Certificates in each State of India during the last three years viz., 1944, 1950 and 1951;

(b) what amount of commission was paid to the agents appointed in these States during the above years; and

(c) was the commission paid in cash or in the form of N.S.Cs or both?

The Minister of State for Finance (Shri Tyagi): (a) Three Statements containing the information for 1949-50, 1950-51 and 1951-52 are herewith laid on the Table. [See Appendix X, annexure No. 38].

(b) The amount of commission paid was as follows:—

| | |
|---------|----------------|
| 1949-50 | Nil. |
| 1950-51 | Rs. 7,92,236. |
| 1951-52 | Rs. 10,52,374. |

(c) In cash only.

JOINT STOCK COMPANIES

569. Shri Alagesan: Will the Minister of Finance be pleased to state:

(a) whether a report is received from each Registrar of Joint Stock Companies giving particulars amongst other things of the various offences committed under the Indian Companies Act 1913;

(b) whether any such report has been received from the Registrar of Joint Stock Companies, Delhi; •

(c) if the answer to (b) is in affirmative, how many Inspectors were appointed during 1950-51 and 1951-52 to investigate under Section 138 of the above Act;

(d) what are the total amounts of fees paid;

(e) how many prosecutions were launched as a result of investigation;

(f) what were the amounts of penalty recovered by action through the Courts; and

(g) who is the Lawyer engaged by the Registrar in these cases?

The Minister of State for Finance (Shri Tyagi): (a) and (b). Since their functions under the Indian Companies Act have, in general, been entrusted to the State Government, no report in the matter is received by the Central Government.

(c) Ten Inspectors were appointed during 1950-51. No Inspector was appointed during 1951-52.

(d) Rs. 9,121 were paid by way of fees to Inspectors.

(e) Four prosecutions were launched as a result of the investigation.

(f) Rs. 30 have been realised as penalty from one of the companies. The remaining cases are pending in the Court.

(g) Shri Sardari Lal Bhatia is normally engaged to conduct such cases. The assistance of the Public Prosecutor and of the Government Pleader is also taken whenever necessary.

MILITARY COLLEGE, JULLUNDUR

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

(a) whether Government have decided to shift the Military College, Jullundur to the State of Uttar Pradesh; and

(b) if so, why?

The Minister of Defence (Shri Gopalaswami): (a) The institution is being shifted to Nowgong in Vindhya Pradesh.

(b) The institution is being re-organised and the accommodation at Jullundur is inadequate, while at Nowgong most of the accommodation required is available. Besides, the accommodation now occupied at Jullundur is required for other purposes.

MINERAL CONCESSION RULES

571. **Shri Balwant Singh Mehta:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) how many appeals were received under the Mineral Concession Rules in 1950-51 and 1951-52 (State-wise);

(b) how many of them have been disposed of;

(c) how many of them are awaiting orders; and

(d) when the remaining appeals are expected to be disposed of?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (d). A statement giving the information required is laid on the Table of the House. [See Appendix X, annexure No. 39].

NATIONAL PHYSICAL LABORATORY

572. **Shri Telkikar:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether there is any show room connected with the Division of Industrial Physics of the National Physical Laboratory, Delhi and if so, where is it;

(b) what are the new mechanical devices and articles made in this Laboratory during last two years?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) No. Sir. The

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(b) A statement giving the new mechanical devices and articles made by the Division of the Industrial Physics of the National Physical Laboratory during the year 1951-52 is laid on the Table of the House. [See Appendix X, annexure No. 40].

These devices can be seen in the laboratory rooms of the Division.

HINDI IN HYDERABAD STATE

573. **Shri H. G. Vaishnav:** Will the Minister of Education be pleased to state the steps taken to propagate Hindi in Hyderabad State?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): So far as the Central Government are concerned their schemes to promote and propagate Hindi apply to the country as a whole and not to any state in particular.

MICA MINERS IN NELLORE

574. **Shri Nana Das:** Will the Minister of Finance be pleased to state:

(a) whether the Government are aware of the fact that the introduction of the system of crude mica consignment in the Nellore District of the Madras State, under the Mineral Concession Rules of 1949, has resulted in greater evasion of Income-taxes by the mica mine owners and mica-dealers in the Nellore District;

(b) how many mica mine owners and mica dealers from Nellore District made voluntary disclosures to the Income-tax department;

(c) what are the amounts involved in these cases; and

(d) what is the percentage of increase in income shown under the disclosures by the respective assessee over their previous assessments?

The Minister of State for Finance (Shri Tyagi): (a) No, Sir. No such general information has been received by the Government, but the Government have received reports alleging tax evasion by particular Mica Mine Owners, Mica dealers and exporters which are under investigation.

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

SETTLEMENT OF PENSION CLAIMS

575. **Shri G. L. Chaudhary:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Accountant General's Office takes years to settle the pension claims;

(b) if the answer to part (a) be in the affirmative, what action Government has taken to speed up the work to settle the claims within a reasonable time; and

(c) if the answer to part (a) be in the negative, will Government state the maximum time that is required for the settlement of a pension claim by the Accountant General's Office?

The Minister of State for Finance (Shri Tyagi): (a) to (c). It is not clear to which Accountant General's Office the hon. Member is referring. There are over 25 Accounts Offices and if any specific case is referred to Government or the Comptroller and Auditor General of India, investigations could be made. Generally, it has been found that the rules in the matter are not defective and the delays are mostly due to omissions in the administrative offices. Difficulties have also been experienced owing to lack of relevant records in the case of persons who formerly served in the territories now in Pakistan or in the former Indian States. The Comptroller and Auditor General has given special help of all kinds to the State Governments with a view to removing these difficulties and a strict watch is kept by the Heads of Accounts Offices to avoid delays in so far as they can themselves help it. Anticipatory pensions are sanctioned wherever possible or necessary to reduce hardships.

INDIAN INSTITUTE OF TECHNOLOGY

576. Shri N. B. Chowdhury: Will the Minister of Education be pleased to state:

(a) which countries the foreign professors appointed in the Indian Institute of Technology, Kharagpur belong to; and

(b) what are their terms of appointment?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Six foreign Professors are working on the teaching staff of the Institute. Three of them are employees of UNESCO and their services have been placed at the disposal of the Institute under the Technical Assistance Programme. The other three have been appointed by Government.

Three Professors belong to Germany, one to Austria, one to Norway and one is of Polish origin but settled in U.K.

(b) The terms of appointment of the three Professors employed by the Government are:

Duration: Contract for 3 years.

Pay Scale: Rs. 1,600—100—1,800.

Allowances: (i) Expatriation allowance of Rs. 500 p.m.

(ii) Dearness allowance: At the rates in force from time to time.

Provident Fund: Benefits of Contributory Provident Fund, the Government's contribution being 6½ per cent. of the pay.

Free passage: First Class C passage by Sea for himself, wife and minor children for the journey to join appointment, as well as for journey back on termination of the contract.

INDIAN INSTITUTE OF TECHNOLOGY

577. Shri N. B. Chowdhury: Will the Minister of Education be pleased to state what are the different categories of employees in the Indian Institute of Technology, Kharagpur?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The employees in the Indian Institute of Technology, Kharagpur, belong to the following categories:—

(i) Instructional—

- (a) Director.
- (b) Heads of Departments.
- (c) Professors.
- (d) Assistant Professors.
- (e) Lecturers.
- (f) Instructors.
- (g) Research Assistants.
- (h) Technical Assistants.

(ii) Administrative—

- (a) Director.
- (b) Registrar.
- (c) Accounts Officer.

(iii) Library Staff—

Librarian.

(iv) Ministerial—

- (a) Superintendent.
- (b) Accountant.
- (c) Auditor.
- (d) Cashier.
- (e) Assistants.
- (f) U.D. Clerks.
- (g) L.D. Clerks
- (h) Stenographers.

(i) Horticultural Assistant.

(j) Storekeepers.

(v) Workshop Staff—

(a) Foremen.

(b) Mechanics.

(c) Draftsmen.

(d) Motor Drivers.

(vi) Class IV Establishment—

(a) Laboratory helpers.

(b) Record Sorters.

(c) Daftaries.

(d) Peons, Chowkidars etc.

(vii) Daily Labour—

Skilled and un-skilled labour employed for the purpose of carrying out specific jobs relating to development of the site, and erection work in the workshops.

ACQUISITION OF LAND IN DELHI STATE

578. Shri Nana Das: Will the Minister of Defence be pleased to refer to the answer given to parts (b) and (c) of starred question No. 1761 on 15th July, 1952 and state:

(a) the number of acres of land that will be disposed of; and

(b) the number of acres out of the above land lying vacant in and around Delhi city and the location of such lands?

The Minister of Defence (Shri Gopalaswami): (a) Out of 1356.861 acres, not in use by the Army, 980.241 acres will be disposed of.

(b) (i) Berari Plains—

Karnal Road . 980.241 acres.

(ii) Kingsway . . 297.57 ..

(iii) Alipore Camping Ground—Karnal Road . . 66.82 ..

(iv) Old Rifle Range—

East of Malcha . 12.28 ..

हैदराबाद राज्य का केन्द्रीय राजस्व और व्यय।

५८०. श्री बाबामारे : क्या वित्त वंशी यह बतलाने की कृपा करेंगे :

(क) हैदराबाद राज्य से केन्द्रीय सरकार को मिलने वाला वार्षिक राजस्व और उसके खोत;

(ख) १९५०-५१ वर्ष में इन में से प्रत्येक खोत से इस प्रकार अलग अलग हुई राशि ; और

(ग) केन्द्रीय सरकार द्वारा हैदराबाद राज्य सरकार के ऊपर किया जाने वाला वार्षिक व्यय, और १९५०-५१ में दिविष घटों में इस प्रकार किये गये व्यय की अलग अलग राशि ?

The Minister of State for Finance (Shri Tyagi): (a) and (b). I am afraid it is not possible to furnish the information because the accounts of revenue attributable to a particular area are not kept distinct from those for the rest of the country.

(c) The total amount of assistance given by the Central Government to the Government of Hyderabad during 1950-51 was about Rs. 370.41 lakhs comprising—

(i) Grant-in-aid to meet revenue gap caused by pre-integration federal financial integration . Rs. 115.71 lakhs

(ii) Contribution paid towards pre-integration civil pensions . Rs. 4.70 lakhs

(iii) Loan for Tung-bhadra project. Rs. 200.00 lakhs

(iv) Loan for G. M. F. Schemes . . Rs. 50.00 lakhs

TOTAL . . Rs. 370.41 lakhs

THE Dated.....29.11.2014
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

4661

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HOUSE OF THE PEOPLE

Monday, 28th July, 1952

The House met at a Quarter Past Eight of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-14 A.M.

LEAVE OF ABSENCE FROM THE HOUSE

Mr. Speaker: I have to inform the hon. Members that I have received the following letter from Shri Chowkhamoon Gohain:

"I beg to inform you that I arrived at Sadiya on the 5th July, 1952 and since then I am detained here for bad communication of rivers.

There are high floods all around the area and the present situation of our area is very grave.

In view of this, I presume I shall not be able to attend the House for the remaining days of the session as our tribal peoples of my area require my presence very badly.

I would therefore request you to grant me leave of my absence of the House for the same."

Is it the pleasure of the House that permission be granted to Shri Chowkhamoon Gohain from all meetings of the House during this session with effect from the 5th July, 1952?

Leave was granted.

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MESSAGE FROM THE COUNCIL OF STATES

Mr. Speaker: Now, the Secretary will read the message.

Secretary: Sir, I have to report the following message received from the Secretary of the Council of States:

"In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform you that the Council of States, at its sitting held on the 25th July, 1952, agreed without any amendment to the Criminal Law Amendment Bill, 1952, which was passed by the House of the People at its sitting held on the 15th July, 1952."

SALARIES AND ALLOWANCES OF MINISTERS BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move for leave to introduce a Bill to provide for the salaries and allowances of Ministers.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the salaries and allowances of Ministers".

The motion was adopted.

Dr. Katju: I introduce the Bill.

INDIAN INCOME-TAX (AMENDMENT) BILL

EXTENSION OF TIME FOR PRESENTATION OF REPORT OF SELECT COMMITTEE

The Minister of State for Finance (Shri Tyagi): I beg to move that the time appointed for the presentation of the report of the Select Committee on

[Shri Tyagi]

the Bill further to amend the Indian Income-tax Act, 1922, be further extended up to the last day of the first week of the next session.

Mr. Speaker: So. the anticipated motion has come.

The question is:

"That the time appointed for the presentation of the report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, be further extended up to the last day of the first week of the next Session."

The motion was adopted.

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

Schedule

Mr. Speaker: The House will now proceed with the further consideration of 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. Of course, we shall be taking the amendments now. Now, we take up the schedule. I shall be calling the amendments. I think all are moved. Very well. So we start with the discussion.

Shri S. C. Samanta (Tamluk): I want to move amendment No. 24, List No. 6.

Mr. Speaker: He may move it.

Shri S. C. Samanta: I beg to move:

In page 1, lines 16 and 17, omit "including atta, maida, suji and bran."

Mr. Speaker: There are no other amendments now to be moved I take it. The schedule with the amendments is now under discussion, all together.

Shri S. C. Samanta: I would like to speak on my amendment.

Mr. Speaker: Yes, he may speak, on all his amendments together at the same time; no separate speech for separate amendments.

Shri S. C. Samanta: As regards Item 1, I have moved two alternative amendments. In Item 1, you will find there is "Cereals and pulses in all forms". That could have been allowed, but

"including bread and flour, including atta, maida, suji and bran" has been added. So, my contention is that when preparations of wheat have been added as atta, maida, suji etc., why not preparations of rice, i.e., flattened rice and fried rice which is commonly called in India as "Chura" or "moori" or "murmura". So, I would ask the hon. Minister to give thought to this matter. Either he should delete "including atta, maida, suji and bran", or he should add "flattened rice and fried rice". I am told that "including atta, maida, suji and bran" is meant for giving sound expression to flour. If for flour, atta, maida and suji are necessary, I think flattened rice and fried rice or parched rice should not be left. So I would beg of the Members of this House and the hon. Minister to accept any of my amendments which, when accepted, will remove the irregularity which I am placing before the House.

Then, about my Amendment No. 3 I have asked "betel leaves and arecanut" to be added in the schedule after item 2. As you know, betel leaves have become an essential thing almost in all parts of India. Someone may say these betel leaves grow in limited areas as in Bengal, Madras and other parts, but if we calculate the amount of betel leaves that are sent everyday by train to different parts of India, you will be amazed. Everywhere nowadays betel leaves, i.e., "pan", is being liked by almost all persons. Even those who do not take "pan", arrange for "pan" after "At Hemes", lunches etc. From a medical point of view, betel juice is very wholesome for our health. Calcium which is added is also wholesome for our health. Betel leaves when taken especially in India by the ladies, make them look beautiful. To add to this, I may say that ladies of western countries in order to beautify themselves, apply lipstick on their lips, and certainly our ladies in India will have coloured lips when they take "pan". So I would submit "betel leaves and arecanuts" should be included.

Then, I come to cotton hosiery goods. "Coarse and medium cloth" has been taken in the schedule, while garments which are prepared from these coarse and medium cloth have not been included in the schedule. Then with regard to cotton hosiery goods also, as these are mostly used by the poor people, I submit that these also be included in the schedule.

While exercise books have been included in the schedule, the raw material from which these are prepared has not been included. My amendment seeks to substitute 'paper' in place of 'exercise books'. After 'periodical journals', 'maps, charts and teaching materials' also should be added as these are very essential for the spread of education, especially primary education in our country.

I hope the hon. the Minister will take into consideration all these factors, and will accept my amendments.

Mr. Speaker: Amendment moved:

In page 1, lines 16 and 17, omit "including atta, madia, suji and bran".

I think we may conveniently adopt the following procedure. First let there be arguments in respect of all the amendments that have been moved. Will the hon. Minister prefer to reply at the end, in regard to all the amendments, or reply separately in regard to each amendment.

The Minister of State for Finance (Shri Tyagi): I should like to reply towards the end, as I will be taking less time then.

Mr. Speaker: First there are some amendments in the name of Mr. V. P. Nayar. I shall now call upon him to speak now.

Shri V. P. Nayar (Chirayinkil): Am I to confine myself to the amendments standing in my name, or can I speak on other amendments also?

Mr. Speaker: All the amendments are open for discussion. But first let the hon. Member finish his speech on his own amendments.

Shri V. P. Nayar: The amendments standing in my name are 19, 20 and 21. My hon. friend Mr. P. T. Punnoose has already spoken in respect of the first of these, seeking to add the words "including cocoanut husks, coir fibre, coir yarn and coir products" after the word "cocoanuts" in page 1, line 19 of the schedule. I need not say anything more about this now.

The first part of my amendment No. 20 seeks to omit the words 'jute seeds, raw jute, sun-hemp and mesta' from lines 8 and 9 and the second part seeks to insert a new item after line 9, namely '9A. Jute seeds, raw jute, sun-

hemp and mesta'. In the interests of decency of legislation, raw jute etc. should not be put in the same item, along with cotton yarn, kapas etc. If we do so, it looks rather awkward. Hence my amendment.

As regards amendment No. 21, which is to substitute 'Nails, bolts and nuts, hinges and other articles manufactured from metals and used for building purposes', my submission is that these articles have to be considered as essential articles. It is very necessary, therefore, that they should be specifically included as such in the schedule, as the term 'iron and steel' is rather vague.

I would like to speak something about Clause 3 also.

Mr. Speaker: Clause 3 has already been passed. The hon. Member has to confine his remarks only to the schedule. If that clause is relevant to the schedule, then it is a different matter. But I do not think that clause 3 has any relevancy to the schedule now.

Shri V. P. Nayar: That is precisely what I asked of you earlier. So, I shall now confine myself to the schedule. Item No. 16 "antibiotics and sulpha drugs", appears to be rather a mischievous entry in the schedule. As you know, Sir, medicine is considered by this Government as a matter of commerce. Right from consultations with a Doctor, to injections and surgical operations, one has to pay through his nose. In such circumstances, while the Government do not go to the help of the poor man in enabling him to cure his disease, it is rather surprising why antibiotics and sulpha drugs, the costliest of known medicines alone should be included in the Schedule. We know that a course of treatment, in any of these antibiotics, such as Streptomycin, Chlormycetin or Aureomycin, will cost a patient hundreds of rupees. And sulpha drugs cannot be used, unless there is a competent doctor to advise. The ordinary man therefore cannot resort to the use of these sulpha drugs also. It is well known that sulpha drugs, if taken in without proper advice are dangerous to life, as for instance sulpha pyridine, sulpha guianadine, or Sulpha thiazole. Only a specialist can prescribe these drugs with safety to the patient. While such is the case, an ordinary "cold mixture" which can be bought from a chemist's shop, one has to pay sales tax. For an ordinary mixture for dysentery, one has to pay sales tax. For an ordinary analgesic. You have to pay sales tax. It is therefore surprising that these costliest medi-

[Shri V. P. Nayar]

cines which can be availed of only by the richer classes of people alone should be included in the schedule. I submit that all drugs, irrespective of the system of medicine, should be equally treated and should be exempted from sales tax, as they are very essential to the life of the community. When Parliament makes a declaration of the essential goods, it is very necessary that such declaration should not be confined to the costliest of medicines, leaving aside those drugs which the common man has to take to very often. The drugs declared essential, should not be confined simply to the allopathic system only; they should include also drugs of the homeopathic, Ayurvedic, Unani and every other known system of medicine. Only a very small percentage of our people get treated with allopathic medicines. A vast majority of our people have to rely on the indigenous systems of medicine, as it is impossible for them to resort to allopathy, in which, the qualified doctors are very few in number. The resources of the people also are rather limited. Therefore I submit that all drugs, in general, should be included in the schedule and exempted from sales tax.

There is one other point which I would like to emphasise. In this Bill, this House declares certain goods as essential to the life of the community. The most important purpose of such a declaration is, mentioned in the statement of objects and reasons thus:

"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."

When we declare certain goods merely as essential goods, in this Bill, there is the possibility of the mischief, being taken advantage of by a particular section of the people.

Take, for example, the instance of coconut oil. Coconut oil is an article which is consumed by a very large number of people. But there is also another group of persons who consume coconut oil and for whom we need not have any mercy. I mean the big soap manufacturers like Lever Bros., Tatas, Godrej and others. If you have coconut oil as an item on which you need not pay sales tax, will it not be taken advantage of, by the soap manufacturers also? Why should we exempt them from such a tax? Why should we not levy sales tax on coconut oil, consumed by the soap manufacturers in bulk? I perfectly

agree that the ordinary consumer who consumes coconut oil should be left free from paying sales tax, but I cannot understand why a soap manufacturer who consumes coconut oil in tons should be spared. I do not think that this will be in keeping with the spirit of this legislation also. I would like to hear from my hon. friend the Minister, when he replies, on the possibility of preventing the vested interests from taking advantage of this loophole. With these words I formally commend the amendments standing in my name to the House.

Mr. Speaker: All those who have tabled amendments are either not here or have spoken.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): Regarding coir products, I want to say a few words.

Mr. Speaker: Yes. He is entitled to have his say, provided he is relevant.

Shri Velayudhan rose.—

Shri Achuthan (Crangannur): On a point of order, Sir, I have moved certain amendments, Nos. 22 and 23.

Mr. Speaker: He has not moved those amendments. He has only tabled them.

Shri Achuthan: I have tabled them only. Is it time to move them now?

Mr. Speaker: I enquired whether any hon. Member who had tabled amendments wanted to move them. Mr. Samanta got up and his amendment was taken up. Now it is rather too late in the day. But if he wants to move them, I should not object on any technical ground as the debate is on.

Shri Achuthan: I beg to move:

In page 2, omit line 10.

In page 2, lines 14 and 15 for "petroleum and petroleum products, including kerosene, and motor spirit" substitute "and kerosene."

Mr. Speaker: Amendments moved:

In page 2 omit line 10.

In page 2, lines 14 and 15 for "petroleum and petroleum products, including kerosene and motor spirit" substitute "and kerosene".

Shri Velayudhan: I want to support the amendment to the Schedule moved by Mr. V. P. Nayar and Mr. P. T. Punnoose regarding coconuts, i.e. "after 'coconuts' insert including coconut husks, coir fibre, coir yarn and coir' products.". Regarding this particular item in which we, who represent the Travancore-Cochin State, are interested there are certain particular reasons and I hope the hon. the Finance Minister may be knowing, though not fully, the condition of the coir industry in our State. For the time being the sales tax on coir products is suspended by the State itself; that itself shows that the marketing of the coir produce, which is a cottage industry in the State, is very hard for the people. I am not very particular regarding sales tax on the products of coir such as carpets and other higher materials, but on fibre which is being used in the cottage industry in the State. The State Government used to tax very often this cottage industry but now a chance has come for the Central Government to intervene in this particular item and to do away with this sales tax as a whole

The income per head from the fibre and coir yarn in the Travancore State was calculated by an inquiry Committee and it was found that about 90 per cent of the people who are living in the coastal area earn their livelihood practically from this coir industry alone. Therefore it is my humble request that this tax may not be revived in that State, by inserting this particular item also in the Bill that is before the House.

Now, from the Select Committee's report I find, that hides and skins also are excluded from sales tax. Of course, there was actually a pressure regarding this from the Madras State and from other States also. Similarly, coir fibre and coir goods also should be included in this schedule; I do not find any irregularity or impropriety in including that. I do not know why the Select Committee which consisted of about 40 or 50 Members, have excluded this particular item which was very essential to be included in the Bill. When you have included jute goods and other higher items it is quite essential in my opinion that this particular cottage industry also should be excluded from sales tax. I do not want to say much about it, but at the same time I would request the hon. the Finance Minister to include this particular item in the Schedule as it is one of the biggest industries in the State of Travancore-Cochin.

I have got a number of letters and telegrams from my own constituents Central Travancore which I represent, is the biggest coir producing area in the State. Therefore in the interest of this cottage industry alone I request the hon. Minister to include this particular item in the Schedule. With these few words, I resume my seat.

Shri Achuthan: My amendments deal with not inclusion but omission. To me to enlarge the category of essential articles is encroaching upon the good sense and right of the local legislatures. They are the people who have to look into these things. Moreover, only in certain cases where one State is a producer country and other States are consumers we can understand it and we have to see that there is normality maintained: in all these States and certain goods are declared essential, so that one State which has got the monopoly of production need not tax more thereby putting the consumer States in difficulty.

With regard to item 10, hides and skins. I do not agree that it must be included as an essential article. Every State produces hides and skins. Every State has control over this cottage industry and moreover the common man, the masses may not use it every day or every month. We must see that the States must have the resources to carry on their nation building activities. Suppose all these articles are exempt from sales tax or brought under essential articles what will be the position of the States? The Centre will have to bear the burden and contribute more and more to the finances of these States.

Then with regard to item 13, certainly I do not find my way to agree that petrol, petroleum products and motor spirits should be included as essential articles. What is there to say that these are essential articles for the life of the community, I do not understand. That is the one main item in India on which every State can raise its sales tax still further.

Nobody will object to that. It is a luxury, a rich man's article of use. The common man travel in a bus or car once in a few weeks or sometimes even once in six months. Therefore, by including petroleum and petroleum products in this category of exemption we will be helping the rich by making them spend less. And, that being so, I have the strongest objection to the inclusion of these items here. In my State of Travancore-Cochin we have just now raised the

[Shri Achuthan]

sales-tax on petroleum but even so our rate has not come up to the rates obtaining in Bombay and Madras. There is an additional factor in our State which helps to keep the cost of imported commodities low, and it holds good in the case of petroleum and petroleum products also. In Travancore-Cochin we have good water transport facilities which are considerably more economical than rail or road transport. For instance, if petrol received at Cochin harbour is taken by water transport to Quilon, Kottayam or Alleppey, Cranganore Changannasseri, the cost of petrol including the transport charges will still be lower than in other States so that the Travancore-Cochin Government can impose a sales-tax on it at a much higher rate than in the other States. The transport costs being lesser in our State, the State Government can legitimately say, "We can raise the sales-tax on this and nobody will be a sufferer on account of that."

Only articles which can be said to be essential for the life of the community, extremely necessary for the life of the community, for instance, food, cloth, etc. should be taken into consideration here. The State Legislatures are all composed of Members returned on adult franchise and they will look after the interests of the common man there. Why should we tell them that they should not impose any sales-tax on a commodity like petrol which is not ordinarily used by the common man? Only when on account of the special considerations of other States there is any difficulty can we say, "Because you are in an advantageous position you cannot have that right of imposing a tax because it will prejudice the people in the other States." But when there is no such difficulty I do not find any reason for including petroleum and petroleum products for exemption as essential commodities. I hold the same view with regard to hides and skins.

With regard to coir, Mr. Velayudhan has spoken at length. Handloom-weaving and coir yarn production are the two main industries of Travancore-Cochin. We are at the moment seeing the depression spreading in our State. Ours is a thickly populated State with some times 1,800 persons per square mile inhabitable area. Nowhere else in India can we see a State which is over-populated but under-employed, and which has education to a very high percentage. It will be very difficult unless these people

get something out of their work, unless they have some employment. Government should look to the difficulties of these people and give them as much help and assistance as possible in the industrial field. I have nothing to say on the other items mentioned in the Bill. But I hope that Government will take into consideration all the factors I have mentioned and especially consider the position with regard to petroleum and petroleum-products which I would request should be deleted from the category of essential commodities.

श्री घुलेकर (जिला जांसी—दक्षिण) : अध्यक्ष महोदय, मुझे बड़े दुख के साथ कहना पड़ता है कि मैंने दो दिन पूर्व आन-रेबूल मिनिस्टर श्री त्यागी से प्रार्थना की थी कि वह इस बात पर विचार करें कि हमारे भारतवर्ष में जहां इतनी बीमारियां फैल रही हैं और जहां हमारी गवर्नरेंट का करीब ६० या ६५ करोड़ रुपया प्रतिवर्ष हमारी केन्द्रीय तथा प्रादेशिक सरकारों द्वारा खर्च होता है, तो भी हम केवल १५ प्रतिशत रोगियों को औषधि सरकार के द्वारा दे पाते हैं और बाकी की ८५ प्रति शत आबादी जो इस देश की रोगी होती है उस का आयुर्वेदिक, यूनानी, होम्योपैथी, बाईकेमी तथा अन्य पद्धतियों से गुजारा होता है। इसीलिये मैं ने यह निवेदन किया था कि जब कि हिन्दुस्तान में एक और यह प्रयत्न चल रहा है कि रोगियों की संस्था कम की जाय और रोगियों को औषधियां और अधिक मिलें, तो कम से कम आप इस विषेयक में वह शब्द जो कि हमारे डाक्टर एम० एम० दास ने पेश किये हैं ड्रग्स और मेडीसन्स (drugs and medicines) उन को तो इस में शामिल कर लें, या जैसा मेरे एक अन्य मित्र ने सुझाव रखा है कि उस विषेयक में सारी पद्धतियां जैसे आयुर्वेदिक, यूनानी, होम्योपैथी जो समस्त पद्धतियां हैं और उने के द्वारा जो औषधियां काम में आती हैं, उन को भी

इस में रख लिया जाय। लेकिन हमारे आनंदबुल मिनिस्टर ने उस दिन कहा कि चूंकि सिलेक्ट कमेटी से यह बिल आया है, इसलिये अकेले में इस बात की जिम्मेदारी नहीं ले सकता है कि मैं कुछ मंजूर कर लूं और यह उचित होगा कि अगर यह सारा भामला सदन के सामने पेश किया जाय। उस दिन चूंकि अमेंडमेंट्स (amendments) पेश नहीं हुये और यह आज के लिये उपस्थित किये गये थे मेरे मित्र इस बात को जानते हैं कि मैं सोमवार को मीन रहता हूं और उस दिन बोलता नहीं हूं। मुझे इस बात का बड़ा दुख है कि आनंदबुल मिनिस्टर ने मेरी प्रार्थना स्वीकार नहीं की और सब से बड़ा दुख मुझे उस बक्त हुआ जब मैं ने यह देखा कि उन्होंने वह दो चीजें ऐंटीबायोटिक्स और सल्फ़ा ड्रग्स उस में रख दीं और जिन के लिये मैं आनंदबुल मिनिस्टर से इस बात को कहता हूं कि अगर भारतवर्ष का इन दो चीजों के बारे में कोई रेफरेण्डम (referendum) लिया जाय तो मैं समझता हूं कि शायद ३५ करोड़ आदमियों में से दस बीस हजार ऊंचे तबके के पढ़े लिखे लोग होंगे जो इन चीजों को समझते होंगे और उस के बाद मैं यह भी निवेदन करना चाहता हूं कि जो लोग ४००-५०० रुपये से ऊपर वेतन पाते हैं, शायद वह लोग इन वस्तुओं का उपयोग करते होंगे। मैं आप से निवेदन करूं कि अभी एक महीना पहले मेरे घर में बीमारी हुई तो डाक्टर बुलाये गये और उन्होंने कहा कि आप को ऐंटीबायोटिक्स और सल्फ़ा ड्रग्स इन दो चीजों के लिये चार दिन के वास्ते ११५ रुपये लचं करने पड़ेंगे। अध्यक्ष महोदय, आप समझ सकते हैं कि जिस के घर में कोई बीमारी होती है और अगर किसी का प्रिय जन मर रहा हो, तो ऐसे समय ११५ रुपये

क्या वह उस की जान बचाने के लिये १४० रुपये भी दे सकता है। उस अवसर पर वह डाक्टर ११५ तो क्या अगर सेल्स टैक्स (sales tax) लगा कर ११७ भी तलब करे तो भी उस को देना पड़ेगा। अध्यक्ष महोदय, इस बात से प्रत्येक व्यक्ति वाक़िफ़ होगा कि डाक्टरों के पास जब कोई सल्फ़ा ड्रग्स या ऐंटीबायोटिक्स लेने के लिये जाता है तो उस को ऐरोमीसीन और स्ट्रैटीमीसीन बौरह के लिये, जिन के दाम प्राइस लिस्ट्स (price lists) में पांच, सात या आठ रुपये लिखे होते हैं, ३४, ३५ रुपये देने पड़ते हैं। मुझे इस बात का बड़ा दुख है कि आखिर क्या कारण है जो इन दो वस्तुओं को इसेन्शियल (essential) माना गया और उन को सेल्स टैक्स से बचाने के लिये रखा जा रहा है। इस के अलावा मुझे एक बड़ा दुख है कि यहां पर एक बड़ी भारी कम्पनी है और उस कम्पनी ने जो कम्पनीज एक्ट (Companies Act) द्वारा रजिस्टर्ड है उस ने हाउस ऑफ़ दी पीपुल (House of the People) के सारे मेम्बरों के पास एक निवेदनपत्र भेजा था और उस निवेदनपत्र को उन्होंने इस प्रकार रखा कि जिस से यह मालूम पड़े कि वह वास्तव में जनता की सेवा करना चाहती है।

मैं ने जब उस को पूरी तीर से पढ़ा तो मेरा ऐसा स्थायल हुआ कि उन्होंने हम लोगों के दिमाग पर असर डालने के लिये इस में थोड़े शब्द आयुर्वेद के भी रख दिये, यूनानी के भी रख दिये और उस के साथ होमियो-पैथी के भी रख दिये, और उस में हमारे समस्त सदस्यों से निवेदन किया कि जहां तक है सके उन्हें यह कोशिश करनी चाहिये कि यह मेडिसिनल ड्रग्स (medicinal drugs) पूरी तीर से सेल्स टैक्स विधायक

(श्री घुलेकर)

मैं रख दी जायें। यदि यह हो जाय तब तो बहुत ही अच्छा है, लेकिन अगर न हो सके तो हम नम्रता पूर्वक निवेदन करते हैं कि कम से कम यह सात इन्स तो उस में शामिल ही कर दी जायें, और उस में पहले एन्टीबायोटिक्स और दूसरे नम्बर पर सल्फा इन्स और उस के बाद पांच चीजें और थीं। उस समय में ने इस पर बहुत गौर नहीं किया था। मैं ने समझा था कि कोई अच्छी संस्था होगी और वह हम से कहती है कि एसेन्शल इन्स (essential drugs) को रक्खा जाय जिस में से उन्होंने पांच सात चीजें रख दी हैं तो हो सकता है कि यह सद्भावना के साथ रक्खा हो, लेकिन, श्रीमान्, अध्यक्ष महोदय मुझे बड़े अफसोस के साथ कहता है कि जब मैं ने उस को और गहराई से देखा तो यह फ्रेडरेशन (Federation) जिस का नाम आल इंडिया केमिस्ट्स एंड ड्रग्गिस्ट्स फ्रेडरेशन (All India Chemists & Druggists Federation) है, कोई ऐसी संस्था नहीं निकली जो अखिल भारतीय सम्मान के योग्य हो, वह संस्था तो एक व्यापारी संस्था है।

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

जौर मुझे तो यह भी मालूम हुआ कि वह एक लिमिटेड कम्पनी है और उस में चन्द लोगों ने अपना सामान रख छोड़ा है और जो विदेशी कम्पनियों की औषधियां हिन्दुस्तान में पाई जाती हैं, मुझे सब का नाम तो नहीं पता है क्योंकि मैं अंगरेजी औषधियों को बहुत कम इस्तेमाल करता हूँ, किसी ने बताया कि मेरे एण्ड बेकर (May and Baker) के यहां तैयार हुई हैं, किसी ने बतलाया कि बेबर (Bayer) कम्पनी में तैयार होती है, और इसी तरह

से अनेक विलायती कम्पनियों के नाम लिये। बाद में मुझे पता लगा कि यह आल इंडिया केमिस्ट्स एंड ड्रग्गिस्ट्स फ्रेडरेशन भारत में उन कम्पनियों के एजेंट हैं जो लाखों रुपयों की औषधियां वहां से मंगा कर हिन्दुस्तान में वितरित करते हैं। मुझे बड़ा दुख हुआ करता था कि हमारे यहां जब प्रादेशिक सरकारों में ऐसी बातें उपस्थित होती थीं तो हमारे कांग्रेस मेम्बरों पर यह लांचन लगाया जाता था कि हम लोग दबाव में आ कर वितरण के बहुत से कायदे और कानून बना दिया करते हैं। मुझे बड़ा दुख मालूम होता है कि हमारे हाउस आफ दि पीपुल ने जिस ऊंचाई से काम करना चाहिये था उस ऊंचाई से काम न कर के देश के मनुष्यों की यह अपील तो न देखी कि जो साधारण औषधियों को, जो भारतवर्ष में पंसारियों की दूकानों में बिकती हैं, छोटे छोटे दूकानदार ले कर बैठते हैं, जिन के जरिये से लाखों मनुष्यों को औषधियां मिलती हैं, उन औषधियों का नाम तो इस में नहीं रखा गया, परन्तु उन औषधियों के नाम रख दिये जो कि दूसरे मुल्कों के व्यापारी हमारे मुल्क में आ कर इस प्रकार की कम्पनियों के द्वारा वितरित करते हैं और उन में से दो को उन्होंने यहां पर सिलेक्ट कमेटी के द्वारा रखवा लिया।

Shri Tyagi: I protest against the aspersion of the hon. Member against the Select Committee that some commercial concern has influenced it and made it accept two of the medicines and that this recommendation is biased by the opinion of an outside concern. I must protest against this on behalf of all the Members of the Select Committee. I do not think the Select Committee could go down so low as my hon. friend is accustomed to as far as his knowledge is concerned. He has had experience elsewhere. My experience in this House has been far better.

Jansh Amjad Ali (Goalpara-Garo Hills): On a point of order. This ex-

pression "accustomed to" uttered by the hon. Minister should be taken notice of. The hon. Minister is entitled to as much respect as any other Member of this House, but to utter an expression like that is to cast an aspersion on an hon. Member of this House. It should be withdrawn. We want your ruling on that point.

Shri Tyagi: May I explain, Sir? My hon. friend perhaps did not follow Hindustani, in which language the speaker was speaking. He said "The ways to which we are accustomed in our province" or something like that. He said "What we hear in provinces and elsewhere are not expected here". So, he himself used that expression in Hindustani and I simply translated it and quoted his own expression. If my hon. friend had followed his speech, he would not complain against the expression.

Shri K. K. Basu (Diamond Harbour): It is not a faithful translation.

Shri Bhagwat Jha (Purnea cum Santal Parganas): On a point of order. The hon. Minister stated just now that the hon. Member who raised the point of order did not perhaps know Hindustani. I know it very well and understand it very well. While protesting, the hon. Minister has cast an aspersion on the hon. Member by saying that the hon. Member is accustomed to something outside the House. So he is guilty of the same charge.

Shri Tyagi: I only said "accustomed as far as his knowledge is concerned."

An. Hon. Member: This is then the beauty of the Hindi language;

Mr. Chairman: There is no point of order involved here. All that was said was that some influence was used so far as the inclusion of antibiotics and sulpha drugs was concerned in the Select Committee recommendations. The hon. Member himself said that they were accustomed to such influences somewhere else, probably in his own province, but he did not want that such influences should be brought to bear upon the Select Committee here. This was objected to and the hon. Minister said that that is not the case here. Therefore, there is nothing wrong about it. There is no personal aspersion involved in using the words "accustomed to" in this context.

Shri Velayudhan: The words he used cast an aspersion.

Mr. Chairman: Order, order. There was no aspersion at all.

Shri Bhulakar : श्रीमान् अध्यक्ष महोदय, मुझे बड़ा दुःख है कि हमारे आनंदेबुल मिनिस्टर साहब ने जो मेरे दिल के दर्द की अपील है, ३५ करोड़ मनुष्यों की तरफ से जो मैं उन के सामने पेश कर रहा हूँ कि उन ३५ करोड़ आदमियों को जिन को आप औषधि नहीं देते हैं उन की औषधि को आप इस सेल्स टैक्स के बिल में रखने को तैयार नहीं हैं किन्तु आप ऐन्टीबायो-टिक्स और सल्फा ड्रग्स को रखने के लिये तैयार हैं, सुनना पसन्द नहीं करते। जब मैं उन से निवेदन करता हूँ कि श्रीमान् जी, यह विलायती कम्पनियों के एजेंट्स इन तमाम चीजों को आप के इस विधेयक में रखवा रहे हैं तो हमारे आनंदेबुल मंत्री इस बात को कहते हैं कि "मुझे दूसरी जगह का तजुर्बा है और मुझे इस पार्लियामेंट का तजुर्बा नहीं है"। मैं उन से यह निवेदन करना चाहता हूँ कि मुझे इस पार्लियामेंट का पूरी तौर से तजुर्बा है क्योंकि मैं कान्स्टीटुएण्ट एसेम्बली (Constituent Assembly) का भी सेम्बर था। पहले दिन से और पहले दिन से जब से कि पूरा विधान बना है उस के बनने के सम्बन्ध में मैं हर एक शब्द को जानता हूँ। और मैं उन को बतलाना चाहता हूँ कि हिन्दुस्तान के लिये मैं ने क्या किया। मैं पहले दिन ही उस कान्स्टीटुएण्ट एसेम्बली में हिन्दी में हिन्दी के लिये बोला था जिस बक्त पंडित जवाहर-लाल नेहरू मेरे ऊपर दौड़ पड़े थे और प्रेजिडेण्ट महोदय ने मुझे को "आर्डर", "आर्डर" कह कर छः दफा बैठ जाने के लिये कहा था। मैं जानता हूँ कि मुझे देश के लिये क्या करना चाहिये।

Mr. Chairman: Order, order. May I inform the hon. Member that the hon. Minister did not cast any aspersion on him. Had he cast any aspersion, I would have had such words removed. We are all here as hon. Members and no Minister has a

[Mr. Chairman]

right to cast an aspersion on any hon. Member. Every hon. Member in this House knows the work done by the hon. Member now on his legs. He need not refer to it. We are now considering the schedule and he must confine his remarks to the schedule.

Dr. N. B. Khare (Gwalior): Politics demands a thick skin.

श्री घुलेकर : श्रीमान् जी, मैं यह निवेदन करना चाहता हूँ कि आनरेबुल मिनिस्टर इस बात को जान लें कि जो चीज भारतवर्ष के लिये ठीक होगी उस के लिये मुझे पालियामेंट की मेम्बरी और आनरेबुल मिनिस्टर के ऐसपर्शन्स (aspersions) की और गालियों की कोई परवाह नहीं है। मेरे मित्र मुझ को ऐसपर्शन्स से बचाने के लिये कोशिश करें लेकिन मैं यह कोशिश करने के लिये तैयार नहीं हूँ क्योंकि मैं समझता हूँ कि जितना ही वह मेरे ऊपर ऐसपर्शन्स करेंगे उतना ही मेरा स्तर ऊचा जायगा क्योंकि मैं समझूँगा कि मैं भारतवर्ष के इस हाउस आफ पीपुल में ग्रीबों की आवाज को उठा रहा हूँ। उन सलफाइग्स और एक्टिवायेटिक्स के खिलाफ कि जिन को आप ने इसेंशियल गुड्स में रखा है। मंत्री महोदय इस बात को अच्छी तरह से सुन लें, कि अगर मनूष्य के लिये कोई तीन वस्तुये अत्यन्त आवश्यक हैं तो वह हैं, अभ्र, वस्त्र और औषधियाँ। यह तीन वस्तुये इसेंशियल हैं।

एक माननीय सदस्य : मकान।

श्री घुलेकर : इस की ज़रूरत पीछे होती है। बिना अभ्र के मनूष्य सात बाठ दिन रह सकता है, बिना वस्त्र के भी मनूष्य रह सकता है, लेकिन मैं आनरेबुल मिनिस्टर साहब से निवेदन करना चाहता हूँ कि औषधि एक ऐसी वस्तु है जिस की

इस आत्मा को गर्भ में आने के पाचवे महीने से ही आवश्यकता हो जाती है। ती मैं आप को यह बताना चाहता हूँ। आप यह समझते हैं कि अभ्र, वस्त्र और औषधि में औषधि तीसरी वस्तु है लेकिन मैं कहता हूँ कि जब से मनूष्य गर्भ में आता है उस समय से उसे औषधि की आवश्यकता प्रारम्भ हो जाती है। लेकिन हमारे आनरेबुल मिनिस्टर औषधि को इसेंशियल गुड्स नहीं मानते और आनरेबुल मिनिस्टर ने मुझ से कहा कि आप को इस प्रकार की आदत है। तो मैं भी कहना चाहता हूँ कि यदि आनरेबुल मिनिस्टर ने किसी स्थान के ऊपर काफ़ी विद्या पढ़ी होती तो वह ज़रूर इस बात को जानते कि औषधि बहुत भारी आवश्यक चीज़ है। मैं जो कह रहा था उस में मैं समझता हूँ कि मैं ने सिलेक्ट कमेटी के ऊपर कोई ऐसपर्शन नहीं डाला। मेरा सिलेक्ट कमेटी से कोई झगड़ा नहीं है। आनरेबुल मिनिस्टर से मेरा कोई झगड़ा नहीं है। लेकिन क्या अध्यक्ष महोदय, मैं ने जो बात कही थी उस को मैं समझाऊँ। जो बात मैं ने कही थी आनरेबुल मिनिस्टर ने उस के शलत माने लगाये हैं। मैं ने यह निवेदन किया था कि प्रादेशिक विधान सभाओं में यदि कोई इस क्रिया के बिल पेश होते हैं जो कि ब्लैक मारकेट्स के खिलाफ़ हों या और किसी ऐसे काम के खिलाफ़ हों जिस से जनता को नुकसान होता हो, और उन में से दस में से नौ पास ही जायं पर एक न पास हो सके, तो उस के लिये हमारे अपोजिट पार्टी (opposite party) वाले, जो कि रात दिन आखे लोले रहते हैं, यह कहते हैं कि काग्रेस का आदमी दब गया और उस ने यह विधेयक पास नहीं किया। वह उन नौ कूसरे विधेयकों के विचार में कुछ नहीं कहेंगे जो कि पास ही गये हैं।

वह केवल उस एक विषेयक के विषय में यह कहेंगे जो कि पास नहीं हुआ है। तो मैं ने यही बात बतलाई थी कि हम को यहां पर बहुत सावधान रहना चाहिये। प्रादेशिक समाजों में तो ऐसी बदनामी होती है, लेकिन इस हाउस आफ पीपुल के लिये यह बात न कही जा सके कि आल इंडिया कैमिस्ट्रीज एंड इंगिस्ट फ्रेडरेशन वालों ने परचे बाटे इस बजह से यह चीजें इसेंशियल गुड्स में रख दी गई। अगर यह दवायें इस में रख दी जाती हैं तो अखबार वाले और प्लेटफार्म पर बीलने वाले हम को कहेंगे कि तुम आयुर्वेद के बड़े पुरस्कर्ता हो, तुम ने हाउस आफ पीपुल में आयुर्वेद के लिये क्या किया। दूसरे लोगों ने तो सलफा इग्स और एंटी-बायोटिक्स यह दो शब्द रखवा दिये लेकिन तुम वहां पर क्या करने गये थे कि हमारे यहां के लाखों करोड़ों इन्सान जिन औषधियों को काम में लाते हैं उन को उस में न रखवा सके। अब हमारे धनिया पर टैक्स लगेगा, चिरायता के ऊपर टैक्स लगेगा और जो हमारी मामूली चीजें हैं, जैसे नीम का काढ़ा और दूसरी काष्टादिक पर टैक्स लगेगा क्योंकि उन को इसेंशियल नहीं समझा जाता। लेकिन सलफा इग्स को और एंटीबायोटिक्स को इसेंशियल समझा गया है। मैं अंग्रेजी पढ़ा हूं लेकिन मैं इतनी अंग्रेजी नहीं पढ़ा हूं कि मैं यह समझूँ कि अगर यह सलफा और एंटीबायोटिक्स इग्स नहीं मिलेंगी तो हिन्दुस्तान की ३५ करोड़ की आबादी ३४ करोड़ रह जायेगी। यह मैं मानने के लिये तैयार नहीं हूं। आज जो आयुर्वेदिक, यूनानी और होमियोपैथिक औषधियां हमारे करोड़ों आदमियों को मिल रही हैं अगर वे हिन्दुस्तान में न रहें तो मैं समझता हूं कि ३५ करोड़ से यहां की आबादी १५ करोड़ रह जायेगी। मेरा आनरेबूल मिनिस्टर साहब से और सब संदस्यों से, जो

कि यहां भौजूद हैं, यह करबद्ध निवेदन है और मैं उन से प्रार्थना करना चाहता हूं कि इस प्रकार का लांछन आप इस हाउस आफ पीपुल पर न लगने दें कि कुछ लोगों के दबाव में आ कर उन्होंने दो शब्द रख दिये और हमारी औषधियों को नहीं रखा। मैं किसी के ऊपर आक्षेप नहीं करता।

Shri N. P. Sinha (Hazaribagh East):
On a point of information. May I know if the hon. Member is observing today as a day of silence?

श्री धुलेकर : मैंने यह पहले ही कह दिया था कि इन दो शब्दों की बजह से मुझे बोलना पड़ रहा है।

Mr. Chairman: The hon. Member himself, when he started his speech, said that he observes Monday as a day of silence, but he is speaking on account of the importance of the subject. Perhaps, the hon. Member was not present in the House then.

श्री धुलेकर : तो मैं यह अर्ज कर रहा था कि मेरे मित्र एम० एम० दास ने मैंडीसिन्स एण्ड इग्स रखा है। मैं निवेदन करना चाहता हूं कि मैं लेजिस्लेटिव असेम्बलीज का तजरबा रखता हूं और मुझे प्रैक्टिस (practice) का तजरबा भी है। दूसरे मुल्कों की भी मैं ने तमाम बातें पढ़ी हैं। आनरेबूल मिनिस्टर को यह स्थाल करना चाहिये कि जो कुछ उन की कलम से निकल गया वह निकल गया अब कुछ नहीं हो सकता, जो कुछ कर दिया गया वह अब नहीं बदल सकता। मैं आनरेबूल मिनिस्टर साहब से निवेदन करूँगा कि ऐसा विचार नहीं होना चाहिये। इस में उन की कोई हार नहीं है। मैं अर्ज करना चाहता हूं इस में तो आनरेबूल मिनिस्टर की बुलन्दी है अगर वह हम लोगों

[श्री धुलेकर]

की अपील को सुन लें और जैसा हमारे मित्र एम० एम० दास ने रखा है, मैडिसिन्स एण्ड ड्रग्स, इस के आगे कोई क्वालीफाइंग (qualifying) शब्द रख दें। कोई वजह नहीं है कि मिनिस्टर महोदय इन शब्दों को न जोड़ें जब कि इन के जोड़ ने से हमारे देश के बहुत से लोगों को राहत मिल सकती है। कोई वजह नहीं है कि हमारे आनरेबुल मिनिस्टर साहब इस बात पर अड़ जायें कि जो हो गया सो हो गया। हम तो न आयुर्वेद वालों की मानेंगे, न यूनानी वालों की मानेंगे और न होमियोपैथी वालों की मानेंगे। हम उस होमियोपैथी वाले से जो कि एक आने में दवा देता है अपना सेल्स टैक्स वसूल कर लेंगे लेकिन उन एंटी-बायोटिक्स और सल्फ़ा ड्रग्स वालों से जो दो सौ रुपया लेते हैं कुछ नहीं लेंगे। अब हो गया सो हो गया। मैं, अध्यक्ष महोदय, बड़ी नम्रता से तमाम भेष्वरों से निवेदन करना चाहता हूं कि इस तरह से, इन दो खास दवाओं के नाम, एंटीबायोटिक्स और सल्फ़ा ड्रग्स, इस में रख देना ठीक नहीं है। अगर मैं कहूं कि आप हेमगर्भ, चन्द्रोदय, लवण भास्कर आदि के नाम रख दीजिये तो आप न रखें। लेकिन मैं समझता हूं कि इन दो शब्दों के रखने से जो कि दो औषधियों के नाम हैं, माननीय मिनिस्टर साहब बुरान मानें, हम इस हाउस आफ पीपुल की प्रतिष्ठा को नीचे लाते हैं। हम एक दो औषधियों के नाम जो कि बाजार में बिकती हैं इस में नहीं रख सकते। हम दवाओं की क्लास (class) को इस में रख सकते हैं पर किसी दवा को नाम से नहीं रख सकते हैं। अगर हम इस में कुछ उन दवाओं को रखते हैं जो कि विलायती कारखानों से आती हैं तो इस से हमारी प्रतिष्ठा कम होती है। यह हमारी प्रतिष्ठा के प्रतिकूल

होगा कि हम कुछ पेटेंट मैडीसिन्स (patent medicines) का नाम इस में रख दें। हमारे आनरेबुल मिनिस्टर या कोई और मित्र यह कह सकते हैं कि सल्फ़ा ड्रग्स का मतलब उन दवाओं से है जिन में सल्फ़र (sulphur) मिला हो। मैं एक बिल्कुल सीधी बात पूछना चाहता हूं। हमारे माननीय मिनिस्टर साहब अपने एडवाइजर्स (advisers) से पूछ लें और हम को बतलावें कि क्या वह हेमगर्भ को भी इन ड्रग्स में शामिल कर लेंगे क्योंकि उस में सल्फ़र होता है। मैं कहता हूं कि उन के एडवाइजर इसे स्वीकार नहीं करेंगे। आयुर्वेद की अनेक भस्में और रस जिन में गंधक और पारद का उपयोग होता है वह इन को सल्फ़ा ड्रग्स में नहीं मानते हैं। मैं, अध्यक्ष महोदय, कहना चाहता हूं कि यह इस प्रकार की कोई औषधि नहीं है, बल्कि खास कम्पनियों द्वारा बनाई हुई और खास मनुष्यों को लाभ पहुंचाने के लिये ही है और जनता का इन चीजों से कोई सम्बन्ध नहीं है, अमीरों के लिये चाहे हो। मैं क्षमा चाहता हूं यदि मैं ने कोई ऐसी बात कही हो, लेकिन मैं आप से निवेदन करना चाहता हूं कि मैं एक मिशन (mission) लिये हुए हूं, इस बात का कि भारतवर्ष में रोगियों को औषधि मिले। मैं ने आनरेबुल हैल्थ मिनिस्टर से निवेदन किया था कि अगर आप यह समझती हों कि मैं रोजाना आयुर्वेद कहता हूं तो उस का कारण यह है कि उस में मेरा कोई खास फ़ायदा है, तो ऐसी कोई बात नहीं है। मैं ने उन से कहा कि यदि आप भारतवर्ष के नीलाख गांव में एम० बी० बी० ऐस० डाक्टर भेज दें, यदि वहां पर लेडी डाक्टर भेज दें, कम्पाउंडर भेज दें, नसें भेज दें, तो मैं आयुर्वेद का नाम भी नहीं लूंगा, कमो

हाउस आफ दी पीपुल में नाम नहीं लूंगा । लेकिन जब मैं इस बात को जानता हूं कि ६५-७० करोड़ रुपये जो कि आप खर्च कर रही हैं और आप की पूरी आमदनी जो कि ४०० करोड़ हिन्दुस्तान भर की है, यदि वह भी भोर कमेटी (Bhore Committee) के अनुसार आप उतनी सालाना आमदनी को खर्च करें तब भी आप पूरे हिन्दुस्तान तक नहीं पहुंच सकते हैं, इसलिये मैं आयुर्वेद की बात कहता हूं । हमारे भारतवर्ष में ८५ फ़ी सदी आदमी ऐसे हैं जिन को ऐलोपैथी द्वारा, सरकार द्वारा, कोई औषधि नहीं मिलती है और इसलिये उन का अधिकार इस बात का है कि आप के सामने हाथ फैलावें कि यदि आप उन को औषधि नहीं दे सकते हैं तो उन को आयुर्वेदिक, यूनानी या होमियोपैथी ही लेने दीजिये कि जिस से हम जिन्दा रहें । ऐसा तो न कोजिये कि आयुर्वेदिक, यूनानी और होमियो-पैथी को आप पैसे की सहायता न दें तो मान्यता भी न दें । आप उन को चलने देने की तो कोशिश कीजिये ।

अब मैं आप से निवेदन करूंगा कि परसों एक आर्डर (Order) होम अफेयर्स की मिनिस्ट्री (Ministry of Home Affairs) की तरफ से राजस्थान गवर्नरमेंट को भेजा गया कि जिन्हे सरकारी कर्मचारी हैं वे यदि आयुर्वेदिक या यूनानी या होमियोपैथिक डाक्टरों से औषधि लेते हों और दवा कराते हों तो वह लोग सर्टिफ़िकेट (Certificate) इस बात का नहीं दे सकते हैं कि यह मनुष्य रोगी है और इस को सात दिनों की छुट्टी मिलनी चाहिये । और न ही वे यह सर्टिफ़िकेट दे सकते हैं कि जब वह रोगी अच्छा हो जाय तो यह कहें कि यह आदमी चंगा हो गया है और नीकरी पर वापस आ सकता है । मुझे अफ़-

सोस है कि होम मिनिस्ट्री की तरफ से इस तरह की चिट्ठी जाती है । मैं उस चिट्ठी का नम्बर दे सकता हूं, उस की नकल दे सकता हूं । मुझे अफ़सोस है कि यहां से बैठ कर भारतवर्ष के ऊपर इस हैत्य डिपार्टमेंट द्वारा और दूसरे विभागों द्वारा किस प्रकार का अन्याय हो रहा है । और अब यह सब से बड़ा अन्याय हम इस विधेयक द्वारा कर रहे हैं । हम क्या भुग्त उत्तर प्रदेश में दिखावेंगे ? जब हम मद्रास में जावेंगे तो वह क्या कहेंगे कि श्रीमान् जी, आप तो बीस वर्ष से आयुर्वेद का झंडा लिये हुये हैं और उस को आप बढ़ाना चाहते हैं और कहते हैं कि हिन्दुस्तान में हर एक को उस के द्वारा औषधि मिलेगी । लेकिन अब तो यह इस विधेयक में इस शिड्यूल (schedule) में आ गया है, मेरे एण्ड बेकर, और हौजसन और हौप्सन, उन्हीं की औषधियां पर सेत्स टैक्स नहीं होगा और बाकी जो हम शरीरों की औषधियां बनी हुई हैं, जो नीम खड़ा हुआ है उस पर भी अब टैक्स हो जायगा, क्योंकि, आयुर्वेदिक औषधियों के जुबान नहीं है, वे बे जुबान हैं उन के लिये कौन कहेगा । लेकिन मैं आप से निवेदन करता हूं कि ज तक पांच वर्ष तक छुलेकर रहेगा तब तक बराबर रोजाना वह इस के लिये कहता रहेगा और इस से पीछे नहीं हटेगा । मैं यह मानता हूं कि हिन्दुस्तान में कोई पद्धति जो भारतवर्ष के लोगों के लिये लाभकारी हो सकेगी और होगी तो वह आयुर्वेद ही है और इस में मैं यूनानी, होमियोपैथी और एलोपैथी को भी शामिल करता हूं । ऐलो-पैथी कोई अलग सायन्स नहीं है । "पैथी" (pathy) शब्द अंग्रेजी है, वह "पद्धति" से निकला है और एलो पद्धति इस लिये कहलाई क्योंकि अरब (Arabia) से यह वहां गयी । इसलिये वह एलो पैथी हो गयी । हमारी तो आयुर्वेद की सायन्स

[श्री धुलेकर]

“आप का वेद” है। इसलिये हमारे आयुर्वेद का यूनानी पद्धति से कोई जगड़ा नहीं है, ऐलोपैथी से कोई जगड़ा नहीं है, होमियो-थेरेपी से कोई जगड़ा नहीं है, बायोकैमी से कोई जगड़ा नहीं है। अभी मेरा यह कहना है कि जो मनुष्य भारतवर्ष में पैदा हुआ है उस को अधिकार है कि सरकारी टैक्स जो लगता है उस के द्वारा अगर किसी से उस को दवा मिलती है तो वह उस को दवा मिलनी चाहिये। सेप्टोमाइसीन तो अभीर आदमियों को, गवर्नमेंट आफ़ इंडिया के अफसरों को ही, आप दे सकते हैं। पचास रुपये की दवा को खारीद कर कोई गरीब आदमी जीवित रह सके यह तो सम्भव नहीं है। यह तो जो बड़े आदमी हैं उन्हीं के लिये ५० रुपये की दवा काम में आ सकती है। आप की जो यह सेप्टोमाइसीन दवा है इस के अन्दर क्या भेद है? शायद हमारे आनंदेबुल मिनिस्टर भी इस बात को नहीं जानते होंगे। वह इस को नोट कर लें जो कि मैं यह कह रहा हूँ। मैं आप को बतलाऊं कि यह किस की जेब से रुपया जावेगा। यहुँ किसी कलर्क की जेब से या किसी लास आदमी की जेब से नहीं जाता है बल्कि गवर्नमेंट आफ़ इंडिया से ही जाता है। मुझे एक मित्र मिले। वह कहने लगे कि तीन दिन मेरे घर में बीमारी हुई। उन तीन दिनों में गवर्नमेंट आफ़ इंडिया की तरफ से डाक्टर आये। अब आप यह सुन लें कि कितना रुपया गवर्नमेंट का लिया जाता है। मेरे मित्र ने कहा कि तीन दिन वह मेरे यहां आये और मामूली सी बीमारी थी, उस के लिये उन्होंने उस से कहा कि आप मुझ को २५ रुपये दीजिये। वह मित्र कहने लगे कि मैं तो १५० रुपये तनखावाह पाता हूँ श्रीमान् जी, आप को २५ रुपये कहां से दे दूँ। तो डाक्टर महाशय ने कहा, अजी

आप क्या बात करते हैं। आप तो मुझ को २५ रुपये दे दीजिये। दवा एक बेड रुपय की हुई हैमी, पर अँ चाह पांच मर्तबा आया और उस सब के २५ रुपये दे दीजिये। २५ रुपये की रसीद आप मुझ से ले लीजिये और आप इस को गवर्नमेंट आफ़ इंडिया में पेश कर दें। आप को यह री-इम्बर्स (re-imburse) हो जायगा। यह टैक्निकल वर्ड (technical word) है, “री-इम्बर्स” हो जायगा। यानी जो २५ रुपये की रसीद देते हैं, औषधि की और अपनी अटेंडेंस (Attendance) की, वह २५ रुपये उस एक कलर्क से, बाबू से ले लेते हैं, और उस को रसीद देते हैं। फिर वह आप के डिपार्टमेंट में पेश कर देता है और वह २५ रुपये गवर्नमेंट आफ़ इंडिया से ले लेता है।

श्री त्यागी: मैं आनंदेबुल मेम्बर का बड़ा मशकूर होऊँगा यदि उस डाक्टर का या उस दूसरे शल्स का नाम मुझ को बता दें। मैं उन को यकीन दिलाना चाहता हूँ कि फौरन ही उन के खिलाफ़ एकशन (action) लिया जायेगा।

श्री धुलेकर: जी हां, आप को नाम बतला दूँ? एक नाम हो तो आप को बतला दूँ। लेकिन उस परमात्मा का नाम क्या बतलाया जाय कि जिस के अनेक नाम हों।

Mr. Chairman: Order, order. The hon. Member has already taken much time. And this discussion does not directly relate to the point at issue. I would request him to conclude soon.

श्री त्यागी: मैं यह अर्ज करूँगा कि अगर किसी सरकारी अफसर के खिलाफ़ कोई ऐसी बात किसी आनंदेबुल मेम्बर को मिली है तो मैं समझता हूँ कि इलैक्टोरेट (elector) का नुमाइना होने के नाते

उस का फ़र्ज़ है कि जब गवर्नमेंट खास तौर से उन से रिक्वेस्ट (request) करे कि वह उस का पता दे तो वह उस का पता देना क़बूल करेंगे ।

Mr. Chairman: I am afraid this is again outside the scope of the Bill. It may be discussed outside the House.

श्री शुलेकर: अध्यक्ष महोदय, मैं अर्ज़ करूँगा कि आनरेबुल मिनिस्टर ने मुझे कुछ गुलत समझा । मैं ने किसी की शिक्षायत थोड़े ही की है । गवर्नमेंट आफ़ इंडिया का कायदा है कि जो गवर्नमेंट आफ़ इंडिया के सर्वेंट्स (servants) हैं वह जितना पेमेंट करेंगे उन को वह रीइम्बर्स हो जायेगा । जब सेकड़ों डाक्टर हर एरिया (area) में जाते हैं और वह जब इलाज करते हैं तो वह हर एक कलंक, हर एक बाबू से जितना रुपया चार्ज (charge) करते हैं तो वह रीइम्बर्स हो जाता है । तो यह सरकारी रुपया गवर्नमेंट आफ़ इंडिया से जाता है । इस में समझने की कौन सी बात है । जब एक कलंक से २५ रुपये लिये जाते हैं और रसीद दी जाती है और उस को गवर्नमेंट आफ़ इंडिया से रीइम्बर्स हो जाता है ।

श्री त्यागी: लेकिन झूठा बिल जिस ने बनाया उस की इत्तिला आप को देनी चाहिये ।

श्री शुलेकर: मैं बड़े अफ़सोस के साथ कहना चाहता हूँ कि इस में झूठ और सच का क्या मामला है ?

Mr. Chairman: Let this episode be finished. Let him proceed with his speech.

श्री शुलेकर: तो मैं अर्ज़ कर रहा था कि अध्यक्ष महोदय, शायद आप यह समझते हों कि यह जो बात मैं ने कही वह इररैलेबेट (irrelevant) कह रहा हूँ । मैं इररैलेबेट नहीं कह रहा हूँ । मैं अर्ज़ करता हूँ कि यह रैलेबेट है ।

Mr. Chairman: Nobody has raised any objection about relevancy. Let this episode be finished. Let the hon. Member finish his speech.

Shri B. Das (Jaipur-Keonjhar): The hon. Minister does not believe him.

Mr. Chairman: Let the hon. Member proceed with his speech.

श्री शुलेकर: इस वास्ते मैं अर्ज़ कर रहा था कि यदि इन दो चीजों को आप यहां रख देते हैं तो इस का भार गवर्नमेंट आफ़ इंडिया पर भी पड़ता है और अगर इन के ऊपर सेल्स टैक्स दिया जायेगा तो वह भी गवर्नमेंट आफ़ इंडिया द्वारा ही दिया जायेगा । यह बात आप जरा इस के अन्दर जा कर समझिये कि जब एंटीबायोटिक्स और मल्का ड्रूप्स, दो चीजों के ऊपर सेल्स हैक्स कम हो ग्राहा तो एक तो यह कि आबद्दली कम हो गयी, दूसरे शिड्यूल में रखी गयी इसलिये इन की पापुलरिटी (popularity) बढ़ गयी । डाक्टर जब इस को प्रैस्क्राइब (prescribe) करेंगे तो उस का दाम लगेगा । और फिर गवर्नमेंट आफ़ इंडिया से वह रीइम्बर्स हो जायेगा । इस लिये मेरा कहना यह है कि अब भी सुमय ज्यादा व्यतीत नहीं हो गया है । हम लालों रुपया यहां खर्च कर रहे हैं, एक एक धंडे में । मैं निवेदन करता हूँ कि आनरेबुल मिनिस्टर इन दो शब्दों को यहां से हटा दें और चाहें तो कोई एक जनरल प्रिसिपल (General principle) उस में रख दें, ऐसी मैडिसिन्स का जिस में किसी खास चीज़ का नाम न हो ।

यदि आप समझते हैं कि देश में मलेरिया बहुत है, तो आप एन्टी मलेरिया की चीजें, एन्टी प्लेग, एन्टी कालरा, एन्टी लेप्रेसी और स्माल पाक्स (Small Pox) आदि के सम्बन्ध में जो औषधियां हैं, उन को इस शिड्यूल में रख दें जिस से वह इसेन्ट्रा-

[श्री छुलेकर]

यल समझी जायें, तो मैं समझता हूँ कि इस से सब समहृत होंगे और हम इस को समझ सकेंगे। लेकिन इस तरह के केवल दो एक शब्द जैसे इस समय इस में रखे गये हैं, मैं उस को उचित नहीं समझता। और इस लिये मैं आप के द्वारा आनंदेबुल मिनिस्टर से निवेदन करना चाहता हूँ कि आप हम लोगों की कुछ सहायता कर दें, ताकि हमें भी यह तसल्ली हो जाय कि हम ने जो कुछ कहा उस पर आपने ध्यान दिया और हमारी बात को सुना, लेकिन अगर आप कहें कि हम इस समय कुछ नहीं कर सकते, तो हम फिर आप से इस बारे में आगे कहेंगे।

श्री रघुनाथ सिंह (जिला बनारस—मध्य) : श्रीमान्, अध्यक्ष जी मैं लिस्ट नंबर ६ में दिये हुये अपने दोनों अमेंडमेंट्स २५ और २६ मूव करता हूँ।

I beg to move:

(i) In page 1, line 19, after "vegetables" insert "Banarasi Maghai green betels."

(ii) In page 2, line 18, after "drugs" insert "Ayurvedic and Unani medicines."

मेरा २५ नंबर अमेंडमेंट श्री एस० सी० सामन्त से बहुत मिलता जुलता है। श्री सामन्त ने अपने अमेंडमेंट के सम्बन्ध में बोलते हुये बतलाया कि पान का व्यापार चन के ही प्रान्त में ज्यादा होता है और उन्हीं के प्रान्त से पान बाहर सब कहीं भेजा जाता है। मैं उन को बतलाना चाहता हूँ कि काशी सम्पूर्ण भारतवर्ष में पान के लिये प्रसिद्ध हैं, बिहार में भी पान होता है, और पान तो ऐसी लोकप्रिय चीज़ है कि हिन्दुस्तान के प्रत्येक गांव और प्रत्येक शहर में क़रीब क़रीब हर आदमी पान खाता है और पान तो हिन्दुस्तान की एक कौटेज ईडस्ट्री है। पान की लोकप्रियता देखनी तो तो खासकर अगर हमारे बनारस नगर

में आप बलें तो आप देखेंगे कि क़रीब २० हजार स्त्रियां ऐसी हैं जो विधवा हैं और जो पान के व्यापार में लगी हुई हैं और जिन का गुजारा इस पर निर्भर करता है। इस के अलावा अब जब हरे साग, फल, सूखे फल, नारियल, धी, मक्खन, मांस और अंडे जैसी वस्तुओं को जिन का अमीर लोग ही प्रयोग करते हैं, इन चीजों को जब आप ने कर मुक्त कर दिया है, तब पान ऐसी सस्ती और लोकप्रिय चीज़ जो दो आने में एक ढोली मिलती है यानी दो आने में २०० पान पड़ते हैं और जिस पान के फेरने में ज्यादातर औरतें लगी हुई हैं, चाहे, आप बंगाल में जायें, यू० पी० में जायें, अथवा मद्रास, राजस्थान या सी० पी० में जायें, आप सब जगह पायेंगे कि पान फेरने का काम ज्यादातर औरतें करती हैं और जो पान फेरना जानते हैं वह दो वर्ष तक पान को रख सकते हैं और बनारस का पान जो पक कर चांदी के समान हो जाता है, वह तीन वर्ष का रखा हुआ पान होता है, लेकिन उस एक पान का दाम एक रुपया होता है। और जैसा कि आप को पहले बतलाया इस पान फेरने के काम में हमारे देश में अधिकतर बेबा औरतें लगी हुई हैं। इस वास्ते हमारी हाउस से प्रार्थना है कि पान पर से टैक्स हटा देना चाहिये और चूंकि यह गरीबों का एक खाद्य पदार्थ है, इसलिये हमें इस को टैक्स फ्री कर देना चाहिये।

दूसरा अमेंडमेंट नंबर २६ जो मैं ने मूव किया है उस में मैं ने यह मांग की है कि सल्फा इम्स और ऐन्टीबायोटिक्स के बाद आयुर्वेदिक और यूनानी मेडीशन्स को भी इंसर्ट किया जाय। हमारी काशी नगरी आयुर्वेद का केन्द्र है और मुझे श्री छुलेकर से यह सुन कर बड़ा आश्चर्य हुआ कि यहां के हेल्थ डिपार्टमेंट ने कोई एक

ऐसा सरकुलर जारी किया है कि आयुर्वेदिक और यूनानी वैद्यों और हकीमों के सर्टिफिकेट्स मान्य नहीं होंगे। मैं पूछता हूं कि यह आज्ञा कहां तक उचित है जब कि हमारे आयुर्वेदिक कालिज से आज से नहीं सन् १९२६ से सैकड़ों की तादाद में स्नातक शिक्षा पाकर बाहर निकल रहे हैं, वह अगर कोई सर्टिफिकेट दें तो वह सरकार द्वारा मान्य नहीं होगा, यह कितनी नामुनासिद्ध बात होगी। मैं यह कहने पर बाध्य हूं कि अगर कोई इस तरह का सरकुलर है, तो वह बड़े अन्याय का घोतक है और ऐसे सरकुलर का हम को पूर्णरूप से विरोध करना चाहिये, क्योंकि हमारे प्रान्त में आयुर्वेद का कालिज है जहां कि इस पद्धति में ट्रेनिंग दी जाती है और शायद अलीगढ़ में एक यूनानी कालिज है जहां यूनानी चिकित्सा की ट्रेनिंग दी जाती है। अगर इस प्रकार का हम कोई सरकुलर जारी करेंगे तो उस का अर्थ यह होगा कि हम उस पद्धति को जो कि हमारी भारतीय पद्धति है, उन को हम प्रोत्साहन नहीं देना चाहते। आप को मालूम होना चाहिये कि आज भी देश में करीब ८५ सैकड़ा बल्कि उस से भी ज्यादा तादाद हमारे देहातों में रहती है, और वह देहात जो कि रेलवे स्टेशन और शहर से दूर होते हैं, वहां पर कोई सरकारी अस्पताल नहीं होता, ऐसी जगहों पर आप ही बतलायें कि सिवाय देशी चिकित्सा के वहां पर और किस पद्धति का आश्रय लिया जा सकता है, वहां पर आप की यह यूनानी और आयुर्वेदिक औषधियां ही काम में आती हैं। यह बड़े खेद की बात है कि आप बाहर से आने वाली जंगेजी दबाइयों को तो प्रोत्साहन देते हैं, उन को तो आप कर से मुक्त करते हैं, लेकिन जो औषधियां आप के देश में पैदा होती हैं और जो देशी हैं और जिन को प्रोत्साहन देना आप का

कर्तव्य है, उन को आप कर से मुक्त नहीं करते। इस का मतलब यह है कि आप भारतवर्ष की उस भावना और सेंटीमेंट को ठेस लगाते हैं जिस भावना के आधार पर हमने हिन्दुस्तान की आजादी ली और जिस महात्मा गांधी के नाम का हम रोज़ स्मरण करते हैं और रोज़ उन के नाम पर इस बात की प्रतिज्ञा करते हैं कि हम स्वदेशी का ही व्यवहार करेंगे, असल आप अपने वचन का पालन नहीं करते। अगर आप बाक़ई सचमुच स्वदेशी का व्यवहार करना चाहते हैं तो आप का पहला कर्तव्य यह है कि यूनानी और आयुर्वेदिक औषधियों को आप कर से मुक्त करें। आप विदेशी औषधियों को तो कर से मुक्त करने पर तैयार हैं, लेकिन देशी औषधियों के बारे में जो आपने अब तक ऐसा नहीं किया है तो उस का साफ़ मतलब यह निकलता है कि आप के सामने आयुर्वेदिक और यूनानी पद्धतियों का कोई मूल्य और महत्व नहीं है। आप हमारे काशी में जो आयुर्वेद का कालिज है वहां अथवा किसी वैद्य से आप पूछें, तो आप को यही मालूम पड़ेगा कि यह जो सल्फ़ा इग्स हैं वह आयुर्वेद में कौन सा ऐसा रस है जिस में सल्फर नहीं है। आप मकरध्वज या स्वर्ण भस्म को ले लें उन दोनों में सल्फर विद्यमान है। आयुर्वेद में सल्फर का पर्याप्त प्रयोग है। मैं समझता हूं कि कम से कम आप को यह करना चाहिये कि उन आयुर्वेदिक और यूनानी औषधियों में जिन में कि सल्फर का प्रयोग होता है, उन को भी आप कर से मुक्त करें, क्योंकि आप अगर कोई क्रान्ति बनाते हैं, तो उस में एक युनिफार्मिटी होनी चाहिये और साथ ही साथ देश के सेंटीमेंट और भावना का भी ध्यान रखना चाहिये और मैं कहना चाहता हूं कि अगर आप आयुर्वेदिक और यूनानी औषधियों को कर

[श्री रघुनाथ सिंह]

से मुक्त कर देते हैं तो आप अवश्य ही देश की उस भावना का आदर करते हैं जिस भावना के कारण हमने आजादी प्राप्त की और साथ ही स्वदेशी की भावना का भी आप तभी आदर कर सकेंगे जब आप इन देशी पद्धतियों को प्रोत्साहन देते हैं। इन शब्दों के साथ मैं अपने अर्थ मंत्री जी से निवेदन करूंगा कि अपने शेड्यूल में वह अगर पान को कर मुक्त न कर सके तो कम से कम बनारसी पान को तो कर मुक्त कर ही दें, उसी प्रकार अगर आप के लिये सैकड़ों देशी औषधियों को कर मुक्त करना सम्भव न हो सके, तो कम से कम यूनानी और आयुर्वेदिक औषधियों को तो आप कर से अवश्य ही मुक्त कर दें।

Mr. Chairman: Amendments moved:

(i) In page 1, line 19, after "vegetables" insert "Banarasi Maghai green betels".

(ii) In page 2, line 18, after "drugs" insert "Ayurvedic and Unani medicines".

Shri Raghavaiah (Ongole): As I looked into the schedule attached to this Bill, I was at a loss to know what the principles underlying this classification of articles into essential and otherwise, were. I do not find even a single article in this schedule that goes to increase the housing facilities of the common man in this country. Not a word has been said by the framers of the Bill, nor by the Members of the Select Committee nor also by some of the hon. Members who have given notices of amendments; not a single amendment has been put forward about housing materials. The principal considerations, as I think, that have got to be borne in mind in making any classification as essential and non-essential articles are: (i) food, (ii) clothing (iii) housing (iv) education and (v) medical facilities. These five considerations have to be borne in mind by every Member who suggests an addition to the schedule, whether he is a Member of the Select Committee or not, whether he is a framer of the Bill or not. I do not find that these five principles have been borne in mind.

Take for instance housing. I do not find even a single article included. In fact, the common man in this country uses bamboos for his housing. The poor man uses bamboos, nails and such other simple articles for his housing. Whether it is a thatched shed or a tiled shed, these materials are certainly used by the common man who wants to construct a house. It is a wonder how these articles are not at all mentioned either by the framers of the Bill or the Members of the Select Committee or the movers of the amendments.

Again certain items have been stated in the most ambiguous manner possible. For instance, item 15 runs as follows:

"Books, exercise books and periodical journals." What are the books that are exempted from sales-tax? Are they school books exempted from sales-tax or not? Are college books exempted from sales-tax or not? Education, as we all know in this country is very dear, and is not within the reach of the common man. Hence, it is badly needed that all books that are used for educational purposes, from the first standard up to the intermediate or B.A. classes should be exempted from sales-tax. If this point is not borne in mind by the framers of the Bill or the Members of the Select Committee, certainly they will be doing the greatest disservice to the country and to the entire people for whom education is not within reach.

Then how petroleum and petroleum products are essential to the life of the community is a wonder. How many poor people use petroleum and petroleum products? How many peasants use petroleum and petroleum products? How many workers use petroleum and petroleum products? I think the framers of the Bill have certainly got some intention in making this schedule. I raise the question of the bona fides of the framers of the Bill in making this schedule and in making such a wonderful dichotomisation of articles as essential and non-essential. Seventy to eighty per cent. of the population of our country, as we all know, are peasants. Their main profession is agriculture. In item 11 "Fertilisers and manures, agricultural machinery and implements including parts of such machinery and implements" have been exempted from sales-tax. Really it is worth praising. At the same time, it remains a surprise as to why in item 14, iron and steel have been exempted. Now, what are the things that we have got to exempt? We have got to exempt such things that

are used by 70 to 80 per cent of the population of our country. Things like agricultural machinery and implements have already been exempted, because they are used by 70 to 80 per cent of the people whose main profession is agriculture. In addition to this, what makes the framers of the Bill exempt iron and steel, I do not understand. Vaguely it may be suggested that for building purposes these are exempted, and that the framers of the Bill have exempted iron beams and such other big implements and finished products. Who are using iron beams for house construction? I would like to know the sections of the people that use iron and steel beams for housing purposes. Seventy to 80 per cent of our population does not use iron and steel beams for their housing purposes. In fact, it is the well-to-do sections, the landlords, the capitalists and other sections that use iron beams for house construction. You have not cared to include bamboos, bamboo sticks, nails and such other common housing materials for exemption from sales tax. But, you have taken the greatest care to exempt iron beams and such other wonderful materials, which are not at all used by 70 to 80 per cent of the people. I have every right and having gone through each and every one of the items in the schedule, there is every reason for any Member to question the intentions of the framers of the Bill. In the name of exempting certain essential articles that are useful for the life of the community, they want purposely to exempt such articles that are used by the industrialists, capitalists, landlords, etc. or the higher strata of society. This, I think, is doing the greatest possible injustice to the people of this country. I would like the hon. Minister to clarify in as detailed a manner as possible his intention in preparing such a Bill with certain articles which do not help the poor people.

In item 16 antibiotics and sulpha drugs have been mentioned. I do not know whether *asawas* and *arishtas* that are manufactured by the ayurvedic doctors and manufacturing concerns are exempted from sales-tax or not. *Asawas* and *arishtas* are drugs that are very widely used. Nothing has been mentioned about Homeopathic drugs. Homeopathic drugs have come to receive encouragement from the people of this country only very recently.

It has to give equal benefit for people who use Homeopathic drugs. You have not cared to include in the articles for exemption of Sales Tax that which is very cheap, that which is very useful and that which gives

immediate relief to the people in our country. You have cared to include things—I do not deliberately question the motives and intentions of the hon. Minister as has been done by some of my predecessors—which leave them open to question. It is unfortunate that we have to question in view of the fact that articles which are widely used by the people of this country, articles that are very useful for the entire population of the country and should have been exempted from Sales Tax, are not exempted in fact, but articles that are not used by the widest section of the people are surprisingly exempted. Hence I would like one thing to be explained by the hon. Minister. What sections of the people do you want to tax and what sections of the population do you want to exempt from taxation? Articles like iron and steel included in the schedule go to make it clear that you do not want to tax the industrialists, the landlords and such other sections of the people, whereas, in the name of essential articles, you conveniently want to tax such articles that are widely used by the entire people of our country.

Another point is not made clear in this connection. Do you want to tax raw materials that go to factories to be returned as finished goods, or do you want to tax only finished goods? Iron and steel again come up. If iron and steel that go to the factory as raw material have to be taxed, certainly it is benefiting the industrialists if these are to be exempted, but if you have got in mind such articles that are made of iron and steel, that are useful for the widest section of the public, then, you ought to have clearly stated here that such finished articles that are widely used by the major section of the country have been exempted; that ought to have been specifically and clearly stated in some of the items that have been annexed to this schedule. But no such attempt has been made either by the Select Committee or by the framers of this Bill. I think that the framers of the Bill or the Select Committee should have taken the view that articles that are most widely used by all sections of the people of our country have got to be exempted. They should bear in mind this simple principle that finished goods that are widely used by the people of this country have got to be exempted, and it is the industrialist that has got to be taxed. People who can bear taxes should be taxed, and those who cannot bear taxes should not be taxed. At least such a rough rule has to be borne in mind by the framers or the Select Committee, but such a rule does not seem to have

[**Shri Raghavaih**]

been borne in mind by either the framers of the Bill or by the Select Committee. So, in view of this I would like to suggest to the hon. Members who have framed this Bill that they have got to bear in mind the fact that the majority of the people of our country are right in putting forth a case that the articles used by them should be exempted. This has to be heard and specified whenever any Bill or legislative measure is brought before this House. It is their case that has got to be borne in mind and not the industrialists and such other sections of the people who can bear taxes and should not be exempted from taxation. And it is a really surprising thing, it is certainly tragic, that there is every possibility of these sections being exempted from taxation while the common man has got to bear all taxes. So, certain items have got to be specified, the intentions of the framers of the Bill have got to be explained, and it is keeping in view the large interests of the people as a whole that such measures have got to be brought before the House, but it remains to be questioned, and hence I question it, and it is for the hon. Minister to reply to the points that have been brought out in the course of my few words.

Shri Mulchand Dube (Farrukhabad Distt.—North): I just want to say a few words. I wish to speak generally on the whole Bill, but.....

Mr. Chairman: This is hardly the occasion.

Shri Mulchand Dube: I should like to know whether my speech should be confined to the Schedule only or

Mr. Chairman: Order, order. The speech should be confined to the schedule only at this stage.

Shri Mulchand Dube: In regard to the schedule, my submission is that the schedule seems to have been prepared in a very haphazard manner. What seems to have happened is that the Essential Supplies Act of 1946 and the local Act of 1947 seem to have been placed by the draftsman before himself and it is from those schedules that the present schedule has been prepared. My submission is that the present schedule stands on an entirely different footing and the essential goods which have to be exempted from tax should be those only which are essential for the life of the community, and I beg to submit that

the goods that can be considered as essential to the life of the community will be goods that are essential, such as articles of food, articles of clothing and articles of shelter. When there is such a great scarcity and shortage of residential accommodation throughout the country, I beg to submit that the articles used in building houses, and building materials should specifically have been included in the schedule, but what I find is that those articles have not been taken into consideration at all, and we do not find that any of those articles is mentioned there. I would request the hon. Minister that he may be pleased to revise the schedule in the light of the observations that I am submitting.

I further submit that these Sulpha drugs and antibiotics should also be excluded, because once you introduce medicine in the schedule, then there is no point in discriminating one set of medicines from the other. I do not understand how these antibiotics and Sulpha drugs are more important than numerous other medicines that are useful for the general public. So far as poor men are concerned, it is the cheapest medicines that they use. These very costly medicines are generally not used by the poorer people, and my submission is that if medicines have to be included at all in the schedule, then Ayurvedic medicines and Homeopathic medicines should also be included. I may submit that these are very cheap and are used by the people and should have been included in the schedule, and not Sulpha drugs and antibiotics. That is all I have to say with regard to the schedule, and I will reserve my observations on the general nature of the Bill for a later occasion.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): The question be now put.

Mr. Chairman: The question is:

"That the question be now put".

The motion was adopted.

Shri Tyagi: I am grateful to the hon. Members who have participated in this debate. They have put forth various points of view with most of which I have great sympathy. Some of the Members have given expression to sentiments quite patriotic, appealing and sweet to listen to, and I cannot say that I do not agree with those sentiments. The question here is not as to how Government feels, whether Government is one

with the Members in their feelings and expressions as to what other things are essential to the people. There are many other things which might be, perhaps, after investigation, found to be more essential than the commodities which have been enumerated in the schedule.

The main question here is the manner in which the schedule has been made. It was not only from the point of view of enabling a person to carry his body and soul together that commodities have been selected and included in the schedule. The words in Article 286 (ii) of the Constitution are 'the articles which are essential for the life of the community'. So, it is not a case of the commodities essential for the life of an individual, but the life of the community as a whole. For the life of the community, it is not only food, shelter or clothes alone that are essential; there are certain other things which cement the individuals into the society or the community. The requirement of the Constitution is to declare such articles as essential as are needed for the wellbeing of the whole community, so to say. It is from that point of view, many articles which do not have any direct relation to consumption by individuals, have been included in the schedule, as they are, however, essential for the life of the community. Some of my hon. friends have taken objection to the inclusion of petrol in the list. Petrol, surely, is not consumed by any individual directly, but it is essential for the life of the community. Transport is essential. The railways do not serve every part of the country. There are rural areas far away from the railway stations where the raw materials may be produced, and from where those goods have to be brought to the markets far away from them. The people residing in such far off and remote areas of the country must have the facility to travel to the marketing centres. If they do not have rail facilities, they must at least have motor buses or other vehicles for which they can pay a little fare and by which they can reach the market centres, with their small baskets, full of onions or potatoes, and sell them there. Therefore, for the society which is residing far away, petrol is really essential. Likewise is the case with many other articles also. My hon. friend from the other side raised an objection as to why we have included iron and steel while simple building materials like bamboos, and thatch-grass have not been

included. Generally, the people who use these bamboos or thatch-grass get these goods from their own neighbourhood, in the forests adjoining their areas. As for the poor people who live in the vicinity of the big towns, they get them from the market centres where these are sold. It is a reasonable thing to argue that these goods also which are sold in the markets should be exempted from sales tax. I could see that myself. But the difficulty is—as my hon. friends will remember—that we cannot go on adding to the list like this. The list should not be too big. As I said the other day, there are the State Governments who directly deal with the consumers of these goods, who could bring to bear great pressure upon them. Take for instance, the case of medicine. The House will perhaps remember that in many States, medicines of the Ayurvedic, Unani and other systems have been already exempted from sales tax. The state governments too are responsive enough. So we should keep a sufficient margin of commodities for the State Governments also to provide for exemption from tax. They would surely do that. Moreover, all the influence of the taxpayer is there within that State itself, and that would be strong enough to exert sufficient pressure on the government of that State in this behalf. If the State Government still resists that influence, it only means that their fiscal needs are so great that they could not really afford to grant such exemptions.

11 A.M.

I am grateful to my hon. friend Mr. Dhulekar, for the remarks he has made. He has always been an ardent advocate of the Ayurvedic system of medicine. In fact, he has served the Ayurvedic science for a long time, and he has been advocating its cause in season and out of season, whenever he gets a chance, as if he were a seller of medicine, although he never sells any medicine. He only wants to impart education in this system, and wants to educate India with a view to encouraging the science of Ayurveda. I am really sorry that I should have disappointed him by not bringing in the words 'Ayurvedic medicines' also under item 16 of the schedule. If all medicines are exempted from sales tax by inclusion in the schedule, I am afraid, it will seriously affect the fiscal position of the state governments which I do not want to do sitting at the Centre...

Babu Ramnarayan Singh (Hazaribagh West): Then why mention particularly 'anti-biotics and sulpha drugs' in the schedule?

Shri Tyagi: These medicines were included by the Select Committee. I have always been influenced by the dictates of this House, and I obey them always. I will take this opportunity now, without having the necessity to consult the Select Committee again, to withdraw item No. 16 from the Schedule, in order that bad blood may not be created between the various systems of medicine in vogue in this country. With your permission, Mr. Chairman, I would like to move the following fresh amendment:

In page 2, omit line 18.

I do not want to elaborate on this point. The arguments that have been advanced by the hon. Members appeal to me. I also personally feel that I should not leave out of the schedule Ayurvedic medicines etc. if allopathic medicines are going to be included in the schedule, however, important they may be. After all, all medicines are known to be useful to the community. Therefore instead of giving a preferential treatment to one system of medicine, I would like to withdraw item No. 16 from the schedule.

Mr Chairman: The hon. Minister may kindly pass on the new amendment to the Chair.

Shri Velayudhan: May I say a word now, Sir? The Select Committee had included these medicines, and the demand of the House universally also was that all medicines should be included. Instead of doing that, the hon. Minister now takes a negative attitude.

Shri Tyagi: I have moved an amendment now, as I do not want to make any distinction between the various systems of medicine. If the medicines are really useful, there should be no reason to doubt the sagacity and wisdom of the State Government—and I leave it to them—to exempt these from tax. And the hon. Members can also exercise their influence on the State Governments in this direction.

सेठ अचल सिंह : क्या कायर (fire)

इसमेंशयल नहीं है

Shri Tyagi: The point is this. If I were to include them in the schedule,

then the medicines will only be exempt from additional load of sales tax. Whereas if the matter is left to the State Governments, they have got the right to exempt these medicines from sales tax altogether. By inclusion of these in the schedule, I would only prevent any additional load that might be imposed on these goods; while they will continue to carry the existing load of taxation on them. But the state governments within whose sphere of authority this falls, according to the list of state subjects, could exempt them from tax altogether. Therefore, why not have a full and complete exemption instead of only a partial exemption? Wherever such goods can enjoy complete exemption from tax, I leave it open to the State Governments to act in this behalf.

Another amendment which has appealed to me is regarding slates and slate pencils. I have a weakness for small children, with all blessings and my love to the children who are reading in schools, using their slates and slate pencils. I remember when I was young my slate pencil was stolen by one of my comrades. I complained to the teacher and the teacher gave me slaps and said: "Nonsense. You cannot complain of such small, petty things. They are liable to be stolen". I can well remember I was beaten.

Shri Velayudhan: It is because of that that he is including these?

Shri Tyagi: If you permit me, Sir, I would accept this amendment regarding slates and slate pencils.

Friends have said about coconut oil—there is a likelihood of it being used by big people like Lever Bros. and other companies who are manufacturing soaps.

Shri Neswi (Dharwar South): What about fuel and firewood?

Shri Tyagi: As regards fuel and firewood, there are States which have got forests and they would say that forests are being liberally cut and exploited. So let us not give more facilities for burning firewood. So though States which have not forests might agree, those States which have got forests would differ and therefore, I did not include fire-wood.

बाबू रामनारायण सिंह : वही काम

बाप कृपा करके क्यों नहीं करत हैं ?

Shri Tyagi: Fire is essential, but the question here is of firewood.

I was talking about coconut oil. There are certain things which my friend, Mr. Nayar, has rightly said. He said that this exemption can be misused. Coconut oil, being edible oil, was included in the schedule to give relief to poor people who use this oil. But what about that part of the oil which would go into the soap industry; it will be the big manufacturers who will take advantage of this exemption. Because they will take advantage should be no ground to deprive the poorer people from a little luxury and therefore, I thought it better to take that little risk of others taking advantage. But then they cannot take full advantage of it because there are the State Governments again. When soaps are manufactured they might take into account the fact that the raw material for its use was exempt from sales tax and they might, therefore, treat the manufactured article in this light. They can just draw from the soap manufacturers according to what their accounts suggest to them. Therefore, I do not think they will be taking too much advantage of this little concession given to people who consume coconut oil as part of their food.

Then about the coir industry, I have every sympathy. It is really an important industry in Travancore-Cochin and other areas in the south. I wonder if by some other means we can just encourage the industry. I promise that whenever the question of giving some help to this industry comes up, Government will always have a sympathetic heart.

Kumari Annie Mascarene (Trivandrum): Now there is a slump.

Shri Tyagi: This will be a paltry little sum, that my friends want for the coir industry. I have left it out because it is very local and I thought we should take only such raw materials which are of all-India importance, although from the point of view of Kerala the coir industry is really one of the important industries and it is run by poor people too. This industry will always have sympathy from these Benches, but I would expect the hon. Members not to try to bring this into the schedule on this occasion.

Shri Velayudhan: I am including it in the schedule.....

Mr. Chairman: Order, order. The hon. Minister has already replied to that point.

Shri Tyagi: Then my friends, Mr. Samanta and others have said that we should also include betel leaves and betel nuts in the schedule. Mr. Samanta went to the extent of saying that it should be done on grounds of aesthetic sense or something to that effect. He said ladies used them and they would keep their lips red and perhaps thereby save some expenditure on lipsticks. I do not want to indulge in this argument, but I would suggest to Mr. Samanta to leave it to the fair choice of the ladies themselves—whether they would like to keep their lips red at the cost of their teeth getting dirty. After all they want to keep their teeth also pearly, as they naturally are, though I do not think there are many ladies who would not like to chew pan for the simple reason that they lose the beauty of their teeth. But anyway I do not want to indulge in this argument and this is not my subject proper. But I would suggest that pan be not included.

I wanted some medicines in the list, but then it would not be possible for me to make it exhaustive. Therefore, since it was controversial I have, with your permission, Sir, withdrawn even the two medicines which had a little fortune of having been included by the Select Committee.

Shri Bansal (Jhajjar-Rewari): What about item 2 of the Schedule; exception regarding any medicine prepared from any one or more of such articles?

Shri Tyagi: If possible, you might move an amendment.....

Mr. Chairman: At this stage no amendment can be moved.

Shri Bansal: I am not moving any amendment. I am just suggesting to the hon. Minister to consider it because the exception is rather discriminatory as far as I can see.

Mr. Chairman: Consider what?

Shri Bansal: Item 2, exception (i).

Shri Tyagi: My friend has suggested to me if I could agree in item No. 2 of the Schedule to eliminate the exception (i). If it is deleted, the clause will read as follows: "Fresh and dried fruits, sugar-cane, coconuts, vegetables, edible tubers, vegetable and flower seeds, bulbs and plants,excluding orchids". Then he wants to delete "any medicine prepared from any one or more of such articles". This is what he wanted to eliminate and he thought perhaps that the elimination of these words would enable the Ayurvedic medicines to creep into it. If my friend

[Shri Tyagi]

is anxious, he might move an amendment. I do not think it will allow medicines because the raw materials which are used in the preparation of these medicines will not be really exempt. The medicines are processed in every manner and therefore I do not think we will be able to get that advantage by eliminating these words.

श्री पी० एन० राजभोज (शोलापुर—रक्षित-अनुसूचित जातियाँ) : मैं जहाँ पर आयुर्वेदिक और दूनानी पद्धतियों का सवाल है मैं यह....

Mr. Chairman: Order. order. The reply has been given and all the amendments have been replied to. I do not think any further questions should be put in regard to the very matter which has already been thoroughly discussed. Now, let us proceed.

Shri P. N. Rajabhoj: I would like to ask only one question, Sir, if you permit me.

मैं मंत्री महोदय से यह पूछना चाहता हूँ कि चमड़ा रंगने के काम में जो चूना इस्तेमाल होता है, उसको इस लिस्ट में क्यों नहीं रखा है और इसी तरह हरी मिर्च जो होती है....?

Mr. Chairman: Order, order. No amendment has been moved regarding that. How can that matter be discussed in the House?

श्री पी० एन० राजभोज : टाइम नहीं मिला, इसलिए मैं पेश नहीं कर सका।

Mr. Chairman: There was ample time. That time cannot be made up now.

Dr. M. M. Das (Burdwan—Reserved—Sch. Castes): I want a clarification on one point, Sir. In item 13 of the schedule coal derivatives have been included and also petrol and petroleum products have been included. What are the substances that are included within these terms?

Shri Tyagi: Petrol and petroleum products including kerosene and motor spirits.

Dr. M. M. Das: There are lots of others included. In coal derivatives a lot of substances are included.

Shri Tyagi: Our meaning was to those derivatives only which were the direct product.

D. M. M. Das: I did not know that the India Government had a separate dictionary of its own in which it had its own meaning of chemical terms. These are all chemical terms and you have to abide by the chemical dictionary.

Shri Tyagi: What difficulty my hon. friend has in this regard?

Dr. M. M. Das: I want to know whether the intention is to include all those substances derived from coal in the term "coal derivatives".

Shri Tyagi: If according to recognised usage they are included in the term then, of course, they are meant to be so included.

Shri Neswi: I want to know whether daily newspapers come under the category of periodical journals.

Shri Tyagi: No, Sir. Newspapers are already in the Central list. According to the Constitution, where reference to sales-tax is made, newspapers are exempt from the purview of the State Governments.

Shri S. C. Samanta: The hon. Minister has not expressed his reaction about the addition of cotton hosiery formed of rice?

Shri Tyagi: About flattened rice I thought it was obvious when the term "cereals" has been used. The term "cereal and pulses" includes all their forms and all these are already exempt. Whether it is rice or murmura or parched rice, it will all be included because it will only be a changed form of the cereal and therefore we did not think there was need for further explanation. The reason for explaining some of the things is that a thing like flour had to be explained because though it includes, atta, maida and sooji, etc., "flour" in the ordinary market parlance is the name assigned to that very fine powder of wheat which is used in baking bread only and not in other types of Indian bread. Therefore "flour" has been explained. But that does not mean that "rice" also should be explained in detail.

Shri S. C. Samanta: Is not atta or sooji a transformed form of the cereal wheat? And if that has been mentioned why not mention the transformed forms of rice?

Mr. Chairman: Order, order. It is not asking for clarification—it is more of an argument.

श्री पी० एन० राजभोज़ : मैं यह पूछना चाहता हूँ कि हाइड्स (hides) और स्किन्स (skins) इस में लेते हैं या नहीं ? दूसरे इस में कोयला नहीं लिखा है । चार-कोल में खाली कोल लिखा है, तो कोयला है वह इस में आ जाता है या नहीं ?

श्री त्यागी : कोयला नहीं आता है । हाइड्स (hides) और स्किन्स (skins) जो आती हैं वह इस वास्ते कि गरीब आदमी, मोची बगैरह बेचारे हाइड्स (hides) और स्किन्स (skins) लेते हैं और उस से अपना काम चलाते हैं । इस लिये इस चीज को आम तौर से टैक्स से बरी रखने का जिक्र किया गया है । कोयला इसलिये नहीं रखा है कि जहां जहां कोयला बनता है वहां वहां जंगलात बहुत कटते हैं और जंगलात की लकड़ी की आंच और गर्मी कोयला बनाने में बहुत खर्च हो जाती है । इस लिये कोयले की तरफ हमारी तवज्ज्ञ है और दिलचस्पी ज्यादा नहीं है । और हमने उसके साथ हमदर्दी नहीं की है ।

श्री पी० एन० राजभोज़ : और लेदर ?

Mr. Chairman: Order, order.

श्री जाटब-बीर (भरतपुर-सवाई माधोपुर रक्षित अनुसूचित जातियाँ) : मेरा सुझाव यह है कि जहां हाइड्स और स्किन्स लिखा हुआ है उसके बाद लेदर (leather) और लिख दिया जाय । हाइड्स और स्किन्स कच्चे चमड़े को कहते हैं, लेकिन जब लोग कच्चे चमड़े को अपने घर के अन्दर पका लेते हैं तो उसका नाम लेदर पड़ जाता है, आखिर वह भी तो टैक्स से बरी रखवा जाय ।

श्री त्यागी : इसमें लेदर नहीं है ।

Mr. Chairman: It is so obvious that leather is not included because it is a manufactured thing.

श्री जाटब-बीर : मेरा मतलब मैंनुफेक्चर्ड लेदर से नहीं है । अगर किसी ने कच्चे चमड़े को घर पर पकाया और टैन कर लिया, तो वह बरी होगा या नहीं ?

Mr. Chairman: It is quite clear that leather is not included in the List.

I shall now put the amendments to vote.

Shri S. C. Samanta: I beg leave of the House to withdraw my amendment, No. 2.

The amendment was, by leave, withdrawn.

Mr. Chairman: Then I shall put amendment No. 19 to vote.

The question is:

In page 1, line 19, after "coconuts" insert "including coconut husks, coir fibre, coir yarn and coir products".

The motion was negatived.

Mr. Chairman: Then there is amendment No. 3 standing in the name of Mr. Samanta.

Shri S. C. Samanta: I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri S. C. Samanta: I also beg leave to withdraw my amendment No. 4.

The amendment was, by leave, withdrawn.

Mr Chairman: Then there is amendment No. 20.

The question is.

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".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, for line 16, substitute:

"14. Nails, bolts and nuts, hinges and other articles manufactured

[Mr. Chairman] from metals and used for building purposes."

The motion was negatived.

Mr. Chairman: Amendment No. 5 standing in the name of Mr. Samanta.

Shri S. C. Samanta: I beg leave of the House to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

In page 2, line 17, after "exercise books" insert "slates and slate pencils".

The motion was adopted.

Mr. Chairman: Then we have amendment No. 12 by Dr. M. M. Das seeking to substitute "drugs and medicines" for "antibiotics and sulpha drugs". But there is another amendment of hon. Mr. Tyagi to the effect that line 18 containing the reference to antibiotics and sulpha drugs be deleted.

Amendment made:

In page 2, omit line 18

[**Shri Tyagi:**—

Mr. Chairman: Now I shall put the amendment moved by Dr. Das.

The question is:

In page 2, line 18, for "Antibiotics and sulpha drugs" substitute "Drugs and medicines".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, line 18, after "drugs" add "anti-malarial drugs, such as quinine and paludrine".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, after line 18, add—

"17. All oils excluding vanaspati oil.

18. All medicines, Allopathic, Homœopathic, Unani and Ayurvedic."

The motion was negatived.

Mr. Chairman: The question is:

In page 2, after line 18, add—

"17. Mica (except finished mica meant for export)."

The motion was negatived.

Mr. Chairman: The question is: In page 2, omit line 10.

The motion was negatived.

Mr. Chairman: The question is:

In page 2, lines 14 and 15 for "petroleum and petroleum products, including kerosene and motor spirit" substitute "and kerosene".

The motion was negatived.

Mr. Chairman: There is Mr. Samanta's amendment No. 24.

Shri S. C. Samanta: I beg to withdraw it.

The amendment was, by leave withdrawn.

Mr. Chairman: The question is:

In page 1, line 19, after "vegetables" insert "Banarasi Maghai green betels".

The motion was negatived.

Mr. Chairman: The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

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

Clause 1 was added to the Bill.

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

Shri Tyagi: I beg to move:

That the Bill, as amended, be passed."

Mr. Chairman: Motion moved:

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

Shri Bhagwat Jha (Purnea cum Santal Parganas): I supported this Bill and welcomed it at the introduction stage because I thought that the common man would get some relief if Parliament declares certain articles as essential to the life of the community. But after the Bill has come back from the Select Committee I find that there are certain contradictions in it which will defeat the very purpose of the Bill. Look at clause 3. It will apply only to States where sales tax has not been imposed. I wonder if goods regarded as essential in one State will be so regarded by the other States. Can the hon. Minister assure us that goods essential for the common man in one State will be so essential for

the common man in another State? The goods declared as essential by Parliament will be for the whole country, but some of the goods given in the schedule to this Bill have already been taxed in Bihar State and therefore the people will not get any relief through this Bill in respect of those items. Only States like Bombay and Madras or others will benefit. The Bill as it has now emerged defeats its very purpose.

Mr. Chairman: This point was debated at very great length at the consideration and introduction stages and also while we were on clause 3. I do not want to stand in the hon. Member's way, but I would request him not to repeat this argument which has now lost its validity and utility. Let him advance other arguments, if any.

Shri Bhagwat Jha: It is because of its contradictions I am opposing this Bill. Nowadays we have developed a knack for contradictions. I object because the schedule has been drawn up in a haphazard manner and does not include all articles essential for the common man. The hon. Minister himself said that the schedule could have been lengthier so that it may have included those articles. So, the purpose of giving relief to the common man is lost. Uniformity also is not achieved. I wish that this Bill is dropped and some other Bill is brought forward which would bring about uniformity all over the country in respect of sales tax and the schedule of which would include sufficient essential articles. The Minister says "I am sorry I cannot enlarge the schedule." Let him lay stress on one point only. Does he want to give relief to the common man, or does he want to avoid enlarging the schedule? Therefore, I oppose this Bill on three grounds: it does not bring about uniformity in sales tax; it does not give relief to the common man; the schedule is not exhaustive and has been drafted in a hurry. I wish that this Bill is dropped.

But if the hon. Minister is determined to go ahead with it, then I can only say that I would allow him to go ahead because of his assurance that he would call a Conference of State Finance Ministers to consider all these points. That is the only silver lining to this dark cloud. If he calls that Conference at the earliest possible date and after consultation with the Finance Ministers of the States he enlarges the schedule so as to make it exhaustive and

capable of giving relief to the common man irrespective of any area, then let him go ahead. With these words, I close.

Shri Kelappan (Ponnani): I oppose this Bill. If it is not obligatory on this House to declare certain goods as essential for the life of the community, then I think that we had better drop this Bill. I am anxious that I should not be misunderstood. It is not because I want the essential goods to be taxed that I oppose this Bill nor am I in favour of sales tax. The incidence of sales tax really falls very heavily on the poor consumer. The agitation which is now going on in Bombay against the multi-point sales tax is, I believe, a proper move. An article which costs a rupee, if it changes two or three hands—and if the sales tax is one anna per rupee,—will cost the last man Rs. 1-3-0. As far as that man is concerned, he pays not one anna, but really three annas as sales tax. It is a misnomer to call it a sales tax, because it is the purchaser who pays the tax and the seller is only an agent for collecting the tax for Government. He actually does not pay anything.

I oppose this measure for other reasons. One is that it does not really ensure any uniformity, if that is the object in bringing this Bill. Again the Bill exempts those articles which have already been taxed by certain States, as far as those States are concerned. So, there cannot be any uniformity. In fact, it imposes a handicap on other States. It makes an invidious distinction between State and State. My contention is that the States should not be fettered in this manner in the exercise of their rights. Taxation is a State subject. Therefore, there is no reason why we should interfere in their right of taxation. As the hon. Minister himself admitted, the State Legislatures are in a way more directly responsible to the electorate and we should not try to advise them as to what articles should be taxed and what articles should not be taxed.

Again what is essential for the life of the community will differ from State to State and if we are to include all those items, then it will be a very long list indeed. Certain articles which are essential in one State may not be essential in another State. For instance, my hon. friend here brought an amendment that coconut husk and fibre and other products should be included in the schedule as essential goods. Now, it is really so,

[Shri Kelappan]

because in Travancore it is a common cottage industry. The poor people really live on this cottage industry. It is so important an item in the economy of that State that it should be included in the essential goods.

Again, we find that coconut oil is an article of food in the South, especially in Travancore-Cochin and Malabar. It is not so in other parts. So, what is considered an essential item in one State may not be so in another. Then again the resources of the States vary from State to State. Some of the States may have need to impose a sales tax; some others may not have. They may have other sources of income. Taking the case of Madras, we find that Madras has imposed a tax on many consumer articles and you cannot really find fault with Madras. Madras is one of the States which have introduced prohibition, by which she is losing about Rs. 20 crores. The drink Bill of the whole State will be about five times that figure—that is Rs. 100 crores. When the people have a saving of Rs. 100 crores, probably they may not mind paying twenty crores as taxes.

The incidence of taxation also varies from State to State. In Travancore, for instance, the land tax is only nominal, because agricultural income is taxed there. In several other States the land tax is an important item of their income. If the idea is to introduce uniformity in the matter of taxation, it is impossible as long as taxation is a subject of the State and not of the Centre. Differences are inevitable, because the sources of income of the different States will vary from State to State. Therefore, I think we had better leave this matter to the States themselves. They are more competent to do it than we are. We shall not put them to difficulties but shall leave it to them to decide which items to be taxed and which not to be taxed.

Several Hon. Members rose—

Mr. Chairman: I find many hon. Members wish to take part in the third reading stage of the Bill. I would like to tell them that the matter has been sufficiently discussed and I do not find any new points being made. This is a stage in which the Bill can be either supported or opposed. Hon. Members cannot go into the details of the Bill. I would, therefore, request hon. Members to

take part in the discussion only if they have any fresh points to make.

Shri Kelappan (दरभंगा मध्य): सभापति जी, जो बिल अभी हम लोग पास करने जा रहे हैं मैं समझता हूं कि इस की बड़ी आवश्यकता थी और सरकार ने इस समय यह बिल ला कर बहुत ही अच्छा काम किया है। यह बात सही है कि इस कानून का असर उन सब कानूनों पर नहीं होगा कि जो विभिन्न राज्यों ने जारी कर दिये हैं। लेकिन मेरा रुखाल है कि यह पीछे की बात है और अगर इस को हम छोड़ भी दें तब भी इस बात की ज़रूरत थी कि जो सामान समाज के जीवन के लिये ज़रूरी है उन पर अगर कोई राज्य टैक्स लगाना चाहे तो बिना केन्द्र की सरकार की राय के नहीं लगावे और यह बात भी है कि अगर टैक्स लगाया जाय तो सब राज्यों में एक तरीके से हो। मैं यहां यह बात कहूंगा कि सामाजिक जीवन के लिये जो अत्यन्त आवश्यक सामान हैं उन पर टैक्स लगाने के और भी दूसरे साधन हैं कि जिन से राज्य चलाने के लिये कर संप्रह किया जा सकता है। और हिन्दुस्तान जैसे देश में जहां कि जनता बहुत ही गरीब है और जो सामान इस्तेमाल करती है उस की तादाद भी बहुत कम है, ऐसी हालत में अगर आवश्यक सामानों पर टैक्स न लगाया जाय तो अच्छा होगा। इसी रुखाल से मैं समझता हूं कि जो बिल हाउस के सामने लाया गया उस के अनुसार अब केन्द्रीय सरकार को इस बात का मौका मिलेगा कि कोई भी राज्य अगर किसी भी आवश्यक सामान पर टैक्स लगाना चाहेगा तो उस के लिये आवश्यक होगा कि वह केन्द्रीय सरकार की राय ले ले। राय देने के सम्बन्ध में अगर केन्द्रीय सरकार समझेगी कि जिन सामानों पर विभिन्न

राज्यों ने टैक्स लगाया है वह टैक्स लगाना ज़रूरी नहीं है, दूसरे भी साधन ऐसे हो सकते हैं कि जिन का उपयोग राज्य कर सकता है, तो केन्द्रीय सरकार को इस बात का हक्क होगा कि उस सरकार से वह टैक्स लगाने को मना कर दे। इसीलिये मैं इस बिल का स्वागत करता हूँ।

इस के साथ ही यहां मैं यह बात कहना भी ज़रूरी समझता हूँ कि जैसा कि वित्त मंत्री ने कई बार सभा में बतलाया है कि वह एक टैक्सेशन इन्क्वायरी कमेटी (Taxation Enquiry Committee) बिठाने जा रहे हैं, इस सम्बन्ध में और जो विषय रखे जायेंगे वह तो रखे जाने ही चाहिये लेकिन साथ ही साथ यह विषय रखना भी बहुत ज़रूरी है कि जो समाज के जीवन के लिये आवश्यक सामान हैं उन पर टैक्स किस प्रकार लगाना चाहिये और जो टैक्स लगा हुआ है तो उस का जनता के ऊपर क्या असर पड़ा है और जो टैक्स इस सम्बन्ध में लगाये जायेंगे वह और दूसरे साधनों को देखते हुए ज़रूरी है या नहीं। उन को इस बात की जांच करने के लिये भी टैक्सेशन इन्क्वायरी कमेटी को अधिकार देना चाहिये।

इस बिल का अर्थ, जहां तक मैं समझता हूँ, और धारा २८६ का अर्थ भी जहां तक समझता हूँ, यह है कि समाज के लिये जितने आवश्यक सामान हैं, जिन को सामान्य जनता बहुत हद तक इस्तेमाल करती है उन पर टैक्स न लगाया जाय। इसलिये जो विभिन्न राज्यों ने बहुत टैक्स लगाये हैं उन की इस कानून के अनुसार फिर से जांच कराई जाये। विभिन्न राज्यों ने अपने काम चलाने के लिये जो सेल्स टैक्स (Sales Tax) या परचेज़ टैक्स (Purchase Tax) जारी किये हैं उन की फिर से जांच होनी चाहिये। और उन राज्यों को बगेर

कोई हानि पहुँचाये हुये यदि हम यह कर सकते हैं तो उन राज्यों में जितने टैक्स लगाये जाये हैं वह हटा दिये जायं। यदि उन का हटाना सम्भव न हो तो कम से कम सब राज्यों में वे यूनीफार्म (uniform) कर दिये जायें जिस से इस कानून का मतलब सार्थक हो। इसलिये इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और मैं समझता हूँ कि इस बिल का उद्देश्य प्राप्त करने के लिये जल्द से जल्द वित्त मन्त्रियों का सम्मेलन किया जायेगा और जितने राज्यों न सेल्स टैक्स का कानून पास किया है उन सब को यूनीफार्म बनाने के लिये कोशिश की जायगी।

Shri V. P. Nayar rose—

Mr. Chairman: Does he want to speak at this stage?

Shri V. P. Nayar: I want to speak about certain constitutional aspects of this Bill.

Mr. Chairman: At this stage? All right.

Shri V. P. Nayar: Much has been said about the consistency and inconsistency of this Bill to the Constitution. I do not want to go into any detail, but I want to emphasize one particular point. To my mind it appears that with all its provisions, what this Bill seeks to do, is to amend the Constitution without ceremony, at least in a way. You will find that the only difference between clause 3 of this Bill and article 286(3) of the Constitution is that in clause 3 of this Bill you have the words "after the commencement of this Act" added. That is all the difference. Under article 286(3) of the Constitution "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." What do we find in clause 3 of this Bill? The wording here is: "No law made after the commencement of this Act by the legislature of a State imposing, or authorising the imposition of, a tax

[Shri V. P. Nayar]

on the sale or purchase of any goods declared by this Act 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." So, you find only the words "after the commencement of this Act" added to the article of the Constitution. The Bill itself professes "to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community". That is, Parliament is by this law declaring certain articles as essential for the life of the community, as contemplated under that article of the Constitution. Then may I ask Sir, where do you find in the Constitution that this article is to operate after the commencement of the Act or before the commencement of the Act? Is there any word there which suggests that this particular article of the Constitution should apply only after the commencement of this Act? When I went through the discussions in the Constituent Assembly on this particular article I found that the hon. Minister who is now in charge of the Bill had spoken at length and had implored the House that irrespective of any sections it should be supported. But even my hon. friend at that time did not have this thing in mind. Are we to have this particular Bill in such a way that it will amend, or substantially amend, or make some interpretation of the provision in the Constitution, which you do not get in the very article of the Constitution? If my hon. friend can point out either from the discussions on this particular article in the Constituent Assembly or from the words in the Constitution that this particular thing has been contemplated in article 286(3), I will be silenced. But so long as he is not capable and does not come forth with any pointed reference about this, my submission is that this Bill does, in effect, amend the Constitution without any ceremony. We are not here to amend the Constitution or even to interpret the Constitution in any particular way. There are the courts for interpreting. We are not also supreme in this respect. What is supreme is the Constitution. My friend the Minister has also taken an oath of allegiance to the Constitution. How is it open for my hon. friend to interpret this provision of the Constitution in a particular way and add the words "after the commencement of this Act" when you do not find them at all in the Constitution? That is my objection. So, you find that

is a clear repugnancy. In such legislation there may be a presumption that it will apply only with prospective effect and not with retrospective effect. The question whether it will have effect prospectively or retrospectively is not for us to consider. When the Constitution has left it in the manner you find it in article 286(3) it is not open for us to come forth with an interpretation or with an amendment, in effect, that this shall apply only in such and such manner after such and such date. If the framers of the Constitution intended that this should also apply with retrospective effect, where are we? Are we to interpret it in such a manner that it will apply only after the commencement of this Act? My point therefore is that in view of the addition of the words "after the commencement of this Act" the whole Bill becomes repugnant to the Constitution. We are not here to amend the Constitution in this way. This Bill has therefore to be rejected by the House.

Shri Pocker Saheb (Malappuram): May I say one word in answer to the point raised by my hon. friend? My hon. friend has raised a point that the present Bill, on account of the addition of the words "after the commencement of this Act", becomes *ultra vires* inasmuch as it goes against the provisions of article 286(3) of the Constitution. I am afraid my hon. friend has misunderstood the provisions of article 286(3). What the article says is that "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....." So the wording of clause (3) of article 286 is quite clear that that clause can be invoked only after Parliament has declared certain goods to be essential. Therefore, there is absolutely no ground to suppose that it has got any retrospective effect. The wording is quite clear. It says ".....such goods as have been declared by Parliament by law to be essential for the life of the community". That is the wording. It is only when, and after, the Parliament declares certain goods to be essential for the life of the community, that this clause comes into operation. Therefore it is quite clear that the insertion of the words "after the commencement of this Act" is quite consistent with the

obvious interpretation of article 286(3) of the Constitution. I submit that the objection raised by my hon. friend is not at all tenable.

Shri Tyagi: I am very grateful to my hon. friend Mr. Pocker Saheb. After all this long time he has come to my rescue and has helped me by supporting the Bill. I am grateful to him more especially for the argument he has put forth. I do not think I need make any lengthy speech again on this point because it will be more or less a repetition of what he has already said.

For the benefit of the House, I might again read. It is not as if these words only occurred to the Government and that we introduced these few words into the Bill. Sufficient investigation has been made with regard to the legal position and the interpretation which could be put to the article under dispute. We consulted the Attorney-General and had his opinion too. Shall I read it again although it will be a repetition?

Mr. Chairman: The hon. Minister read it out to the House at a previous stage. What is the idea of reading it out again?

Shri Tyagi: That was of the Law Ministry. This is the opinion of the Attorney-General. This goes absolutely in support of what I had said. With regard to what my hon. friend Mr. Kalappan said, I again want to emphasize that it is not possible sitting here in the Centre to act in a manner so as to disturb the fiscal position of the State Governments. Since the time the sales tax was introduced in the country, the State Governments have begun to base their revenues more and more on this avenue. All their programmes of development are based mostly on the incomes they received from the sales tax because that is the only one source of revenue which is flexible and from which they can draw whenever the need arises. For all the rest they have either to come to the Centre or that has been left to them. Now with the abolition of zamindary, land revenue will again be practically a sort of static source of revenue to them. It will not be so flexible and there will be no elasticity in that. This is the only tax from which they could just meet their needs, either by means of loans or by means of changes in the rates of the sales tax. So the sales tax from the point of view of administrative expenditure which the State Governments incur,

Notaries Bill

is one of the most important sources of revenue to them and therefore, we cannot sitting here in the Centre do anything which disturbs their revenues. I wish to repeat again that it will only be by means of negotiations and consultations with the Finance Ministers of various States that we can arrive at some uniformity in the sales tax. Government stands for uniformity. I agree and confess that this Bill does not bring about that uniformity in sales tax as desired by the House and by the Government. But this will put us on the way to it. After this the State Ministers will meet together and as I said it is by mutual consent alone they might come to agreement whether at least on certain essential goods, there should be uniformity. Attempts will also be made to bring about uniformity of sales tax on other commodities.

I do not want to take more time of the House. I hope now the Bill will be passed.

Shri B. Das: May I suggest to hon. Mr. Tyagi that while inviting the Finance Ministers, he should invite the Chief Minister of each State, because it is they who shape the policy of the States and not the Finance Ministers. Otherwise, it will be like the Pakistan delegation going back and coming again.

Mr. Chairman: The question is:

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

The motion was adopted.

—
12 NOON

NOTARIES BILL.

The Minister of Law and Minority Affairs (Shri Biswas): I beg to move:

"That the Bill to regulate the profession of notaries, as reported by the Select Committee, be taken into consideration."

Copies of the report of the Select Committee have been in the hands of Members for some time, and they will have seen what changes have been made in the Select Committee. As a result of these changes the Bill is now a great improvement upon what it was when it was first introduced. I need not refer in detail to all these changes.

[**Shri Biswas**]

They are all tabulated in the report itself, but the most important of them are those which they will find in clause 8 where the functions of notaries are set out. One important modification that was made was the deletion of a provision in that clause which had been necessitated by another clause which stood in the original Bill. The original Bill contemplated different sets of functions by different sets of notaries. Now under the Bill, as modified by the Select Committee, notaries will all be placed on the same footing and they will be competent to discharge any or all of the functions which a notary public usually performs. Therefore, there will be no further occasion for specifying in the order of appointment that a particular notary shall be entitled to discharge only particular functions. Anyone who is registered as a notary under the provisions of the Bill, as amended by the Select Committee, will be competent to perform all the functions which you find in clause 8. That is about the most important change that has been made in the Select Committee.

Another change which has been made is that Government will prescribe by the rules which will be framed under the Act the qualifications which one must possess before one becomes a notary. In the original Bill, there was no such provision for prescribing qualifications under the rules. All that was said was that the appointment will be made by the Central Government on such conditions as the Central Government may think fit. Now you will have an indication in the rules themselves of the qualifications which are required. That is an important change.

Then there are some minor changes. One, for instance, you will find in clause 13 where it is provided "No court shall take cognizance of any offence committed by a notary save upon complaint in writing made by some officer authorized in this behalf." The idea is to discourage all frivolous complaints. As regards those who are already functioning as notaries, it is provided that they will be required to get themselves enrolled under this Act at the end of two years. In the original Bill the period was one year. A suggestion was made that the period should be three years. The Select Committee as a compromise has accepted two years.

Some amendments came into my hands only this morning. I have examined them. None of them are important. The points raised in

these amendments were all considered either on the previous occasion when the Bill was before the House or in the Select Committee. I do not think, Sir, that I can accept those amendments.

Mr. Chairman: Motion moved:

"That the Bill to regulate the profession of notaries, as reported by the Select Committee, be taken into consideration."

Shri Mulchand Dube (Farrukhabad Distt.—North): On a point of information. I wish to say that I have seen the original Bill as also the new one as it has emerged from the Select Committee. I do not find anything in the Bill to show what the evidentiary value of Notarial Acts will be. That is one thing on which I want information from the hon. Minister.

The other thing is this. What effect will it have as regards documents which have been registered before the Registrar or Sub-Registrar. Suppose a document is taken to the Sub-Registrar and registered there and then it is again brought before a Notary Public. The question is whether he will again verify and if he verifies it, whether that document will be received in court without any further evidence about its genuineness or about its execution. What I want to know from the hon. Minister is, what the legal effect of the notarial act being performed on a particular document will be, and whether it will be received in evidence without any further proof, or whether the Notary Public will have to be called, or anything of that kind. I do not find any provision to that effect in the Bill as it is before the House. That is the information that I want from the hon. Minister.

Mr. Chairman: If the hon. Member wants to speak on the Bill, this is the proper time.

Shri Mulchand Dube: After I have received the information I will speak.

Mr. Chairman: There is no regular procedure for examination and cross-examination in the House. If he likes, the hon. Minister may reply when he speaks. I would request the hon. Member to go on with his speech if he wants to make one.

Shri Mulchand Dube: This is a point of information.

If the hon. Minister gives the information and if that is satisfactory, it is not necessary to make a speech and take any further time of the House.

Shri Biswas: I may at once say that the matter will have to be dealt with in accordance with the rules contained in the Evidence Act. Notarial acts may have to be presented before courts or other authorities both in this country and in foreign countries. Wherever they are presented, it is the rules of evidence obtaining in that country which will determine whether or not they will be admissible. So far as the Indian Evidence Act is concerned, I may refer my hon. friend—I am speaking from memory—to section 65 which deals with the question of secondary evidence relating to documents. Those provisions will apply. The ordinary way of proving any document or the content of a document is to produce the document. That is called primary evidence. Secondary evidence is allowed in certain cases. If an original document is not produced, something else is produced: a certified copy, etc. The admissibility of such a document will depend upon the conditions laid down for admitting secondary evidence. There are other sections also. Section 76 refers to public documents. So far as public documents are concerned, it is expressly provided in the Indian Evidence Act that certified copies may be issued by persons in whose custody those documents lie. Some conditions are also laid down. Such documents must be open to public inspection, etc. It is in respect of such documents that these officers are empowered to issue certified copies and these certified copies can be accepted as secondary evidence of those documents. That is expressly laid down as regards public documents. As regards private documents, section 65 will apply. I am quoting sections, subject to correction, from memory. That is the position. If these documents are taken to other countries, there also their admissibility will depend upon the rules of evidence which obtain there.

Mr. Chairman: May I just enquire from the hon. Minister, what section 76 of the Evidence Act has got to do here? There is no provision in this Bill so far as copies are concerned. No Notary Public is required to keep a copy of the documents which he verifies or authenticates, nor is he authorised to give copies of documents.

Shri Biswas: I imagine the question which was raised by my hon. friend

arose out of an amendment of which notice has been given. It is said that the functions of a Notary Public should be enlarged by including the right to prepare, verify, authenticate or certify copy of any instrument or document. It is in view of that that this question arises; that is what I imagine. As a matter of fact, in the functions which we have already included in clause 8, you will not find anything which ought to give rise to such a question.

Mr. Chairman: Does the hon. Member want to put any other question?

Shri Mulchand Dube: Yes, Sir.

Mr. Chairman: This is not a Question-hour.

Shri Mulchand Dube: So far as section 65 is concerned.....

Mr. Chairman: I want to know from the hon. Member whether he is making a speech or he only wants to put a question.

Shri Mulchand Dube: I shall refer to the answer that has been given by the hon. Minister and if a speech is necessary, I shall speak.

Mr. Chairman: The House does not want the hon. Member to make a speech. The answer is given. If the hon. Member wants to put another question on the basis of the answer....

Shri Mulchand Dube: I want to put another question. In clause 8 of the Bill, the functions of the Notaries are stated as:

"(a) verify, authenticate, certify or attest the execution of any instrument"

If the Notary Public merely verifies, authenticates or certifies an instrument, he is certainly not required to maintain a copy of it. Therefore, section 65 that has been referred to by the hon. Minister will not come into play at all. My submission is that there may be other functions in which he may be entitled to keep a copy and if he does keep a copy, it will be used as secondary evidence. But, if he merely verifies, authenticates or certifies or attests, what happens? What is the effect of this thing done by the Notary? That is what I want to know. The hon. Minister referred to section 65, which I think has no application; nor does section 76 to which the hon. Minister referred, seem to have any application to the present case.

Shri A. K. Dutt (Calcutta South-West): This Bill, as originally drafted, was sent to a Select Committee,

[Shri A. K. Dutt]

The Select Committee has suggested certain modifications in clause 2 with reference to the meaning of 'Instrument'. The Select Committee has made certain suggestions and modified some clauses. No doubt, they are improvements on the original draft of the Bill. But, I think they are not yet comprehensive. Notaries have got sometimes to attest documents which are known as Declarations.

A declaration entitles some third party to act upon it. I suggest the word "declared" should also be included in Clause 2 (b). I suggest that Clause 2 (b) should read:

"Instrument" includes every document by which any right or liability is, or purports to be, created, transferred, declared, modified, limited, extended, suspended, extinguished or recorded."

It may be argued that the words "created" and "recorded" mean declaration. But neither of those words gives third-party right to act upon the basis of such documents. Therefore, I suggest the word "declared" should also be included. I support the Bill with the said amendment.

Shri C. C. Shah (Gohilwad-Sorath): There appears to be a little misunderstanding about the functions of a Notary Public, particularly on the question which my hon. friend asked as to what will be the evidentiary value of the notarial act. Section 8 defines the functions of the Notary. Sub-clauses (b) and (c) of this section relate to acts which a Notary Public has to do under the Negotiable Instruments Act, and the Negotiable Instruments Act provides the results which will follow on the notarial act done under sub-clauses (b) and (c). Sub-clauses (d) and (f) relate to notarial acts done under the Mercantile Marine Act in regard to a ship's protest, boat's protest or protest relating to demurrage and other commercial matters, and preparing bottomry and respondentia bonds, charter parties and other mercantile documents, and have to be certified by Notaries Public and the results which follow on such certification are specified in those various Acts. And therefore, there is no point of evidentiary value of notarial acts. Certain acts require that they should be done by Notaries Public—presentation of promissory notes, hundis or bills of exchange when they are dishonoured or non-accepted; then,

they have got to be certified that they were presented and dishonoured, and thereupon follows a notarial certificate which is conclusive proof of the presentation and dishonour.

Shri Mulchand Dube: What about sub-clause (a)?

Shri C. C. Shah: I will tell you about sub-clause (a) also.

As regards sub-clause (a), it says:

"verify, authenticate, certify or attest the execution of any instrument".

Now, there are certain documents which are required to be attested and executed in a particular manner, say a Will, for example, under the Indian Succession Act, is required to be executed and attested in a particular manner. But there are certain other documents which are required to be executed and attested by a higher degree of proof, so to say; for example, the execution of an application under the Indian Partnership Act for registration of a partnership firm. Now, the application to be made by the partners can be attested either by a Solicitor or a Notary Public and, when attested by a Notary Public, it is conclusive proof of the fact that the document is executed by the persons by whom it purports to be executed. Certain documents which are required to be attested in that manner are referred to in sub-clause (a).

Then, if you refer to sub-clause (g), it relates to the preparation, attestation and authentication of any instrument intended to take effect in any country or place outside India. Now, all documents which are ordinarily attested in India are not automatically effective in foreign countries unless they are attested in the manner provided by the laws of those countries, and a notarial certificate is a higher degree of proof of the attestation and execution of a document than a mere ordinary attestation of a lawyer. And laws of all countries—you will also find in the Indian Evidence Act and also laws of foreign countries—provide that where a particular document the execution of which can be called into question, is required to be proved, the notarial certificate is a proof of such execution. And that is the reason why all countries have the institution of Notaries Public.

And sub-clause (h): "translate, and verify the translation of, any document from one language into another".

It often happens, for example, that a document is required to be used in Switzerland or France, and a translation of that document is required in the French or Swiss language. Then, a translation certified by a Notary Public that it is a correct translation is accepted in foreign countries as a correct translation of the document. So, these are the various functions of a Notary Public, and the admission of an execution before a Sub-Registrar has nothing whatever to do with the functions of a Notary Public. A Notarial act, whether certified by a Notary or not, makes no difference to the requirements of the Indian Registration Act. That must be gone into according to those Acts. Therefore, as I was saying, the functions which a Notary Public performs are of a character entirely different from what are required under the Indian Evidence Act or the Indian Registration Act.

Then I will say something about the Bill in general, having explained what the functions of a Notary Public are. The Bill, as amended by the Select Committee, I agree with the hon. Minister, is a distinct improvement upon the original Bill. In particular, the provision by the Select Committee that the rules shall prescribe the qualifications for the appointment of a Notary Public, is a distinct improvement.

If we turn to Clause 15, sub-clause 2 (b), it requires that the rules shall provide:

"the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish".

This sub-clause gives us the two essential elements in the qualifications of a Notary Public, viz., character and integrity, and ability and competence. And I hope that in prescribing the qualifications, the Government will see to it that only persons of character and experience are appointed on proper recommendation. I am speaking for Bombay with which I am acquainted

Before the Master of Faculties in England makes any appointment of a Notary Public, certificates and certain recommendations are insisted upon. The one invariable recommendation which the Master of Faculties requires is from the Bombay Incorporated Laws Society that the person who seeks the appointment is a fit and proper person

to be appointed from the point of view of experience as well as in regard to character. I would, therefore, request the Government that in providing for the certificates and testimonials under sub-clause (b) they should provide that the applicant should be recommended either by a District Judge or a High Court Judge or by recognised Associations like the Bar Council or the Bombay Incorporated Law Society. Their knowledge of the applicant would be proof of the ability and the integrity of the person applying.

I would also suggest that under sub-clause (a), a certain minimum experience should be provided in the rules. All legal practitioners, of course, can apply for being appointed as a Notary Public, but the practice is that a legal practitioner, say for example, of a standing of less than ten years is generally not permitted to apply for being appointed as a Notary Public, because it needs a certain experience for the proper discharge of the functions under Clause (8). He must be familiar with both the Mercantile law as well as the Negotiable Instruments Act, and as to the manner in which these documents are presented and noted.

One other factor which I should like to bring to the notice of Government is that these appointments need not be too many. I mean, it is not a profession intended for any source of income. It is intended that there should be the requisite number of persons in a particular area to discharge certain functions which can be discharged only by a limited class of people. And therefore the appointments should be as few as possible considering the requirements of any particular area. At present, as I said, the practice is to observe a sort of blanket ban by the Master of Faculties that no person shall be appointed until the ban is lifted by the Incorporated Law Society in the case of any applicant or any individual. That is done by the Society or the Bar Council after being satisfied that the number of Notaries in the particular area is not enough to satisfy the requirements of that area, and that any new or more appointments are required.

Clause 3 also provides for the appointment as notaries of any legal practitioners or other persons who possess such qualifications as may be prescribed. I do not know what class of other persons, the Government has in mind, for appointment as Notary Public. Ordinary, in order

[Shri C. C. Shah]

to discharge the functions of a Notary Public, it needs a certain legal training and a certain knowledge of mercantile law as well as negotiable instruments law. I was told that the provision for the appointment of other persons has been made with a view to the fact that certain high government officials may be appointed as notaries public in order to discharge certain functions which the government may require to be discharged, and for which they may not have to obtain ordinarily the service of an outside Notary Public. To that extent, there is no objection in this provision. But such appointments of other persons, namely persons other than legal practitioners, should be very very rare indeed.

The present Bill provides for the appointment for a period of three years only—from the date on which the certificate is issued to him, and the certificate can be renewed at the end of the period. At present, the practice of the Master of Faculties is that the appointment once made is an appointment for life, unless the person is found to be guilty of any misconduct, in which case of course, his name can be removed from the list of notaries, just as in the case of any legal practitioner. I have no objection to the appointment being made for a period of three years, and its being renewable after the end of that period, but I hope the renewal of the appointment will be as a matter of course, except in cases where there has been any misconduct.

The other and more important clause is clause 14 which provides for reciprocal arrangements in connection with the recognition of notarial acts done by foreign countries. The Clause provides that the countries which recognise our Indian notarial acts will have a reciprocal recognition by our country also. But what is more important is that not only should we recognise the notaries of foreign countries, but that our notaries should be recognised in foreign countries. That will require some effort on the part of the Government, to move the respective foreign countries to recognise the notarial acts or certificates issued by our Indian notaries as valid in those territories. The present position is that the Indian Notary Public is automatically recognised in all the Commonwealth countries, because his appointment is made by the Master of Faculties in England. But it may be that our Government may have to make some effort in obtaining the recognition of our Indian

notaries in foreign countries. In fact much of the importance of this Act will be lost unless the notarial acts done in India by Indian notaries are recognised by foreign countries also.

Lastly I come to Clause 15, which gives the rule making powers to the Government. I would request that—and I suppose that it is the practice too—before the rules are made finally by the Government, the draft thereof will be circulated at least to the Bar Councils, Law Societies and the High Courts in order that important and relevant suggestions may be made, and nothing may be left out.

With these words, I support the Bill. I have given notice of a small amendment, on which I shall speak, when the time comes.

Mr. Chairman: May I know from the hon. Member who has spoken just now, as to how he thinks that there is any provision in this Bill whereby the appointment of notaries is restricted only up to a certain number? Every person having the required qualifications is entitled to become a notary. I think that that is the provision in the Act.

Shri C. C. Shah: He may be appointed, but he is not entitled to be appointed as of right.

Clause 3 reads:

"The Central Government, for the whole or any part of India, and any State Government, for the whole or any part of the State, may appoint as notaries..."

So, that means that a person need not necessarily be appointed as a notary only because he holds a certificate. It is not like every person who has a Law Degree entitled to practise in a Court of Law. It is for the Central Government and the State Government to decide what is the number of notaries that is required to discharge those functions in a particular area and on the basis of these requirements, they may make the appointments.

Shri N. R. M. Swamy (Wandiwash): I want to say a few words on this Bill, as reported by the Select Committee. I find that this Bill is a distinct improvement on the original Bill. Yet, I have a few important observations to make.

In Clause 16 it is said that in section 3 of the Negotiable Instruments Act, 1881, the definition of 'notary public'

shall be omitted. In Clause 2 (d) it is said that a notary means a person appointed as such under this Act; and there is the following proviso to that sub-clause:

"Provided that for a period of two years from the commencement of this Act, it shall include also a person, who, before such commencement, was appointed a notary public either under the Negotiable Instruments Act, 1881 (XXVI of 1881), or by the Master of Faculties in England, and is immediately before such commencement, in practice in any part of India."

The Select Committee perhaps thought that after the coming into force of this present Bill, the definition of notary under Section 3 of the Negotiable Instruments Act of 1881 was superfluous and so they have sought to delete it, as they thought that such notaries will be functioning under the present Act. So, until the expiry of these two years from the commencement of this Act, they must have existence under the old Act. If the basis for their appointment is now removed, by deletion of the definition in Section 3 of the Negotiable Instruments Act, then, where is the provision in law whereby they can have their existence? They must function and discharge their duties only under the Negotiable Instruments Act, under which they came into existence. The Notary Public has come into existence only in one or two States in India, Madras, and Bengal or Bombay, under the old Negotiable Instruments Act. If the definition in Section 3 of that Act is deleted, then the existing notaries will have to function only in accordance with clause 8 of the present Bill, whereas only if it is retained, they can perform the functions of a notary public under section 3 of that Act. As the *locus standi* of the existing notaries will be hanging in the air, if that definition clause is omitted, I insist that it should be retained.

Shri Biswas: The hon. Member may kindly see the proviso to Clause 2 (d). Under this Bill, it has only been provided that there will be new appointments under the Negotiable Instruments Act.

Shri N. R. M. Swamy: The proviso says that such notaries will continue to exist for a period of two years. I have no objection to that. But my point is that they should exist under the Negotiable Instruments Act, because if that is omitted, then where is the provision in law for their existence?

Then, originally in the proviso to clause 2 (d), the period was three years, now it has been reduced to two years by the Select Committee. I would suggest that the original period of three years may be retained.

Shri Biswas: The hon. Member may refer also to Clause 9 (2) in the Bill, where legal existence for two years has been given to notaries under the old Act.

Shri N. R. M. Swamy: Yes, the provision is there in Clause 9 and also in Clause 2 (d) Proviso. But that is exactly the reason why I want that Section 3 of the original Act should continue. When it is provided that the notaries under the old Act will continue to exist, you must also provide for the continuation of Section 3.

Shri Biswas: All that I can say is that the hon. Member is wholly mistaken.

Shri N. R. M. Swamy: My point is this. If Section 3 of the Negotiable Instruments Act is omitted, the Notaries Public appointed under that Act will have no legal sanction for their existence if this Bill comes into force.

Secondly, I wish to suggest that they should also continue for a period of three years like the Notaries appointed under this Bill, after which period they can renew their certificate along with the others.

That is all I wanted to say on this Bill.

Shri Pocker Saheb (Malappuram): I just want to say only a few words. This Bill, on the whole, seems to be very vague and I do not know whether the Government itself has got any clear notion as to what it purports to do under this Bill. What are the legal effects of appointing as Notaries Public certain persons possessing certain qualifications which are to be prescribed by rules to be framed by the Government hereafter? A very pertinent question was put to the hon. Law Minister by my hon. friend on the other side and I am afraid either the hon. Minister has not correctly appreciated the importance of that question or he has not given a satisfactory answer if he has understood it. He put the question as to what its legal effect is, as a matter of evidence in a court of law. The hon. Member wanted to know the distinction of the notarial act from registration. Of course, it has been answered by my hon. friend the previous speaker that the notarial act cannot

[Shri Pocker Saheb]

take the place of registration. But the hon. Minister has not explained what the legal effect of the notarial act is as regards the evidentiary value of document or instrument attested or verified by the Notary Public or whether his attestation is conclusive evidence in a court of law, as to the correctness or authenticity or genuineness of the document which he attests or certifies. The hon. Minister has referred to sections 65 and 76 of the Evidence Act. I do not think that those sections—I made a reference to those sections also—in any way clarify the position. The question is whether this attestation or certification by the Notary Public is conclusive evidence just as a registration is before a court of law. There is nothing either in this Act or in any other statute that I am aware of, which lays down that the certification or attestation by the Notary Public is conclusive proof of the correctness or genuineness of the document attested by the Notary Public. This Bill does not lay down any such thing and, subject to correction, I do not think there is anything in the Evidence Act also—our Evidence Act—laid down to that effect, that it is conclusive proof. It is necessary that the Government should clarify what their intention is in bringing this Bill and what the legal effect of the certification or attestation by the Notary Public is.

One other matter on which I would like to say a word is this. As regards the qualification of persons to be appointed as Notaries Public—these persons are not public officers. They are persons who are enabled to exercise certain powers, that is all. And in conferring such powers on those persons, what are the qualifications required? Of course 'legal practitioners' are mentioned there; that is clear enough. Then it is said 'any other persons who may possess such qualifications as may be prescribed'. That is what is stated. No doubt, Government can be relied upon to prescribe rules defining the qualifications that may be required. But it is very necessary that some indication should have been given in the Bill in what directions the Government is intending or will have to prescribe as qualifications, whether it requires a law degree or any legal qualification or any other qualification which the Government has in view. A suggestion has been made that no one shall be given this power unless he possesses a certifi-

cate from a District Judge or a High Court Judge or is certified to be a fit and proper person for the purpose by the law association or such other body which may be competent. Some indication has to be given by the Government of what their intention is in bringing a measure of this sort giving some definiteness about the qualifications. It is very necessary that some indication should be given in this direction and I would also just mention that if they take these rule-making powers, those rules which they frame under this Act should be laid on the table of this House for the information of the Members of this House before they are given effect to.

Shri Biswas: The points which have been raised now had been dealt with by me at an earlier stage when I explained the provisions of the original Bill. Our idea is to do nothing which will in any way lower the standard now prevailing regarding Notaries Public. They are now enrolled by the Master of Faculties in England. It is as a result of the attainment of independence by India that this new Bill is proposed to be passed by the Indian Parliament. It does not look consistent with the dignity of free India that we should still have to derive authority for certain functionaries from a foreign country—from an alien country. India herself must now claim the right to select and appoint her own Notaries Public. That is the idea behind the Bill. But because we are now going to enroll Notaries Public, that does not mean that in status and rank our Notaries Public should occupy an inferior position, or that we shall frame our law in such a way that those who are enrolled under its provisions will not be accepted by foreign countries. Notaries Public will function not only within India but also outside and it is very important that our Notaries should command the greatest respect outside the borders of our country. Therefore, there need be no fear that the rules will be framed in such a way as to lead to a lowering of the standard which the Notaries Public have been expected to fulfil up till now.

If you look at the provisions the statutes which regulate the appointment of Notaries Public in the United Kingdom, you will see that there it is provided in very general terms that "The Master of Faculties, for the

time being, may make any general rule or rules requiring testimonials, certificates or proofs as to the character, integrity, ability and competence of any person who shall hereafter apply". Here also rules will have to be framed, but by the Central Government.

We have not got a Master of Faculties as in England who makes the rules. But the rules here should be so framed as to ensure that the persons, whether legal practitioners or others, must fulfil these basic qualifications of character, integrity, ability and competence. When we speak of competence we mean competence to discharge the duties laid down in the Act as being the functions of a notary. Now we should only select such men as may be depended upon, and as will be accepted in other countries as persons who may be depended upon, for the performance of these duties. The suggestion made by hon. Members in this regard will be borne in mind and the rules when framed may be circulated to Bar Associations and other associations to get the benefit of their views. There is no objection to that, and that will be done. We are very anxious that these rules should be framed in such a way as not to let in anybody who is not really qualified. In the original Bill all that was said was that the Central Government may appoint any person whom they may consider fit. We have in the Select Committee altered that and provided that rules must be prescribed in this behalf, so that the public may know what sort of persons will be eligible for appointment as notaries. It is not as if anybody applying, if he possesses the minimum qualifications, must be appointed. A certain amount of discrimination has got to be exercised, and the Central Government is mentioned as the authority which will exercise such discretion. It may be that the Central Government may hereafter have to appoint someone, say, the Chief Justice of the Supreme Court, and make him the authority who will finally pass these applicants. There may be a preliminary screening and after that the names will be placed before the Chief Justice of the Supreme Court, and the final orders will be passed upon his recommendation. These are matters of detail, but I can give this assurance that nothing will be done which will in any way diminish the standard of attainments now insisted on in the case of a Notary Public.

The question has been raised as to the evidentiary value of notarial acts. Those things are not provided for in this Act dealing with the appointment of notaries. That is a different matter. This measure has nothing to do with the Registration Act or with the Evidence Act, as my hon. friend over there has very lucidly explained. Nor do you expect that these things which really pertain to other enactments should find a place in this. As regards the question whether a particular document will be accepted as evidence or not, so far as this country is concerned it may be regulated by any law which we have here on the subject. We have the Indian Evidence Act, and you will find therein express provisions referring to documents authenticated by a Notary Public with his signature and his seal. If I had the Evidence Act here, I could have hunted up these sections and placed them before the House, wherein such express reference is made to a Notary Public and to authentication of documents by Notaries Public. But so far as foreign countries are concerned, we cannot say that they shall be bound by or guided by the rules of evidence which prevail here. It will depend upon their own rules. But then there is an international convention regarding this which is respected wherever notarial acts are recognised. So far as the British Commonwealth is concerned, all the Commonwealth countries follow the same rules. I will read out for the benefit of my friends only one paragraph from a standard book on Notaries:—

"The functions of an English Notary are not defined by any statutory provision or rule."—

we here are attempting to do something—then:—

"but generally speaking a Notary Public may be described as an officer of the law appointed by the Court of Faculties.....",

—here he will be an officer of law appointed by the Central Government in accordance with the provisions of this Act—

"...whose duty it is to attest deeds, contracts, and other instruments that are to be used abroad and to give a certificate of the due execution of such documents, which certificate, if duly authenticated by his signature and official seal, is accepted in all countries where notarial acts are recognised

[**Shri Biswas**]

as proof of the acts done in his presence and attested by him."

Where a Notary authenticates a document, he says, "This is what has happened", and that is generally accepted in all countries as a true statement. But the question as to how that particular document has got to be proved is a different matter. If that document is produced and accepted in a court of law in a foreign country, then, of course, the authorities there may draw a presumption that the facts stated in the document are true. That is about all, and that is the general rule.

As regards the functions, as I have already said, you do not find an enumeration of these functions in any enactments in other countries where notaries are appointed, but then it is well-established, we all know, what are those functions. We have tried to incorporate some of these functions in clause 8 of this Bill. We had the Negotiable Instruments Act. The Negotiable Instruments Act provides for certain acts to be done: If a Bill of Exchange or a Promissory Note is not honoured, then somebody has got to present it to the party who is liable for payment. Somebody has got to do all these acts. They are done by notaries: such as Notarial protests for dishonour, notarial protests for better security, and so on. We have included these functions in clause 8 and said that these are some of the duties which a Notary Public is expected to discharge. Now, these protests are made, and when the matter comes to the court, the documents have to be admitted in evidence in accordance with rules of evidence. Merely because it is provided here that a Notary Public may attest or authenticate any document, it does not follow that the document becomes automatically admissible. Now a will is required to be attested by two witnesses: because a will is attested by two witnesses that does not dispense with the calling of those witnesses for the purpose of proving the will. So, those are matters which are to be determined by reference to the rules of evidence which are in force.

I believe I have covered all the points. I commend the Bill, as modified by the Select Committee, to the House.

Mr. Chairman: The question is:

"That the Bill to regulate the profession of notaries, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Chairman: As I find there are no amendments to clauses 2 to 7 I shall place them before the House together.

Shri Simhaan Singh (Gorakhpur Distt.—South): I have an amendment to clause 2, Sir.

Mr. Chairman: I understand that notice of some amendments has been given by some hon. Members today but the rule is well-known that if notice is given on the very day the Bill comes up for consideration it is not accepted. The rule of limitation in that regard is not waived unless the hon. Minister in charge agrees to accept the amendment. The hon. Minister has not agreed to accept the amendment and therefore all those amendments are not in order and they will not be considered by the House.

Clauses 2 to 7 were added to the Bill.

Clause 8. —(Functions of notaries).

Shri C. C. Shah: I beg to move:

In page 3, after line 2, insert—

"(hr) prepare, verify, authenticate or certify copy of any instrument or document".

My purpose in bringing this amendment is that sometimes it is not possible to produce original documents in foreign countries and a copy certified as true by a notary public may be accepted as a correct copy. This is as true by a Notary Public may and I am speaking from experience. Therefore, in order to facilitate the work of the public as well as the notaries, I suggest the addition of this sub-clause.

Shri Biswas: I think that sub-clause (a) of clause 8 ought to be sufficient. It provides that a notary may perform, authenticate, certify or attest, the execution of an instrument. What is now suggested is that he should be empowered to perform these functions not merely in respect of an instrument, but in respect of a certified copy of an instrument. That is go-

ing a little too far. As a matter of fact, he authenticates, certifies or attests an instrument and if along with it you authorise him to authenticate a copy also, it may be that the certificate may have been prepared elsewhere. I do not think that that should be one of the functions of a notary. I have looked up books on notaries after this amendment was given notice of, and nowhere do I find such a provision. He executes an original document and there his function ends. In the circumstances, I do not accept the amendment.

Shri C. C. Shah: In view of the explanation offered by the hon. Minister, I do not press my amendment. But I consulted him only yesterday and he appeared to be agreeable.

Shri Biswas: But since then, I have looked up the books.

Mr. Chairman: The question is:
"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.
Clauses 9 to 16 were added to the Bill.

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

Shri Biswas: I beg to move:

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

Shri B. Das (Jajpur-Keonjhar): We have not heard Pandit Thakur Das Bhargava and Shri Ananthasayanam Ayyangar on this very vexatious Bill. It would be better to postpone the third reading to tomorrow.

Mr. Chairman: The question is:

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

The motion was adopted.

The House then adjourned till a Quarter Past Eight of the Clock on Tuesday, the 29th July, 1952.