

Volume I  
No. 1 - 21



Tuesday  
8th July, 1952

# PARLIAMENTARY DEBATES

## HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

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Members Sworn [Cols. 2—18].

PARLIAMENT SECRETARIAT  
NEW DELHI

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PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Tuesday, 8th July, 1952

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

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

MÉMORANDUM FROM KACHIN TRADERS

\*1519. Dr. Ram Subhag Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Kachin traders from North Burma have submitted a memorandum to the Government of Assam for grant of better facilities for trade with India through Stillwell Road; and

(b) if so, whether Government have taken any decision in that regard?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):  
(a) Yes, Sir.

(b) Government are considering the Memorandum, but have not yet taken a decision on any of the points raised therein.

Dr. Ram Subhag Singh: May I know, Sir whether these traders are allowed to do any trade with India at present?

Shri T. T. Krishnamachari: I believe so, Sir.

Dr. Ram Subhag Singh: What kind of trade?

Shri T. T. Krishnamachari: Excepting rice which is prohibited by the Burma Government, I think every

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other commodity that is normally concerned in trade.

Dr. Ram Subhag Singh: The hon. Minister just said 'excepting rice which has been prohibited by the Government of Burma'. May I know whether these traders have requested the Government of India to enter into negotiations with the Government of Burma to import rice through the Stillwell Road?

Shri T. T. Krishnamachari: They have made a number of representations and that is but natural. But I do not think it will be possible to import rice from Burma.

Dr. Ram Subhag Singh: Upto what amount of money each trader is allowed to do trading?

Shri T. T. Krishnamachari: I want notice.

Shri Nambiar: May I know, Sir, whether the Stillwell Road is open for traffic or closed?

Shri T. T. Krishnamachari: It is open for traffic.

SURPLUS STORES

\*1520. Sardar Hukam Singh: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether any surplus defence stores were disposed of by private negotiations during the year 1951-52;

(b) if so, of what amount and by whom; and

(c) what was the total value of surplus Defence Stores disposed of during the year?

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

(b) Rs. 92 lakhs approximately.—

(i) Rs. 79 lakhs by Directorate General of Supplies and Disposals;

(ii) Rs. 12 lakhs by Textile Commissioner; and

(iii) Rs. 1 lakh by Defence Services.

(c) Surplus Defence stores disposed of during 1951-52 amounted to Rs. 17.35 crores.

**Sardar Hukam Singh:** In view of the fact that it has been laid down by the Disposals Enquiry Committee that in future no sales be made by negotiations, may I know whether there are any special reasons why these sales were made by negotiation?

**Shri Buragohain:** As my hon. friend no doubt knows, private negotiation is not the normal method of disposal. It is resorted to only when the principal methods of sale, namely by advertised tender and auction fail to secure any purchasers. And when it becomes necessary to dispose of isolated stock to completely clear storage premises or depots, this kind of sale is resorted to.

**Sardar Hukam Singh:** What was the value of the scientific stores—scientific apparatus, appliances etc.—sold to the educational and other charitable institutions?

**Shri Buragohain:** I have not got the figure with me.

**Sardar Hukam Singh:** Is it the Director General alone or is there any Committee that decides whether the store is to be sold by negotiation or public auction is to be held or tenders are to be invited?

**Shri Buragohain:** I have already said, Sir, that when the usual methods are exhausted, the Director General is authorised to negotiate sale of stores of the book value upto Rs. 50,000. If the amount exceeds that limit he has to make a reference to the Ministry and obtain orders.

**Shri Bogawat:** May I know, Sir, the names of the countries where the defence stores are distributed and the particular amounts to particular countries?

**Shri Buragohain:** I do not think we dispose of these goods to other countries.

**Shri Kelappan:** During the last year i.e., during the 1951-52, may I know whether motor vehicles and aeroplane parts were also sold?

**Shri Buragohain:** Yes, Sir.

**Shri Velayudhan:** May I know, Sir, whether the Government have disposed of aeroplanes and whether tenders were invited for that purpose and is it only after the failure of that that negotiations were entered into?

**Shri Buragohain:** Sir, 70 Curtis Commando aircrafts and also spares were advertised last year and eventually it was sold to a party in November last year. But that party defaulted payment of the money and furnishing of the bank guarantee and eventually that had to be cancelled in April last and the security deposit of three lakhs has been forfeited and the aircraft and spares have been again readvertised on a global basis and that offer is open upto the middle of this month.

**A Hon. Member:** May I know whether one crore worth of automobile tyres were put up for sale?

**Shri Buragohain:** I want notice for that. I think there was a question on this subject, Sir, some time ago which my senior colleague answered. But I am not quite sure.

**Shri Nambiar:** May I know, Sir, whether these surplus stores include those stores which are not identified due to lack of knowledge of proper nomenclature?

**Shri Buragohain:** No, Sir.

**Shri Velayudhan:** May I know, Sir, regarding the aeroplanes disposal, whether the second sale was given to the same party for whom the contract had been cancelled?

**Mr. Deputy-Speaker:** The offer is still open. The hon. Member did not follow the answer. It has been advertised and the offer is still open till the middle of this month. The hon. Member if he wishes, may also.....(Interruption).

#### IRON, STEEL AND ALUMINIUM

\*1521. **Sardar Hukam Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the basic raw materials of iron, steel and aluminium produced in our country fall short of our annual requirements and if so, by how much; and

(b) how Government propose to meet this shortage during the next year, what portion by increased production and what portion by imports?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Yes, Sir. The present shortage is

about 300,000 tons of pig iron, over one million tons of steel and about 11,250 tons of aluminium.

(b) Government have under consideration plans for increasing the capacity of existing units in the iron and steel Industry and for the establishment of additional units. Government have in mind the establishment of another unit for aluminium production. It would be premature to state how much of our requirements would be covered when these schemes take shape and what our imports will have to be.

**Sardar Hukam Singh:** In view of the limited availability of these essential articles, has the Government decided which particular industries would be allotted the daily quantities that we can make available?

**Shri T. T. Krishnamachari:** That is being done, Sir, every day. Actually allotment is made to particular industries on the basis of essentiality.

**Sardar Hukam Singh:** If the present target is achieved, shall we have self-sufficiency in some of the engineering industries?

**Shri T. T. Krishnamachari:** Well, at the present moment the consumer is starved and only industrial and agricultural needs are provided for. It is quite possible—I am really dwelling in the realms of conjecture when I am trying to answer my friend—when the targets are achieved, the industry might get what it wants.

**Shri M. S. Gurupadaswamy:** May I know, Sir, whether there is any decline in the allotment of steel to the steel processing industries? If so, what is the reason?

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

**Dr. P. S. Deshmukh:** It appears from the reply of the hon. Minister that some priority is given to the needs of agriculturists. May I know what percentage of the needs of agriculturists is met at the present time?

**Shri T. T. Krishnamachari:** I would suggest, the hon. Member puts down a question.

#### PIG IRON

**\*1522. Sardar Hukam Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Planning Commission has given highest priority to the development of Pig Iron Industry; and

(b) if so, what steps are proposed to be taken for this development during the year 1952-53?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):**  
(a) Yes, Sir.

(b) Government have under consideration schemes to assist the existing producers of pig iron to increase production.

**Sardar Hukam Singh:** May I know whether there is a plan for the production of pig iron only or steel also is included in it?

**Shri T. T. Krishnamachari:** The whole question is under consideration. We have several alternative schemes. At the present moment we are thinking of increasing the production of the existing units and if our present tentative programme goes through we shall have a considerable quantity of additional steel and also additional pig iron perhaps to the extent of 300,000 to 350,000 tons per year. That is on the basis of increase in production in the existing units. Government have also the idea of starting a third unit—in what manner and how, these matters are not settled. Then perhaps the availability of pig iron might be greater.

**Sardar Hukam Singh:** According to the plan when is it proposed that these two additional plants will come into production?

**Shri T. T. Krishnamachari:** I could not quite follow the import of the hon. Member's question.

**Sardar Hukam Singh:** Is there any plan for having these plants ready for production during these five years or even after that?

**Shri T. T. Krishnamachari:** Well, Sir, if our expectations are realised we shall probably have these plants in full production before 1957.

**Sardar Hukam Singh:** Has any location been worked out for the second plant that is proposed to be set up in the near future?

**Shri T. T. Krishnamachari:** As I have said these questions are under very serious consideration. Government are working on alternative schemes. So far as existing units are concerned, we have more or less made up our minds to see that we shall assist in the increase in production of these units. So far as new units are concerned, we are exploring the pos-

sibilities and I am not prepared to commit myself to any answer at this stage.

**Shri Madhao Reddi:** May I know whether there is any agreement entered into in this connection with a Japanese firm?

**Shri T. T. Krishnamachari:** No, Sir.

**Shri K. G. Deshmukh:** May I know whether any final decision has been taken about the pig iron plant in Madhya Pradesh?

**Shri T. T. Krishnamachari:** We have not come to any decision in regard to the third unit, and when the decision is taken we will know what the location of that unit will be.

APPROACH BY BRITISH COLONIAL DEVELOPMENT CORPORATION

\*1523. **Shri Velayudhan:** Will the Prime Minister be pleased to state:

(a) whether the British Colonial Development Corporation have contacted the Government of India for Indian labourers; and

(b) if so, what steps Government propose to take in the matter?

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):** (a) and (b). Yes. A representative of the Corporation contacted the Controller-General of Emigration informally to discuss the prospects of workers being available in India for work in North Borneo. The provisions of the Indian Emigration Act, under which emigration of unskilled workers has been banned and emigration of skilled workers may be permitted, were explained to him. No concrete proposals have so far been received from the Corporation. The question of any action on the part of the Government does not, therefore, arise at present.

**Shri Velayudhan:** May I know whether Government have allowed the entry of skilled or unskilled Indian labourers into Borneo?

**Shri Satish Chandra:** I have said that an informal request has been made on behalf of Borneo and it is still under consideration.

**Shri Nambari:** Why are the Borneo Government asking the Indian Government to send labourers there as if there is no possibility of their getting labourers from anywhere else, as if we were the only people who could supply them?

**Shri Satish Chandra:** Government of India do not intend to allow any emigration of unskilled labourers to Borneo.

**Shri Velayudhan:** May I know whether Government is aware that the British Colonial Development Corporation is only a contract labour organisation?

**Shri Satish Chandra:** I am not aware of the character of that organisation.

**Shri P. T. Chacko:** May I know whether the Government of Borneo has asked the Indian Government whether it is possible to send settlers to North Borneo, that is whether it is possible to send some people to settle down there permanently?

**Shri Satish Chandra:** No, Sir.

LABOUR PROVIDENT FUND

\*1524. **Shri Velayudhan:** Will the Minister of Labour be pleased to state whether Government have finalised the scheme for Provident Fund for workers?

**The Minister of Labour (Shri V. V. Giri):** The Employees Provident Funds Scheme has not yet been finalised. It is expected to be finalised and published shortly.

TRADE WITH CZECHOSLOVAKIA

\*1525. **Shri S. C. Samanta:** (a) Will the Minister of Commerce and Industry be pleased to state what were the terms of trade arrangements with Czechoslovakia in the years 1950-51 and 1951-52?

(b) What were the goods that were exported to and imported from Czechoslovakia in these two years (with quantity and value year by year)?

(c) Has any trade arrangement been made with Czechoslovakia for 1952-53?

(d) If so, what are the terms?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) The terms of the trade arrangement with Czechoslovakia in the year 1950-51 are contained in the Indo-Czech Trade Agreement (1950-51), copies of which will be found in the Library of the House. There was no trade arrangement with that country in the year 1951-52.

(b) Two Statements giving the required information are placed on the Table of the House. [See Appendix VII, annexure No. 40.]

(c) A Trade arrangement between the two countries for 1952-53 is under negotiation.

(d) Does not arise.

**Shri S. C. Samanta:** May I know the interval after which the trade agreement with Czechoslovakia is being renewed?

**Shri T. T. Krishnamachari:** As I said, there was no trade arrangement with that country in the year 1951-52 and if the present negotiations go through, the interval would obviously be one year.

**Shri S. C. Samanta:** I find from the statement that in 1951-52 dyes and tanning substances obtained from coal tar to the extent of 144,000 lbs. were imported into India. May I know what arrangements are being made in India to manufacture dyes from coal tar?

**Shri T. T. Krishnamachari:** Notice, Sir.

**Dr. P. S. Deshmukh:** What are the reasons why no agreement in 1951-52 was possible?

**Shri T. T. Krishnamachari:** Apparently the parties were not anxious for an agreement.

**Dr. Jaisoorya:** Was it the other party that was unwilling for an agreement or our party?

**Shri T. T. Krishnamachari:** The hon. Member may have it whichever way he likes it because two parties must come to an agreement to have such an agreement.

**Mr. Deputy-Speaker:** I think in such matters if the hon. Minister has no information he may say he will look into it.

**Shri T. T. Krishnamachari:** Well, Sir, I have the information but that is the position.

**Mr. Deputy-Speaker:** If the position is that our Government did not want to enter into an agreement it is open to the hon. Minister, if it is confidential, not to state it, but if there is no confidence about it he may state what the attitude of the Government is.

**Shri T. T. Krishnamachari:** May I explain the position, Sir? The necessity must be there for such an agreement—probably the existing trade arrangements are going through smoothly. After all we are not working on a trade agreement with major countries like U.K., U.S.A. or France. Sometimes we have an agreement on barter basis and an agreement is essential in that case. Otherwise normal trade channels operate automatically.

It does not mean that trade between the two countries ceases if there is no trade agreement.

**Shri Joachim Alva:** The officers of the Commerce and Industry Department visited Czechoslovakia about a year or two ago, headed by the present acting Secretary of the Department. Did they visit the Skoda factory and find out what were the capital goods that could be brought with maximum profit for import into India?

**Shri T. T. Krishnamachari:** The hon. Member will put a question I will answer it.

**Shri S. C. Samanta:** The statement shows that ores have been imported as well as exported. May I know the qualities of the ores that were imported or exported?

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

**Shri Nambiar:** May I know whether at any time the Government of India had approached the Czechoslovakian Government for any capital goods?

**Shri T. T. Krishnamachari:** Notice, Sir.

**Shri M. S. Gurupadaswamy:** May I know whether the Government has any trade arrangement with Spain, Germany, Austria and Russia?

**Mr. Deputy-Speaker:** How does it arise?

#### INDIAN COTTON FOR FRANCE

\*1526. **Dr. P. S. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether France has offered to buy any Indian cotton;

(b) if so, how much, of what quality and at what price per bale;

(c) what efforts are being made to persuade France to buy more; and

(d) whether it is a fact that France wants Indian cotton in place of American cotton?

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

(a) The Government of India have announced to-date a total quantity of 302,000 bales of certain specified descriptions for export and France is one of the destinations to which exporters can export cotton. There are no offers and purchases on a Government to Government basis. Individual Indian exporters to whom quotas have been allocated can do business with individual buyers in France.

(b) The Government have no information.

(c) In view of the reply to part (a) of the question, this does not arise.

(d) The Government have no information.

**Dr. P. S. Deshmukh:** May I know what efforts, if any, are being made by Government to restore our short staple cotton trade with foreign countries to the pre-war level?

**Shri T. T. Krishnamachari:** The question that my hon. friend raises involves an admission which I am not prepared to make. We are not very anxious to allow export of our short staple cotton beyond the limits described in the answer and therefore, if it is a question of our going out to increase our exports, it does not arise. answer.

**Dr. P. S. Deshmukh:** Can the hon. Minister tell us what part of the short staple cotton produced in this country can be utilised by the Indian mills?

**Shri T. T. Krishnamachari:** The hon. Member has asked several questions previously on this subject and he knows that our expectations this year of production of local cotton is in the region of 34 lakh bales and the bulk of it happens to be short staple cotton, and it is presumed that mills will consume most of it and the export policy is dictated by the estimate of what the mills can possibly spare. That is represented by the figure of three lakh bales mentioned in the answer.

**Dr. P. S. Deshmukh:** Would the hon. Minister be able to say if the consumption of short staple cotton by Indian mills has gone up and if so by how much?

**Mr. Deputy-Speaker:** Since last year?

**Dr. P. S. Deshmukh:** Yes.

**Shri T. T. Krishnamachari:** The position is that since 1947-48 when our export of short staple cotton was considerably high it has fallen. The presumption therefore is that the mills have been absorbing our production, and our production has appreciably increased in recent times.

#### INDIAN TEA IN U. K.

\*1527 **Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the price of Indian tea per pound as compared to the prices of

Pakistan, Ceylonese, Indonesian, and East African tea in the British market;

(b) whether Government propose to reduce this price-level; and

(c) if the answer to part (b) above be in the affirmative, what measures Government propose to take in this regard?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) A statement is placed on the Table of the House. [See Appendix VII, annexure No. 41.]

(b) No, Sir.

(c) Does not arise.

**Dr. Ram Subhag Singh:** May I know whether it is a fact that some tea planters have informed the Government of India that they would close down their gardens if the prices of tea are not reduced and the cost of production is also not reduced?

**Shri Karmarkar:** I should like to find that out.

**Shri Velayadhan:** May I know whether the bulk purchase for the U.K. is still in vogue?

**Shri Karmarkar:** No, Sir.

**Shri A. C. Guha:** May I know what has been the result of the recent enquiry held by the Department?

**Shri Karmarkar:** The Committee has covered North India. It has gone to South India and we are awaiting its report.

**Shri A. C. Guha:** May I know whether the recent increase in the ration of tea in the U.K. has led to any increase in the demand from the U.K.?

**Shri Karmarkar:** It is as yet too early to say, but the demand for our tea is bound to increase.

**Shri A. C. Guha:** What arrangements have been made for storing tea in Calcutta, so that the auction may be held at Calcutta?

**Shri Karmarkar:** I should like to have notice.

#### SIKH PILGRIMS

\*1528. **Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state:

(a) the number of Sikh pilgrims who visited their religious shrines in Pakistan during the period January to May, 1952;

(b) the number of Hindu pilgrims who visited their religious shrines in Pakistan during the same period; and

(c) the number of Muslims from Pakistan who visited their religious shrines in India during the said period?

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

- (a) 460.
- (b) 99.
- (c) 681.

**Dr. Ram Subhag Singh:** May I know whether the pilgrims visiting the two countries are free, during the time allowed for them, to visit places of their choice?

**Shri Satish Chandra:** No, Sir. They can only go to places where the shrines are situated.

**Shri Dabhi:** May I now the number of important Hindu and Sikh religious shrines in Pakistan and the places where they are situated?

**Shri Satish Chandra:** I could not give a list of all the shrines in Pakistan. I can, however, give the names of the places which were visited by the Indian parties. The Sikh parties visited: Punjasahab; Gurudwara Sacha Saudha, Nankanasahab; and the Samadhi of Guru Arjundev at Lahore. The Hindus visited the shrines Gujranwala; the Samadhi and Dev Ashram at Lahore and the temples in Multan.

**Shri Namdhari:** In view of the fact that if only such meagre numbers are allowed to visit the holy shrines, then only twenty thousand people will be able to perform pilgrimage in the next twenty years, may I know whether Government will consider the desirability of taking steps for the mass pilgrimage facilities on both sides in order to enable these persons to earn the blessings of the Almighty Father?

**The Prime Minister (Shri Jawaharlal Nehru):** Government hopes that people's habits may change meanwhile.

**Sardar Hukam Singh:** Is the number of pilgrims limited by the Government to whom the request is made, or is any maximum fixed by either Government?

**Shri Satish Chandra:** No maximum is fixed. The requests are made by the parties and they are transmitted to the Pakistan Government. In some cases permission is given and in others it is refused. Similarly, Government of India may allow or refuse permission to Pakistan parties which intend to visit Muslim shrines in India.

**Sardar Hukam Singh:** Recently a conference was convened consisting of

certain Hindus and Sikhs in India on this subject. Was there any specific object behind the conference and if so, what was the result?

**Shri Satish Chandra:** I require notice.

**Shri Dabhi:** What arrangements are made for the management of Hindu and Sikh temples in Pakistan?

**Mr. Deputy-Speaker:** It is assumed that proper management is there and pilgrims can easily visit them.

SYNTHETIC RUBBER PRODUCTION IN  
U. S. A.

\*1530. **Shri L. N. Mishra:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that the Government of U.S.A. are subsidising their synthetic rubber industry to an undetermined extent and with the cheap production of synthetic rubber, the rubber boom will end?

(b) If so, what effect will it have on our rubber industry?

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

(b) The Indian rubber growing industry will not be affected as it is a protected industry.

**Shri L. N. Mishra:** Is it a fact that the International Rubber Study Group that met at Ottawa has made certain recommendations for stabilising the rubber industry of the world?

**Shri Karmarkar:** I should like to have notice.

**Shri Venkataraman:** May I ask how the price of Indian rubber compares with the price of rubber in other parts of the world?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** I have answered that question previously. The price of Indian rubber is Rs. 128 for 100 lbs. The price of rubber in the London market is ranging between 2 shillings and slightly above 2 shillings. It was only 2 shillings recently. The prices are now hardening. Today I think the price is somewhere about a penny or two pence more. It is fluctuating.

**Shri Velayudhan:** May I know whether synthetic rubber products are being imported into India and if so, are they cheaper than goods made from local rubber?

**Shri Karmarkar:** I do not think synthetic rubber products are being imported.

**Shri P. T. Chacko:** The hon. Minister said that the Indian rubber industry will not be affected. May I know whether it is because the controlled price of rubber in India is much lower than the price outside India?

**Shri Karmarkar:** No, Sir. At the moment I am informed that in certain markets the outside price is Rs. 122 per 100 lbs. whereas our controlled price is higher; it is Rs. 128.

**Shri P. T. Chacko:** May I know, Sir, whether the price Rs. 128 for hundred pounds is only one-third of the price for which we import rubber from outside India?

**Shri Karmarkar:** We import a little of the rubber that we need; about one-third the quantity.

**Shri P. T. Chacko:** May I know the reason, Sir, why the controlled price is much less than the price we give for rubber which is imported into India?

**Shri T. T. Krishnamachari:** The position is not now correct. It was correct last year and the year before. I answered this question some time back and I said the price of rubber namely in Malaya reached the high limits of 4 sh. 8½d. per lb. and imports of small quantities came into India at that time. Actually our production of raw rubber is 16,000 tons per annum and our requirements are 20,000 tons. At the moment there is almost parity between Indian price and world price.

**Shri Joachim Alva:** What steps have Government taken in regard to complaints made in the old Parliament that vested interests in the manufacture of rubber like Dunlops were interested in keeping the rate down in regard to rubber?

**Shri T. T. Krishnamachari:** It is a matter of past history. The present position, as I said, is fairly satisfactory.

#### ACID DYES AND SULPHUR DRUGS

\*1532. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Commerce and Industry be pleased to state what quantities of acid dyes and sulphur drugs we consume every year and from where we import them and at what cost?

(b) How much will the Atul factory produce per year?

(c) What is the initial expenditure incurred for the establishment of the factory?

(d) What will be the yearly saving if these materials are manufactured in the country?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 42.]

(b) The factory is expected to produce:

Acid Dyes ...	860,000 lbs.
Sulphur Drugs ...	250,000 lbs.

(c) Information is not available.

(d) About Rs. 20 lakhs in the case of acid dyes and nearly a crore of Rupees in the case of Sulphur drugs if present expectations materialise.

**Pandit Munishwar Datt Upadhyay:** May I know, Sir, whether there are any other factories, besides the Atul factory, which are manufacturing these drugs?

**Shri T. T. Krishnamachari:** Yes, Sir, there are factories. But they are not manufacturing to capacity for one thing and their production is very small.

**Pandit Munishwar Datt Upadhyay:** May I know the name of the firms?

**Shri T. T. Krishnamachari:** I think the question was answered on the floor of the House before. I would like to have notice. I do not carry the names of these firms in my memory.

**Pandit Munishwar Datt Upadhyay:** How does the cost of production in our factories here compare with the import price of this drug?

**Shri T. T. Krishnamachari:** The new factory is yet to go into production and until it starts producing we won't have comparative figures. Even in the case of May and Baker's factory, though its capacity for production is known, it has not gone into full production yet.

**Shri Velayudhan:** May I know the Indian and foreign capital invested in the Atul Factory?

**Shri T. T. Krishnamachari:** The authorised capital of the industry is Rs. 5 crores. Out of this 10 per cent. is American-owned. In addition, a royalty of 2½ per cent. is payable to the foreign company on the nett sale value. The capital issued is Rs. 1 crore.

**Shri Velayudhan:** What is the company's share?

**Pandit Munishwar Datt Upadhyay:** May I know whether the producing capacity of the factory that we have got in the country is less than the quantity that we require for our consumption?

**Shri T. T. Krishnamachari:** Far far less.

**Pandit Munishwar Datt Upadhyay:** What measures have been taken to make up the deficiency?

**Shri T. T. Krishnamachari:** Private enterprise is being encouraged to start industries and here is an instance in question.

**Shri K. K. Basu:** May we know whether there is any Indian interest in the May and Baker Company?

**Shri T. T. Krishnamachari:** I would like to have notice of that question.

#### CLOSURE OF MYSORE SILK FACTORIES

\*1533. **Shri M. S. Gurupadaswamy:** (a) Will the Minister of Commerce and Industry be pleased to state whether the spun and filature silk factories in Channapatna and Kanokanahalli in Mysore State have been closed?

(b) What are the reasons for their sudden closure?

(c) Will there be any change of policy with regard to the import of foreign silk in the immediate future?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The Spun Silk Department of the Mysore Spun Silk Mills Ltd., Channapatna, and the Government Silk Filature, Kanokanahalli, have been closed since 17th and 29th March 1952 respectively.

(b) The closure is due to the present general slump which resulted in a fall in prices and consequent accumulation of stocks of spun silk yarn and raw silk.

(c) It will be seen from the recent announcement regarding import policy for July-December 1952 that the policy statement in respect of raw silk will be made later i.e., no fresh import licences for raw silk will be issued till such time as the position is reviewed.

**Shri M. S. Gurupadaswamy:** May I know, Sir, how many labourers have been thrown out of employment?

**Shri Karmarkar:** I understand, Sir, that the number of workers affected by the closure of the Mysore spun Silk Mills is 950 out of a total of 1,500

workers. About the filature silk factories I have no information at the moment.

**Shri M. S. Gurupadaswamy:** May I know whether Government have made any arrangements to give interim relief to these labourers?

**Shri Karmarkar:** That is a question for that establishment; not for us.

**Shri M. S. Gurupadaswamy:** May I know what steps Government have taken to stabilise the price of cocoons and silk yarn fabrics?

**Shri Karmarkar:** As my hon. friend might be aware, we have been consulting the Tariff Commission (previously Tariff Board) off and on. The Tariff Commission is again going into the question this month. Previously they fixed Rs. 33/10 as the fair selling price and the protection that the industry now enjoys is based upon that, that is 30 per cent. and Rs. 3/14/- per lb. of import duty.

**Shri M. S. Gurupadaswamy:** What is the amount of grant given to the Mysore State for the development of silk industry?

**Shri Karmarkar:** I should like to have notice; but last year we gave some grant.

**Shri M. S. Gurupadaswamy:** What are the steps taken to improve the standard of efficiency and capacity of the industry?

**Shri Karmarkar:** There is a Central Silk Board, as my hon. friend is aware and that Board off and on helps researches into the development of silk. One of the steps that they took was to bring two reeling machines from Japan and these machines are proving helpful in the matter of reeling. For cocoons also there is a research station at Mysore and the Government of India are helping the Government of Mysore.

**Shri M. S. Gurupadaswamy:** May I know whether Government is contemplating the setting up of an enquiry committee?

**Shri Karmarkar:** Regarding?

**Shri M. S. Gurupadaswamy:** To go into the problems of this industry.

**Shri Karmarkar:** The facts are quite clear; there is no necessity for an enquiry. Regarding the quantum of protection, the Tariff Commission is already seized of it.

**Shri Nambiar:** In view of the fact that silk production is falling seriously and that prices are not stabilised,

and also in view of the fact that something must be done, will Government consider enquiring into the matter fully?

**Shri Karmarkar:** My hon. friend's assumption is wrong. Till very recently, silk production has been increasing. In fact, last year it has been the highest during recent years. It is only due to the fall in prices that there is a little difficulty, which the raw silk industry has had to face. We are quite sure that that industry will recover from that difficulty.

#### LICENSING OF DEALERS IN KHADDAR

\*1534. **Shri S. N. Das:** Will the Minister of Commerce and Industry be pleased to refer to reply given to my starred question No. 1450 dated 1st October, 1951 and state:

(a) which Governments have passed legislations on the line of the model Bill drafted by the Central Government for making provision for the licensing of dealers in Khaddar a copy of which was forwarded to the various State Governments;

(b) whether the Government of India have examined the replies of such of the State Governments as have expressed their inability to introduce such a Bill; and

(c) if so, what is the decision arrived at?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The Governments of Bihar and Travancore-Cochin.

(b) and (c). Their replies are being examined.

**Shri S. N. Das:** May I know the names of the States which have expressed their inability to proceed in the matter?

**Shri Karmarkar:** It is difficult to answer this question. Some States have expressed their difficulties; some States have expressed their non-compliance. Shall I read out the names of all the States?

**Mr. Deputy-Speaker:** There are many other questions to be covered.

**Shri S. N. Das:** I only want to know the names of States which have expressed their inability to proceed in the matter?

**Mr. Deputy-Speaker:** The hon. Minister has perhaps to analyse and tabulate as some States may not have unequivocally expressed their desire.

#### FORFEITURE AND PREVENTION OF ILLEGALLY ACQUIRED PROPERTY BILL

\*1539. **Shri A. C. Guha:** Will the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to the report of Pakistan intending to pass a Bill—viz. 'Forfeiture and Prevention of Illegally Acquired Property Bill'; and

(b) if so, (i) whether the Government of India have examined the Provisions of the Bill as to how these may affect the interest of the minority community both in East and West Pakistan; and

(ii) whether the Government had any correspondence with Pakistan regarding this Bill?

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

(a) 460

(b) (i) and (ii). The Bill has apparently been sponsored by a private member. The Central Minister for Minorities has addressed the Pakistan Minister of State for Minorities for clarification of the Pakistan Government's attitude towards the Bill.

**Shri A. C. Guha:** May I know if the Government has received any representation from the minorities of Pakistan, particularly East Pakistan?

**Shri Satish Chandra:** I do not think any representations have been received, but certain apprehensions have been expressed in a section of the press, especially in West Bengal.

**Shri A. C. Guha:** May I know whether the term 'illegally acquired property' would also include any property in India?

**Shri Satish Chandra:** The text of the Bill has appeared in the press. The hon. Member has probably seen it. The Bill has not been taken up for consideration by the Pakistan Constituent Assembly so far.

#### TREATY WITH WEST GERMANY

\*1540. **Shri A. C. Guha:** Will the Prime Minister be pleased to state:

(a) whether the Government of India was shown the draft Treaty between West Germany and the Allied Powers before the Treaty was signed or were they in any way consulted before its signature;

(b) whether there has been or was any Indian army of occupation in Germany and if so, its position at present;

(c) when India will sign any Treaty of peace with West Germany; and

(d) whether it will be a separate Treaty or the same as has been signed recently by the four powers?

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):**  
(a) and (b). No, Sir.

(c) and (d). The hon. Member has misunderstood the nature of the Agreements, called the "Convention on Relations between the three Powers and the Federal Republic of Germany, and related Conventions", recently signed by three of the four Occupying Powers, namely, the U.S.A., the U.K. and France, with the Federal Republic of Germany. This Convention replaces the former Occupation Statute governing the administration of the zones occupied by the three powers concerned. It ends their occupation, and grants to the Federal Republic of Germany a qualified degree of sovereignty. India is not, and has not been, an occupying power in Germany. The question of its signing such a convention, therefore, does not arise. The conclusion of a peace treaty with Germany is another matter. That can only be signed when the differences between the Four Powers which have been in occupation of Germany, namely, the U.S.S.R., the U.S.A., the U.K. and France, have been resolved. The Government of India are watching the negotiations between these Powers on this subject with great interest.

**Shri A. C. Guha:** Are we to understand that as yet, technically, there has been no cessation of war between West Germany and those powers?

**The Prime Minister (Shri Jawaharlal Nehru):** Of course there has been cessation of war, but there has not been a formal treaty.

**Shri A. C. Guha:** Will the India Government negotiate for a separate treaty or will they sign the treaty along with the other powers?

**Shri Jawaharlal Nehru:** So far as we are concerned there is no war and we have declared that there is no necessity for any further step. We are in diplomatic relations with it, and we cannot be in diplomatic relations unless those obstacles have been removed.

**Shri Nambiar:** May I know whether we have diplomatic relations with Eastern Germany as well as Western Germany?

**Shri Jawaharlal Nehru:** No, only with Western Germany.

#### INDIAN RAW JUTE

**\*1541. Shri A. C. Guha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the present average price of Indian raw jute;

(b) the landed price of Pakistani raw jute in rupees;

(c) whether it is a fact that the mills are not making the usual purchase of raw jute;

(d) if so, the reason and its repercussion on the jute growing industry of the rural area; and

(e) the stock of Indian raw jute still in the hands of the jute cultivators?

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

(a) The average price during June 1952 was Rs. 27/7/- per maund of Assam Bottoms in the Calcutta market. The average price for the first three-days of July 1952 was Rs. 26/13/- per maund.

(b) The landed price of Pakistan Jat Bottoms at Calcutta is about Rs. 38/- per maund (in Indian currency) on the basis of the minimum price of Rs. 17(P) per maund fixed in Pakistan.

(c) to (e). Mills have for some time now not been buying any Pakistan jute owing to high prices and have been dependent entirely on purchases of Indian jute to keep up production. In general, therefore, the purchase of jute has been satisfactory and Government understand that the major portion of the raw jute crop was sold by growers by the middle of February. Reports have, however, been received that in certain outlying areas where the variety of jute grown is of an inferior kind the stocks still remaining unsold are appreciable and the matter has been taken up with the industry.

**Shri A. C. Guha:** Is it true that Pakistan has recently imposed some discriminating rates for Indian importers of raw jute and, if so, what is the discriminating rate?

**Shri T. T. Krishnamachari:** Pakistan recently reduced its export duty. At the same time they imposed a licence fee of Rs. 2-8 per maund (Pakistan currency) on jute exported to India.

**Sardar Hukam Singh:** May I know whether it is a fact that the rate at which it is offered to India is higher than the rate at which it is offered to other countries and, if that is so, is it not discrimination?

**Shri T. T. Krishnamachari:** That is the position. If there is a licence fee of Rs. 2-8 per maund (Pakistan currency) on jute exported to India, there is discrimination.

**Shri A. C. Guha:** Is it true that this Rs. 2-8 (Pakistan currency) would practically come to Rs. 3-4 for Indian importers and, if so, may I know what steps Government are taking in the matter so that this discrimination may be withdrawn?

**Shri T. T. Krishnamachari:** The assumption that it would cost more in Indian currency is correct. So far as Government taking any steps is concerned, the matter is being discussed at appropriate levels. What will happen is a different matter.

**Shri L. N. Mishra:** Is it a fact that jute goods are offered to America by the Continent at rates lower than those quoted by Indian mills, despite the Indian mills' clear advantage in raw material costs?

**Shri T. T. Krishnamachari:** That was the position that existed before we reduced the export duty. After we reduced the duty the price differential disappeared and America is buying Indian jute.

**Shri A. C. Guha:** Have Government any idea of fixing minimum prices for raw jute in India?

**Shri T. T. Krishnamachari:** No, Sir.

**Shri A. C. Guha:** The hon. Minister has stated that some of the raw jute produced in India is of inferior quality. May I know if Government has taken any step to improve the quality by removing its greyness and stiffness?

**Shri T. T. Krishnamachari:** The question may be addressed to the Food and Agriculture Minister.

**Shri A. C. Guha:** I think, Sir, that it is within the scope of the Commerce and Industry Ministry because the jute industry is having a research institute.....

**Mr. Deputy-Speaker:** The hon. Minister is not able to give an answer.

**Shri A. C. Guha:** But he has tried to divert me to the Food and Agriculture Minister.

**Mr. Deputy-Speaker:** That is another way of saying that he is not in possession of the information!

**Shri K. K. Basu:** May I know whether the production of raw jute in India is sufficient for the requirements of the Indian mills?

**Shri T. T. Krishnamachari:** At the present moment, yes.

**Shri B. S. Murthy:** What is the effect of the new levy imposed by the Pakistan Government, on the export of jute goods from this country?

**Mr. Deputy-Speaker:** He wants to know the effect of the indirect levy of licence fee by the Pakistan Government, in the matter of production of jute goods in this country.

**Shri T. T. Krishnamachari:** We have not imported any jute from Pakistan which has paid this licence fee, and until we import it we cannot say what the economic effects of this licence fee will be on the industry.

**Shri B. S. Murthy:** What is the effect, adverse or otherwise, of the duty imposed by the Pakistan Government, on the jute goods imported into Pakistan from India?

**Mr. Deputy-Speaker:** It has not yet been imported in large quantities to know the effect.

**Dr. S. P. Mookerjee:** Taking into account the number of hours that the jute mills are working, will the hon. Minister state for how many months the mills can work with the stocks with India and not getting anything from Pakistan?

**Shri T. T. Krishnamachari:** Without going into figures I can mention to the House that I had a talk with the President of the Indian Jute Mills Association recently when he was here for a different purpose. He feels that the present stock position is satisfactory and that the mills can go on until the new crop comes in. I must say that this is subject to correction because I have just accepted what he said, as the correct position.

**Shri K. K. Basu:** In view of the fact that A grade quality jute is not produced in India, and we are not getting this jute from Pakistan, may we know whether this will have any adverse effect on our industry?

**Shri T. T. Krishnamachari:** I could not catch the import of the question.

**Mr. Deputy-Speaker:** It is a matter of opinion. The question is this. Jute of a high quality is not imported from Pakistan and it is not locally produced. What is the effect of this on the industry?

**Shri T. T. Krishnamachari:** It is conceded that Pakistan jute is of a better quality. The jute produced in Bihar and Bengal are not inferior. The inferior

variety is of the Bimili variety. I do not think there is any adverse effect because the mills are manufacturing jute goods with existing stocks.

**Shri A. C. Guha:** The hon. Minister has given the landed cost of Pakistan jute in Calcutta. Has this taken into consideration all the rates, charges, etc., or is it only the price?

**Shri T. T. Krishnamachari:** I am quite willing to enlighten my hon. friend. The minimum price of jat bottoms per maund is fixed by the Pakistan Jute Board at Rs. 17 in Pakistan currency. The export duty is Rs. 3-12-0. It varies in the case of pukka bales and kutchha bales. This is the export duty on kutchha bales. The export duty on pukka bales is Rs. 3. License fees Rs. 2-8-0; and transport charges in Pakistan Rs. 2. The total is Rs. 25-4-0 in Pakistan currency. In Indian currency it comes to Rs. 36-6-0; plus commission and other charges Rs. 1-12-0, the price comes to Rs. 38-2-0. If I have said it is Rs. 38, I admit I am slightly wrong.

**Shri K. K. Basu:** Is the Minister aware of recent reports in some Calcutta Papers that because of shortage of raw jute, some mills intend to cut down their working hours?

**Shri T. T. Krishnamachari:** I have not seen it and I do not believe it.

#### DISPLACED MUSLIMS IN ASSAM

\*1542. **Jonab Amjad Ali:** Will the Prime Minister be pleased to state:

(a) how many families in the Districts of Goalpara, Kamrup and Cachar in Assam had to leave their homes during the disturbances of 1950; (b) the extent of property damaged on an average in respect of each family;

(c) in how many cases District or Minority Boards returned their lost cattle to them;

(d) whether a large number of petitions for lands of uprooted Muslims are yet lying undisposed of with the authorities; and

(e) if so, why?

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):** (a) The approximate number of families is as follows:

Goalpara .....	27,000
Kamrup .....	10,800
Cachar .....	100

(b) The information required is not available.

(c) About 50,000 head of cattle were restored by the District officers.

(d) and (e). Almost all the displaced Muslims who returned to their homes have been restored to their lands.

**Jonab Amjad Ali:** Is the Government prepared to issue a directive to the State Government Rehabilitation in Assam to restore to the rightful owners the rest of the lands that they have not been given?

**Shri Satish Chandra** The lands of all the displaced Muslims who returned to their homes have been restored.

**Jonab Amjad Ali:** Mark, that the word 'almost' is there. The answer is: "Almost all the displaced Muslims..." What about the remaining?

**Mr. Deputy-Speaker:** That is the policy; that would be done.

**The Prime Minister (Shri Jawaharlal Nehru):** Directives have been issued from time to time. It may be that in some individual cases they have not been given effect to.

**The Minister of Rehabilitation (Shri A. P. Jain):** In fact, the information which was received from Assam goes to show that a larger number of Muslims have returned to Goalpara district than those who actually went out to Pakistan. Many of those who had not actually gone had also been settled on lands.

**Shrimati Khongmen:** Is it not a fact that the non-Muslims who came to Assam from Pakistan far out-number the Muslims who went over to Pakistan?

**Shri Satish Chandra:** I require notice.

#### TRADE WITH U. S. S. R.

\*1544. **Shri Bansal:** Will the Minister of Commerce and Industry be pleased to refer to the Statement placed on the Table of the House in reply to starred question No. 314 asked on 30th May, 1952 regarding trade with U.S.S.R. and countries of Eastern Europe and state:

(a) whether in the Statement of Imports from U.S.S.R. in 1951-52 of the total value of Rs. 1-38 crores, account has been taken of the imports of wheat from U.S.S.R. during this period;

(b) if not, the reasons for excluding these consignments of foodgrains from these trade statistics;

(c) whether in Statement I all the commodities exported by India on barter basis have been included; and

(d) what is the overall position regarding our balance of trade with the U.S.S.R. in the years 1948-49, 1949-50, 1950-51 and 1951-52?

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

(b) The total value of Rs. 1-38 crores referred to did not include value of wheat imported on Government account and was awaiting adjustment.

(c) All the commodities exported by India on barter basis except those awaiting adjustment were included in the Statement.

(d) A statement giving the required information is placed on the Table of the House. [See Appendix VII, annexure No. 43.]

#### RUSSIAN EMBASSY

\*1545. Prof. Agarwal: Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Russian Embassy in Delhi has no Indian employee on its staff; and

(b) how many Russian nationals are at present working in the Indian Embassy at Moscow?

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):**  
(a) No, Sir. According to the information available, twelve members of the staff of the Russian Embassy have been locally recruited. They are messengers, peons, etc.

(b) Ten including Chancery maids, chauffeurs and a translator.

**Prof. Agarwal:** If the answer to part (a) is in the negative, I take it that there are some Indian nationals working in the Russian Embassy. May I know how many are there?

**Shri Satish Chandra:** In Russia?

**Prof. Agarwal:** Here, in India.

**Mr. Deputy-Speaker:** He has already read out the number.

**Shri Satish Chandra:** I have said there are 12.

**Prof. Agarwal:** May I know the class of service to which these people belong?

**The Prime Minister (Shri Jawaharlal Nehru):** Messengers, peons, drivers etc.

#### FOREIGN COMPANIES

\*1546. Shri K. C. Sodha: Will the Minister of Commerce and Industry be pleased to state:

(a) the names of the foreign companies who have opened their factories in India during the last five years in partnership with Indian firms or otherwise;

(b) the names of industries which they have started;

(c) the total value of their output;

(d) the capital invested by Government in partnership with such companies;

(e) whether they enjoy the same privileges as the Indian companies?

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

(a) to (d). Information is not available. A list of the principal industries in which investment of foreign capital was sanctioned during the years 1948 to 1951 was placed on the Table of the House on the 12th June 1952 in reply to starred question No. 756.

(e) Foreign firms operating in India are not subject to any special conditions and restrictions except those imposed by the Government at the time of their entry, regarding capital investment, association of Indians in the Management and training of Indian personnel in technical processes.

**Shri K. C. Sodha:** What is the total amount of dividends that has been sent out of the country by these companies during 1951-52?

**Shri T. T. Krishnamachari:** I think that, information is given in the latest statement found in the papers yesterday, about dividends and interest paid by foreign companies.

**Dr. P. S. Deshmukh:** Have we got figures of the Indians employed by these foreign firms?

**Shri T. T. Krishnamachari:** I do not mind admitting that there was another question that was tabled for answer today, which was not asked. That deals with this particular question. Information is being collected.

**Dr. P. S. Deshmukh:** May I know whether that information could be given now?

**Mr. Deputy-Speaker:** It is being collected.

**Shri B. S. Murthy:** May I know whether foreign investments on Indian industries are on the increase or on the decrease?

**Shri T. T. Krishnamachari:** If you take the figures for 1951-52, it shows an increase.

**Shri B. S. Murthy:** May I know whether this foreign investment in Indian industry is detrimental to Indian investment in our own industries?

**Mr. Deputy-Speaker:** It is only a matter of opinion.

**Shri A. C. Guha:** May I know if the Government impose any conditions on these firms as regards making certain appointments of Indian personnel?

**Shri T. T. Krishnamachari:** Yes, Sir. The question is more or less governed by the statement made by the Prime Minister in 1949 in regard to foreign capital. The answer to part (e) of the question definitely says that certain conditions are imposed at the time of entry when capital issues are sanctioned and the firm is otherwise permitted to start operations.

**Shri H. N. Mukerjee:** Is there any machinery by which the Government can determine whether the conditions imposed on these foreign companies are actually observed, and particularly whether there is any discrimination against Indian trainees and employees?

**Shri T. T. Krishnamachari:** Yes, Sir. Government have the necessary machinery and resources at their disposal.

**Mr. Deputy-Speaker:** The Question-hour is over.

#### WRITTEN ANSWERS TO QUESTIONS

##### प्रतिकर का भुगतान

\*१५२९. सेठ अचल सिंह : क्या यन्वर्ष मन्त्री यह बताने की कृपा करेंगे कि विस्यापित व्यवस्थियों को उन की पाकिस्तान में छोड़ी गई सम्पत्ति के दावों के लिये कब तक और किस अनुपात में भुगतान किया जायेगा ?

**The Minister of Rehabilitation (Shri Jain):** Attention of the hon. Member is invited to the reply given by me on the 22nd May 1952 to Question No. 93 by Giani G. S. Musafir.

##### OPTICAL GOODS

\*1531. **Shri S. V. Ramaswamy:** (a) Will the Minister of Commerce and Industry be pleased to state what is the total value of optical goods imported into India?

(b) Are there Indian firms manufacturing optical goods, particularly lenses?

(c) Are there complaints that such optical lenses are not up to the mark and are likely to increase defects in vision?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Rs. 66 lakhs in 1951-52.

(b) Yes, Sir.

(c) The Government are not aware of any such complaints.

##### INDIAN EMPLOYEES IN NON-INDIAN CONCERN

\*1535. **Shri B. R. Bhagat:** Will the Minister of Commerce and Industry be pleased to state:

(a) the policy of the Government of India in regard to employment of Indians in concerns and industries operating in India, owned or controlled by non-Indians;

(b) whether Government have any information in respect of the number of Indians and non-Indians employed in posts other than ministerial posts in such concerns and industries; and

(c) if the answer to part (b) above be in the negative, do Government propose to collect the information and lay it on the Table of the House?

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

(a) Government's policy is to encourage the employment of Indians in all concerns, whether owned and controlled by non-Indians or not.

(b) No, Sir.

(c) Yes, Sir.

##### अधिग्रहीत धर

\*१५३६. सेठ गोविन्द दास : (क) क्या निर्माण, गृह-व्यवस्था तथा रसद मन्त्री यह बताने की कृपा करेंगे कि दिल्ली में ऐसे धरों की संख्या क्या है जो अभी भी अधिग्रहीत हैं ?

(ख) गत एक वर्ष में कितने धरों को अधिग्रहण मुक्त किया गया ?

(ग) अधिग्रहीत भवनों के लिये सरकार ने कुल कितना किराया दिया ?

(घ) इस में से कितनी राशि उन में रहने वालों से प्राप्त हो गई ?

(ङ) अब तक अविशेषित घरों में से कितने सरकार के प्रयोग के लिये हैं तथा किन किन मन्त्रालयों के लिये हैं ?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) 472.

(b) 47.

(c) Rs. 8,23,000 per annum.

(d) The rent realised from the occupants is not a fixed amount, but varies from time to time as in the case of Government servants the recovery is limited to 10 per cent of their pay. The recoveries amount to Rs. 8 lakhs per annum in round figures.

(e) About 400 houses are used as residences for officials of the Central Government and the Delhi Administration. These houses have not been allotted individually to the various Ministries as such, and allotment is made to Government servants from the Pool according to their eligibility, based on their date of posting to Delhi and the Salary group to which they belong.

#### अतिरिक्त भाष्डार तथा उत्सर्जन संघटन

\*१५३७. सेठ गीविन्द दास: (क) क्या निम्निंग, ग्रह-व्यवस्था तथा रसद भन्नी यह बतलाने की कृपा करेंगे कि महायुद्ध के कुल कितने भाण्डारों का अभी तक उत्सर्जन नहीं होआ है ?

(ख) इस श्रेणी की वस्तुओं के विक्रय से गत वर्ष तथा चालू वर्ष में कितनी राशि प्राप्त हुई थी ?

(ग) सरकार ने गत वर्ष जो बचन दिया था उस के अनुसार क्या उत्सर्जन संघटन को बन्द कर दिया गया है ?

(घ) यदि नहीं, तो इस के क्या कारण हैं तथा इस संघटन के कब बन्द किये जाने की सम्भावना है ?

(ङ) क्या इस संघटन में अभी हाल ही में कोई छंटनी भी की गई है और यदि हां, तो इस प्रकार छाटे गय व्यक्तियों की संख्या क्या है और क्या इस प्रकार के कर्मचारियों को अन्य मन्त्रालयों में पुनः काम पर लगा लिया गया है ?

**The Deputy Minister of Works, Housing and Supply (Shri Buraghain):** (a) Separate figure for war surplus stores is not available, and regular surplus stores are not kept separate. Total surplus stores awaiting disposal on 1-6-1952 were of the book value of Rs. 36 crores approximately.

(b) Total realisations during 1951-52 amounted to Rs. 6.77 crores, and during April and May, 1952 to Rs. 0.55 crores.

(c) and (d). The Directorate General (Disposals) ceased to exist as a separate entity with effect from 1-3-1951. There was considerable reduction in staff and the remainder merged with the Supply Organisation, forming a separate Wing in it.

(e) Number of staff retrenched in the Disposals Wing during the period from 1-4-51 to 31-3-52 was 663, of which 20 were gazetted and 643 non-gazetted. All except 279 non-gazetted staff were, however, absorbed either in other offices or in vacancy in the Supply Organisation.

#### CLOTH AND YARN

\*1538. **Shri Vidyalankar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity and price of cloth and yarn imported from the Dollar area, and the quantity and price of the same commodities exported from India to that area; and

(b) the figures as above in respect of the sterling area?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) and (b). A statement is placed on the Table of the House. [See Appendix VII, annexure No. 44.]

#### EXPORT OF COAL TO JAPAN

\*1543. **Shri Ganpati Ram:** Will the Minister of Production be pleased to state:

(a) whether the Government of Japan has intended to import Indian coal during the current fiscal year;

(b) the quantity to be exported to Japan and on what terms; and

(c) whether Japan had imported any quantity of coal during 1950-51 and on what rate?

**The Minister of Production (Shri K. C. Reddy):** (a) Yes.

(b) The export quota fixed for 1952 is 1,000,000 tons.

Exports are arranged against cash payment. A base export price has been fixed for each country to which Indian Coal is exported. The base export price fixed for Japan for the first three months of the year was calculated by adding to the f. o. b. Calcutta price Rs. 4 per ton for coking coal and Rs. 3 per ton for non-coking coal. From the 1st April 1952, the above amounts have been reduced to Rs. 2 and Re. 1 respectively.

(c) Yes. The total quantity of coal imported by Japan from India during 1950-51 was 132,917 tons. This supply was made at the controlled price.

#### EXPERIMENTAL TELEVISION STATION

\*1547. **Shri M. L. Dwivedi:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the experimental television station for the purpose of providing opportunities for training in television as recommended by the Scientific Advisory Committee has since been established in India;

(b) if so, the site of the station and its establishment costs; and

(c) if not, by what time the station is likely to come into existence?

**The Minister of Information and Broadcasting (Dr. Keshar):** (a) No Sir, The technical and financial considerations involved do not for the present make it possible to establish a television station in India.

(b) Does not arise.

(c) No definite date can be given at this stage.

#### WORKS EXECUTED BY C. P. W. D. OFFICERS

\*1548. **Sardar A. S. Saigal:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the C.P.W.D. was asked by the Income Tax Investigation Commission to supply statements of works with costs that were constructed by some C.P.W.D. officers since 1948 to March, 1952;

(b) if the reply to part (a) above be in the affirmative, regarding how many

officers such information was supplied by the C.P.W.D.;

(c) whether it is a fact that the Executive Engineer involved in Delhi Aviation cases in 1942-43 is one such officer; and

(d) the amount of works the Executive Engineer referred to in part (c) above carried out and the period during which they were carried out?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Yes, but the period of construction of works in respect of which the statement was asked for was from 1939 to 1943 and not from 1948 to March 1952.

(b) The information asked by the Income-Tax Investigation Commission was in regard to one officer only.

(c) Yes.

(d) The total amount of works carried out by the Executive Engineer was Rs. 2,74,58,795. approximately and this relates to the period from January 1939 to September, 1943.

#### TRADE WITH TIBET

\*1549. **Shri B. N. Roy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the value of commodities exported from India to Tibet in 1950-51 and 1951-52 and that of commodities imported into India from Tibet in these years;

(b) the names of the commodities exported from India to Tibet and imported from Tibet into this country in 1951-52;

(c) whether export of Indian goods to that country has been affected in any way after Chinese occupation of Tibet; and

(d) the steps taken by the Government of India for improving trade relation between these countries?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) and (b). I regret figures of our trade with Tibet are not separately available but only in conjunction with those for Bhutan and Sikkim. Even these latter are by quantity and not by value. I place on the Table of the House a statement showing the quantities of India's exports to and imports from Tibet, Sikkim and Bhutan commodity-wise for each of the years 1950-51 and 1951-52. [See Appendix VII, annexure No. 45.]

(c) It is not possible to say on the statistical information available whether the Chinese occupation of Tibet has affected our exports to Tibet or not; but the export figures for Tibet, Sikkim and Bhutan show a decline in quantity from 156,339 maunds in 1950-51 to 122,677 maunds in 1951-52.

(d) This question is under consideration.

#### PRINTING PRESS FOR PARLIAMENT

\*1550. **Shri Madiah Gowda:** Will the Minister of Works, Housing and Supply be pleased to state whether it is a fact that there is no separate printing press exclusively for Parliamentary work resulting in delay in printing the proceedings and other Parliamentary papers?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** There is at present no separate printing press exclusively for Parliament work. The existing Government of India Press, New Delhi, is being extended to accommodate a self-contained Parliament Wing. Construction work of the building is in progress and is likely to be completed by the end of this month.

#### NORTH EAST FRONTIER TRACT

\*1551. **Shri Rishang Keishing:** Will the Prime Minister be pleased to state:

(a) the number of schools in the North East Frontier Tract and the Naga Tribal areas;

(b) the medium of instruction in these areas; and

(c) the steps taken by Government so far to develop the language of the tribal people in these areas?

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):** (a) 117. (One hundred and seventeen).

(b) The tribal language in primary schools wherever teachers knowing that language are available and Assamese in villages nearer to the plains.

(c) Dictionaries and Grammar books of the more important tribal languages have been prepared. Officers posted to tribal areas have been directed to learn the local languages.

#### SALARIES OF WORKERS IN SUGAR FACTORIES

\*1552. **Shri B. N. Roy:** Will the Minister of Labour be pleased to state:

(a) the minimum grade of salary of the workers employed in sugar factories (State-wise); and

(b) whether the Government of India have made any suggestion to State Governments to standardize the different grades of salary in each department of sugar factories so far as labour is concerned?

**The Minister of Labour (Shri V. V. Giri):** (a) A statement is placed on the Table of the House. [See Appendix VII, annexure No. 46.]

(b) The Government of India have not taken any direct steps towards the standardization of wages for workers in sugar factories. In recent years some uniformity in wages has however, been achieved as a result of the awards of Industrial Tribunals. Further standardisation of wages in the industry will be possible when the legislation on fair wages for industrial labour, which is under consideration of Government is passed.

#### CENTRAL COTTON ADVISORY COMMITTEE REPORT

\*1553. **Shri K. G. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the recommendations made by the Central Advisory Cotton Committee, in its recent report to the Government of India, in respect of the price and distribution of cotton; and

(b) the steps, if any, taken by the Government of India for the implementation of the recommendations?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) and (b). The hon. Member is perhaps referring to the recommendation of the Cotton Advisory Board. If so, a statement showing the recommendations made by the Cotton Advisory Board and the steps taken by the Government of India to implement them is placed below. [See Appendix VII, annexure No. 47.]

#### LONG STAPLE COTTON

\*1554. **Shri K. G. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the varieties of long staple cotton that are grown in India;

(b) the production of such cotton per year in each case respectively; and

(c) the staple of each variety of such cotton?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) to (c). A statement is laid on the Table of the House. [See Appendix VII, annexure No. 48.]

## CAMBODIA KAPAS

\*1555. **Shri K. G. Deshmukh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the production of Cambodia Kapas in the State of Madhya Pradesh in the year 1951-52;

(b) whether this variety of Cotton comes under the category of long staple cotton; and

(c) the staple of this variety of Cotton?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) The production of Cambodia Kapas in Madhya Pradesh is estimated at about 7,760 tons.

(b) The bulk of Madhya Pradesh Cambodia does not fall in the category of 'long staple' cotton which is 7/8" and above.

(c) The staple length of Madhya Pradesh Cambodia cotton varies from 24/32" to 27/32".

## FILMS

\*1556. **Shri H. N. Mukerjee:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the names of foreign producers and companies that have been granted facilities for making films in India since January, 1950;

(b) the details of such requests, if any, now under consideration of Government; and

(c) whether the Soviet Union made a request for facilities to produce films in India with Indian collaboration?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) and (b). A statement giving the required information is laid on the Table of the House. [See Appendix VII, annexure No. 49.]

(c) A proposal was received for the production of a feature film in colour jointly by the Soviet film industry and the Films Division of this Ministry.

## REPORT OF CULTURAL DELEGATION TO CHINA

\*1557. **Shri H. N. Mukerjee:** Will the Prime Minister be pleased to state:

(a) whether the Cultural Delegation to China has sent in any report to Government; and

(b) whether such report will be laid on the Table of the House as and when submitted?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) Several reports have been received from the Leader and some members of the delegation.

(b) Such reports are generally treated as confidential and are not released for publication. This was made clear to the House in supplementary answers to Question No. 1326 on the 30th of July, 1952.

## DAMS AT SHETTHALLI AND AJRA

\*1558. **Shri Datar:** Will the Minister of Planning be pleased to state:

(a) whether the Planning Commission received a deputation on behalf of the Karnataka Pradesh Congress Committee on the 21st April, 1952;

(b) whether the said deputation requested the Commission to complete the whole project consisting of the left and right Bank Canal and the construction of two dams at Shettihalli and Ajra, in the course of the next five years;

(c) whether this scheme is closely connected with the "Grow More Food" campaign in Bombay State; and

(d) whether the Commission have decided to recommend the inclusion of the whole project in the Final Five Year Plan or a portion thereof, and in the latter case which portion and portions?

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

(b) Yes.

(c) The Ghataprabha Left Bank scheme is one of the schemes of the Government of Bombay in their programme for increasing food production.

(d) There is at present no proposal before the Planning Commission for including further stages of the Ghataprabha project in the present Five Year Plan.

## COCONUT AND COCONUT OIL

\*1559. **Shri Achuthan:** Will the Minister of Commerce and Industry be pleased to state:

(a) what percentage of the total production of coconut in India is produced in Travancore-Cochin in the years 1950 and 1951;

(b) what were the reasons which prevailed on the Government for the recent reduction of the import duty on coconut oil;

(c) whether the Travancore-Cochin Government and the Coconut Committee or either was consulted before the above said reduction;

(d) whether the Committee has subsequently recorded its opinion on the above reduction; and

(e) if the answer to part (d) above be in the affirmative, what is its opinion and suggestion?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Figures of Indian production for 1950 and 1951 are not yet available, but in 1949-50 Travancore-Cochin accounted for 38 per cent. of the country's total production.

(b) The reduction was effected in order to bring down the price of copra and coconut oil to a healthy level and afford relief to consumers, industrial and domestic.

(c) No, Sir.

(d) No, Sir. Not in those terms the communication from the Indian Central Coconut Committee requested the Central Government to ensure that copra and coconut oil are not imported to the detriment of the interest of the indigenous industry, and that the Committee might be consulted before any decisions on such matters are taken.

(e) Does not arise.

#### EXPORT OF COIR YARN

\*1560. **Shri Achuthan:** Will the Minister of Commerce and Industry be pleased to state:

(a) what is the total export of coir yarns and products from the ports of Cochin and Alleppey in the years 1950 and 1951 and to which countries;

(b) if there was a reduction in 1951 the reasons therefor;

(c) what steps are taken to get new markets outside India for coir products; and

(d) whether Government made any enquiry about the various other products manufactured out of raw husk and fibre in Ceylon?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Export figures for the ports of Cochin and Alleppey are not recorded separately in the Trade accounts. A statement of the total exports of coir yarn and coir products from India to various countries is laid on the Table of the House. [See Appendix VII, annexure No. 50.]

About 80 per cent. of exports are generally from the ports of Cochin and Alleppey.

(b) There has been some reduction in total exports of coir yarn and coir products in 1951 as compared with

1950. The value of exports in 1951 was, however, higher than that in 1950. As compared with 1949, exports in 1951 were substantially higher. The reason for these variations is fluctuations in foreign demand.

(c) Efforts are made through Indian Trade Commissioners abroad to stimulate exports.

(d) Some enquiries in this respect were made by the Panel on "Coir, Rope, Cordage and other Fibre Industries" which submitted their report in 1947. In their opinion no serious competition was expected from Ceylon in coir industry.

#### PENICILLIN FACTORY

\*1561. **Shri H. N. Mukerjee:** (a) Will the Minister of Production be pleased to state the amount of the loss, if any, suffered by Government on account of the failure of tripartite negotiations with Messrs. Kärnblagel of Sweden and Messrs. Merck of U.S.A. for the setting up of a factory for the manufacture of penicillin?

(b) The reasons for Government's decision not to undertake the manufacture of sulpha and anti-malarial drugs?

**The Minister of Production (Shri K. C. Reddy):** (a) The Government of India were committed to pay in instalments to Messrs. Kärnblagel Rs. 2,33,100 in all under the terms of the agreement. Of this Rs. 1,39,900 had been paid before Government decided to terminate the agreement and the balance has been paid after that decision. In view of certain technical assistance, already received by Government from the Swedish firm, including advice regarding the setting up of the Bottling Plant at Bombay, and the training of two Indian technical personnel, it is not considered that there has been any loss.

(b) *World Health Organisation and United Nations International Children's Emergency Fund*, the two organisations in Collaboration with whom the Government is now planning to set up the factory, offered technical and financial assistance in respect of the manufacture of penicillin only and the Government therefore decided to give up the manufacture of sulpha and anti-malarial drugs.

#### COAL TO FACTORIES AT FIROZABAD

\*1562. **Ch. Raghbir Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is a regular supply of coal to the various factories at Firozabad, District Agra;

(b) if so, how many such factories get the regular quota; and

(c) whether Government have enquired whether all these factories exist?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) to (c). The distribution of coal to individual factories is controlled by the State Coal Controller. Information has been called for from the State Government and will be placed on the Table of the House, when received.

#### COAL TO TUNDLA GLASS FACTORY

\*1563. **Ch. Raghbir Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there is any glass factory in Tundla, District Agra;

(b) whether the regular quota of supply of coal is given to this factory and whether owing to the shortage of coal it has been brought to a standstill;

(c) whether it is a fact that a number of employees who were working in this glass factory, Tundla, are thrown out of employment because this glass factory is brought to a standstill;

(d) whether Government propose to fix the regular quota of the supply of coal to this factory also; and

(e) if so, when?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Yes, Sir. There is one.

(b) to (e). The coal quota of the glass industry in U.P. is controlled by the State Coal Controller. Information has been called for from the State Government and will be placed on the Table of the House, when received.

#### COTTAGE INDUSTRIES

\*1564. **Shri Dabhi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government had decided to give top priority to the development of cottage industries;

(b) if the answer to part (a) above be in the affirmative, what are the names of the principal cottage industries to the development of which they have decided to give top priority and what actual steps they propose to take with a view to developing these industries and protecting them from the competition of similar large scale industries;

(c) whether Government propose to give special protection to hand-spun and hand-woven cloth; and

(d) if so, how?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Yes, Sir, high priority is being given to the development of cottage and small-scale industries.

(b) to (d). These matters are under examination.

#### TRADE AGREEMENT WITH EGYPT

\*1565. **Shri Muniswamy:** Will the Minister of Commerce and Industry be pleased to state:

(a) the terms of Agreement of Trade between India and Egypt; and

(b) whether there are any special provisions in the Agreement to facilitate increased exports from India to Egypt?

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

(a) A copy of the Trade Agreement with Egypt as extended for a further period of 12 months by letters exchanged on the 28th of June, 1952 is placed on the Table of the House. [See Appendix VII, annexure No. 51.]

(b) Although there are no special provisions in the Agreement to that effect, the whole object is to increase the export trade of both countries with each other.

#### RUBBER FACTORIES

\*1566. **Shri K. C. Sodha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of rubber factories working in India during 1951-52 and their location;

(b) the total output of each during the same period;

(c) the total amount of their output exported; and

(d) the total number of Indians on their superior staff?

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

(a) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 52.]

(b) A statement showing the total output of important rubber manufacturers in the year 1951-52 is laid on the Table of the House. [See Appendix VII, annexure No. 53.]

(c) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 54.]

(d) The information is not available.

## TEA CONSUMPTION IN INDIA

\*1567. **Shri K. C. Sodha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total consumption of tea in India during 1948-1949, 1949-50, 1950-51 and 1951-52;

(b) whether figures of consumption of tea are available state-wise; and

(c) if not, will Government propose to consider the advisability of maintaining such figures?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) Estimated consumption of tea in India is about 150 million lbs. a year.

(b) Yes, Sir. A statement showing available information in respect of principal tea consuming States in India is laid on the Table of the House. [See Appendix VII, annexure No. 55.]

(c) Does not arise.

## WORK CHARGED STAFF IN C.P.W.D.

\*1568. **Shri Vital Rao:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the total number of 'Work Charged' staff employed in Central P.W.D. as on 1st April, 1951 and 1st April, 1952;

(b) the strength of such staff at Delhi only on the same dates;

(c) how many of them are temporary and how many permanent;

(d) the total number of staff confirmed during the period from 1st April, 1951 to 31st March, 1952; and

(e) whether the temporary staff will be confirmed, if any, during the course of this year?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Total number of workcharged staff was 12,917 on the 1st April 1951 and 12,196 on the 1st April 1952;

(b) The strength of such staff in Delhi on the same dates was 7,788 and 7616 respectively;

(c) The number of permanent, semi-permanent and temporary workcharged staff was 920, 2090 and 9907 respectively on the 1st April 1951 and 1013, 2409 and 8774 respectively on the 1st April 1952;

(d) 93;

(e) No definite assurance can be given at this stage. This will depend on the total requirement of the permanent workcharged staff for maintenance works which is under consideration of the Central Public Works Department.

## INDIAN AMBULANCE CORPS IN KOREA

\*1570. **Shri K. Subrahmanyam:** Will the Prime Minister be pleased to state whether Government are satisfied that there would be no threat to the Indian Ambulance Corps on account of the imposition of martial law in South Korea?

**The Prime Minister (Shri Jawaharlal Nehru):** The Indian Field Ambulance Unit is in no way affected by the imposition of martial law in South Korea.

## WELLS AND HANGERETTES CASE

\*1571. **Sardar A. S. Saigal:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether any departmental action has been taken against the S.D.O. involved in the case relating to construction of wells and hangerettes at Bahadurgarh aerodrome under C.P.W.D., Delhi Aviation Division, as stated by the Deputy Minister for Works, Production and Supply in reply to Starred Question No. 3635 asked by Pandit Munishwar Datt Upadhyaya on the 30th April, 1951 and Short Notice Question No. 152 asked by Shri R. K. Sidhva on the 11th October, 1951;

(b) whether it is a fact that the Special Police establishment recommended prosecution of the accused person in the Wells Case; and

(c) if the reply to part (b) above be in the affirmative, what are the reasons for not acceding sanction for prosecution in the face of concrete evidence available?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Necessary departmental action against the S. D. O. is being taken.

(b) Yes.

(c) Sanction for prosecution was not accorded, on the advice given by legal advisers to Government.

## HEADLOAD WORKERS IN WHARF OUT OF EMPLOYMENT

\*1572. **Shri Velayudhan:** Will the Minister of Labour be pleased to state:

(a) whether a number of headload workers working in the wharf under South India Corporation (A.D.C. Work) have been thrown out of employment on the 30th April, 1952;

(b) whether these workers were dismissed when an adjudication tribunal was investigating into their conditions of work, wages, etc.;

(c) whether the Central Government Labour Conciliation Officer intervened in the dispute;

(d) whether the Tribunal has granted Closed Shop rights to the Thuramuga Thozhilali Union;

(e) whether Government have received any protests from Port Cargo Labour Union and Stevedore Labour Action Committee in regard to this award and its implementation; and

(f) what steps Government have taken in regard to this affair?

**The Minister of Labour (Shri V. V. Giri):** (a) According to the information received by Government, there was a lay off of 200 casual workers employed by the South India Corporation since the 30th April 1952; but most of them have since secured employment through the agency of the Cochin-Thuramuga-Thozhilali Union.

(b) There was non-employment of the workers during the peridency of the adjudication, but as the workers were casual employee's, it is doubtful whether the non-employment amounted to dismissal.

(c) Yes.

(d) Not to Government's knowledge.

(e) The Tribunal has not passed an award in the dispute between headload workers and their employers and, therefore, the question does not arise.

(f) The Chief Labour Commissioner (Central), New Delhi, has been deputed, and has already gone to Cochin, to study the situation and to submit a report to Government.

#### THEFT OF DOCUMENTS FROM C.P.W.D. OFFICE, LODI COLONY

\*1573. **Shri M. L. Dwivedi:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) what were the documents that were stolen from the C.P.W.D. office, Lodi Colony, and when they were stolen;

(b) whether these documents were of an important nature or ordinary ones;

(c) on whom the responsibility rests for the loss of these documents by theft; and

(d) whether any trace of the thief has been found so far?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) The documents which were stolen from the Central Public Works Department Enquiry Office, Lodi Colony are detailed below:

(1) 'Handing Over' and 'taking over' notes of two Section Officers.

(2) Table fan issue register.

(3) Ceiling fan account register.

(4) File containing the correspondence regarding the irregularities and inefficiency of the Worked Charged Staff.

(5) Correspondence with regard to the issue and receipt of table fans.

(6) Tools and Plant registers.

(7) Material issue registers (Old).

(8) Office order register.

These documents were stolen between 5 P.M. and 11 P.M. on the 8th June 1952.

(b) The documents in question are ordinary ones:

(c) The Police are investigating the case. Responsibility for the loss will be fixed after the police report is received.

(d) No.

#### EVICTION OF UNAUTHORISED OCCUPANTS OF PRIVATE LANDS

\*1574. **Shri B. R. Varma:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government under the Delhi Premises (Requisition and Eviction) Amendment Act, passed in October, 1951 has evicted unauthorised occupants from private lands as recommended by the Select Committee and in accordance with the assurance given by Shri Gadgil, the then Minister for Works, Production and Supply on the 29th September, 1951 on the floor of this House; and

(b) if not, whether Government propose to do so and if so, when?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) and (b). There would appear to be some misunderstanding of the position. The Act mentioned by the hon. Member has since been repealed but the provision of that Act have been incorporated in the Government Premises (Eviction) Act, 1950. Neither of these two Acts empowers Government to evict unauthorised occupants of private lands nor did the Select Committee recommend that such unauthorised occupants should be evicted by Government. It is for the owners to secure evictions through the usual processes of Law, and if any one is attempted to be evicted, Government will, in terms of the recommendation of the Select Committee referred to by the hon. Member, try to bring about a settlement between the owner and the unauthorised occupants if the matter is brought to their notice by either party and in the event of there being no

settlement, if necessary, provide the evicted unauthorised occupant with a plot of land.

**DEMARCATION LINE FROM PATHARIA HILLS TO KUSIARA RIVER**

\*1575. **Shri S. C. Deb:** Will the Prime Minister be pleased to state:

(a) whether the demarcation line on the Indo-Pakistan border in Assam beginning from Patharia Hills to Kusiara River is proposed to be taken up soon;

(b) whether there is any difficulty in taking up the work very soon; and

(c) if so, what it is, and if not, when the work will begin?

**The Parliamentary Secretary to the Prime Minister (Shri Satish Chandra):** (a) to (c). The Government of India are making every effort to commence work on the demarcation of this boundary at an early date. Delay has occurred because of difference of opinion between India and Pakistan over the method of demarcation. Correspondence is going on between the two Governments and as soon as an agreement has been reached, the work will be commenced.

**PROCEDURE GOVERNING TRADE RELATIONS WITH FOREIGN COUNTRIES**

\*1577. **Shri R. N. Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) the procedure governing inter trade relations between India and other foreign countries trading with India;

(b) whether there is any machinery to afford any remedy to Indian traders wronged on account of breach of contract by importing traders in other countries; and

(c) whether it is a fact that the names of some Indian exporters have been black-listed by the order of the Government of India on account of reports of misconduct made by foreign importers, and if so, whether any similar action is taken by foreign Governments against similar misconduct on the part of foreign importers, and if so how?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Inter-trade relations between India and foreign countries are regulated by the laws of the countries concerned, international law and practice as well as the specific terms of particular contracts.

(b) Cases arising out of breach of contracts are usually settled through arbitration for which most contracts contain a specific provision. Indian Government Trade representatives in foreign countries afford whatever assistance is possible to India traders in the settlement of such cases.

(c) Two business firms were debarred from receiving licences for small durations in 1950 on account of complaints made against them, which on enquiry revealed that their behaviour was objectionable and likely to damage the good name of Indian exporters. As a rule, however, no action is taken against firms by Government merely because a breach of contract is alleged. It is not possible to say what action is taken by foreign Governments against misconduct on the part of foreign importers.

**विन्यव प्रदेश में नौगांव का रेडियो स्टेशन**

\*1578. **Shri B. D. Desai:** तिवारी :

(क) क्या सूचना तथा प्रसारण मन्त्री यह बतलाने की कृपा करेंगे कि क्या सरकार ने विन्यव प्रदेश में नौगांव के स्थान पर कोइ रेडियो स्टेशन खोलने के कोई निश्चय किया है?

(ख) यदि उपरोक्त आग (क) का उत्तर 'हाँ' में हो, तो इस स्टेशन को स्थापित करने में कितना समय लगेगा?

(ग) स्टेशन के लिये कौन सा स्थान चुना गया है?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) No radio station is proposed to be set up at Naugaon in Vindhya Pradesh.

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

**STEEL FOR MACHINE TOOL FACTORY**

\*1579. **Shri Madiyah Gowda:** (a) Will the Minister of Production be pleased to state what quantity of steel will be required annually for the Machine Tool Factory when it will work at its maximum capacity?

(b) How far will the Mysore Iron and Steel Works be able to meet the demand of the Factory?

(c) Is there any scheme to enhance the production of Steel in Bhadravathi to enable it to supply more steel to the Factory?

**The Minister of Production (Shri K. C. Reddy):** (a) About 2,000 tons.

(b) The present production of the Mysore Iron and Steel Works is sufficient to meet the full requirements of the Factory for steel.

(c) The question does not arise in view of the reply given to part (b).

#### RENT FOR SINGLE ROOM TENEMENTS

\*1586. **Shri Damodra Menon:** Will the Minister of Rehabilitation be pleased to state:

(a) the cost of construction of each single room tenement constructed for displaced persons in various colonies of Delhi State;

(b) on what basis the rent of Rs. 10 to Rs. 12 per month for each single room tenement has been fixed;

(c) whether Government have taken into consideration while fixing the rent all the development expenses such as roads, drainage, community bath rooms, latrines, street light, street water supply and other maintenance charges; and

(d) whether Government propose to charge for these development expenses only when these have been fully provided?

**The Minister of Rehabilitation (Shri A. P. Jain):** (a) to (d). Normally Government calculates rent at the rate of 5.6 per cent. on the cost of superstructures and 3.5 per cent. on the cost of land and development. To this is added property tax, wherever it is chargeable. Prevailing rents of the locality are taken into account. The nature of structure whether it is permanent or temporary is also a factor in fixing rents. Costs of construction in Delhi have not been fully worked out and rents on the above basis have not been fixed. In Delhi ad hoc rents on concessional rates have for the time being been fixed.

#### COPRA AND COCONUT OIL

354. **Sardar Hukam Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) what was the quantity of Copra and Coconut oil imported into India during 1951-52;

(b) the names of countries from where these were imported; and

(c) what was the local production of Copra and Coconut oil during 1949, 1950 and 1951?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) to (c). Two statements are laid on the Table of the House. [See Appendix VII, annexure No. 56.]

#### BRIBERY CASE OF 'D' DIVISION

355. **Sardar Hukam Singh:** (a) Will the Minister of Works, Housing and Supply be pleased to refer to the statement laid on the Table of the House in reply to the Short Notice Question asked by Shri Sidhva on the 11th October, 1951, regarding the pamphlet entitled "Corruption in C.P.W.D." and state what were the reasons for holding that there was no case for any departmental action against any of the officers in the Bribery Case of 'D' Division in spite of the finding of the M.E.S. that the work done was below specifications?

(b) Was any amount deducted from the Contractors' Bills and if not, why not?

(c) What was the amount involved and what was the expenditure incurred in investigation and prosecution of this case?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Despite the fact that the Court of Law acquitted all the accused, a departmental enquiry was held against the officers involved in the case. One of the charges framed against the S.D.O. concerned was that he allowed the work to be done below specifications. In the departmental enquiry it was held that there was no conclusive proof that the work done, as a whole, was below specifications, although samples taken at random by the M.E.S. representative, of foundation concrete, cement plaster and floor concrete, had, on analysis been found to be below specification.

(b) In view of the acquittal of the accused persons in Court and of the finding in the departmental enquiry, no amount was deducted from the Contractors' Bills.

(c) The estimated amount of the contract as a whole was about Rs. 12½ lacs.

It is not possible to calculate the expenditure incurred in the investigation and prosecution of this case.

#### OFFICE 'K' BLOCK CASES

356. **Sardar Hukam Singh:** (a) Will the Minister of Works, Housing and Supply be pleased to refer to the statement laid on the Table of the House in reply to the Short Notice Question

asked by Shri Sidhva on the 11th October, 1951, regarding the pamphlet entitled "Corruption in C.P.W.D." and state whether any compensation was paid by Government to the family of the two military officers who died as a result of the collapse of a part of this building (Office K' Block cases, 1945)?

(b) Was any notice taken of the remarks of the Trial Court that persons responsible for the death of the military officers were those in charge of the faulty construction and if so, was any action taken against any of those officers?

(c) What happened to the bills of the Contractors whose payment had been stopped?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) The information is not readily available.

(b) The reply to the first part of the question is in the affirmative.

As regards the latter part I have nothing to add to item (3) of the statement referred to in part (a) of the question.

(c) The contractors whose payment had been stopped, have not yet been paid their bills which are under scrutiny.

#### BRICKS AND COAL CASES

357. **Sardar Hukam Singh:** (a) Will the Minister of Works, Housing and Supply be pleased to refer to the statement laid on the Table of the House in reply to the Short Notice Question asked by Shri Sidhva on the 11th October, 1951, regarding the pamphlet entitled "Corruption in C.P.W.D." and state what action (if any) was ultimately taken against the officers who were charge-sheeted (the Executive Engineer and the S.D.O.) in respect of bricks and coal cases of former Special Division No. 1 (1944)?

(b) What was the final decision in the case of the S.D.O. whose pension had been withheld?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) The case is under consideration of the Government.

(b) The pension of the officer concerned has been reduced to 75 per cent. of what he would normally have been entitled to.

#### TIMBER CASE OF FORMER CONSTRUCTION DIVISION

358. **Sardar Hukam Singh:** (a) Will the Minister of Works, Housing and Supply be pleased to refer to the state-

ment laid on the Table of the House in reply to the Short Notice Question asked by Shri Sidhva on the 11th October, 1951, regarding the pamphlet entitled "Corruption in C.P.W.D." and state whether any Executive Engineer was also charge-sheeted by the Department in the Timber Case of Former Construction Division (1945)?

(b) If so, what happened to him after enquiry?

(c) What departmental action was ultimately taken against the S.D.O. who was being proceeded against?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Yes.

(b) and (c). The case is under the consideration of the Government.

#### FREE DOLES TO DISPLACED PERSONS

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

(a) whether it is a fact that the Government of India have decided to increase the rate of free doles to unattached, old, and infirm displaced persons owing to increase in food prices; and

(b) if so, what are the new rates?

**The Minister of Rehabilitation (Shri A. P. Jain):** (a) The rates for displaced persons from West Pakistan were revised recently. Some changes in prices are always taking place and it is not possible to make changes in the rate of doles too often.

(b) Does not arise.

#### PRIME MINISTER'S NATIONAL RELIEF FUND

360. **Dr. Ram Subhag Singh:** Will the Prime Minister be pleased to state the total amount of money given to different States as contributions from the Prime Minister's National Relief Fund since the inception of that Fund?

**The Prime Minister (Shri Jawaharlal Nehru):** A statement giving the information required is placed on the Table of the House. [See Appendix VII, annexure No. 57.]

Many of the contributions received were earmarked for particular purposes, more especially for food relief in areas of distress and scarcity. An appeal for foodgrains for relief in Bihar and Madras last year brought many contributions. Ultimately it was considered more practical to sell these foodgrains locally and send the price recovered to Bihar and Madras.

A large sum of money—Rs. 16,63,244—was received for earthquake relief in Assam and was passed on to the Earthquake Relief Fund opened by the Governor of Assam.

Grants to various States were usually sent to the Governor or to the Chief Minister.

#### CESS ON SALT

361. **Shri Rajagopal Rao:** Will the Minister of Production be pleased to state:

(a) what is the amount of the cess on salt being levied at present?

(b) What is the total amount so collected during each of the years since its introduction?

(c) What is the amount expended by way of collecting charges to collect this amount of cess?

(d) Is it a fact that salt used as raw material for Industrial purposes was exempt from the payment of the Salt Duty when the Duty was in operation?

**The Minister of Production (Shri K. C. Reddy):** (a) Cess is levied at the rate of 3½ annas per maund on salt issued from Government factories and 2 annas per maund on salt issued from private licensed factories. The export of salt to Japan by sea is exempted from the payment of cess. No cess is levied on the produce of unlicensed salt factories covering areas of not more than 10 acres each.

(b) A statement showing the total amount of cess collected and annually is laid on the Table of the House.

(c) No separate establishment is maintained for the collection of cess. The amount of cess is credited directly into the treasury by the manufacturers.

(d) A rebate equivalent to the duty was allowed to the industrial users of salt.

#### STATEMENT

The cess was imposed with effect from the 1st April 1947. The following are the total amounts collected per annum since 1st April 1947:—

Year	Total amount of cess	Rs.
1947-48	77,63,000	
1948-49	57,41,000	
1949-50	68,34,000	
1950-51	80,83,000	
1951-52	79,10,000	

#### SECURITIES OF INDIAN CONTRACTORS WITH PAKISTAN GOVERNMENT

362. **Sardar Hukam Singh:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether a large amount of securities deposited by Indian contractors for works to be done by them under tenders accepted by the Government of India (Directorate General, Supplies and Disposals) before Partition are still lying with the Pakistan Government; and

(b) if so, whether the Government of India took up the question of refund of these securities to the depositors, who had to migrate to India on the Partition of the country, at any time with the Pakistan Government?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) So far as is known an amount of Rs. 1,86,050 deposited by contractors as security in respect of contracts placed by the Director General, Supplies and Disposals before the Partition is lying with the Government of Pakistan and has not yet been refunded by them to the contractors concerned. Of this amount, an amount of Rs. 1,71,050 relates to Disposals contracts, and the balance of Rs. 15,000 pertains to a purchase contract.

(b) Yes. The Pakistan Government have been informed that in accordance with the agreement arrived at, at the Indo-Pakistan Secretariat level Conference held in New Delhi from the 18th to 21st December, 1950, the Security Deposits relating to contracts should be dealt with along with the liability for the contracts and that the refund of these deposits should be made by the Government of Pakistan.

#### INDIA SUPPLY MISSION, U.S.A.

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

(a) the total number of officers in the India Supply Mission in the U.S.A. and the total amount of purchases made by them; and

(b) whether the Mission gets confirmation of their transactions beforehand from Government?

**The Deputy Minister of Works, Housing and Supply (Shri Buragohain):**

(a) The total number of officers at present in position in the India Supply Mission in Washington is 15 gazetted and 77 non-gazetted.

The value of contracts placed by the India Supply Mission during the last

two years 1950-51 and 1951-52 is as follows:

1950-51 ... Rs. 52.09 crores  
1951-52 ... Rs. 164.37 crores

(b) Yes, Sir, wherever this is considered necessary. The Director, India Supply Mission, Washington invariably consults the Financial Adviser attached to the Embassy of India in Washington in all important purchases.

#### DEVELOPMENT OF BROADCASTING

**364. Shri M. L. Dwivedi:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the functions and terms of reference of the Scientific Advisory Committee for the development of broadcasting in India;

(b) the personnel of the Committee;

(c) the achievements of the Committee;

(d) whether the recommendations of the Scientific Advisory Committee in connection with the development of broadcasting and the All India Radio's plans in the same direction as revised in consultation with the Planning Commission are on the same lines; and

(e) if not, the extent and nature of the points of difference between the two?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) The Committee advises the Ministry of Information and Broadcasting:

(i) On the scientific aspects of development of broadcasting and on new methods and techniques for providing a broadcasting service according to the highest international standards; and

(ii) on the research work that should be conducted by All India Radio to constantly improve the standards and ensure that the service is maintained at a high level of efficiency.

(b) The personnel of the Committee is as follows:

(i) Chief Engineer, All India Radio.  
(ii) Dr. K. S. Krishnan, D.Sc., F.R.S., Director, National Physical Laboratory, New Delhi.

(iii) Prof. K. Srinivasan, Indian Institute of Science, Bangalore.

(iv) Shri S. N. Kalra, Deputy Chief Engineer, Overseas Communication Services, Government of India, New Delhi.

(c) The Committee met on 26th September 1951. This meeting was of an exploratory nature. The gist of its recommendations is as follows:

(1) To determine the noise level in various parts of India for the range of frequencies in the broadcast band; to conduct a survey for a period of one year for determining the signal to noise ratio required according to accepted standards for providing a satisfactory mediumwave service;

(2) To collect accurate figures of soil conductivity in various parts of India;

(3) To establish an experimental pilot station for television in India for studying its potentialities and training the necessary personnel for such service;

(4) To provide adequate accommodation for the Research Department of All India Radio.

(d) The Committee had no comments to offer on the basic features of All India Radio's Five-Year Development Plan.

(e) Does not arise.

#### FLATS FOR M.P.S.

**365. Pandit D. N. Tiwary:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply to Starred Question No. 910 asked on the 17th June, 1952 and state:

(a) whether some of the flats in South Avenue are still vacant and unoccupied;

(b) whether some displaced persons working on the civil side of the Western Command and some unemployed displaced persons are living with their families in huts on the site where some more flats for M.P.s are proposed to be built;

(c) whether any arrangement has been made for their alternative accommodation; and

(d) if so, the place where it has been made?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) 5 'A' type and 3 'B' type flats in South Avenue are vacant.

(b) There are no huts on the site in question but there is a tented camp on it, which houses both civilian and militarised displaced personnel of Headquarters Western Command. Some of these personnel have their unemployed displaced relations residing with them.

(c) Not yet. The matter is, however, receiving attention.

(d) The question does not arise.

## ZINC CONCENTRATE

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

- (a) where Zinc concentrate is prepared in India;
- (b) how much of it is exported for extraction annually in tons and where;
- (c) what is the percentage of zinc recovery therefrom;
- (d) what are the railway freight and shipping charges thereon per ton respectively;
- (e) what percentage is retained by the smelter owner and how much is again returned to India;
- (f) on what conditions foreigners accept it for smelting purposes and what they charge for it;

(g) what is the position of silver which is mixed therein; and

(h) when the zinc smelter is expected to be installed in India and where?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) At the lead-zinc mines at Zawar in Udaipur, Rajasthan.

(b) 1965 tons were exported to Europe during 1951.

(c) 50 per cent. on an average.

(d) A statement is attached. [See Appendix VII, annexure No. 58.]

(e) 55 per cent. of the metal content is returned to India and the balance is retained by the smelter owner.

(f) Zinc concentrates are shipped to Europe on condition that 55 per cent. of the metal content of the concentrate will be returned to India. Government have no information as to what amount it charged for smelting.

(g) A ton of zinc concentrate usually contains 234 gms. of silver.

(h) The matter is under examination by the Zinc (Smelter) Committee appointed by Government.

## MICA FROM RAJASTHAN

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

- (a) what is the average output of Mica annually in Rajasthan;
- (b) how much Mica and of what value was exported during the last fifteen years from Rajasthan;
- (c) whether it is a fact that mica exported from Rajasthan was returned or rejected by foreign dealers last year, being low in quality; and

(d) if the answer to part (c) above be in the negative, why a communique was not issued to this effect to remove this misunderstanding?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) About 30,000 cwt.

(b) Separate statistics of exports from Rajasthan are not recorded, but as already stated in reply to question No. 935 by Shri Dhulekar the entire production is for export. The average annual production in Rajasthan is of the order of Rs. 150 lakhs.

(c) Government have no information.

(d) Does not arise.

## LEAD

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

(a) the total requirement of Lead in India;

(b) what percentage is met by the exploitation of Zawar mines at present;

(c) how much is expected to be produced when these mines start working in full swing;

(d) where the Lead concentrate from Zawar mines is sent and what quantity is sent for extraction and what is the percentage of recovery thereof;

(e) what are the transportation charges per ton;

(f) how many tons of lead ore and its concentrate have been so far exported for smelting purposes;

(g) how many tons of lead have so far been recovered; and

(h) what is the recovery of silver which is mixed therein; and

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) About 13,000 tons per annum.

(b) About 6.6 per cent.

(c) About 23 per cent.

(d) To the smelter of the Metal Corporation of India in Bihar. The quantities to be moved depend on the smelter's requirements. The recovery is about 48.5 per cent.

(e) A statement is attached. [See Appendix VII, annexure No. 59.]

(f) Nil. Smelting is done in India.

(g) 3,378 tons during the period from 1st January, 1947 to the 31st May, 1952.

(h) Silver is not being extracted at present.

**EXPORTS**

**369. Shri Bansal:** Will the Minister of Commerce and Industry be pleased to lay on the Table of the House a statement showing the quantity and value of exports of cotton textiles, jute manufactures, tea, oils and oilseeds, hides and skins, and cottage industries products in the months of April, May and June, 1952, respectively?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** A statement is placed on the Table of the House. [See Appendix VII, annexure No. 60.]

The figures of exports of cottage industries products for the months of

May and June 1952 and of other items for the month of June 1952 are not yet available, and will be placed on the Table of the House in due course.

**REPORT OF INTERNATIONAL MATERIALS CONFERENCE**

**370. Shri Bansal:** Will the Minister of Commerce and Industry be pleased to lay on the Table of the House the first Annual Report issued by the International Materials Conference?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** A copy of the Report is available in the Library of the House.

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THE  
PARLIAMENTARY DEBATES

Dated.....20.11.2014

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

3367

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HOUSE OF THE PEOPLE

Tuesday, 8th July, 1952.

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

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

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

**Mr. Deputy-Speaker:** The House will now proceed to legislative business: Further consideration of the following motion moved by Shri C. D. Deshmukh on Wednesday, the 28th May, 1952, namely:

"That the Bill to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community, be referred to a Select Committee consisting of Shrimati B. Khongmen, Dr. Ram Subhag Singh, Shri Tulsidas Kilachand, Acharya Shriman Narayan Agarwal, Shri P. T. Chacko, Shri B. Das, Shri Gurmukh Singh Musafir, Col. B. H. Zaidi, Shri S. V. L. Narasimham, Shri S. V. Rama-swamy, Shri G. D. Somani, Shrimati Sucheta Kripalani, Shri Rajaram Giridharlal Dubey, Shri Keshava Deva Malaviya, Shri Arun Chandra Guha, Shri Liladhar Joshi, Shri Balwant Sinha Mehta Shri Dev Kanta Borooah, Shri Sarangadhar Das, Shri Mahavir Tyagi, Shri M. V. Krishnappa, Dr. Shaukatullah Shah Ansari, Shri N. R. M. Swamy and the Mover with instructions to report by the 11th July, 1952."

Mr. Gurupadaswamy was on his legs.—He will continue.

88 P.S.D.

**Shri M. S. Gurupadaswamy (Mysore):** This Bill looks like a very simple one, but it is not so. This Bill has been prepared according to certain provisions of the Indian Constitution, and according to the provisions, certain goods may be declared as essential. Accordingly, the authors of the Bill have declared certain articles as essential to the community, because these articles touch the living of the community very much.

This Bill, though it looks very simple, has got far-reaching implications and I may say, sinister implications too. I will presently say why it is so. According to Article 287 of the Indian Constitution, exemption is to be made in respect of taxation with regard to electricity consumed by the Government of India for various public purposes. This article also exempts electricity consumed for the construction, maintenance and operation of railways. And article 288 provides exemption in respect of water and electricity used for regulating and developing inter-State river and river valley projects. In the schedule, the authors of the Bill have included electric energy except energy intended for domestic use. The Constitution itself provides exemption from taxation with regard to electricity used for public purposes, and what is the remaining purpose now which has been left over for taxation? I infer electric power consumed by private industries is left over, and also electricity for domestic use. These are the only two cases wherein taxes may be levied. With respect to other purposes taxation cannot be levied on electricity because it is provided so under the Constitution. Here under the schedule electricity used for domestic purposes has been excluded. It can be taxed. So, the inference is the Government wants to exempt electric power used for private industries. This is the only inference that we can draw out of this. If it is the intention of the Government to exempt electricity used for private industries from taxation, they could have clearly stated in the

[Shri M. S. Gurupadaswamy]

schedule that we are going to exempt electricity used for private industries from taxation. Instead, they have taken a very round-about method, they are manoeuvring so to say, through back-door to bring this matter under exemption. They have not clearly stated here, of course, that they are exempting electric power used for private industries from taxation, but it means that. In the ultimate analysis, the purpose and the intention of the Government is to exempt electric power used for private industrial purposes from taxation. I am not taking any objection to this. If the Government is so desirous to give a helping hand to private industries, let them do it; but why should they take a circuitous route? Why should they adopt this back-door method of bringing this matter in a different way and in a different manner with a view to hoodwink the Legislature and the people? This is not democracy.

**Mr. Deputy-Speaker:** There is too much of noise in the House.

**Shri M. S. Gurupadaswamy:** Anything that is done by the Ministry, anything that is included in the Bill should be done openly. There should not be any secrecy, any manoeuvring or indirect method employed. So, I appeal to the hon. Minister to make a clear statement, because it is very fundamental to know whether it is the intention of Government to exempt from taxation electric power used for private industries or whether it is not the intention of Government to exempt it.

I may also state that I do not know why, what special reasons there are, to exclude electric energy used for domestic purposes. After all we are aware that electricity is very largely consumed by the middle classes. It is only the middle class families who feel very much hard hit if they are taxed. So, I feel that electric energy used for domestic purposes may also be included in the schedule.

I was saying the other day that certain other items also should be included in the exemption list. I said that groundnut and handloom silk should be included, and Gur also should be included. Now I say a few more articles may also be included in the schedule because they are very essential to the life of the community. They are oilcakes and cotton seed. Cotton seed is very necessary for the cattle. Oilcakes also are very necessary for agricultural purposes, for cattle feeding. And the agriculturist will be much benefited if these two

articles are not taxed. Further, chillies, pepper and tamarind are very essential articles of consumption, and they demand the attention of the Government. They certainly demand exemption from taxation. Moreover, aluminium and copper also may be included in the schedule. After all, aluminium and copper are articles which come under daily use, and if Government levies tax on these two articles, I think the living of the people, their cost of living will increase terribly. So, I beg of the Finance Minister to include these two articles also.

Further, fuel and charcoal are very essential for Indian families. Without fuel and charcoal we cannot cook food. They are necessary every day, and it is very necessary, with a view to cut down the cost of living of the poor man and the middle class man, to exempt these two articles from taxation. I know that I am pleading for the elaboration of the schedule, so as to include some more articles. I know the consequences of such inclusion in the schedule. It will curtail the power of taxation of the various states. Yet, because these articles are very essential to the life of the community, we must include them for the benefit of the community.

There is one other item to which I would like to refer. That is in the schedule, there is not much clarity. I would like to know whether cereals include rice as well, whether pulses include gram also. I would request the hon. the Finance Minister to clarify these points.

The Bill is going to a Select Committee, and will come back for discussion again in this House. I would only submit that the hon. Finance Minister should take care to see that the drafting of the Bill may be changed for the better. The Bill is too ambiguous in certain parts, while it is not very clear in other parts. I would only conclude by saying that electrical energy is also a thing which requires the immediate attention of the Select Committee and the hon. Finance Minister, so as to be included in the Bill. With these words I close.

**Mr. Deputy-Speaker:** Some hon. Members are new to this House. I would like to tell them that so far as a Bill is concerned, there need be no scramble for speaking. Every hon. Member will catch my eye. It is only a question of order and of regulating the debate. Until the closure is moved and until I am satisfied that there has been sufficient debate, I shall see

that there is no curtailment of the freedom of hon. Members to talk. Hon. Members may speak for 15 minutes or even for 15 hours. It is entirely left to the House. I shall be calling one hon. Member after another. First, I shall call upon Mr. Rama Rao.

**Dr. Rama Rao (Kakinada):** While agreeing with the Bill in general, I beg to submit two points only for the consideration of the House. The first is that while declaring certain goods as essential, the general principle should be that we should not include goods used by capitalists. What I mean is that you should not give cause for capitalists to escape taxation under this guise. • Exclusion from the schedule of the Bill does not immediately mean that such articles should come in for positive taxing. The States must also have some scope for taxation. As it is, we know,—I think the hon. Finance Minister himself would be knowing it better—that every State is hard put to find money for essential schemes like Health and education. If we increase the number of exempted articles in the schedule, we only limit the sources of income for the States. For instance, we have coal, iron and steel in the schedule. I cannot see how these are essential for the poor people. I think the object of the Bill as a whole is to protect the interests of the people who cannot pay any taxes. If you exempt iron and steel, motor spirit, petroleum etc. only the rich people and the capitalists will be benefited by such a measure, they will save themselves some more money, depriving the States of their sources of income. Thus if we have a long list of articles in the schedule, we shall only have too much of central domination over the financial resources of the States. So, I would request the hon. Finance Minister and also the Select Committee to consider very carefully what goods are essential to the community. It is however a difficult thing. For most of us, so many goods are essential. Can any one say that a fountain pen is not essential? As I understand it, the purpose of the Bill is to save the vast majority of the poor people from heavy taxation. So I raise objection to including articles in the schedule, which will benefit only the capitalists.

For instance, in the case of flower seeds, bulbs, and plants, there cannot be much revenue from these things. They may be essential articles to me and the hon. Finance Minister, but for the poor man in the street, they are a luxury, and not essential.

Again under item No. 6 in the schedule, I would suggest that tractors might be excluded from the term 'agricultural machinery and implements.' Most agriculturists are poor; even the middle class agriculturists do not use tractors. Those that can use tractors are in a position to pay the tax. At any rate, if tractors are excluded from the schedule, the States may have the option or the chance to tax those people that can afford to pay the tax. I would not like to go into details here. I would only say that the question of taxation of co-operative farms etc. should be left to the option of the States concerned.

My hon. friend Mr. Gurupadaswamy pleaded for including aluminium and copper also in the schedule. At this rate you will have a large number of articles in the schedule, and there is no limit to their number. However, I would like to add edible oils and oil cakes also in the schedule. Every poor man has to use oil for cooking, whatever oil that may be, whether it is gingiley oil, cocoanut oil or groundnut oil, or mustard oil. Oil-cakes are used for cattle and also as manure for the fields.

In conclusion, I would request the hon. Finance Minister to consider these suggestions so as not to allow people who can afford to pay taxes to escape taxation under this Bill, and also not to put too many restrictions on the States' power of taxation. If you do so, you will find it to your own cost, that they will come and sit on your head.

**Shri Natesan (Tiruvallur):** The hon. Finance Minister has observed in the Statement of Objects and Reasons, that the Bill, if enacted, may help to achieve a certain measure of uniformity in the taxes, and also prevent essential goods being unduly taxed. I cannot understand how this uniformity is to be brought about. In Madras State, there is sales tax at every stage for foodgrains. In the Uttar Pradesh, there is tax on mill-made coarse and medium cloth. In the West Bengal coal and coke are being taxed. In Madhya Pradesh, mill made coarse and medium cloth are taxed. The same is the case in Delhi also. How can you bring about uniformity in taxes, because this Bill is intended to cover only State laws enacted after this Bill comes into force? I believe, the hon. Finance Minister has stated in Parliament that according to the legal advice tendered to Government, this Bill cannot have any retrospective effect. If that is so, certainly uniformity in taxation cannot be obtained. The next

[Shri Natesan]

best thing that can be done would be to advise the States to see if what laws they have passed already cannot be relaxed or cannot be withdrawn now. I am glad that some hon. Members referred to the domestic consumption of electricity being brought under the purview of this Bill.

**Mr. Deputy-Speaker:** Exempted from this Bill.

**Shri Natesan:** No. Sir. Electricity for domestic consumption is now excluded here in the schedule. The schedule says: "...except energy intended for domestic use". I want that also to be included in the Bill so that they may get exemption from sales tax.

Now electricity for domestic use, as I said, is an essential article for the urban middle class and the lower classes. I am myself interested in the electricity industry in South India and we have been inducing the small people in the rural areas to take to electricity. We have given them what we call the 'assisted wiring scheme' by which the small man was going in for electricity. That has helped him a great deal. The lower middle class people do find that electricity is really useful—shopkeepers, small agriculturists and the small man who uses the agricultural pump. Although electricity intended for industries is exempted, he has also got a couple of lights on and it is very unfair to get money from these poor people. Sir, apart from that ...

**Mr. Deputy-Speaker:** Agriculture is exempted.

**Shri Natesan:** Exempted. But the agriculturist has one or two lights for domestic use. Under planning, we give so much importance to electricity and we want to improve the lot of the masses. Now, that is a very important thing, as good as kerosene oil, for the poor man. So I am particularly anxious that electricity for domestic use should be brought under the purview of this Bill.

There are several other things mentioned in the Schedule. There is no need for a number of things being brought under this Bill. I only want to know how uniformity can be obtained because already a number of States have got their own sales tax and this will not have retrospective effect. I should like to have an explanation from the hon. the Finance Minister how this can be solved and I would like to be assured that electri-

city for the small man is not taxed and is brought within the purview of this Bill.

**Shri A. M. Thomas (Ernakulam):** After having heard several Members on this Bill, including the hon. Member on the opposite side, Mr. Rao, I feel it my duty to point out the danger into which several Members have fallen. Sir, sales tax is an essentially State subject. The State List, item No. 54, refers to taxes on the sale or purchase of goods other than newspapers. Ever after the introduction of sales tax in Madras when Sri Rajagopalachari was the Premier for the first time—in order to cover the loss, consequent on the introduction of Prohibition—it was copied by many States. Gradually, and with the taking over of the more elastic sources of income by the Centre sales tax has now become, so to say, the mainstay of the finances of almost all the States. In the majority of States, the multi-point scheme of taxation has been adopted. Bombay was the notable exception. But, Sir, Bombay also is now following the other States in this matter and that State Government has now proposed the introduction of the multi-point tax in spite of the opposition from various trade organisations. Why, Sir, so much of insistence on this unpopular measure? Because, as I stated before, it has to be resorted to as the mainstay of the finances of the States. A notable recommendation in the Krishnamachari report was in the direction of States like Travancore-Cochin developing their financial resources, by getting additional revenue in the form of sales tax. It has been stated on page 16 of the Krishnamachari Committee Report:

"The various provincial taxes, fees and duties in these States should be raised gradually to the Madras level. This applies especially to sales tax which has only recently been introduced in Travancore. The practicability of levying differential rates of sales tax higher than the normal throughout the Travancore-Cochin Union upon articles which are not subject to internal customs duties should be investigated, the object being to secure additional sales tax revenue from these articles to an extent which will substantially make good the loss resulting from the abolition of those duties in Travancore".

Now this Bill imposes restrictions on the otherwise unrestricted power

of the States in the matter of imposing sales tax, under article 286. The legislation in hand seeks to exercise the powers vested in this House under article 286(3). Article 286(1) says: "No law of a State shall impose or authorise the imposition of, a tax on the sale or purchase of goods where such sale or purchase takes place outside the States or in the course of the import of the goods into or export of the goods out of, the territory of India". Now, as against the trend of discussion here to enlarge the schedule, I would submit that it must be reduced to the lowest possible extent. I may not be understood as advocating sales tax on the absolute necessities of life. I would join with my hon. friend, Mr. Rao, when he said that it is a matter which must be left entirely to the discretion and the good sense of the States concerned. My point is that the States must be most concerned in the matter of the regulation of the burden of this tax, having regard to the circumstances obtaining in each State.

Now for example, I would have liked personally to include in the schedule attached to this Bill coir and coir goods, having regard to the depression in the coir industry obtaining in our part of the State. But, the argument that these are matters which must be left to the States concerned gains strength from the fact that in Travancore-Cochin, having regard to the depression obtaining in that State, the State has now stayed the collection of sales tax on coir and coir goods. In 1951-52, by the imposition of sales tax on coir and coir goods that State realised Rs. 2, 10,534 which is not an insignificant amount as far as that State is concerned. However, having regard to the circumstances obtaining in that State, it has now thought fit to stay the collection of sales tax on these articles. So that my point, Sir, is this, that this is a matter which must be left to the discretion of the States concerned.

Under the interpretation put by the High Courts of some of the States such as Travancore-Cochin, a substantial portion of the sales tax which is now being collected by the States has been held to be illegal collection. The matter is now pending decision before the Supreme Court. So that is all the more reason why we should not put fetters on the discretion of the State Governments. Under the Constitution, we have given powers to the States concerned in the matter of the imposition of sales tax. What we have given by one hand, I submit, should not be taken away by the other hand. So I emphasise this aspect,

that the list must be circumscribed to the minimum possible extent and not at all enlarged. I have also got my own doubts on one of the points raised by my hon. friend who spoke last, as to how uniformity can be achieved by cataloguing certain articles in this list. However, since the Constitution has laid down that certain articles essential to the life of the community should be left to this House to be decided it should be left to them to decide what those articles are, I therefore accept the principle of the Bill. At the same time I emphasise this aspect, that the schedule to the Bill should not be enlarged, to any extent.

**Shri Joachim Alva (Kanara):** We congratulate the Finance Minister for having brought this Bill which is not a day too soon. On the last occasion he brought the Bill in regard to sales tax on advertisements when the Centre took over the power from the provinces which were rampantly imposing taxes on newspapers—either on their sales or on advertisements. The tax in regard to newspapers was very hotly opposed by the newspaper industry—by the men who run newspapers, by the men who control them, and by all the men who keep their papers going with great difficulty in the face of enormous costs of production and the boycott of some particular journals by the Anglo-American bloc in regard to advertising. We are very happy that last year the Finance Minister took over all these powers by which the Centre alone will have the authority to impose tax on the sale or on the advertisements of newspapers. Some of the newspapers, including my own, are still suffering from the ravages of the advertisement sales tax, which perhaps has been imposed to benefit some schemes which are neither very happy nor fruitful nor lasting in their effects. The ravages of the sales tax have been very extensive in the States and I am glad that the Finance Minister has taken powers in the shape of curbing the propensities of the States for imposing these taxes. Psychologically an individual citizen in a State does not mind yielding an ounce of grain or perhaps a bit of cloth, but he may hate to pay the tax. If you look into the history of the States in regard to the taxes that are imposed, the whole story is very interesting. As my hon. friend who preceded me said, the tax was started in Madras by Shri Rajagopalachari to cover the deficit created by prohibition, and there they imposed sales tax right from the start, from the production stage up to the last stage on food grains. This pinched the poor man in the rural areas

[Shri Joachim Alva]

and the consumer the poorest man residing in the city. The history of the sales tax imposed by the various States is very interesting. In Madras, only very few articles like cotton, cotton yarn, handloom cloth, hides and skins are exempt from sales tax. In Uttar Pradesh, mill-made coarse and medium cloth and agricultural machinery are still subject to tax. In Bombay, cooked food costing one rupee for a single meal is subject to tax at half an anna in the rupee. I do not know why only males are subject to this tax and why females are not subject to it. The tax on cooked food is wrong. In West Bengal, although under the Bengal Finance and Sales Tax Act, 1941, liberal exemptions were given, the exemptions were later withdrawn in the case of such essential articles as oilseeds, *dhatis*, lungis, saris, coal and coke, fresh fruits, handloom cloth etc. The rate of tax in West Bengal is 9 pies per rupee. In Madhya Pradesh, mill made coarse and medium cloth, agricultural machinery, coal and coal derivatives are subject to tax at the rate of 6 pies per rupee. Of course, as regards Bihar, my friends from Bihar are perhaps a little worried that Bihar may lose the right of imposing sales tax. Although it is not my business to point out what is happening in Bihar, in that State they are imposing sales tax on raw materials which are essential for the production of very useful goods.

Now, Sir, the rates of taxes paid on very important articles produced in India right from the production stage, prior to that the stage of storage in godowns, up to the final distribution stage, are indeed enormous, and they amount to 20 per cent. I am therefore glad that the Finance Minister has brought this Bill not a day too soon in the sense that the Centre will take power in this regard and no State will be allowed to impose any tax before they take the approval of the President, so that the Centre will consider all the aspects of proposals which the States may make. I welcome this Bill. Comparisons are odious, but I may point out that even in Pakistan the Centre has reserved these powers in regard to sales tax to itself. We do not know how we came to have this rampant, chaotic state in the States in India. In order to support less useful schemes, less beneficial schemes, they went on imposing taxes which hit every man, woman and child, as in Bombay, as I pointed out, where a cooked meal is taxed at the rate of half an anna for every rupee.

This measure is to go before the

Select Committee, and before I conclude, may I state one point for the consideration of that Committee? I find that iron and steel and other materials required for construction of houses are included in the schedule. I do not know why tiles are not included in the list. Tiles are very important for the ordinary man. Tiles are utilised in every rural area all over the country, and they are manufactured in a specific place in India South Kanara District which is represented by my hon. friend Shri Shiva Rao and my hon. friend Shri Malliah. I was born there. Although I do not represent that constituency, I would suggest that the tile industry is an enormous industry and neither at the production stage nor at the distribution stage should they be harassed by this tax, and I do hope the Finance Minister in the Select Committee will see that tiles are added to this schedule.

**Dr. P. S. Deshmukh** (Amravati East): The first point I would like to urge in connection with this Bill is whether it is necessary or even proper for a Bill before this House to repeat the words and provisions of an article in the Constitution. In clause 3 of this Bill we have a verbatim reproduction of a clause in the Constitution. What I would suggest is this. In fact I do not see the necessity for this Bill in this shape. All that the Government should have done was to declare what were the essential articles necessary for the life of the community which were to be put down for this purpose. A mere declaration that in the opinion of the Government and by a clause approved by this House the following is the list of articles which are considered as essential for the life of the community. The very declaration would have the effect that any legislation passed by State Assemblies would have had to be reserved for the assent of the President. This is one of the points which I would very strongly urge viz., whether it is necessary to retain the clause in the form in which it has been put in the bill, and whether it would not be possible to simplify it and have only a schedule so as to define what are those essential commodities.

**Pandit Thakur Das Bhargava** (Gurgaon): Otherwise it is an amendment of the Constitution.

**Dr. P. S. Deshmukh**: My hon. friend even suggests that otherwise it amounts to an amendment of the Constitution, which will probably be invalid because that requires a different procedure altogether.

Bill.

Then the Bill does not mention the date of commencement; there is no clause saying when it will commence. Of course it might be presumed that it commences immediately. If that were so, what is going to happen to the enactments which are in force and to the various rates which exist in the different States? Many of my hon. friends have already pointed out that the rates vary and the commodities also vary from State to State. It is also correct to say that the State Governments were conscious of this provision in the Constitution. A good many of the States were rather cautious in imposing these sales taxes and imposing them at a high rate, because they knew that some time or the other the Central Government would pass a law curtailing their powers under article 286(3) and then they would probably be told that their rates were too high and they would have to be reduced. So, it is possible that, being conscious of the provision in the Constitution, many States did not go ahead with the imposition of sales tax in the way they would have liked while some have made hay. So I would like to know from the hon. Finance Minister as to what is going to happen to the existing laws, whether they can be modified as a result of the passing of this Bill and whether it is intended that there should be any interference with those enactments. The objects of the Bill as referred to in the Statement of Objects and Reasons in the last sentence in the first paragraph are:

"The Bill, if enacted, may help to achieve a certain measure of uniformity in the taxes, and also prevent essential goods being unduly taxed."

This seems to indicate, that certain taxes are justifiable. All that the Bill intends to do is to try and secure a measure of uniformity. Whether that uniformity would mean annulling or taking away the imposition of any tax whatsoever on certain commodities or not, appears to be doubtful.

Then, secondly this also indicates that there is no intention probably on the part of the Government to remove the Sales Tax altogether from certain commodities because the intention is merely to secure uniformity. I would like, therefore, to know as to what is going to be done so far as the existing rates of sales taxes are concerned.

**Mr. Deputy-Speaker:** Existing legislation, I suppose, would not be affected by this. Is that the intention?

**The Minister of Finance (Shri C. D. Deshmukh):** That is the intention.

**Dr. P. S. Deshmukh:** In any case since the Bill has been referred to the Select Committee, that Committee should consider this point.

**Mr. Deputy-Speaker:** This will affect only future legislation.

**Dr. P. S. Deshmukh:** There are two opinions expressed so far as the Schedule is concerned. There is a set of Members who think that the Schedule should be enlarged. There are also certain people like my friend who spoke just now Shri Thomas from Travancore-Cochin who says that the Schedule should be as restricted as possible. This difference in the view point of course depends upon the love one has for the State people on the one hand and people of the whole of India on the other. I think it varies with our concern for the people as a whole and the people in the State alone. But in any case it has become a very great grievance of the people that these Sales Taxes are working very harshly in many respects and many States are trying to make this as the mainstay of their financial stability. I think that if we could therefore enlarge this Schedule as much as possible, it would be possible indirectly to bring some reason to bear on the State administrations which is lacking at least in some instances. I am, therefore, in favour of enlarging the Schedule and not restricting it.

**Shri Mulchand Dube (Farrukhabad Distt.—North)** I do not find myself in agreement with the draft of the Bill or of the Schedule attached to the Bill. So far as the draft is concerned, my submission is that instead of reproducing Article 286(3) as clause 3 of this Bill, it should have formed part of the preamble. Whatever was intended to be said by Article 286, sub-Article (3) should have been mentioned in the preamble and this section 3 should not have formed part of the Bill.

I am also not in agreement about the name given to the Bill. The name given to the Bill is "The Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Act, 1952." My submission is that the words in the parenthesis are superfluous and should be taken out altogether because if the substance of clause 3 is included in the preamble, it will be unnecessary to make the name such a long one as it has been made.

[Shri Mulchand Dube]

Then I have also to submit about the Schedule attached to the Bill. My idea is that the reason of enactment of Article 286(3) of the Constitution is that it wanted to restrict the power of the States to impose taxes on articles essential for the life of the community because in respect of every such commodity the Union will have an overall picture about the supply or the shortage of that commodity throughout the Union, present before it whereas each State may have only a restricted view with regard to that particular commodity. Therefore this was left to the Union to determine as to whether a certain article was or was not essential for the life of the community and once that declaration was made. I take it the power of the States to impose any taxes in respect of those articles was in fact taken away by article 286, sub-article (3).

10 A.M.

Therefore, my submission is that the first and the main thing that should have been taken into consideration was whether the things included in the Schedule are in fact essential for the life of the community or not and the things that are essential for the life of the community, if I may say so, are food raiment and shelter. These are the three things that should be considered. Now in the Schedule the first thing mentioned is "Cereals and pulses in all forms, including bread and flour, including atta, maida, suji and bran (except when any such article is sold in sealed containers)." I do not know what is the use and what is the object in view for adding the words "(except when any such article is sold in sealed containers)." If an article is sold in sealed containers, will it cease to be food? Will it cease to be cereal or pulses in all forms, including bread and flour, including atta, maida, suji and bran? I do not quite see what is the use of adding the words which are added in the parenthesis in clause 1 of the Schedule.

Similarly in clause 2 it is said: "Green or dried vegetables and flower seeds, bulbs and plants and fresh and dried fruits, other than medical preparations (except when any such article is sold in sealed containers)." I confess I do not see the use of making these exceptions about things sold in sealed containers. It may be that I may not be aware of the reasons that have led the hon. Minister to include these exceptions in the first two clauses.

Then as regards the 9th clause in the Schedule—Iron and steel—I sub-

mit that I do not quite understand what is meant by Iron and Steel only. I do not know whether this is intended to include all their products or whether this is not the intention. My submission is that iron and steel and all their products should be added in the Schedule.

Apart from that what I find is that food and raiment have certainly been taken into consideration; but I do not think 'shelter' has been accorded sufficient consideration. My submission would be that bricks, tiles, cement and asbestos sheets should also be added. In the case of shelter we have seen that iron and steel would not be enough. All the things that go to help a man to construct a house for his shelter should be included in the list and the exceptions that have been made in clauses 1 and 2 of the Schedule should be removed. This is all that I wish to submit in regard to the Bill and I hope the hon. Minister will take into consideration these things at the time of finalising it.

**Shri Syamandam Sahaya (Muzafrapur Central):** The legislation which is receiving the consideration of this House is in pursuance of one of the Articles of the Constitution. It is a welcome measure indeed in so far as it gives effect to one of the provisions of the Constitution which when enacted had very good reasons behind it. Apart, therefore, from welcoming the measure we have to see how far it really gives effect to the spirit and the intention of the Constitution. An objection has been raised that the drafting of the Bill is improper in so far as it practically repeats the language of the Constitution itself. I have great respect for the opinion of both Dr. Deshmukh and Pandit Bhargava, but even so I do not see where the harm lies, and how is the language of a constitution so sacrosanct as not to be included in a Bill which particularly goes to fulfil the object of that part of the constitution? To say that it will amount to an amendment of the Constitution is, in my opinion, not proper because in the first place if we compare the language of clause 3 of this Bill and of clause (3) of article 286 it will be found that there is a change and that, I submit, was the essential change Clause (3) of article 286 says:

"....goods as have been declared by Parliament by law to be essential".

And clause 3 of this Bill says—

“....goods declared by this Act to be essential”.

Therefore, Sir, this clause really gives effect to the provisions of that article and in my opinion it certainly would not amount to an amendment of the Constitution. I also feel there is nothing wrong in using the language of the Constitution in the clause.

The difficulty arises not from the provisions of the Bill as from the Schedule and the interpretation that we give to clause (3) of article 286. Now it has been said by more than one speaker and perhaps even suggested by the hon. Finance Minister in his opening speech that this law will not have retrospective effect. It is exceedingly difficult to come to a conclusion with regard to this matter, for no one is aware more than the Members of this House how the advice tendered to the Government by their Law Department has proved to be infructuous when the matter has been taken to law courts. If, therefore, it is the intention of the Finance Minister, and if he feels that that is the interpretation which can be given to the provision of the Constitution, then the wise thing and the right thing for the Select Committee and for the Government would be to make it more specific in this Bill and say it shall not have retrospective effect. Even though it may mean repetition, even though it may mean reiteration, it is desirable that the law should be clear and specific so as to give no chance for any interpretation other than what the Parliament and the Government want to place on it. That is one of the submissions which I desire to make in this connection, for I have read and re-read clause (3) of article 286, and with what little knowledge I have of English or of law I feel that the matter is not beyond doubt. I know that great stress is being laid on the words “it has been reserved”, that is that the word “has” denotes futurity and not past. But there are some other words here—

“No law made.....by the legislature of a State.....”.

Now, all this is likely to be interpreted in different ways and if the intention of Parliament and of the Government is clear I see no reason why we should not be more specific. The accusation in that case may be only of repetition, not of leaving things vague and anomalous.

**Pandit Thakur Das Bhargava:** If the interpretation is doubtful according to my friend, then is the legislature the proper authority or the court the proper authority to interpret whether it shall have retrospective effect or not?

**Shri Syamnandan Sahaya:** Well, in reply to what Pandit Bhargava has said I will only recount what this Parliament has been doing in the past. What is the use of giving the judiciary a chance to give its interpretation and then upset it here by passing another Act merely to undo what the judiciary has done? I would much rather that this anomalous position did not arise where the judiciary and the Parliament and the executive may have to give different interpretations. What Pandit Bhargava has said is certainly a very well accepted position of law, but I would like Pandit Bhargava to recount his own experience in this House. Would he then advise that the position should be left anomalous and then brought up to the House again and corrected? I do not think even he will agree to that.

The other thing which I desire to place before the House in this connection is that the intention both of the Constitution-makers and of the framers of the Bill as explained in the statements of objects and reasons is to bring about uniformity and also to prevent undue taxation or unduly heavy taxation. I think this point has been mentioned by the previous speakers also. If the idea is that this legislation is not to have retrospective effect, then may I ask the Finance Minister to consider how he will prevent unduly heavy taxation in the past and how he will bring about uniformity? This position has also to be considered very carefully by the Select Committee before it comes to a final decision. I am informed that when the proposal to bring up this Bill was made by the Government many of the States hustled through their legislations about sales tax and in many States sales tax has been levied which is in the first place not uniform and in some cases also unduly heavy. Therefore, if the intention of this Bill is to bring up about uniformity and also to prevent unduly heavy taxation, then I think the Government and this House will have to devise ways and means of achieving that objective.

The third thing to which I wanted to draw the attention of the Finance

**[Shri Syamnandan Sahaya]**

Minister and of this House was in regard to double or triple point taxation in certain cases. My friend, the great Mr. Alva—I think he is not here just now—referred to the steel industry. Now, it is within my personal knowledge that this commodity is taxed at three points, that is, the iron ore is taxed, the sheets are taxed and ultimately when buckets are made out of the sheets even those buckets are taxed. That is an instance which I think deserves the consideration of this House and of the Government and I think they should take some steps and so amend this Bill in the Select Committee that this type of double or triple taxation may be avoided.

**Shri A. C. Gupta (Santipur):** There are many other instances—paper is one.

**Shri Syamnandan Sahaya:** Quite, I never said my list is exhaustive; there may be many others. It is all the more reason why this particular aspect of the question must receive consideration at the Select Committee stage and later on in the House itself.

**Mr. Deputy-Speaker:** Do iron and steel include fabricated articles also?

**Shri Syamnandan Sahaya:** Yes, Sir. That should be the interpretation unless it is made clear. At present there is nothing to indicate at what stage iron and steel will be free from taxation.

**Mr. Deputy-Speaker:** Machinery and other things also are included?

**Shri Syamnandan Sahaya:** I think so, unless it is made specifically clear.

**Shri C. D. Deshmukh:** I should not think so, Sir. Here this is only the raw material; there they are the manufactured things.

**Shri Syamnandan Sahaya:** These manufactures are made out of iron and steel but in any case if that is the position, the Government ought to make it quite clear.

Lastly I wanted to have some information with regard to fertilizers. I would like to know whether by fertilizers the framers of the Bill had in view oil cakes also. A friend just now referred to oils and oil cakes. Oil is another matter but perhaps the hon. Deputy Minister, Mr. Tyagi who has been a rural Member while sitting on this side of the House and is now probably a rural Minister on that side, knows more than anybody else here

that oil cakes are used in very large quantities as fertilizers. I would like to know whether his ministry had in view the exemption of oil cakes also when they mentioned fertilizers as an excepted commodity. This is all that I have to submit with regard to this Bill. I have no doubt that all these points will receive the consideration of the Select Committee and the Finance Minister. In any case, I submit that the position should not be left vague. The House should make it clear what it wants the States to do, and what ought to be done to bring about uniformity and avoid unduly heavy taxation.

**Shri N. C. Chatterjee (Hooghly):** As this Bill is going to the Select Committee I do not want to take up the time of the House in dealing with the items in the Schedule, but one point has been raised by Pandit Bhargava which is important, namely, whether clause 3 which has been put in here should be there or not. That clause runs thus:—

"No law made after the commencement of this Act by the legislature of a State imposing, or authorising the imposition of, a tax on the sale or purchase of any goods 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."

A point has been made that this is not quite in conformity with the provisions of the Constitution. If you look at Article 286(3)—it is to some extent analogous—it says:—

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

I say with great respect to my hon. friend that there is nothing inconsistent with what is provided in clause 3 as drafted by the Minister and Article 286(3) of the Constitution. If you look at Article 286(3), it clearly says that the condition precedent to the applicability of that clause is a declaration by Parliament by law that certain goods are essential for the life of the com-

munity. Therefore, the condition precedent is that there must be legislation already passed, declaring certain goods to be essential for the life of the community. Thereafter, if a law is made by a State Legislature imposing some tax on such goods as have already been declared by Parliament to be essential, then this clause comes into play. What I think the draftsman of this Bill wants to make clear, possibly to avoid litigation, is this. He is making explicit in clause 3 what is implicit in the Constitution itself. He is saying here in effect that "No law made after the commencement of this Act by the legislature of a State imposing...a tax" can be made, unless it is assented to by the President. It is a matter of drafting the legislation clearly. It may be said that it is superfluous, but there is nothing wrong in having a clause making it clear—in order to avoid the confusion—that the tax structure or the taxing authority of the State legislature is not being unduly restricted. If you do not make it clear, then the impression will gain ground that while enacting this legislation, all impositions, say tax on petrol, by the different States are put in jeopardy. The main purpose, as I understand, is to secure uniformity, but not uniformity with regard to past legislation. The intention is to have uniformity with regard to future administration. But apart from uniformity, you must allow the States to function. You must allow the State legislatures to impose taxation. Therefore, apart from uniformity the other principle is the flexibility of the State mechanism. You have got to take that into account; otherwise, the States cannot function and you will be putting a fetter on them, which will be very dangerous.

The Bill makes it clear in the Statement of Objects and Reasons that if this measure is passed it will achieve a certain measure of uniformity and also prevent essential goods from being unduly taxed. Take, for instance, iron and steel. I am not going to trespass on the ground covered by my hon. friend Mr. Sahaya. With regard to iron and steel, there are certain States which manufacture them and they may put an unnecessarily heavy tax which may affect other States where these goods are required. Therefore, it is essential to have power to secure uniformity. What the President will do—what the Government will do in advising the President—is this. They will say, "Do not omit to take into account what has been done in Bombay or elsewhere in regard to taxation on

petroleum, but hereafter try to fit in the taxation on petroleum by the different States with the ratio or percentage of taxation already imposed." So, it is not proper to say that there is any harm in having section 3. Otherwise, if you leave it to the courts, you will allow the whole taxation structure of the States to be put in peril and compel all State legislations to be placed in jeopardy and put them at the mercy of the different courts. You must come to the Supreme Court in every case. As a matter of fact, you know that the Travancore-Cochin case has been pending before the Supreme Court. The Travancore-Cochin High Court declared under Article 286(1) that all sales tax on tea which is going out of the country either on c.i.f. or on f.o.b. basis is *ultra vires*. The cases have come up to the Supreme Court and the cases have been pending for some time. As a matter of fact, I remember that the Attorney-General made an application for an adjournment on the ground that they should have some kind of statute like this after consultation with the different State Governments, and you may take it that this Bill represents to some extent the general consensus of opinion among the State Governments that are affected. I do not think there is anything improper in simply putting in the words "No law made after the commencement of this Act". If you do not put them in, what will happen? Are you going to declare here that immediately this legislation will be passed all existing taxation imposed by the different States with regard to sales tax or purchase tax will be *ultra vires* or they will be taken as not necessarily *intra vires*? That will be a very undesirable state of things and I submit that what the Minister is seeking to do is nothing improper, nothing inconsistent with the spirit of the Constitution. My construction of Article 286(3) is that it was never the intention of the Constitution-makers to make a legal declaration by Parliament that certain goods are essential to have retrospective effect so as to put in peril all legislations which have gone ahead of it. If that is the correct position, then I do not think there is anything improper in having a section like section 3. Of course, it may be depre-

ated as unnecessary or redundant, but explicit what is implicit, there is no harm in doing it, in order to avoid anomaly, in order to avoid any ambiguity, on the subject, specially when it is a statute authorising taxation. I therefore submit there is nothing improper in having a section like section 3. It is simply making clear what has

[Shri N. C. Chatterjee]

already been put down in the Constitution in Article 286.

**Mr. Deputy-Speaker:** Even assuming that power is given under Article 286 (3) for the Parliament to affect existing legislation, is there any limitation imposed that this legislation ought not to be restricted only to future legislation?

**Shri N. C. Chatterjee:** No, Sir.. I do not think that there is any embargo or fetter or any limitation imposed by the constitution.

**Several Hon. Members rose—**

**Mr. Deputy-Speaker:** Has there not been enough discussion on this matter? On the last occasion, more than ten Members took part and to-day ten Members have already taken part. This Bill is going to the Select Committee. It will again come to this House when Members can take part in the discussion.

**Shri Raghabachari (Penukonda):** I have listened carefully to the discussion on this Bill. I do not wish to repeat the arguments that have already been advanced; but there are two or three considerations that require careful thought. The purpose of this Bill is to obtain uniformity or to achieve "a certain measure of uniformity" as mentioned in the Statement of Objects and Reasons.

In my opinion this Bill should have come before the house much earlier than it has come; nor should we take much time in putting the legislation through, because in the meanwhile some more Acts might have been passed by the States and there will be less of uniformity. Therefore, there is need to proceed with the legislation quick.

One thing I wish to say in this connection. There has been some doubt as regards the question of interpretation whether legislation passed after the Constitution Act came into force by way of imposition of taxes by the States would be valid or invalid. According to the interpretation obtained by the Legislative Department of Government, it is presumed that it will not have retrospective effect. Therefore, they have added the words "after the commencement of this Act" in clause 3. To my mind it looks unnecessary to have this clause, because it is simply a repetition. If we are interested in a measure of uniformity the question whether it should have retrospective effect or not must be left open to be interpreted by the courts. In fact, I remember the Finance Member stated that in respect of non-uniformity of

taxations in the provinces, some efforts were made to persuade and arrive at some uniformity and if it was found to be impossible then at least in the matter of future legislation an amount of uniformity would be attempted. Therefore, it looks to me that if for any reason the correct interpretation should be that the Acts passed by the States after the enactment of the Constitution Act are not legal or valid, some more measure of uniformity may come. Therefore, clause 3 appears to be unnecessary and may be omitted.

Again, so far as the States are concerned, they will naturally be anxious to add to their own sources of revenue by taxing other items mentioned in the schedule. It is essential that all articles considered essential for the life of the community must be included in the schedule, so that we may have more uniformity at least in respect of the articles hereafter to be taxed. Expansion of the schedule by inclusion of more articles considered essential will certainly not take away the powers of the States and prevent them from taxing them. All that it contemplates is that the assent would have to be obtained. Therefore, I would suggest that the schedule may be enlarged to include more articles which are likely to be taxed and which might affect the life of the community.

Item 5 of the schedule is coarse and medium handloom and mill-made cotton cloth and handloom woollen cloth. The words "coarse and medium" have not been defined anywhere and unless this is done there will be difficulty felt.

Therefore, I wish to emphasise that the Bill should be passed quickly; that clause 3 may be omitted; more essential articles may be included in the schedule and a definition given of "coarse and medium" cloth.

**Shri V. B. Gandhi (Bombay City-North):** The speech of the hon. the Finance Minister on May 28th at the time of moving the motion for reference of the Bill to Select Committee gives us fully the background as well as the developments that have made necessary his bringing forward some sort of a Bill like this. It is a very important speech, and in that speech the Finance Minister has tactfully but fully dealt with the actions taken by the various state Government in their efforts to make the sales tax more productive. In that speech we were also told that some of these actions were harmful to inter-state trade and commerce and how some of

these actions amounted to an encroachment on other jurisdictions. Also in this speech the Finance Minister has dealt very sympathetically with the need of the State Governments for having expanding sources of revenue. It is very clear from what we all know that a large number of our State Governments have to depend for a large proportion of their revenues on sales tax at present. The Finance Minister has also explained the constitutional inability of the Central Government to do anything more than what is set forth in the limited objective of this Bill. He has pointed out that if anything more than the present limited objective is to be sought for, then it will have to be by persuasion and by consent of the State Governments. That is the situation as has been stated by the Finance Minister, as one can see it. However, on a very careful consideration of that speech one cannot help having a feeling that the Finance Minister gives a sort of tacit approval to the States in having the sales tax as a source of their revenue. It has his passive consent. I do not know whether it is right for us to expect the Finance Minister to make any kind of a pronouncement on this question, of the approval or disapproval of sales tax as a source of revenue to the States, in the context of such a Bill.

**Mr. Deputy Speaker:** Is it not in the Constitution?

**Shri V. B. Gandhi:** I know. Any way, I would like it to be placed on record in this House that we in this House, some of us, are rather uneasy at the increasing reliance that the State Governments have been placing on sales tax as an important source of their revenue. It has been acknowledged on all hands that sales tax is not a good tax, especially when it is expected to constitute a major source of the revenues of a State.

**Mr. Deputy-Speaker:** Is all that relevant for the purpose of this Bill? The Bill only wants to declare, under article 286 of the Constitution, certain goods to be essential for the life of the community, in which cases whatever Bill is introduced in any of the State Legislatures regulating or imposing sales tax on such goods will have to be reserved for the assent of the President. That is the limited scope of the Bill. It is open for discussion whether any additional articles should be put in the schedule or not, but a general discussion on the propriety or otherwise of the imposition of sales tax by the States is out of order.

**Shri V. B. Gandhi:** Sir, I would beg your permission to have a general consideration and have the views of the House expressed on that question.

**Mr. Deputy-Speaker:** No. That is not within the scope of this Bill at all. We are not discussing the general question whether the imposition of sales tax in the States is right or wrong. Only with respect to particular commodities Parliament is asked to decide whether they are essential for the life of the community, in which case the Bill will have to be reserved for the President's assent before it becomes law. That is the limited scope of the Bill.

**Shri V. B. Gandhi:** I was just going to develop the point which will ultimately lead to.....

**Mr. Deputy-Speaker:** It is too much of a digression.

**Shri V. B. Gandhi:** .....the opinion on the part of many in this House that in supporting the present Bill with its limited objectives we would be acting with certain very important mental reservations. That is the point I am trying to make.

**Mr. Deputy-Speaker:** I find the hon. Member digressing a little too much so far as the Bill before the House is concerned.

**Shri V. B. Gandhi:** Very well, Sir. Then I shall resume my seat.

**Dr. Lanka Sundaram (Visakhapatnam):** I had thought that I will not be able to catch your eye because you had laid down that only two more speakers would be called. I do not want to detain the House for more than five minutes.

During the course of the discussion on the Demands for Grants in respect of the Finance Ministry I had occasion to make reference to this Bill and to congratulate the hon. the Finance Minister for having brought forward this Bill. I have regretted, and I still regret it, that one whole year has been lost since this Bill was originally drafted and presented to the last Parliament. That was due to circumstances not under our control perhaps. I belong to that school of thought, and I have been rather raucously vocal during the past ten years on this sales tax question. Because this Bill is going to Select Committee I want to pose one single problem before the Finance Minister and I hope he will answer it: Is this a fiscal measure? I am sure he will straightway answer: No. But I am prepared to argue for a

[Dr. L. S. Sunderam].

couple of minutes that the fiscal content of this measure cannot be lost sight of by this hon. House. It is an attempt to restrict the scope of taxation of State Governments in respect of the sales tax. I am here freely to acknowledge, and I want it to go on record, that I very sincerely feel that the time has come when just for the sake of rationalisation of the tax structure the sales tax should be taken out of the purview of the State Governments and administered by the Centre in order to ensure uniformity. My hon. friend Mr. Thomas is rather amused at this statement. And I would like to make a brief reference to one of the statements he made on the floor of this House this morning. He made a reference to Madras State and also as to why and how Shri Rajagopalachari started the sales tax there. I am here to give you its history briefly. In 1938 when sales tax was started in Madras State Shri Rajagopalachari stated that it was for the purpose of enabling prohibition. In that year the yield of the tax was Rs. 14 lakhs. Today it is Rs. 22 crores. My friend Mr. Thomas said that in order to enable prohibition sales tax was introduced and maintained in Madras State. I have no objection to prohibition being enforced, provided it is enforced properly. Provided prohibition is a success I would rather ask for the doubling of the sales tax. Today prohibition is a total failure. Rs. 18 crores of revenue have been lost, and on the other hand Rs. 22 crores of sales tax have been imposed. It is an engine of repression. I will not go too much into detail, for I will have another opportunity.

There is one point on which I want to know whether the Finance Minister is satisfied. In the statement of objects and reasons it is said that the undue character or the heaviness of this taxation will be protected against through this Bill. I am here to suggest that the reform you are trying to bring will perhaps be in the reverse direction. I have a statement about the major States of India, and the single-point tax is prevalent today only in Assam, Bihar, Bombay—of course Bombay is trying to have a multiple-point tax and there is a huge satyagraha about it going on—and also West Bengal. Any uniformity sought to be brought about should be in the downward direction, so far as the imposition of the tax is concerned. But by the time the Bill is eventually passed by the House and by the time of the enforcement of the legislation the uniformity would be in the upward direction, namely that the

single point systems will convert themselves into multiple-point systems—as it is happening right now in Bombay State.

I would conclude by saying that the fiscal implications of this measure, which has been ostensibly declared to be to prevent certain commodities essential for the life of the community from being unduly taxed, have been lost sight of. We are interested in the tax structure of the States and, by implication, of the Centre. Let us be straightforward. I think there is nothing which would what you might call obstruct this hon. House from amending the Constitution eventually in respect of item 54 of the State List. In fact I made a reference to this point when I was speaking on the Demands for Grants in respect of the Finance Ministry. I then made a reference to the controversy about the sales tax, how it went to law courts and so on. Let us put a stop to it. Because, I feel, drafted as it is, even though I am in entire sympathy with the principle of the Bill, it will not be effective. The predatory character of taxation and the financial anarchy ruling in most of the States will continue. I am anxious that this country should be rid of this menace, the menace of sales tax which has become an engine of repression.

**Shri U. M. Trivedi (Chittor):** I only want to draw the attention of the House to a very pertinent position. The law is named, "The Essential Goods (Declaration and Regulation) Bill". That is to say, in other words, it defines under the provisions of article 286 of the Constitution what shall be the essential goods. We have to read the provisions of this Bill in the light of articles 286 and 287 of the Constitution.

Article 287 runs as follows:

"Save in so far as Parliament may by law otherwise provide, no law of a State shall impose, or authorise the imposition of, a tax on the consumption or sale of electricity....."

In other words, the term "goods" cannot be made use of to cover electrical energy. I do not know how under the schedule, in item 8, electricity came to be included. Item 8 runs as follows:

"Coal, including coke and other derivatives, petroleum and petroleum products, including motor spirit....."

So far it is all right.

.....and electrical energy, except energy intended for domestic use."

By what stretch of imagination could we bring electrical energy into the definition of 'goods'? Are we not creating trouble for the public and are we not creating cases for the lawyers to take this up and create trouble by arguing that this is *ultra vires* of the Constitution. How could this fit into essential goods when we have the specific provisions of article 287? Either article 287 must be amended or a new Bill should be introduced or a suitable amendment in this respect should be considered. Electrical energy cannot be classified as 'goods'. This is my submission. The Bill should be suitably amended.

**Shri C. D. Deshmukh:** To begin with, I must ask for your permission to amend my motion again. I fear that 11th of July will no longer be suitable and I like to suggest its substitution by 18th July. The Select Committee should submit its report by the 18th.

**Shri S. S. More (Sholapur):** May I point out one difficulty, Sir? If the Bill is not placed on the Statute book as early as possible, some provinces and State Governments who are rushing with their own legislation will be creating many more complicated problems.

**Mr. Deputy-Speaker:** That is why he is suggesting an early date.

**Shri S. S. More:** From the 11th of July, he has gone to 18th of July.

**Shri C. D. Deshmukh:** 18th of July 1952.

I find that a certain degree of amnesia has stolen into this House, for, sometime has elapsed between the Mover's original speech and the continuance of the debate. Many of the points which have been raised this morning have already been touched upon by me in the somewhat advisedly elaborate speech that I made when I moved my motion.

I should like to take first the general points made by some of the Members. One was about the fiscal nature of this taxation. I see Dr. Lanka Sundaram has left the House and that he is not particularly anxious to hear the reply. I was going to say that I have no doubt that this matter will be looked into by any Taxation Enquiry Committee that might be appointed. I have undertaken to see that one is appointed during the course of this fiscal year.

Then, so far as the principle of the Bill is concerned, I see no objection raised from any part of the House except, perhaps, for one of the Members opposite, Mr. Gurupadaswami, who saw some sinister design in the Bill, an attempt to hoodwink the public, to eliminate democracy and to introduce secret manoeuvring. Since he has been clever enough to expose all these, I think now the House will proceed to a consideration of the subject with its eyes open. So, I do not think one need entertain any apprehension in that regard.

The next question is the legal question that has been raised by many of the Members, and in that respect I am grateful for the exposition by the hon. Member opposite, Mr. Chatterjee. I have very little to add to it. It is possible to argue that what we are doing by adding this third clause is merely repetitive. Even so, we hold that no great harm is done, and perhaps there would be some advantage in our view that this cannot be retrospective. The advantage is that many people might be deterred from rushing to the courts. The onus of moving the court will rest on them instead of the whole position being held in jeopardy. I think it is quite clear that this law cannot be retrospective by force of the grammar involved in this drafting. When we say "law made" in respect of goods which have been declared, the declaration must be before the making of the law, and the law can only be after the declaration of these goods. Some reference was made to the language of article 287. But, I think hon. Members will notice that the words there are different: "law in force". Therefore, the legislature has made a distinction between "Law in force" and "law made" after a certain thing has happened.

**Mr. Deputy-Speaker:** The section says that such laws have to be reserved for the consideration of the President. The hon. Minister would have noticed this. All Bills already passed by the State legislatures have been assented to by the Governors and they can no longer be reserved for the consideration of the President. They can be reserved only at the Bill stage. That also makes the position clear.

**Shri C. D. Deshmukh:** The whole force of the language is definitely in the direction of the view that this legislation cannot have retrospective effect. However, as in the case of the various observations on the merits of the case, as also in regard to the legal position, the speeches will be available to the Select Committee and I have no doubt

[**Shri C. D. Deshmukh]**

that the Select Committee will pay very careful attention to all this, in order to be able to arrive at the correct decision.

If that decision were to be that it is retrospective, that the object of this Bill is to exempt articles from taxation, and if we are to admit all that long list of so-called exemptions suggested by hon. Members as well as many other bodies outside, then, we shall be figuratively in the position of a man who had two wives, one young and another old. The one took out the grey hair and the other took out the black hair and by the time they had finished, there was no hair left.

I am afraid that must be a tragic denunciation because, although I refuse to be drawn into the question of whether the Sales Tax or taxes are ethical or not, the fact is that today the revenue that is derived by the States from this instrument of taxation amounts to about Rs. 45 crores, and just when we are making Five Year Plans, I do not think any revolutionary change in the system of taxation would be feasible or even justified on the merits of the case. And that brings me to a restatement of the objective of the Bill. Although I find, that I myself have perhaps loosely used the word "exemption" in some places in my speech, the object is what it is stated to be, viz., first, to declare certain goods to be essential for the life of the community, and then you follow Article 286 (3) and its clarification contained in this clause. Our intention, therefore, is to see that for the future the position is well contained, and regulated. It may be that in some cases we may insist on exemption. That will depend on the merits of the case. In the case of other goods, we may insist on a maximum scale beyond which we would not like the tax to go. There are certain States which have not got the Sales Tax measure at all on the State Book, and I have received representations from such States. They are rather alarmed at this legislation. So, I assured them that we shall take a sympathetic view of their difficulties and it need not necessarily be assumed that it is the intention to exempt everything that is included in this schedule.

In the course of my speech, I mentioned that in a few cases we had not included articles in the schedule for the reason that in most of the existing State laws they are already exempted—meat, fish, food articles and others. Reconsidering the matter, I do not think really it is sufficient reason,

because, as I said, in the case of new Acts it may be that some impost may have to be made and that is a matter which the Select Committee would have to consider at the proper stage. One such matter is electricity for domestic use. I think if hon. Members refer to my speech on the previous occasion, they will find that I have specifically referred to electricity for domestic use. I have said that:

"there are a number of essential articles and commodities, at least articles which could be regarded by some people as essential, which have not been included in the schedule to the Bill. Prominent among such articles are meat, fish, electric energy for domestic use, jute, paper, newsprint, books, etc."

So, that is the only reason why this has been excluded from the exclusions to this bill, and there is no other sinister design so far as domestic electricity is concerned.

Then there was some question of States rushing through legislation in order to forestall this particular piece of legislation. My information is that after we had consulted them and had arrived at a common measure of agreement, no State has enacted a Sales Tax measure or made any significant modification. It is subject to verification.

**Dr. Lankha Sundaram:** You agreed to the Bombay multiple-point tax proposal.

**Shri C. D. Deshmukh:** Well, that does not apply to articles so much as a system of taxation.

**Dr. Lankha Sundaram:** I mean the incidence of taxation.

11 A.M.

**Shri C. D. Deshmukh:** So, I mean to say there was no attempt to forestall this. I said in my last speech that there should be some measure of uniformity. I have also indicated that to a great extent that would have to be done by persuasion, and I had said that it was my intention at some time or other to call together the Finance Ministers of the States and to appeal to their good sense, so to speak, after we had evolved a volume of case law in regard to levels of taxation which would be regulated in accordance with the measure which I have placed before the House now. I do not think it is necessary for the Finance Minister alone to give answer to all the other questions of details that have been raised. It is for the Select Committee. The object of the

second reading of the Bill is really to consider if the principle of the Bill is sound, and I see that it is acceptable to everybody except the Members I have named and for the rest, it will be for the whole of the Select Committee to consider each matter in detail.

**Babu Ramnarayan Singh** (Hazaribagh West): May I know one thing? Unless retrospective effect is given to this measure, how can it be permitted to obtain throughout the country?

**Mr. Deputy-Speaker:** He said some measure of uniformity. All that the hon. Minister claims is that in future he will get some measure of uniformity, not full. Is it not so?

**Shri C. D. Deshmukh:** Yes, Sir.

**Dr. Lanka Sundaram:** May I have a word? I was told when I was away....

**Shri C. D. Deshmukh:** As soon as I saw the hon. Member appear again, I realised that he had come.

**Dr. Lanka Sundaram:** I thought he would care to answer the point that I raised.

**Shri R. K. Chaudhury** (Gauhati): I would like to know what the Minister said about meat and fish. Are they included in the schedule or not?

**Mr. Deputy-Speaker:** They are essential in some parts of the country, and not in some other parts. The hon. Member only wants to know whether meat and fish are not essential goods.

**Shri C. D. Deshmukh:** I said many of the existing Acts have already excluded meat and fish, or fish and meat.

**Mr. Deputy-Speaker:** A number of hon. Members have sent chits to say that they want to speak. The Bill is going to the Select Committee. Certainly the Select Committee will look into all their suggestions. This other practice is also being adopted. Any hon. Member who wishes can attend the meeting of the Select Committee and give his suggestions, though, no doubt, he has no right to vote.

**Babu Ramnarayan Singh:** What about Gur and Sugar?

**Mr. Deputy-Speaker:** The hon. Member may kindly refer to the schedule.

**Shri R. K. Chaudhury:** A question of principle is involved in this. It is that non-vegetarian food has been entirely excluded from the schedule.

**Mr. Deputy-Speaker:** In deference to the hon. Member's wishes and in anticipation thereof, both of them have

been excluded long ago. The question is:

"That the Bill to declare, in pursuance of clause (3) of article 286 of the Constitution, certain goods to be essential for the life of the community, be referred to a Select Committee consisting of Shrimati B. Khongmen, Dr. Ram Subhag Singh, Shri Tulsidas Kilachand, Acharya Shriman Narayan Agarwal, Shri P. T. Chacko, Shri B. Das, Shri Gurmukh Singh Musafir, Col. B. H. Zaidi, Shri S. V. L. Narasimham, Shri S. V. Ramaswamy, Shri G. D. Somani, Shrimati Sucheta Kripalani, Shri Rajaram Giridharlal Dubey, Shri Keshava Deva Malaviya, Shri Arun Chandra Guha, Shri Liladhar Joshi, Shri Balwant Sinha Mehta, Shri Dev Kanta Borooh, Shri Sarangadhar Das, Shri Mahavir Tyagi, Shri M. V. Krishnappa, Dr. Shaukatulla Shah Ansari, Shri N. R. M. Swamy and the Mover, with instructions to report by the 18th July, 1952."

The motion was adopted.

#### CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

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

"That the Bill further to amend the Code of Civil Procedure 1908, be taken into consideration."

The Bill in question is a very simple one which relates to the question of the execution of decrees of foreign Courts in India on a reciprocal basis. There is already a provision for this in Section 44-A of the Code of Civil Procedure. But that was passed at a time when the reciprocity was between India on the one hand and the United Kingdom on the other and other countries within His Majesty's dominions. That is how Section 44-A stood. Now that India has attained independence, it was thought that this reciprocity should be extended not merely to the United Kingdom and other countries within the Commonwealth, but also to other foreign countries that are willing to come to reciprocal arrangements with us. That is the simple object of this Amending Bill. In Section 44-A of the Civil Procedure Code as it now stands, it is provided, that:

"Where a certified copy of a decree of any of the superior

[**Shri Biswas**]

courts of the United Kingdom or any reciprocating territory has been filed in a District Court the decree may be executed in the States as if it had been passed by the District Court."

As regards reciprocating territory, in Explanation 2 of sub-section (3) of section 44-A it is provided that:

"Reciprocating territory means any country, or territory, situated in any part of His Majesty's Dominions, which the Central Government may from time to time by notification in the Official Gazette, declare to be reciprocating territory for the purposes of this Section."

And then, with regard to "superior courts", it is mentioned:

"Superior courts, with reference to any such territory, means such courts as may be specified in the said specification."

It will therefore be seen that this Section is at present limited in its application to superior courts of the United Kingdom and superior courts of the countries or territories situated in any part of His Majesty's dominions, which may be notified by the Central Government. The present amending Bill proposes to substitute the words in the explanation 'situated in any part of His Majesty's Dominions', by the words 'Outside India', so that the amended explanation will read thus:

"Reciprocating territory means any country or territory outside India other than the United Kingdom."

The words 'United Kingdom' which are to be found in sub-section 1 of section 44-A are retained. I notice that a number of amendments have been tabled for the purpose of deleting those words from sub-section 1, and making a general provision for all foreign countries outside India, without any specific mention of the United Kingdom. That of course, does not make any difference in the position. So far as the ultimate result is concerned, it will be seen that foreign countries will include the United Kingdom as well as other countries outside the United Kingdom.

The only reason why the words were still retained in sub-section 1 in its present form is this. This Section 44-A was, I believe, introduced somewhere in the year 1937. It was a reci-

procal measure which was enacted in view of the Foreign Judgments (Reciprocal Enforcement) Act, 1933-23 and 24, George V—Chapter 13—which was enacted by the British Parliament in the year 1933. That Act provided that:

"His Majesty, if he is satisfied that in the event of the benefits conferred by this part (i.e. Part I) of this Act being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the superior courts of the United Kingdom, may by Order in Council, direct that this Part of this Act shall extend to that foreign country."

There was specific provision in the Act itself that so far as His Majesty's dominions outside the United Kingdom, Protectorates and Mandated Territories were concerned, His Majesty might apply by Order in Council the provisions of this Part and extend the benefits of this Act to those countries and territories. That being so, India thought that it should make a reciprocal law. That was the reason why Section 44-A was introduced. Now, if that is deleted, it will only mean that a fresh notification will have to be issued by the Central Government declaring that the United Kingdom will be regarded as a reciprocating territory.

**Shri S. S. More (Sholapur):** One of them.

**Shri Biswas:** The result will be that this will lead to further correspondence between the two countries. It may even lead to a suspicion that there was something behind it. There will in any case be a time lag between the enactment of this legislation and the issue of a notification after a lot of correspondence. In other words there will be a hiatus for nothing which will not be covered. Therefore, there is no substantial reason except one of sentiment for making this change as suggested in the amendment, because whether you accept the amendment or not, the result will ultimately be the same. But the actual difficulty will be, as I have said, that as regards the United Kingdom, there will be some time which will necessarily lapse before a notification can be issued by the Central Government.

**Shri S. S. More:** But why?

**Shri Biswas:** As a matter of fact, there has to be correspondence. You will find, when you come to deal with the Notaries Bill, that the Master of Faculties who now grants the faculty for the appointment of notaries in India, was informed beforehand that it was proposed to put an end to this arrangement. It was only after that was done, the present legislation was brought forward. If we now wish to remove the words 'United Kingdom' from the provisions of Section 44-A of the Code of Civil Procedure, we should, I think, notify them that this is being done, and that ultimately it is proposed to include them as a "reciprocating territory" by way of a notification under the provisions of the Amended Act.

That has not yet been done. Rightly or wrongly, that has not been done and, therefore, if you now suddenly delete these words from Section 44-A and relegate the United Kingdom to the same position as any other reciprocating territory, then there will certainly be an interval of time when the thing will remain 'in vacuo', so to say. In order to avoid that result, and not for the purpose of placating the United Kingdom or for any similar purpose, those words have been retained. The line of least resistance has been followed in drafting this Bill. Let the Section remain as it is, and you delete the reference to any countries or territories situated within His Majesty's Dominions from Explanation 2.

**Shri S. S. More:** May I make a suggestion, Sir? Can Government think of postponing the consideration of the Bill pending their correspondence with the United Kingdom and getting over all the preliminaries so that notification is given after that as early as possible?

**Shri Biswas:** There is no objection to that, Sir. If that commends itself to the House, that can be done. As a matter of fact, I say this because the way in which the Notaries Bill question was dealt with and the very handsome reply which came from them, shows that we ought to follow a similar procedure, and not suddenly put an end to the existing arrangement. If the House agrees, the matter may stand over till the next session; in the meantime, correspondence may be carried on giving notice to the United Kingdom of our intentions. We are anxious that any action that we may take may not be unnecessarily open to my misinterpretation.

**Mr. Deputy-Speaker:** Am I to understand that the hon. Minister himself would like to have this postponed?

**Shri Biswas:** If the House agrees, I have no objection to postpone it till the next session.

**The Minister of State for Finance (Shri Tyagi):** Why, there is not much objection. As I see friends on the other side say that this will add to.....

**Shri A. M. Thomas (Ernakulam):** Is there not the question of execution of decrees by other foreign courts? Why should we delay matters like this?

**Shri Tyagi:** The matter is so small. The point raised is so small, as my friends will see. On that point, why should the measures stay?

**Shri Biswas:** My reason is this. I find that quite a large number of amendments to the same effect have been tabled, and if there is any sentiment on that question, I would much rather respect that sentiment.

**Mr. Deputy-Speaker:** The hon. Minister has raised a point. There is of course a number of amendments tabled. All hon. Members who have tabled amendments want to make it clear that there ought to be an end to discrimination between one territory and another territory. Now, the United Kingdom before 1947 had a special privilege. Of course, it is also a reciprocating territory. But here onesidedly it has been included, and there in England only put in the category of reciprocating territories. It may be possible for the United Kingdom to withdraw, but all the same by virtue of the statute we will be obliged to show these concessions. Why should it happen? Now, the hon. Minister has said there is no urgency. The old law continues and in the meantime we can negotiate with the United Kingdom...

**Shri Biswas:** There is only one country, Sir, Switzerland, from which we received an enquiry as to whether any decree a Swiss court could be enforced. That is the only one we have received; we have received no other representation from any other country.

**Shri Tyagi:** We have to compare two situations. One is that people might think as to why one country has been specially treated. It was being specially treated all the time. This is one question. But I think the more serious question is, why we should continue the discrimination against other countries and go on giving preferential treatment to England.

**Mr. Deputy-Speaker:** The other side are saying exactly the same thing. They want to bring out the treatment given to the United Kingdom in line with other reciprocating countries. They want to do away with the discrimination.

**Shri Nand Lal Sharma (Sikar):** There should be complete independence from the British.

**Shri Kazmi (Sultanpur Distt.—North cum Faizabad Distt.—South-West):** May I just submit a point, Sir? So far as I understand, there are mutual arrangements already with the United Kingdom. But from the Act itself, it does not appear that there are any mutual arrangements, and therefore this is a distinctive treatment to the United Kingdom by making an exception. Will it not be proper, if the Minister thinks fit, that it may be made clear....."except the United Kingdom with whom we have got reciprocal arrangements already"—something to indicate that this exception is being made not because of the status or position of the United Kingdom, but because we have already got mutual arrangements with the United Kingdom. Then there will be no difficulty whatsoever.

**Shri Nand Lal Sharma:** There could be mutual arrangements with other countries also.

**Mr. Deputy-Speaker:** I want a clarification by the hon. Minister. If the words "United Kingdom" are there and are not included in the category of reciprocating States, will it not be open to the United Kingdom by its own legislation to terminate the arrangement made, and then we will have to come to this Parliament to modify this Bill? We cannot terminate notwithstanding the fact that the United Kingdom may terminate.

**Shri Biswas:** I did not make myself understood. What I said was that it would make no difference whether we accepted these amendments or not. There is no discrimination at all in favour of or against the United Kingdom. But the question is, the United Kingdom is now specifically mentioned. That was for historical reasons. The amending Bill which is now before you retains the specific reference to the United Kingdom and only deletes references to other countries. The other countries mentioned there were countries within the Commonwealth. Now, we are deleting

the words "within the Commonwealth". Reciprocating territory will include any foreign country outside India who will enter into reciprocal arrangements with India. But so far as the United Kingdom is concerned, the matter will be left as it is. Now, what is suggested by the amendments is that the United Kingdom need not be specifically mentioned. Let the United Kingdom come within the definition of reciprocating countries. That makes no difference, except this that if we pass this Bill that automatically repeals 44-A as it stands, and therefore, some correspondence will have to ensue between the United Kingdom and this country before effect can be given and notification can be issued in order to declare that the United Kingdom will be one of the reciprocating territories under the amended Act, and so on. And, therefore, my hon. friend over there made that suggestion that we might wait, and in the meantime we might notify the United Kingdom so as not to cause any interruption in the existing legal arrangements between the two countries, which would be the result of accepting the amendments which had been tabled.

**Shri N. C. Chatterjee (Hooghly):** Sir, this should be a mere matter of procedure. There must be no reason for a special reference to the United Kingdom in the Act because you cannot keep the United Kingdom on a separate pedestal. There cannot be any question of special treatment for the United Kingdom, and there is no intention to discriminate against England according to our amendments either. We want to rope in all other countries within this reciprocal arrangements. If the hon. Minister thinks that there is no urgency, then it can stand over.

**Shri Biswas:** Sir, it was simply in deference to the suggestion which was made by my hon. friend over there that I said I was quite willing to let it stand over. If the House agrees to it, we have no objection. We are of course prepared to go through the Bill with the amendments, and if the amendments are accepted by the House, we will accept them.

**Shri M. S. Gurupadaswami (Mysore):** Sir, why should there be any correspondence before passing the Bill?

**Shri Biswas:** So that there may be no hiatus.

**Mr. Deputy-Speaker:** I am not aware of any procedure whereby I can ascertain the views of the House in this matter. There is some expression

of opinion, there are a number of amendments tabled, and the hon. Minister must make up his mind whether he would like it to stand over unless there is some urgency in which case...

**Shri Biswas:** There is no urgency.

**Mr. Deputy-Speaker:** Is it the desire of the House that this should be postponed?

**Several Hon. Members:** Yes.

**Mr. Deputy-Speaker:** The House agrees to postpone decision on this to the next session. In the meanwhile, the necessary steps will be taken.

#### MAINTENANCE ORDERS ENFORCEMENT (AMENDMENT) BILL

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

"That the Bill further to amend the Maintenance Orders Enforcement Act, 1921, be taken into consideration."

This Bill has been brought before you on very much the same grounds as the previous Bill which has now been adjourned. The difference is this. I will not ask for an adjournment of the present Bill, because here there is no separate mention of any specific country. This provision is in general terms. The Maintenance Orders Act which is now in force provides for enforcement in India of maintenance orders made in other countries and for enforcement in other countries of maintenance orders passed in India, on a reciprocal basis. Now, in the Act as it stands, the countries with which reciprocal arrangements may be made are countries lying within the Commonwealth—His Majesty's Dominions and Protectorates. We want to extend that definition so as to include all countries outside India. Instead of the existing section 3, we say:

"If the Central Government is satisfied that legal provision exists in any country or territory outside India for the enforcement within that country or territory of maintenance orders made by courts in India, the Central Government may, by notification in the Official Gazette, declare that this Act applies in respect of that country or territory and thereupon it shall apply accordingly."

The only amendment of any significance which has been received is that for the words "Central Government" the words "Union Government" be substituted. That, Sir, overlooks the General Clauses Act, because in the General Clauses Act the words "Central Government" are defined to mean the President and so forth, and the words "Union Government" are not to be found there. We have followed the terminology of the General Clauses Act. Therefore, I do not see any point in the suggested change from "Central Government" to "Union Government".

There is another amendment. I shall deal with it when it comes up. But we say in one clause:

"reciprocating territory" means any country or territory outside India in respect of which this Act for the time being applies by virtue of a declaration under section 3."

We have added "by virtue of a declaration under section 3"; because that is bound to be so. If you want to delete these words, delete them; but there is no use deleting them, because this Act may apply to such territory only by virtue of a declaration. That is a statement of fact.

**Mr. Deputy-Speaker:** What about the amendment seeking to exclude Pakistan?

**Shri Biswas:** I do not know what point there is in it. As a matter of fact it rests with the Central Government to issue the notification. If you do not want to enter into reciprocal arrangements with Pakistan, it will always be open to you not to do so; you need not say "except Pakistan" in the Act. It is always possible for India to exclude Pakistan if the situation demands. That is another matter. That power is already there.

Another amendment seeks to insert the words "express or implied" in line 23:

"If the Central Government is satisfied that legal provision exists in any country....."

The mover wants it to read:

".....any legal provision express or implied".

This is a matter for the Central Government to decide; therefore, why put in these words there? That will only lead to unnecessary controversies and leave it open to the courts also to go into the question. The matter is left entirely in the hands of the Central Government. The amendment is wholly unnecessary. That is my submission.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Maintenance Orders Enforcement Act, 1921, be taken into consideration."

There is an amendment by Shri Vishnu Ghanashyam Deshpande:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of September, 1952."

The Bill is short. It removes those objections which were raised with respect to the previous Bill as regards discrimination in favour of a country. What is the object of the amendment?

**Shri V. G. Deshpande (Guna):** My purpose is this. It has some reference to another amendment which seeks to insert the words "except Pakistan". We feel that the provisions of this Bill would be misused by persons staying in India for sending large sums of money to Pakistan by getting *ex parte* decrees passed. That is our fear. It is likely to have very far-reaching effects on our relations with Pakistan. We feel that the framer of the Bill has not sufficiently realised the serious consequences of this Bill. As it is, we know that large sums of money are being remitted to Pakistan for maintenance and other purposes. Our suggestion is that this Bill should be circulated for the purpose of eliciting opinion and it should not be passed hurriedly. The hon. Mover of the Bill himself did not realise what is the meaning of the insertion of the words "except Pakistan". That shows that sufficient thought has not been given to this Bill by the mover. Therefore, more calm consideration is needed so far as this Bill is concerned and therefore I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of September, 1952."

**Shri Biswas:** If I may say so, my hon. friend is entirely under a misapprehension. We are only providing for enforcement of decrees passed in the courts of one country in the other country. So far as actual remittance of money is concerned, which involves sending of currency of one country to the other country with a different currency, that will be regulated by the ordinary exchange control restrictions. It is only the right to enforce a decree of one country in another country that is in contemplation here.

**Shri V. G. Deshpande:** It is not a question of currency only.

**Shri Biswas:** That is what my hon. friend said: he referred to remittances from one country to the other. If the decree is enforced, that question of remittance will be regulated by exchange regulations.

**Shri V. G. Deshpande:** That is not the question. I will make it explicit. Suppose in a Pakistan court a decree is passed in favour of the mother of a person staying in India or having property here. The question is, whether that decree can be executed in India. Such decrees can be obtained and money can be sent to Pakistan. That is what I say. It is not a question of exchange of currency only. We feel that this provision will be used for the purpose of helping Muslims who are living there who will be allowed to enjoy the profits of property situated in India. From this point of view, we feel that some more consideration is necessary for this Bill and that is why it should be circulated for eliciting public opinion.

**Mr. Deputy-Speaker:** Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of September, 1952."

This is a general provision. Wherever the maintenance orders are passed, they will be executable in any reciprocating territory. Of course exception can be made: it is open to the Government to say, "No. I am going to exclude Pakistan."

**Shri S. S. More (Sholapur):** Will it be possible to say that? Once a court passes this order, it does not rest with the Government.

**Mr. Deputy-Speaker:** Any arrangement entered into will be on a reciprocal basis. This provision only enables the Government to enter into reciprocal arrangements with various other Governments. If pressure of opinion here is against entering into any such arrangements with Pakistan the Government will know it and act accordingly.

**Shri S. S. More:** May I ask the Law Minister whether he accepts the proposition of the Chair?

**Shri Biswas:** Sir. I do not think this matter is of such importance that public opinion should be elicited. It is a very simple measure.

**Shri S. S. More:** That is another matter.

**Mr. Deputy-Speaker:** As I said, this will be a general measure under which it will be open to the Government to enter into arrangements with other countries that their decrees will be executable here in case our decrees are executable in those countries.

**Shri Biswas:** It is entirely on a reciprocal basis.

**Sardar Hukam Singh (Kapurthala-Bhatinda):** Our fear is this. West Pakistan has driven out all the minorities from that part of Pakistan, and they are driving out the minorities from East Pakistan as well. And when this provision is there, our Government will certainly be ready, out of very good motives, to reciprocate and enter into an agreement with Pakistan whereby decrees passed there—which it will be very easy to procure—would be executable here, so that they would enable those persons who are living there to get maintenance funds from India, and there will be a large flow of money from here into Pakistan. That is what we fear.

This is what we are pressing that Pakistan should not be included because our citizens would not be able to take advantage of it. While we enter into that reciprocal arrangement with Pakistan, the Pakistanis who are living here but leaving their sons, daughters and wives there in Pakistan will be able to avail of this provision and there will be much flow from India to Pakistan. These are, Sir, our genuine fears.

**Shri S. S. More:** I wanted one more clarification from the Law Minister. Supposing a certain Muslim has gone to Pakistan and his property here has been declared to be evacuee property and placed under the custody of Custodian and supposing there is a certain decree passed against him and that decree is transferred to the Indian Government for execution, will it not be executed.....

**Shri Biswas:** That will depend upon not the provisions of this Act but upon the provisions of the Evacuee Property Act.

**Mr. Deputy-Speaker:** I can only say this much that the hon. Members may confine themselves to this amendment which is there. The House may decide one way or the other on this amendment if they think that statutorily the Government ought to be prevented from having any negotiations. Does the hon. Member want to withdraw his amendment?

**Shri V. G. Deshpande:** If the Government accepts the position, I will withdraw.

**Mr. Deputy-Speaker:** Then I will place the amendment to the vote of the House. The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the end of September, 1952."

The motion was negatived.

**Mr. Deputy-Speaker:** Now I will put the motion before the House.

The question is:

"That the Bill further to amend the Maintenance Orders Enforcement Act, 1921, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

**Clause 4.—(Substitution of new section for section 3)**

**Shri M. S. Gurupadaswamy:** I beg to move :

In page 1, lines 22 and 23 and lines 25 and 26, for "Central Government", substitute "Union Government".

**Mr. Deputy-Speaker:** Amendment moved:

In page 1, lines 22 and 23 and lines 25 and 26, for "Central Government", substitute "Union Government".

**Shri M. S. Gurupadaswamy:** I may submit, that this amendment is drafted in consonance with the provisions of the Constitution where the word "Union" has been mentioned. This amendment will make it more agreeable. I therefore request that the words 'Union Government' may be substituted for the words 'Central Government'.

**Mr. Deputy-Speaker:** The General Clauses Act makes it clear.

**Shri Raghuramaiah (Tenali):** It will be seen that this word 'Central Government' occurs not only in this enactment but in many other enactments. The fact that the Constitution refers to 'Union Government' does not preclude the usage of any other word in a statute provided it is made quite clear that the reference is to the Union Government. This is done by the General Clauses Act. There is therefore no need for this amendment.

**Shri S. S. More:** The General Clauses Act was passed at the fag end of the 19th century. If we are legis-

[Shri S. S. More]

lating under the Constitution—the power vested in us is due to the Constitution—we should use the phraseology that is used in the Constitution. The phraseology used in the Constitution is Union Government on the one side and States on the other side. So it is for the Government to amend this provision. They can bring in one amending omnibus Bill by which all these things should be done away.

**Mr. Deputy-Speaker:** No further argument is necessary.

**Shri Biswas:** May I submit one thing, Sir? This provision in General Clauses Act which has been referred to was inserted after commencement of the Constitution. I am not referring to the General Clauses Act as it stood before 1947.

**Mr. Deputy-Speaker:** I will now put the amendment to the vote of the House. The question is:

In page 1, lines 22 and 23 and lines 25 and 26, for "Central Government", substitute "Union Government."

The motion was negatived.

**Sardar Hukam Singh:** I beg to move:

In page 1, line 24, after "India" insert "except Pakistan".

**Mr. Deputy-Speaker:** Amendment moved:

In page 1, line 24, after "India" insert "except Pakistan".

**Sardar Hukam Singh:** It is said in the Statement of Objects and Reasons that the Maintenance Orders Enforcement Act, 1921, facilitates the enforcement in India of maintenance orders made in "His Majesty's Dominions and Protectorates" and that there should be genuine power to reciprocate with any country outside India. The object is very good. But we ought to have been given certain more information about that, whether since that Act was passed in 1921 at any time the necessity was felt to have this reciprocal arrangement with any other country or whether there were any decrees or whether it was thought necessary that some arrangement of this kind should be made. And also whether this question ever came up before the Government or before the Central Legislature to make such a law? If there was no necessity felt during the last 30 years to reciprocate with any other country and this continued for so long a time, what necessity is there now particularly

that such a law, such a modification or such an alteration should be made? That rouses fears in our minds so far as our neighbour is concerned because we see that the Government has not been able to restore anything to those refugees who have been turned out and whose properties have been forfeited. Keeping in view the fact that other minorities in East Pakistan also are being driven out and the attitude that we have adopted as against Pakistan, we have those fears and our fears are genuine. There is no doubt that the Government out of sheer courtesy and out of generosity would be ready to reciprocate whatever Pakistan does but then we are afraid that that will do very great harm to our people.

Therefore we have put in this amendment and I appeal to the Members of the House to consider coolly over it. Of course, it does not on the face of it look nice that there should be a discrimination against any particular country at this stage. We should not do that, but we have to be practical people, we have to see the realities and not base our policies merely on theories and on noble principles. Therefore, I press my motion.

**Dr. S. P. Mookerjee** (Calcutta South-East): If it is not possible for the Law Minister to accept the amendment which has been moved by Sardar Hukam Singh—I appreciate his difficulties—may I ask him to consider one other possible solution? Now the difficulty with regard to our relations with Pakistan has been that even though legal provisions may exist in that country or promises may be made by its Government, they are not actually implemented. The clause as has been drafted here says that our Government will adopt the principle of reciprocity when Government is satisfied that legal provision of a similar nature exists in the other countries. I would ask the Law Minister to amend clause 4 suitably and lay down that our Government has to be satisfied not only as regards the existence of a legal provision but also that that is implemented in fact. Now, what will happen with regard to Pakistan is that it may adopt a similar provision but as has been our experience in the past, and as has also been the experience of the Minister himself in another capacity, the legal provisions may not be actually implemented. Supposing some such cases are brought to our notice that persons who are in India, who have got any orders to be executed in Pakistan, are not getting the relief which they are entitled to get under

the law in Pakistan, then it will be possible for our Government to withdraw this principle of reciprocity and say that reciprocity will not apply to Pakistan. I appreciate the difficulty of Government in excluding Pakistan in *toto* from a Bill like this. So the *via media* which I am suggesting is that our Government should be satisfied not only with regard to the existence of a similar legal provision in Pakistan but also with regard to the fact that such laws are being actually implemented in favour of those living in India who may hold orders and be desirous of seeing them executed in Pakistan. I think if at least that point is made clear, then the apprehension, the genuine apprehension which has been expressed from this side of the House may be met or at least there will be less ground for any such apprehension.

**Shri Biswas:** I will first point out that this amendment which is embodied in clause 4 of the Bill is just on the lines of the existing section 3 of the Act which is in these terms:—

"If the Central Government is satisfied that provisions have been made by the legislature of any part of His Majesty's dominions for the enforcement within that part of..." etc. etc.

Instead of "provisions...made by the legislature" of that country, we substitute the words "legal provisions—practically the same, nothing more exist." What my hon. friend, Dr. Mookerjee suggests is that we should introduce something else in this clause.

**Mr. Deputy-Speaker:** He only wants an assurance.

**Shri Biswas:** The question is this. If it is on a reciprocal basis we cannot be satisfied unless reciprocity has already been established. It begs the question. How are we to satisfy ourselves that in point of fact the Pakistan courts are not actually honouring this provision? It will be on a reciprocal basis: with effect from a particular date orders of either country will be enforceable in the other. We cannot wait and see saying, "First of all we shall see whether you do your part of the work and then we shall reciprocate on our side." That is not the scheme. The scheme is reciprocal, so that the arrangement comes into force on the same date in the two countries.

**Dr. S. P. Mookerjee:** That is a purely technical difficulty. Then power should be taken by our Government so that in case it finds that the provisions are not being implemented then the

reciprocity will be withdrawn. That makes it simpler still.

**Mr. Deputy-Speaker:** But that always is the agreement.

**Shri Biswas:** As a matter of fact, if that order is made for reciprocity it is always open to this Government to revoke it—that is provided for in the General Clauses Act itself. My hon. friend need not be in any doubt about that. If we find that Pakistan is not reciprocating *de facto*, not merely *de jure*, then it will be open to this Government to withdraw the concession.

**Dr. S. P. Mookerjee:** Quite.

**Shri Biswas:** Apart from that, I shall refer to the use of the word "may". Sometimes "may" means "shall" according to the ordinary canon of interpretation, but I do not think that that is the meaning here.

As regards the other question, I can say that there are quite a large number of countries with which India has already entered into reciprocal arrangements. I have here a list which mentions sixteen such countries. That is under the existing Act. Apart from England and Ireland and countries of the British Commonwealth you have such reciprocal arrangements with other countries, like Mauritius, Kenya, Zanzibar and so on.

**Sardar Hukam Singh:** If that arrangement has already been made with sixteen countries then it means that it can be made with any country. So, where is the need for this legislation?

**Mr. Deputy-Speaker:** This extends it to all the countries. Now I will put the amendment to vote.

The question is:

In page 1, line 24, after "India" insert "except Pakistan".

The motion was negatived.

**Mr. Deputy-Speaker:** The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was 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 be passed."

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill be passed."

बी नम्बर तात्त्व इर्दा : उपाध्यक्ष न्होदय में हिन्दी में बोलूंगा आवेदक में ने पहले ही दिन आवेदन की थी कि वहां पर में हिन्दी ही बोलना चाहता हूँ। तब इस संसद के समक्ष में सिद्धान्त रूप से हिन्दी बोलना चाहता हूँ और वह इसलिये कि इस समवय ला निनिस्टर न्होदय ने समस्त देशों के साथ पारस्परिक सम्बन्ध स्थापित करने के लिये इस विवेदक को प्रस्तुत किया है।

मेरा निवेदन यह है कि इस विवेदक में पाकिस्तान को दूसरे सभी देशों के साथ स्वान न देना चाहिये। इस समवय हम लोगों के बस्तुस्वित से बांध भूंद सेने से कान नहीं चलेगा। हम ने आज तक वह देखा है कि भारतवर्ष के साथ पाकिस्तान का जितना रुद्धबन्ध रहा है सब में भारत का ही नुकसान रहा। पाकिस्तान से आये हुए जितने सरजारी हैं उन की हानि रही और यहां से जाने काले, जिन की सम्पत्ति भारत में है वे उस क पूर्ण लाभ उठा रहे हैं।

इसलिये हमारा यह कहना आवश्यक हो गया है। हमारे आदरशीय डाक्टर मुशर्री के संकोषन के मुकाबले के बनुसार एक गड़बड़ाहट इस प्रकार की हो गई है कि जितने भी और देश हैं जिन के साथ उस में पारस्परिक विनियम हो सकता है उन के लिए भी हम को यह लिखना पड़ेगा। You are to see that this thing is being carried out into practice. हम कहते हैं कि समस्त देशों के साथ अन्देह करना आवश्यक नहीं है। लेकिन जिस देश ने निरन्तर कितने ही ऐश्रीमेंट किये और उन को पूरा नहीं किया उम के साथ ऐसा करना आवश्यक हो सकता है। दिल्ली पंक्ट तो अभी प्रसिद्ध ही है। इस के लिये वह कहते रहते हैं कि वह इस को सत्यता से और पवित्रता से निभा रहे हैं और उन की ओर कोई गड़बड़ी नहीं है। लेकिन वहां जो

बदबहार बल्पसंबन्धों के साथ हो रहा है वह निरन्तर हमारे सामने आता रहता है। इसलिये मेरा यह निवेदन है कि पाकिस्तान को इस पारस्परिक विनियम में सम्मिलित न किया जाय। और पाकिस्तान के अतिरिक्त और देशों के साथ हमारा यह सम्बन्ध हो कि जो देश हमारी दिल्ली का सम्मान करता है उस की दिल्ली का यहां सम्मान किया जाय। यहांतो हम समवय सकते हैं। बगर पाकिस्तान के साथ भी यह सम्बन्ध रहा तो जिस तरह से और ऐश्रीमेंटों के प्रावीजनक का वह दुरुपयोग कर रहे हैं उसी तरह उस के प्रावीजनक का भी वह दुरुपयोग करेंगे। इस दुरुपयोग के कारण से भारतवर्ष में रहने वाले वा भारत वर्ष में आवेद्ये बवाकितवां को भारतीय सम्पत्ति के सम्बन्ध में हानि पृष्ठ लकड़ी है और वहां वालों को इस में विवेद लाभ होगा। इस समवय तक भी कम से कम १५-२० करोड़ रुपये की सम्पत्ति भारत से पाकिस्तान को जा चुकी है। और निरन्तर जाती रहती है। इसलिये में बार बार यह निवेदन करता हूँ कि पाकिस्तान को इस में शारीक न किया जाय पाकिस्तान को छोड़ कर वाकी देशों के साथ ऐश्रीप्राप्तिकी का सम्बन्ध रखा जा सकता है यही मेरा भतलब है।

Shri Namdhari rose—

**Mr. Deputy-Speaker:** Hon. Members must know that they should not only not repeat what they have said, but also what others have said.

**Shri Namdhari:** Nothing of the sort, Sir.

ہری یہ درخواست ہے کہ ہندی کا چلنا تو مہار کے لیکن جونکہ ہم نے حال ہی میں چینچ لوور کہا ہے اسلئے اگر کمہلہکس ہندی کی جگہ ہو دو ملی ہندی بولی جائے تو ہم اپنا گزارا کر لیں گے۔

जी नन्द लाल शर्मा : बगर इसका नाम कर्पलेक्स हिन्दी है तो मिस्टर बोली म जाने क्या होगी ।

**Pandit Balkrishna Sharma:** It is a shame that he does not know the language of his Gurus.

(English translation of the above speech).

**Shri Nand Lal Sharma (Sikar):** Mr. Deputy-Speaker, I shall speak in Hindi, because on the very first day I announced in Parliament that it shall be a matter of principle for me to speak in Hindi. The Law Minister has moved for the consideration of a Bill for entering into reciprocal arrangements with other countries. My submission is that Pakistan should be excluded from the list of such countries. We cannot afford to close our eyes to facts. It has been our experience that in all Indo-Pakistan dealings India has always stood to lose. The refugees who have come from Pakistan have been put to loss, while those who have migrated from India are still enjoying the profits of their property in India. It is because of this that one is constrained to say so. According to the amendment proposed by Dr. Mukerjee, we shall have to insert the following words in respect of all the countries with which reciprocal arrangements are to be entered into: 'You are to see that this thing is being carried out into practice'. It is not necessary to entertain doubts about all the countries, but it is quite natural to do so in the case of a country which has consistently failed to fulfil its obligations. The Delhi Pact is still fresh in our minds. They (the Pakistanis) claim that they are implementing it honestly and faithfully and say that there is no slackness on their part. But we daily witness what kind of treatment is being meted out to the minorities there. I, therefore submit, that Pakistan should not be included in these reciprocity arrangements. It is of course understandable to provide that the decrees of all countries, which enforce our decrees, should be enforced in this country. But if these arrangements are entered into with Pakistan, it would misuse this provision just as it has been misusing the provisions of other agreements. In this way, Indian citizens or the persons who have migrated to India, shall stand to lose in respect of property in India, while they (the evacuees to Pakistan) shall stand to gain. Up to this time property worth 15 to 20 crores of rupees has already been transferred from India to Pakis-

tan and such transfer is continuing. That is why I repeat again and again that Pakistan should not be included in these arrangements. Barring Pakistan, we can enter into reciprocal arrangements with all other countries.

**Shri Namdhari rose—**

**Mr. Deputy-Speaker:** Hon. Members must know that they should not only not repeat what they have said, but also what others have said.

**Shri Namdhari (Fazilka-Sirsa):** Nothing of the sort Sir. My submission is that the use of Hindi is quite welcome, but since the change-over has been very recent, it shall be of advantage to us if Hindi mixed with Urdu is spoken instead of this complex Hindi.

**Shri Nand Lal Sharma:** If this is complex Hindi, I do not know what the mixed language will be like.

**Pandit Balkrishna Sharma (Kanpur Distt. South cum Etawah Distt.—East):** It is a shame that he does not know the language of his Gurus.

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**Mr. Deputy-Speaker:** Does the hon. Member take exception to the word अदि ? I am glad that hon. Members have not understood what has happened. There is nothing strange if Sanskrit words are used. After all, whenever new words have to be coined, the basic language is Sanskrit. It cannot be Arabic or Persian. Sanskrit is a language already in use, and it is one of which everybody in this country must be proud. If some hon. Members have not had the opportunity to know it, it is not too late for them to learn it.

The question is :

"That the Bill be passed."  
The motion was adopted.

#### NOTARIES BILL

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

"That the Bill to regulate the profession of notaries be taken into consideration."

In a sense, legislation regarding notaries is not new to this country. There is provision in the Negotiable Instruments Act for the appointment of notaries. Section 138 of that Act provides—

"...the Central Government may, from time to time, by notification in the Official Gazette, appoint any person by name or by virtue of his office to be a notary public under

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this Act and to exercise his functions as such within any local area and may by like notification remove from office any notary public appointed under this Act.

Notaries public appointed under this Act are competent only to exercise the functions which are prescribed thereunder. In addition to such notaries public, there is another class of notaries public practising in India who derive their authority, not from the Government of this country, but from the Master of Faculties in England.

[PANDIT THAKUR DAS BHARGAVA  
in the Chair]

That is an ancient institution, and as a matter of fact the history of notaries in England goes back to the reign of Henry VIII. Before that, the authority was vested in the Pope. Then it was taken away from the Pope and vested in the Sovereign of England. Since then, this power has been delegated to what is known as the Court of Faculties. It is the Court of Faculties which now enrols notaries. The instrument of authorisation which enables a notary to function as such is issued by the Master of Faculties acting under the Court of Faculties. Various persons from India—not merely solicitors, though most of them were solicitors, but others as well like chartered accountants and businessmen—now approach the Master of faculties supported by testimonial and other documents for enrolment as notaries public with liberty to practise in India and elsewhere, and that class of notaries generally command a higher status and rank as compared with notaries functioning under the Negotiable Instruments Act.

Now that India has attained independence, it was in the fitness of things that no notaries should henceforth derive their authority from any institution in England, however sanctified it might be by custom and age. The proposal was therefore made that the Central Government should take power to appoint notaries, not merely notaries competent to function under the limited provisions of the Negotiable Instruments Act, but in a general way like notaries enrolled and appointed by the Master of Faculties in England. That proposal was in due course communicated to the Master of Faculties, and with your permission I should like to read out the reply received through our High Commission from

the Archbishop of Canterbury who is in charge of the Faculty Office. He says:

"I note that the Government of India propose at an early date to undertake legislation providing for the appointment of notaries for all recognised notarial purposes, and I shall of course fall in line with their wish that no further patents for any part of India should be issued by the Faculty Office."

Our High Commission had intimated to him that they might not in the Faculty Office issue any further patents to any applicants from India. He proceeds:

"Naturally, I cannot abandon this old jurisdiction without some feeling of regret. It has always seemed to me to form a pleasant link between our two countries. But the old order changes and I have lately felt that the change here would be natural, and indeed inevitable."

He recognises that fact and quite rightly. He proceeds:

"When a change has to be made, it is good that it should come about happily, and I should like to thank you and through you the Government of India for the kind words with which you end your letter."

So, there it is. That is why I wanted to reciprocate the same sentiment in dealing with the other matter also.

We ought to be careful now in enacting this legislation. The point I should like the House to consider is this. Whether in legislating for enrolment or appointment of notaries in this country we should in any way lower the standard which now prevails. As a matter of fact, there is an amendment in which it has been suggested that a muktear should also be competent to be enrolled as a notary. Personally speaking, I have no prejudice against muktears. I have come in contact with many muktears, and some of them are very competent lawyers, much better lawyers than many ordinary pleaders in district courts. But still when you are legislating, it is for consideration whether or not you should have in your definition reference to an yclass of legal practitioners who may not command the same confidence as lawyers of a higher status. I shall deal more fully when the amendment is moved.

The functions which notaries have got to discharge are very important and responsible. There is some misapprehension in certain quarters that all that a notary public has got to do is to put his signature to a certain document by way of attestation, as an ordinary witness does. That is not so. He has got to attest not merely documents; he has got to attest what is called a "notarial act". Suppose a man comes to him; he has got a Bill of Exchange, for instance. He presents the Bill of Exchange to the Notary Public. The Notary Public on his behalf presents it to the party who is liable. Suppose he does not get any answer from him. Then he records that fact: "I took it to so and so; but he will not honour this." Thereupon he enters a protest. He "protests" the Bill of Exchange, as the language goes. The Notary Public records the facts which actually did take place. Then he puts his signature at the bottom of that instrument. That instrument authenticated by his signature and by his seal can be presented in a court in any part of the civilised world, where notaries are recognised. That is accepted, not merely the attestation of that document by the notary, but as proof of the truth of the statements for which he has vouched by signing that instrument.

The duties and functions of a Notary Public are very responsible ones. The English Act regulating the Notaries Public says:

"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 competency of any person who shall hereafter apply for admission or readmission as a Public Notary."

Not only that, it requires every Notary Public (that is left out in our Bill, unless provision is made therefor by rules) to take oath to this effect:

"I do swear that I will faithfully exercise the office of a Public Notary. I will faithfully make contracts of instruments for or between any party or parties requiring the same and I will not add or diminish anything without the knowledge and consent of such party or parties that may alter the substance of the fact. I will not make or attest any act, contract or instrument in which I shall know there is violence or fraud; and in all things I will act uprightly and justly in the business

of a Public Notary, according to the best of my skill and ability.

So help me God."

This clearly shows the responsibility attached to the office. Notarial acts—not merely attestations—are recognised as proofs of acts done in his presence and attested by him. Unless the acts of a Notary Public command universal acceptance, well, a notary is not worth the name. There is no point in appointing somebody, and allowing him to function and attest documents which are not accepted in foreign countries. It will not do merely to think of India as if that was the only place where a notary is competent to practise. His acts will have effect not merely within the borders of India, but in foreign countries as well. Therefore, it will not do for us to forget that important fact for the purpose of deciding who should be eligible for appointment as Notaries.

This Bill was introduced in the provisional Parliament and was referred to a Select Committee. The Select Committee submitted its report. Unfortunately it was not possible for Parliament to consider that report and the Bill, along with the report of the Select Committee, accordingly lapsed. That is why it has been reintroduced in the present Parliament.

This Bill has been drafted in accordance with the recommendations which were made by the Select Committee. I find there are various amendments—one of them asking that the Bill be referred to a Select Committee over again. It is for the House to consider whether in view of the fact that there was a Select Committee once which had considered the Bill, it is necessary to commit it to another Select Committee.

Of course, there have been quite a large number of amendments received—more than 80, I believe—and that shows the great interest which hon. Members take in this new piece of legislation. As I said, we ought to be very careful as to the lines on which we legislate in this matter. Let it not be said that by our legislation we are lowering the standards in any way. On the other hand, we want that any act of a notary of India should command even higher respect and greater acceptance than that of a notary from another country. Like the Master of Faculties in England there are certain authorities in other countries—but not in many—where notaries are appointed, but everywhere they try to main-

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tain a very high standard. In our Bill we have provided that it will be open to the Central Government to limit the area within which a notary may act or the purpose for which he may function. That is a necessary safeguard, because all at once we cannot throw open to every Notary who may be appointed under the Act all the functions which are open to a Notary Public. At any rate in the first stages we ought not to go to that extent.

One of the recommendations of the previous Select Committee was that the preparation of any instrument relating to movable or immovable property need not be a notarial act, and they omitted the provision relating to it. Effect has been given to that in the present Bill.

There is an amendment to one of the clauses where the word "instrument" is defined. Whether that is desirable or not has to be examined. I submit the Select Committee excludes only the preparation of such an instrument, whereas the amendment seeks to exclude even attestation of such instrument. My own personal view is that when you are laying down the duties and functions of a Notary Public, you should make it as exhaustive as possible, especially when you are taking power to limit the functions which you may assign to a particular Notary Public. Otherwise it may seem that an important part of the functions of a Notary has been taken away under our legislation. That is not desirable, because the execution of such instruments and conveyances is an important part of the responsibilities of a notary public even now under the faculty granted by the Master of Faculties and in other countries as well. There is no reason, therefore, why this should be omitted. The reason which actuated the Select Committee, I understand, was this. They thought that this will clash with the powers given to ordinary deed-writers here and may take away from them their cherished profession. Nothing of the kind. There are documents and documents, and a man who has an ordinary conveyance or a deed of sale in respect of some property in a village and who desires such an instrument to be executed will not go to an expensive notary public. But, on that ground, to take away from the notary public this important part of his functions would not be right. That is my personal view. However, this Bill has been drawn up without any alteration and on the lines recommended by the previous Select Committee.

That is the position. Notaries are entitled to draw or prepare any instrument relating to real or personal estate or any legal proceeding.

These, then are the important points. I wish to emphasize the responsible character of the functions discharged by the notary public. I wish to point out that the notary public is invested with an official and international character. It is not merely that he is entitled to practise and his acts are to take effect only within the limits of this country. His status is recognized by the laws of all civilized nations. I believe that instruments sworn and authenticated before him and notarial acts performed by him are all respected and received as evidence in foreign courts. I need not go into the details of this measure.

**Mr. Chairman:** Motion Moved.

"That the Bill to regulate the profession of notaries be taken into consideration."

**Shri S. S. More** (Sholapur): May I know from the hon. Minister whether he has any objection to send this Bill to a Select Committee of this House?

**Mr. Chairman:** It was referred to a Select Committee.

**Shri S. S. More:** It was to another Select Committee—of the previous House.

**Mr. Chairman:** He has already dealt with this matter. There are certain motions tabled to this effect. If any hon. Member wishes to move his motion he is perfectly entitled to do so.

**Shri Biswas:** I hope the report of the Select Committee has been circulated to hon. Members.

**Several Hon. Members:** Yes, yes.

**Shri K. K. Basu** (Diamond Harbour): As the hon. Minister himself has emphasized the international character and the responsible nature of the job performed by notaries, and in view of the fact that so many amendments have been tabled, I think it would be better to refer it to a Select Committee of this House.

**Mr. Chairman:** May I request the hon. Member to wait a little? There is a motion for reference to Select Committee. Let me first enquire whether the motion is going to be

moved. Shri S. V. Ramaswamy is absent.

**Shri Raghuramaiah** (Tenali): I have given notice of a similar motion.

**Mr. Chairman:** When did he give notice?

**Shri Raghuramaiah:** Yesterday.

**Shri Biswas:** I have got a copy of it, Sir.

**Mr. Chairman:** The hon. Member should have given the names of the persons proposed to the Select Committee and passed them on to me. The rules require that they should be given beforehand. There is also another objection that he has not indicated the time by which the report of the Select Committee should be made.

**Shri B. Das** (Jajpur-Keonjhar): It is not clear to me how motions for reference to Select Committee are sought to be moved now. The hon. Minister has moved his motion for taking the Bill into consideration, and I thought we are at the consideration stage.

**Mr. Chairman:** No, no. This is the proper time. The motion has been made that the Bill be taken into consideration. To that motion an amendment is sought to be moved that it be referred to a Select Committee. It is perfectly in order.

**Shri B. Das:** I am sorry.

**Mr. Chairman:** Very well, the hon. Member may just move his amendment so that the House may not wait.

**Shri Raghuramaiah:** With your permission, Sir, I shall first move my amendment and then I shall give the names. If it was merely a question of this House not having had any say in the matter, because it was the Select Committee of the last House that took all the points into consideration, I would not have stood on a mere technicality. But, as will be seen from a number of amendments that have been tabled, the Bill requires, possibly, very radical changes, some in principle and some of a drafting nature.

Coming to the point of principle, first I find that attestation of documents is made a notarial act with the result that any person who attests any document which falls within the definition of 'instruments' under this Bill will be penalized unless he gets the licence under this Bill. We all know that in this country attestation of pro-notes, sale deeds, etc. is done by ordinary people living in the villages who

are personally acquainted with the actual events, who know the persons who execute the documents and who are easily available for giving evidence in courts whenever the attestation becomes a subject-matter of dispute. To make this, the act of a notary, to require that for the ordinary attestation of a pronote or a sale deed a person should go all the way to a notary in a town and wait at his door-step in order to get the attestation, and to make the Executant run after the notary for giving evidence in courts is a very cumbersome and difficult procedure. I submit it is quite unnecessary. It may be all right in a country like England where you have got the solicitor system, where even the persons living in remotest villages have got the opportunity of consulting a solicitor. But in a country like this where every day thousands and thousands of documents are executed in remote corners, where notaries can hardly be found, it will be imposing a very great strain on and causing very great inconvenience to our people.

As regards two other points which strike me, in the first place I would like to draw attention to the definition of the term 'legal practitioner' in clause 2.

It says:

"Legal practitioner" means an advocate, vakil or attorney of the Supreme Court or of any High Court, or a pleader practising in any subordinate civil court;".

It seems to me extraordinary. I can only say that it is probably due to oversight that an advocate practising in a district court is omitted from the definition of 'legal practitioner'. As the language of the clause stands, this is what, in effect, the clause comes to, unless the word 'advocate' is intended to stand by itself and then the words "vakil or attorney of the Supreme Court or High Court, etc." are intended to stand as a separate category. But if that is the intention it should have been more clearly drafted. I suggest that we do not have any definition of 'legal practitioner' at all because we know what 'legal practitioner' means. But if we have a definition we must make it clear.

There is one other matter and if I am wrong in that, I would be very grateful to be corrected. I refer to the use of the word 'notaries' in line 40, page 3 of the Bill. This occurs in clause 13. Clause 13 relates to acts done by notaries in foreign countries. That is to say, any act done by a notary in a reciprocating foreign territory will

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be recognised within India. The reference there is to a notary in a foreign country, appointed in that country or recognised in that country. I would like to draw the attention of the House to the definition of the word 'notary' in clause 2(d). It says:

"'notary' means a person appointed as such under this Act."

Therefore, the reference to notaries in line 40, page 3 must be construed as a reference to notaries appointed by the Government in this country. But that is not obviously the intention. This is a matter which must be looked into.

These are some of the amendments which strike me. There are many more which we may like to consider. If the whole House has to consider them it will take a long time and I do not think it would be worthwhile. I would therefore move my amendment.

I beg to move:

"That the Bill be referred to a Select Committee consisting of....."

I shall presently pass on the names.

**Mr. Chairman:** What is the date?

**Shri Raghuramaiah:** 18th July.

**An Hon. Member:** The names have not been read to the House.

**Mr. Chairman:** I shall read out the names. Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri N. C. Chatterjee, Shri K. K. Basu, Dr. A. Krishnaswami, Shri Rayasam Seshagiri Rao, Shri B. S. Murthy, Shri Munishwar Datt Upadhyay, Shri H. V. Pataskar, Shri B. N. Datar, Shri N. C. Kasliwal, Shri N. P. Nathwani, Shri C. C. Shah, Shri N. P. Sinha, Shri Kushi Ram Sharma, Shri S. V. Ramaswamy, and the Mover....."

**Dr. S. P. Mookerjee:** The Law Minister must be there.

**Mr. Chairman:** But, his name is not here. It is better his name is included. His name will be taken as included. Does the hon. Member wish to include his name also?

**Shri Raghuramaiah:** Yes, Sir.

**Mr. Chairman:**

...Shri C. C. Biswas, and the Mover, with instructions to report by the 18th July, 1952."

**Shri P. T. Chacko (Meenachil):** May I know, Sir, whether these hon. Mem-

bers have consented, and whether the hon. Member has taken their consent?

**Mr. Chairman:** All the hon. Members are present here. If any of them does not want to serve on the Committee, then, the matter may be considered. When an hon. Member moves the names, it is presumed that their consent has been taken.

**Shri K. K. Basu:** In view of the fact that the Government is accepting the suggestion for reference of the Bill to the Select Committee, I do not want to take much of the time of the House. I had also given notice of an amendment to the same effect. Now, I have only one amendment to this motion. I do not know if the 18th will be a suitable date. I suggest it may be extended by a week.

Many points have been covered by the Minister himself as to the importance of this particular legislation and the important part played by notaries for more than a century in the commercial life of our country. I agree with many of the points made by the Minister and I support the principle of the Bill. In fact, I congratulate the Minister for bringing forward this legislation. Though it is a minor one, it is a good thing to do away with all the links, however good they may be, with our imperialist rulers. No doubt, the notaries have played a very important part in our country, especially in the commercial life. In course of time, as industry and commerce in our country develop, specially international trade, I think the notaries will have to perform much better and more important functions.

**Shri Venkataraman (Tanjore):** May I raise a point of order? It has been a convention in this House that Members who are on the Select Committee do not participate in the discussion at the stage when the matter is referred to the Select Committee. I want to know whether that convention is valid and whether it is being followed.

**Pandit K. C. Sharma (Meerut Distt.—South):** It has not been a binding convention.

**Mr. Chairman:** Conventions are developing. Members who are on the Select Committee are not allowed to have their say at this stage. Here, the peculiar position is that a gentleman whose name is given here wants to support the motion for reference to the Select Committee. He is not speaking on the merits of the Bill.

**Shri Venkataraman:** I thought he did.

**Mr. Chairman:** He is only speaking on the motion whether the Bill should be referred to the Select Committee.

**Shri K. K. Basu:** That is why I have also an amendment for referring the Bill to the Select Committee and I am glad it has come up. As we go through the amendments that are before us, we find most of them support the Bill and intend to improve upon the working of particular sections of this legislation. Instead of going into the details of them, I commend the motion to refer this matter to a Select Committee with this particular suggestion that the time may be extended at least to the 25th or 26th July.

**Shri Biswas:** In that case, it cannot be passed in this session. It will have to go to the Council of States. If you are extending the time up to the 26th, there is hardly any time left.

**Shri K. K. Basu.** My point is this. We will have discussions in the Select Committee. As I know the sense of the House, it will not take much time to push this Bill through. There will be enough time to get it through the Council of States also.

**Shri Biswas:** Personally speaking, I should have been pleased if we have the whole discussion here. There are now more than 80 amendments. If they are discussed, I am quite sure, they would be accepted or rejected by agreement and we could come to some conclusions. My only fear is this. One reason for referring the Bill to a Select Committee is that we may save the time of the House. If there is no prospect of saving the time, and if we are only going to be flooded with another list of 80 amendments, there is hardly any point in referring the matter to the Select Committee. We would rather be done with it and try to dispose of the matter. I would not agree to any delay. I shall adopt any suggestion which will have the effect of saving the time of the House. If this motion only means adding to our troubles, and adding to controversies in this House, there is hardly any point in referring the matter to a Select Committee.

**Shri Nambiar (Mayuram):** Our only point was...

**Mr. Chairman:** I am sorry to interrupt the hon. Member. I thought the Law Minister was going to accept the proposal.

**Shri Biswas:** I have no objection.

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**Mr. Chairman:** Otherwise, I would not have called upon him at this stage to speak. Other Members have not been given full opportunity to voice their views.

**Shri Biswas:** I have no objection to that procedure.

**Mr. Chairman:** I shall just allow other Members to have their say in the matter.

**Shri Nambiar:** Our point is not either to protract or delay the Bill. Our only point is to see that these various points raised in the amendments may be accommodated and a forum arranged for discussion. If it is possible to get that done by the 18th or the 16th, we have no objection. We are here to work together and finish it. We are not here to delay. If it is delayed, it will do harm. Therefore, I suggest that the Bill may be referred to the Select Committee.

**Shri Biswas:** I accept the amendment provided we can report by the 18th—I mean I accept the original proposal, not the amendment.

**Shri K. K. Basu:** In that case, I don't press for the extension of time.

**Mr. Chairman:** I understand the position is that the motion is going to be accepted by hon. the Minister for Law.

**Shri B. Das:** The hon. Minister has suggested that most of the amendments have already been tabled, and that if the Bill is taken, the discussion can be finished in half an hour. I, therefore, suggest that if the hon. Law Minister and those who have to put the amendments meet in a conference this afternoon and accept the amendments, the Bill need not be referred to the Select Committee, if that proposition is accepted by the Members here.

**Mr. Chairman:** I put the motion to the House. The question is:

"That the Bill be referred to a Select Committee consisting of Shri N. C. Chatterjee, Shri K. K. Basu, Dr. A. Krishnaswami, Shri Rayasam Seshagiri Rao, Shri B. S. Murthy, Pandit Munishwar Datt Upadhyay, Shri H. V. Pataskar, Shri B. N. Datar, Shri N. C. Kasliwal, Shri N. P. Nathwani, Shri C. C. Shah, Shri N. P. Sinha, Shri Kushi Ram Sharma, Shri S. V. Ramaswamy, Shri C. C. Biswas and the Mover, with instructions to report by the 18th July, 1952."

The motion was adopted.

## CONSTITUTION (SECOND AMENDMENT) BILL

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

"That the Bill further to amend the Constitution of India be taken into consideration."

It is an important measure which the House will carefully consider. The amendment is very brief. It proposes to substitute certain figures for those which are there now in Article 81 of the Constitution. If you turn to article 81 of the Constitution, Sir, you will find it lays down:

"Subject to the provisions of clause (2) and of articles 82 and 331, the House of the People shall consist of not more than five hundred members directly elected by the voters in the States."

In the next clause it is provided:

"For the purpose of sub-clause (a), the States shall be divided, grouped or formed into territorial constituencies and the number of members to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one member for every 750,000 of the population and not more than one member for every 500,000 of the population".

The proposed amendment is that instead of the figure 750,000, we have the figure 850,000, and instead of the figure 500,000, we have the figure 650,000. And this is necessitated by the provision which is contained in sub-clause (c) of clause (1):

"The ratio between the number of members allotted to each territorial constituency and the population of that constituency as ascertained at the last preceding census of which the relevant figures have been published shall, so far as practicable, be the same throughout the territory of India".

As we know the last general elections were held on a population basis as the President was pleased to determine under article 387. The last census had taken place in 1941, and in view of that it was provided that for purposes of the General Elections which were to take place long thereafter, the President should be authorised to determine what should be the population estimate on which the General Elections should be held. After the 1951 census, we have got figures according to which there has been an all-round increase in popula-

tion, almost in every one of the States. In fact we find that in respect of the total population, there is an increase of over 13 per cent. in all, and therefore that will necessarily involve a change in these minimum and maximum figures laid down in clause (b) of Article 81. The average which we had at the last elections was one Member for every 7.2 lakhs of the population. Members were elected to the House of the People in Part A and Part B States on the basis of one Member for every 7.2 lakhs on the estimated population, giving a total of about 470 Members from those States. The census figures, as I have said, are higher in all cases. The over-all limit of 500 Members for the House of the People is left unchanged. Therefore, it is not possible to increase appreciably the number of seats allotted to these States. Therefore, we have got to reduce the average percentage of representation. In these circumstances, instead of one Member for 7.2 lakhs, we have now to provide for one Member for, say, 7.5 lakhs. We find that if we alter the figures from 750,000 to 850,000 and from 500,000 to 650,000, that will correspond with this estimate. That is why this change has to be made. The effect of it, so far as it is possible to say at the present moment, will be this: Out of 17 Part A and Part B States, the number will remain unaltered in nine States. It will be increased by three in one State, viz., Bombay. It will be increased by one in Madras and Mysore, it will be decreased by two in Uttar Pradesh, whereas in four States, Bihar, Madhya Pradesh, Punjab and West Bengal, there will be a reduction of one in each. That will be the result of this new adjustment. From that point of view, this amendment has been suggested. As a result of this, we shall have to take up the other Bill which I shall move later on, the Delimitation Commission Bill. Under Article 81 of the Constitution, for the purpose of this adjustment, you want some Commission which will have the authority to do the actual work of delimitation. I shall deal with that Bill later on. But what I want to say is that the two Bills are really linked with each other.

**Shri Datar (Belgaum North):** May I request the hon. Law Minister to clarify one point. He has told us that there will be reductions in certain provinces and some increase in some other states. Which will have more seats now, according to this Bill?

**Shri Biswas:** I shall repeat what I said earlier. Bombay will have 3 additional seats, while Madras and Mysore will have two additional seats each, and Uttar Pradesh will have two

less, while Bihar, Madhya Pradesh, Punjab and West Bengal will have one less each. In 9 States the figures will remain unaltered.

**Shri S. S. More (Sholapur):** What about Bombay?

**Shri Biswas** There is an increase of three.

**Shri Brohmo-Choudhury (Goalpara-Garo Hills—Reserved—Sch. Tribes):** What about Assam?

**Shri Biswas:** It remains unaltered.

**Dr. P. S. Deshmukh (Amravati East):** What about Madhya Pradesh?

**Shri Biswas:** It will have one less.

**An Hon. Member:** Any change in Travancore-Cochin?

**Shri Biswas:** It is included in the list of States in which there is no alteration.

**Shri S. S. More:** In Bombay, what part, either Maharashtra, Gujarat or Karnataka?

**Shri Biswas:** We have not yet come to that stage.

This proposal as also the Statement of Objects and Reasons make things perfectly clear. I shall try to explain more later, if it is necessary.

**Shri L. J. Singh (Inner Manipur):** What about Part C States?

**Shri Biswas:** They will have to be dealt with on a special basis. There is already a special provision for these States.

**Shri B. Das (Jajpur-Keonjhar):** May I put one question to my hon. friend the Law Minister? When will this Bill come into operation, at the next election or now?

**Shri Biswas:** The Constitution provides that the Delimitation Commission will have to be given the powers to delimit the constituencies. The present delimitation of parliamentary and assembly constituencies is based on the estimates of population which have been given legal authority by an order of the President under article 387, and are restricted to elections held during the first three years after the commencement of the Constitution. These three years will expire by the 25th or 26th of January 1953. If there are to be any General Elections thereafter, we ought to keep ourselves ready for that. For any bye-elections, the existing voters' lists will operate. There is no doubt about that. Suppose for

some reason or other, the present Parliament is dissolved and a new Parliament is to be elected, then we have to get ready for this. Therefore we shall have to take action in the matter right from now. That is why the present Constitution Amending Bill has been brought forward at this moment. This Bill will in a sense come into operation upon the dissolution of the present Parliament and for the election of the new Parliament that will follow.

**Shri Kazmi (Sultapur Distt.—North cum Faizabad Distt. South-West):** We want to know what is the procedure by which the increase or decrease in the number has been made? You have provided for the number of voters, both the maximum and the minimum. If the same principle is followed, the number must decrease everywhere, because you are increasing the number of voters from 500,000 to 600,000 and from 750,000 to 850,000 for the minimum and maximum respectively. But actually it is stated that there is an increase with regard to some States. How does this happen?

**Shri Biswas:** That is explained in the Statement of Objects and Reasons. What I did say a few minutes ago was that I sought to analyse and find out in how many States there will be an increase or decrease, and in how many States, the figures will remain unaltered. What I have given you earlier is only an estimate. I warn hon. Members not to take it as the final say in the matter. It may be, when the delimitation is made, the numbers will vary. In the last election, the average was 1 Member for 7.2 lakhs of voters, and now I am taking one Member for every 7.5 lakhs of voters. On that basis, what I said will follow.

**An Hon. Member:** Will this affect the State Legislature also?

**Shri Biswas:** I have not dealt with that. But that is bound to.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Constitution of India be taken into consideration."

If there are any amendments which hon. Members would like to move, they may do so.

**Shri H. N. Mukerjee (Calcutta North-East):** I want to move the amendment that stands in my name. I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the first day of November 1952."

[**Shri H. N. Mukerjee**]

At the fag end of the morning session, we are discussing the Constitution Amendment Bill. That is not the whole story. We have heard the hon. Minister of Law giving his reasons for amending the Constitution, which, we should remember every time we discuss it, is a fundamental document which is worthy of the most careful consideration. But when I heard the reasons which were adumbrated by the hon. the Minister, I found that it was a mere bureaucratic rehash of a very uninspiring summary of the Statement of Objects and Reasons which has been given to us for our delectation. I want to make it clear that the Government should not be allowed to get away scot-free with efforts to amend the Constitution, in this deliberately hurried fashion. I say so, because this Constitution is a fundamental document, is a super-Statute, is a body of principles formulated after very careful thought by the representatives of our people, and in a manner which was very different from the manner which we now see displayed by the members of the Ministry in this House. That being so, it is necessary that we should treat our Constitution with the respect, reverence and the consideration which it pre-eminently deserves. I would like to emphasize this point because I feel this is lost sight of very often. We have got a Constitution which is a standard, and a criterion, or a measure of all things that we are doing, of all legislative activity in this House.

[**MR. DEPUTY-SPEAKER in the Chair**]

I would like to refer to certain historical examples of how fundamental documents like Constitutions have come to be treated. We here are wedded to the principles of Anglo-Saxon jurisprudence and we treat Constitutions in the rather cavalier fashion which the hon. the Law Minister has displayed, because we have an idea that the British Constitution can be changed overnight by the will of Parliament, and there can be no very important consideration given to it. There was however a time in the history of British constitutional development when the idea of a fundamental law was very much in the picture.

The hon. Minister of Law has been a very assiduous student of jurisprudence and he surely knows that right from the days of Bracton and Lyttleton up to Coke and even Blackstone the idea of a fundamental law has played a very large part in the development of jurisprudence. As long

as the idea of fundamental law was there, as long as the idea of the existence of a standard by which every piece of legislation was going to be judged was there, the fundamental law was treated with very great respect, with very great consideration. I might quote what Coke said in one of his commentaries in regard to the law of England. In those days they had an idea that in the law of England there were certain provisions which could not be tampered with, which could not be changed in the usual fashion of ordinary legislation and in those days the *Magna Carta* used to be looked upon as one of the primary fundamental laws of England; and in his commentary Coke said in memorable terms "The *Magna Carta* is such a fellow that he will have no sovereign." That is the *Magna Carta* is sovereign; the *Magna Carta* is a formulation of the law in such a fashion that it cannot be disturbed in a very hurried fashion. Well, in this instance what we find is that the Minister of Law is asking us to agree to a certain change in the Constitution of our country and the reason which he gives is that it is a very minor matter, that it is a purely technical matter, it is a routine business, that you just try to find out the census figures and you just adjust the number of representatives the people of this country are going to have in the House of the People. Now, Sir, I would like to submit that this way of quoting technicalities, this method of referring to something laid down in the Constitution and then introducing into the Constitution...

**Mr. Deputy-Speaker:** All such matters are for reference either to a Select Committee or for eliciting public opinion.

**Shri H. N. Mukerjee:** I have to point out with all respect that this being a matter of ...

**Mr. Deputy-Speaker:** As the hon. Member will see, the entire census figures are for the whole of India. The Census Commissioner will have to go through the census.

**Shri H. N. Mukerjee:** I shall come to that point later.

**Mr. Deputy-Speaker:** I have no objection. But the hon. Member should address primarily.....

**An Hon. Member:** Permit him to give a class-room lecture.

**Shri S. S. More:** We hear sermons from the other side also.

**Shri Bhagwat Jha (Purnea cum Santal Parganas):** We hear sermons from you also, Mr. More.

**Shri H. N. Mukerjee:** I think Members of this House will by no means be the losers if they learn things in the course of discussion. We are all prepared to learn from one another, and that being so, if a subject comes before us which tends to a serious discussion, I hope the House will willingly and patiently listen to what any hon. Member has to say.

Now, Sir, my purpose in asking that the Bill be circulated in order to elicit opinion thereon is that it touches the fundamental rights of our people. By this Bill you are trying to bring a change in the Constitution, a change in the procedure of election of Members of the House of the People, and therefore this is a Bill which certainly has got to be considered very carefully with all respect due to the Constitution and its provisions by organisations and individuals who are interested in this matter. Well, that in a nutshell is the reason why I want that the Bill should be circulated for eliciting public opinion.

I would like to expatiate on certain points because they have been referred to by the hon. Minister.

**Mr. Deputy-Speaker:** If there is augmentation of the number of people, then the constituency has to be modified.

**Dr. S. P. Mookerjee (Calcutta South East):** It can be dealt with in some other way. You can increase the number of seats (Interruption).

**Mr. Deputy-Speaker:** Let us hear the hon. Member.

**Shri H. N. Mukerjee:** I can tell you one thing, Sir. In the United States of America on account of periodic census and redistribution of seats as a result of the holding of such census, the membership of the House of Representatives has come up from 65 to 435. If in the United States of America which in so many ways is an exemplar to our country, this kind of constitutional practice has been followed—and it is a matter of commonsense—then I do not see why we should be chary of increasing the number of the Members of the House of the People. I say that if in this country we have a large population, that should be no reason for depriving the adult population of our country—just because it is a country with a vast population—of their right of representation in the House of the People. It makes no sense whatsoever.

S: P.S.D.

Here are our people who have got under the Constitution which they have given unto themselves certain rights. Now we are delimiting this right, we are depriving a large section of our people of this right because we want to have...

**Mr. Deputy-Speaker:** Does the hon. Member suggest increasing the number of Members of the House?

**Shri Velayudham (Quilon cum Mavelikara—Reserved—Sch. Castes):** Certainly.

**Mr. Deputy-Speaker:** How is it possible? That is not the Bill now under discussion.

**Shri H. N. Mukerjee:** I have an amendment.....

**Mr. Deputy-Speaker:** It will be out of order.

**Shri H. N. Mukerjee:** I have an amendment to article 81.

**Mr. Deputy-Speaker:** The scope of the Bill is limited. The arguments may be interesting, but the question is how far they are relevant. The point here is simply this. Article 81 of the Constitution, sub-clause (3) says:

"Upon the completion of each census, the representation of the several territorial constituencies in the House of the People shall be readjusted by such authority, in such manner and with effect from such date as Parliament may by law determine:

Provided that such readjustment shall not affect representation in the House of the People until the dissolution of the then existing House".

Of course the existing House is not affected by this. It will affect only the future House. Now, on account of the increase in population, there are already about 500 Members; 500 is the total number provided in the Constitution. Now, when one provision of the Constitution is sought to be amended, the amendment of another provision, however interesting it may be, is not germane to that and it does not come within the scope of the Bill.

**Shri N. C. Chatterjee (Hooghly):** May I make a submission, Sir?

**Dr. S. P. Mookerjee:** Let us discuss it tomorrow.

**BUSINESS OF THE HOUSE**

**Mr. Deputy-Speaker:** Before we adjourn, I would like to make an announcement. Hon. members have been anxious to continue discussion of the linguistic provinces resolution as early as possible. In consultation with Government, Saturday, the 12th of July has been fixed for that purpose. We have no Questions for that day, be-

cause it is not one of the scheduled days. So the House will meet at 9-15 A.M. instead of 8-15 A.M., and that is the only work for that day.

The House now stands adjourned till 8-15 A.M. tomorrow.

*The House then adjourned till a Quarter Past Eight of the Clock on Wednesday, the 9th July, 1952.*

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