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Wednesday

9th July, 1952

to

11th Aug. 1952

# PARLIAMENTARY DEBATES

## HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I—Questions and Answers)

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PARLIAMENT SECRETARIAT

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

1597

1598

**HOUSE OF THE PEOPLE**

*Wednesday, 9th July, 1952*

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

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**EXTRA DEPARTMENTAL AGENTS**

\*1582. **Sardar Hukam Singh:** Will the Minister of Communications be pleased to state:

(a) whether the allowances paid to extra departmental agents were increased during the year 1951 or 1952;

(b) what is the numerical strength of the extra departmental agents; and

(c) whether any of these agents have been absorbed in the regular service of Posts and Telegraphs during the year 1951 or 1952?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) The information regarding rates of basic allowances of extra departmental Agents was given in reply to part (b) of the unstarred question No. 173, asked by Shrimati Renu Chakravarty on 13th June 1952. Last month, orders were issued increasing the maximum basic allowance of Extra-departmental Delivery Agents from Rs. 15 to Rs. 25 and sanctioning additional allowance up to Rs. 10 to Extra-departmental Sub-Postmasters and Extra-departmental Branch Postmasters, who are required to carry or deliver mails in addition to their normal duties as Extra-departmental Postmasters.

(b) According to the latest information received, the number of Extra-departmental Agents on 30th April 1952 was 57,118.

(c) Yes, 85.

**Sardar Hukam Singh:** Have they got any privileges about the leave or other facilities?

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**Shri Raj Bahadur:** In the very nature of things because they are not full-time employees of the Government, they are not governed by those rules about privileges of leave etc.

**Sardar Hukam Singh:** Are they eligible for the examinations that are held by the Department for recruitment?

**Shri Raj Bahadur:** Yes, under certain conditions. If they fulfil certain conditions, they are eligible.

**Sardar Hukam Singh:** Is it a fact that if the Post Master of Extra-departmental Service wants to be absorbed in the service, he must first be recruited as a postman?

**Shri Raj Bahadur:** No, Sir. That is not the case. If he wants to be absorbed in the regular service, he shall have to appear for an examination and will be required to possess the minimum educational qualification which is the Matriculation.

**Sardar Hukam Singh:** Have they now been given any facilities as to promotion or increments or have they to continue on one allowance?

**Shri Raj Bahadur:** As I explained earlier these people are part-time servants of the Government and therefore so far as facilities etc. for promotion are concerned, they are governed by certain rules.

**Shri Velayudhan:** If the agents are to be absorbed in the Department what are the qualifications necessary?

**Shri Raj Bahadur:** They shall remain agents unless they get qualified at the examinations.

**Mr. Speaker:** Order, order.

**Shri Eswara Reddy:** May I know whether any representation has been received by the Ministry from the Union of Postal Employees demanding increase in the basic pay.....

**Mr. Speaker:** Order, order. The questions of representations are not dealt with here. They may be dealt with in the Ministry directly.

**GUM FOR POSTAL ENVELOPES**

\*1583. **Sardar Hukam Singh:** Will the Minister of Communications be pleased to state:

(a) whether the reports from Postmasters in charge of Post offices in different climatic regions of India regarding the suitability of improved gum used on postal envelopes or postage stamps have been examined; and

(b) If so, whether the sample forwarded to the Postmasters has been approved?

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

(b) No. It has not been found suitable.

**Sardar Hukam Singh:** May I know whether any enquiry about any other substance is being made by the British firm that was first requested to give us the result of its research?

**Shri Raj Bahadur:** The British firm supplied a gum known as arabic gum but it was not found to be suitable and now the Master, India Security Press, Nasik has recommended dextrine and we have found that good results are obtained from it.

**Sardar Hukam Singh:** May I know whether any research on this subject is being made in India also independent of that firm?

**Shri Raj Bahadur:** As I said, the Master, India Security Press does carry out that.

**VANA MAHOTSAVA**

\*1584. **Sardar Hukam Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is proposed to celebrate and observe a third Vana Mahotsava this year; and

(b) what is the proportion of survivals of the trees planted during the first two Mahotsavas?

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

(b) The reports for 1950 show that at least one-third of the plantings have survived. All the reports for 1951 have not yet been received.

**Sardar Hukam Singh:** So far as the first Vana Mahotsava was concerned we were told that one crore trees survived out of the three crores planted in the first winter. What happened to the 200 crores?

**Shri Karmarkar:** Our latest estimates show that in all 4 crores and 43 lakhs were planted in the first year and out of that 1 crore and 70 lakhs survived. The percentage was 38.4. Government have no further information on that point.

**Sardar Hukam Singh:** What happened to the second plantation that was done? What number or what percentage survived the first winter?

**Shri Karmarkar:** The total planted was three crores eleven lakhs and twelve thousand. The number surviving was estimated at one crore and more.

**Sardar Hukam Singh:** Is it for both plantations or one?

**Shri Karmarkar:** For the second plantation.

**Shri B. Shiva Rao:** I find a number of trees on Hastings Road have been cut down. Is it the Ministry's view that there are too many trees in New Delhi?

**Shri Karmarkar:** I shall convey this to the hon. Minister for Works, Housing and Supply.

**Mr. Speaker:** Let us go to the next question.

**INTERNATIONAL UNION OF OFFICIAL TRAVEL ORGANISATIONS**

\*1585. **Shri S. N. Das:** (a) Will the Minister of Transport be pleased to state whether the first meeting of the Regional Commission of the International Union of Official Travel Organisations was held in New Delhi as scheduled?

(b) If so, what were the subjects discussed at the meeting?

(c) Which of the countries were represented on the Commission's meeting?

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

(b) and (c). I would invite the attention of the hon. Member to the reply given to part (b) of Starred Question No. 338 on 2nd June 1952.

**Shri S. N. Das:** May I know, Sir, the activities of this Regional Commission after the Commission was started?

**Shri L. B. Shastri:** The Regional Commission has so far not done much. It is now proposed to take definite steps to expand the work.

**Shri S. N. Das:** May I know, Sir, what are the countries that are represented on this Commission?

**Shri L. B. Shastri:** Australia, Cambodia, Ceylon, India, Indonesia, Japan, New Zealand, Pakistan, Philippines, Burma, Hong Kong, Malaya, Singapore, Thailand and a few other countries.

**Shri Punnoose:** May I know, Sir, the total expenditure that the Government have to bear for this Conference?

**Shri L. B. Shastri:** About Rs. 8,000.

#### TOURIST TRAFFIC ORGANISATION

\*1586. **Shri S. N. Das:** Will the Minister of Transport be pleased to state:

(a) the total expenditure incurred by Government in running the tourist Traffic Organisation and connected offices and Committees during the years 1949-50, 1950-51 and 1951-52;

(b) what steps have been taken by Government to assess the result of setting up of these organisations and Committees;

(c) whether the sample surveys in respect of tourist earnings undertaken by the Reserve Bank of India have been completed; and

(d) if so, what are the findings of the surveys made?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) The total expenditure incurred on the Tourist Traffic Organisation and on Advisory Committees during 1949-50, 1950-51 and 1951-52 was Rs. 1,500, Rs. 1,05,935 and Rs. 1,25,750 respectively.

(b) Periodical reports are called for from the Regional Tourist Officers, Honorary Regional Tourist Officers and Indian Missions abroad. Occasionally reports are also received from individual tourists regarding their impressions about tourist facilities in India. Special arrangements have also been made to collect statistics of tourist arrivals in India through the agency of the Collectors of Customs. These statistics show an upward trend in the flow of tourist traffic.

(c) No.

(d) Does not arise.

**Shri S. N. Das:** May I know, Sir, whether the hon. Minister is in a position to state the number of tourists that visited India during these periods?

**Shri L. B. Shastri:** About 20 thousands.

**Shri B. Shiva Rao:** With reference to part (a) of the question, how much of this expenditure has been incurred on the opening of Centres in New York?

**Shri L. B. Shastri:** We have so far opened no special Centre in New York. But the other day we have decided to open a new Centre in New York.

**Shri S. C. Samanta:** May I know whether all the tourist officers contemplated to be appointed have been appointed?

**Shri L. B. Shastri:** Yes, they have been appointed.

**Shri Velayudhan:** May I know whether the tourists travelling in India are exempted from the prohibition rules?

**Shri L. B. Shastri:** Yes.

**Sardar Hukam Singh:** What was the amount of exchange earned on account of this industry?

**Shri L. B. Shastri:** Sample surveys are being made by the Reserve Bank of India and we have not received the report of the Reserve Bank so far.

**Shri Sarangadhar Das:** May I know if there are any other agencies in Europe to encourage tourist travel in India besides the centre contemplated for New York?

**Shri L. B. Shastri:** Our missions abroad are doing considerable work in this connection and they have been helping us a great deal.

#### INDO-PERSIAN AIR TREATY

\*1587. **Shri S. C. Samanta:** Will the Minister of Communications be pleased to state:

(a) whether the proposed Indo-Persian Air Treaty talks have come to a close;

(b) if so, with what result; and

(c) the personnel of the Indian delegation sent and the expenditure incurred for the talks?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) and (b). The hon. Member's attention is invited to the replies given to parts (b) and (c) of Dr. Ram Subhag Singh's Question No. 661 on the 10th June 1952. There has been no further development.

(c) The Indian delegation consisted of Shri P. K. Roy, Deputy Secretary to the Government of India in the Ministry of Communications with Shri S. Bujakowski of the Himalayan Aviation as Adviser. The expenditure incurred by Government for the talks was Rs. 3,310.

**Shri S. C. Samanta:** May I know whether Persia is one of the members of the International Civil Aviation Organisation?

**Shri Raj Bahadur:** I think so but I am not quite sure about it.

**Shri S. C. Samanta:** May I know whether in all cases of civil aviation agreements such delegations are sent?

**Shri Raj Bahadur:** It is always by negotiation that such agreements are arrived at.

**Shri S. C. Samanta:** May I know whether such agreements are negotiated at the meetings of the International Civil Aviation Organisation?

**Shri Raj Bahadur:** They are conducted through the various delegations or representatives of the countries concerned.

#### RAILWAY PRINTING PRESSES

\*1588. **Shri S. C. Samanta:** Will the Minister of Railways be pleased to state:

(a) whether the condition of the printing equipments and Press Buildings of Railways have been investigated into;

(b) if so, who investigated the same;

(c) what are the findings and recommendations of the investigators; and

(d) how much worth of printing work was done by Presses other than Railway Presses?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) to (c). The investigation is being taken in hand. Mr. J. W. H. Elvin, Technical Adviser to the Stationery and Printing Department of Government of India is to conduct the investigations.

(d) Rs. 24.64 lakhs in 1950-51 and Rs. 25.81 lakhs in 1951-52.

**Shri S. C. Samanta:** What is the number of railway presses in India and what are their locations?

**Shri L. B. Shastri:** I shall require notice.

**Shri Velayudhan:** May I know whether printing work is given by the Railway Department to other private parties than the railway printing presses?

**Shri L. B. Shastri:** Yes.

**Shri Nambiar:** May I know whether Government have received representations from the workers in the railway printing presses, whose cases are long overdue for decision?

**Mr. Speaker:** Representations from subordinates should not as far as possible be the subject matter of questions here. They should be examined on merits.

**Shri Nambiar:** I want to know what action has been taken.

**Mr. Speaker:** He is now changing the question.

**Shri S. C. Samanta:** Will the hon. Minister let us know when the investigation is expected to be completed?

**Shri L. B. Shastri:** It is difficult to answer that question. But Mr. Elvin has so far finished his investigation of the railway presses in Bombay and we hope to get his report on the other places, maybe in a month or so.

#### CENSUS REPORTS

\*1589. **Shri S. C. Samanta:** Will the Minister of Home Affairs be pleased to state:

(a) when the Census Reports of 1951 will be printed, published and made available to the public;

(b) whether they will be published in parts or all together (viz. on the basis of All-India, State and District);

(c) the subject matters that will be contained in parts, if published separately;

(d) whether population by livelihood classes will be included; and

(e) whether any further steps have been taken to make the Census figures most accurate?

**The Minister of Home Affairs and States (Dr. Katju):** (a) Attention is invited to the reply given to Part (a) of Prof. Agarwal's Starred Question No. 1115 on 23rd June, 1952.

(b) and (c). Attention is invited to para 59 of the Home Ministry's Report for 1951-52, a copy of which is available in the library of the House.

(d) Yes. The information asked for is given in Table III of the Census of India Paper No. 1 of 1952.

(e) A sample verification of the Census count conducted immediately after the Census enumeration has shown that the Indian Census has attained a high degree of accuracy.

**Shri S. C. Samanta:** May I know whether there was great difference between the sample census conducted for the last general election purposes and the census of 1951?

**Dr. Katju:** I require notice.

**Shri S. C. Samanta:** Is it not a fact that the census of Jammu and Kashmir were not taken and if so, how are the relative figures to be added?

**Dr. Katju:** When the census is taken the figures will be entered.

**Shri S. C. Samanta:** As regards the part (B), the tribal States of Assam, no census was taken, may I know how their figures will be calculated and added to the census report?

**Dr. Katju:** If a census was not taken the figures will not be included, unless it is to be a sort of guess work.

**Mr. Speaker:** We had better proceed to the next question now.

#### FAMINE-AFFECTED AREAS IN MYSORE

\*1590. **Shri M. V. Krishnappa:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have taken any relief measures in the famine-affected areas of Mysore State, i.e. Kolar and Tumkur, contiguous to the Rayalaseema in Madras State; and

(b) the amount sanctioned by the Government of India for the relief work in those areas?

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

(b) Nil. I may add that the Prime Minister has sent a sum of Rs. 25,000 which is now being utilised in the Kolar district.

**Shri M. V. Krishnappa:** Is it a fact that the Government of Mysore had asked for help similar to what is given to Rayalaseema and that it has been refused by the Centre?

**Shri Karmarkar:** I am not sure that Mysore had asked for any help from the Government of India. I will find it.

**Shri M. V. Krishnappa:** May I know whether it is a fact that both the Governments of Madras and Mysore

represented to the Centre, that apart from the temporary measures, that the Centre must come to their aid with short and long term plans and schemes on subsoil to tap water by means of lift irrigation and tube wells as an insurance against famine?

**Shri Karmarkar:** I should like to have notice about the long range schemes.

**Shri M. S. Gurupadaswamy:** Since famine is continuing in Mysore, are Government considering the question of sending more aid in the form of finance to the Mysore Government, so that relief measures may be undertaken?

**Shri Karmarkar:** Government will consider it but as it is the Mysore Government themselves have been taking adequate steps, such steps like doles, loans for agriculture and the rest of the items.

**Shri Veeraswamy:** May I know whether the Government will make arrangements to distribute foodgrains in all famine-affected areas free of cost to the poor people or at a low price commensurate with the purchasing capacity of the people to avert starvation deaths?

**Mr. Speaker:** Order, order. The question is not only long but also vague.

**Shri Shivananjanappa:** Are there any non-official relief committees sponsored by the Government?

**Shri Karmarkar:** I have no information but the State Government is taking adequate steps.

#### DECLINE IN SHELLAC PRICES

\*1591. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) the percentage of price decrease of the Indian Shellac to its prices obtaining in January, 1952; and

(b) the reasons for decline in shellac prices?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) About 50 per cent.

(b) The principal reasons are slackening of world demand and speculation in internal shellac market.

**Dr. Ram Subhag Singh:** May I know what has been the effect of this decline in the price?

**Shri Karmarkar:** When the prices decline by half, the industry gets that much less, but still it goes on.

**Dr. Ram Subhag Singh:** What is the quantity that we exported and at what price during 1950-52?

**Shri Karmarkar:** Our exports during 1949-50 were 13 thousand and odd tons and the average price was Rs. 130 per maund. In 1950-51 the exports were 21.6 thousand tons and the average price was Rs. 139 per maund. In June 1950 the prices in Calcutta came down to Rs. 70 per maund.

**Dr. Ram Subhag Singh:** What quantity of finished shellac goods do we import each year and at what price?

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

**NATIONAL HIGHWAYS IN TRAVANCORE-COCHIN (BRIDGES)**

\*1592. **Shri A. M. Thomas:** (a) Will the Minister of Transport be pleased to state how many major bridges will have to be constructed in Travancore-Cochin under the National Highway Scheme?

(b) Where are they to be constructed?

(c) What is the total outlay that has been made?

(d) Has the construction of any bridge been embarked upon?

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

(b) One over the right arm of the Periyar river near Alwaye on N.H. No. 47 and the other over the backwaters at Arroor on the West Coast extension of this Highway.

(c) The five-year plan includes a provision of Rs. 40 lakhs for the two bridges.

(d) Not yet.

**Shri A. M. Thomas:** Are Government aware that this portion of the national highway is passing through the coastal region of Travancore-Cochin which is now the most affected area because of the depression in the coir industry?

**Shri L. B. Shastri:** It may be so.

**Shri A. M. Thomas:** In view of that fact, is the Government proposing to advance the time-limit within which these bridges are to be constructed?

**Shri L. B. Shastri:** We are already trying to expedite the construction of these bridges, and if the hon. Member so desires I can issue further instructions.

**Shri A. M. Thomas:** Is there any correspondence taking place between the Government of India and the State Government concerned in respect of these national highway bridges?

**Shri L. B. Shastri:** Yes.

**Shri N. P. Damodaran:** May I know which road is classified as a national highway, and how many such roads are there in Travancore-Cochin?

**Shri L. B. Shastri:** So far as I am aware, the road that connects Travancore and Cochin is the only important one included in the national highways.

**Shri Velayudhan:** Was there any request from the Travancore-Cochin Government regarding the speedy construction of these two bridges in view of the acute near-starvation conditions there?

**Mr. Speaker:** It has been partly answered. He said that he is prepared to issue further instructions.

**Shri A. M. Thomas:** May I know what is the result of the correspondence between the State Government and the Ministry of Transport?

**Shri L. B. Shastri:** I require notice.

**POST OFFICES IN TRAVANCORE-COCHIN**

\*1593. **Shri A. M. Thomas:** Will the Minister of Communications be pleased to state how many Post offices have been opened in Travancore-Cochin after the Anchal system there was taken over by the Government of India?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (1) Urban Post Offices—8.

(2) Rural Post Offices—256.

**Shri A. M. Thomas:** May I know whether the target of one post office for every 2,000 people has been reached in this area?

**Shri Raj Bahadur:** We have opened 256 rural post offices and that more or less covers the target.

**Shri A. M. Thomas:** May I know whether these newly opened post offices are self-sufficient?

**Shri Raj Bahadur:** It is too premature to say, because they are opened on an experimental basis for a period of five years.

**Shri A. M. Thomas:** May I know what were the postal rates existing at the time when these post offices were taken over by the Centre?

**Shri Raj Bahadur:** The question related to the opening of new post offices. For the question now put by the hon. Member, I want separate notice.

**Shri P. T. Chacko:** May I know whether the extra departmental anchal-masters who were in service at the time of the integration of the anchal-department with the Postal Department were taken in the postal service?

**Shri Raj Bahadur:** As many as were found suitable could be absorbed have been taken.

**Shri A. M. Thomas:** May I know whether the then existing postal rates in Travancore-Cochin were expected to be continued even after the financial integration?

**Shri Raj Bahadur:** They were to be continued only for some time and that too as a special case.

#### GOODS TRUCKS FROM NETHERLANDS

\*1594. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Railways be pleased to state the total number and valuation of goods trucks ordered from Netherlands by the Government?

(b) How many have already come to India?

(c) Is it a fact that cheaper trucks were available from other countries?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) 1,000 Metre Gauge Covered Wagons (MC type) were ordered in Netherlands against 1951-52 Programme, at an estimated cost of Rs. 1 crore 80 thousand.

(b) 204 wagons have been received in India upto 31st May 1952.

(c) No.

**पंडित मुनीश्वर दत्त उपाध्याय:** यह जो खरीदारी की गई है यह रेलवे के जरिये से की गई है या सप्लाई मिनिस्ट्री के जरिये से ?

**श्री एल० बी० शास्त्री:** जहां तक सप्लाई डिपार्टमेंट का ताल्लुक है उस में जो हमारे डाइरेक्टर जनरल लन्दन में रहते हैं उन के जरिये पहले सारी कार्रवाई होती है। उस के बाद फिर रेलवे के अफसरान उस में शामिल होते हैं।

**पंडित मुनीश्वर दत्त उपाध्याय:** क्या इस खरीदारी के लिये कोई टेंडर भी मांगा गया था ?

**श्री एल० बी० शास्त्री:** जी हां, टेंडर मांगे गये थे और करीब १९ फर्मों ने टेंडर दिये थे।

**Shri Velayudhan:** May I know who negotiated on behalf of the Government of India for the purchase of these wagons?

**Shri L. B. Shastri:** The Director-General of the India Stores Department, London, and our Financial Commissioner for Railways.

**पंडित मुनीश्वर दत्त उपाध्याय:** जो ट्रक्स अभी आने को हैं उन की कब तक आने की उम्मीद है ?

**श्री एल० बी० शास्त्री:** यह कहना तो मुश्किल है। जिस तरह से पिछली मांगे पूरी हुई है वह कुछ बहुत आशाजनक नहीं है और उस में काफ़ी देर लगी है।

**पंडित मुनीश्वर दत्त उपाध्याय:** क्या अपने देश में किसी कम्पनी के जरिये से ट्रक्स बनवाने का प्रबन्ध है ?

**श्री एल० बी० शास्त्री:** जी हां।

**Shri Velayudhan:** May I know whether these wagons were purchased from different firms or from one and the same firm?

**Shri L. B. Shastri:** From different firms.

#### INDIAN MERCHANT FLEET

\*1595. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Transport be pleased to state what is the number of ships in the Indian Merchant Fleet at present?

(b) How many more are required to meet the requirements of India?

(c) How many ships have been built in India during the last one year with what tonnage and what cost ?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) There are at present 108 ships in the Indian Merchant Fleet.

(b) The Shipping Policy Sub-Committee of the Reconstruction Committee estimated that the target of 2 million gross tons of shipping (about 300 ships) would enable Indian shipping to cater for the entire coastal trade and a reasonable share of the near and distant trades.

(c) Two ships of 8,000 deadweight tons each have been built at the ship-building yard at Visakhapatnam since June 1951. The cost of one of these ships is Rs. 62.92 lakhs. The order for the second ship was placed at a fixed price of Rs. 64.65 lakhs with escape clauses in respect of the cost of timber, steel and machineries used in the ship, but the actual total cost has not yet been worked out.

**पंडित मुनीश्वर दत्त उपाध्यायः** गत वर्ष में कितने जहाज खरीदे गये और किन मुल्कों से ?

**श्री एल० बी० शास्त्रीः** यह में इस वक्त नहीं बतला सकता।

**पंडित मुनीश्वर दत्त उपाध्यायः** गत वर्ष में कितने जहाज बेचे गये ?

**श्री एल० बी० शास्त्रीः** हम ने तो यहां से कोई ऐसा जहाज बेचा नहीं जो हमारे काम आ सके।

**Shri Velayudhan:** May I know whether any Japanese experts had offered to the Government of India to build ships at a cheaper cost than this?

**Mr. Speaker:** I distinctly remember an identical question having been put.

**Shri Kelappan:** What is the percentage of coastal trade that is being carried on by Indian merchant vessels?

**Shri L. B. Shastri:** About 93 per cent.

**श्री धुलेकरः** जो जहाज हिन्दुस्तान में बनते हैं क्या वह हाई सीज पर चल सकते हैं या वे केवल कोस्टल एरिया में जाते हैं ?

**श्री एल० बी० शास्त्रीः** जी हां, दोनों जगहों पर चलते हैं।

#### INTEGRATION OF SERVICES IN STATES

**\*1597. Shri C. R. Iyyunni:** Will the Minister of States be pleased to state:

(a) whether the integration of services in the states has been completed; and

(b) if not, the reasons thereof ?

**The Minister of Home Affairs and States (Dr. Katju):** (a) and (b). The general position regarding integration of services is given in the Report of the Ministry of States for 1951-52, a copy of which has already been supplied to the hon. Member.

**Shri C. R. Iyyunni:** May I know, Sir, when the integration of Travancore-Cochin States took place?

**Dr. Katju:** There was some correspondence about it; orders were issued on the 9th of April 1952.

**Shri C. R. Iyyunni:** My question was when the integration between Travancore and Cochin took place?

**Dr. Katju:** My answer was that orders have been issued; the integration will follow immediately.

**Shri A. M. Thomas:** May I know, Sir, whether in this matter of integration of services of the various Integrated States, the Government is following only a passive policy, or is the Ministry of States following an active policy?

**Mr. Speaker:** What is the meaning of the words "passive policy" and "active policy"?

**Shri A. M. Thomas:** That is to say whether the Ministry of States is taking any initiative in the matter to see that the integration is completed as early as possible.

**Dr. Katju:** The Ministry of States is concerned that there should be integration; but it is a matter primarily for the State Governments.

**Shri P. T. Chacko:** May I know whether the employees of departments which were taken over by the Central Government, like the Income-Tax Department, are given the same conditions of service as are applicable to employees of the same Department of the Central Government?

**Dr. Katju:** I want notice of that question.

**Shri C. R. Iyyunni:** May I know whether the Government servants of Cochin State and the Government servants of Travancore have been integrated?

**Dr. Katju:** I am informed many representations have been received from Cochin Government servants of there not being any proper integration. These will be looked into.

**Shri C. R. Iyyunni:** May I know, whether according to Article 371 of the Constitution, there is general control by the Centre regarding the administration of the States?

**Mr. Speaker:** What is the special information he wants. He is inviting attention to Article 371.

**Shri C. R. Iyyunni:** May I know whether any action has been taken by the Centre to redress the grievances?

**Dr. Katju:** The procedure is that we send all those complaints to the State Governments for examination and then take necessary action.

#### RAGHOPORE-PRATAPGANJ RAILWAY LINE

\*1598. **Shri L. N. Mishra:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that there was a railway line, running from Forlusganj to Bhaptiahi in the districts of Purnea and Bhagalpore in North Bihar via Pratapganj and Raghopore;

(b) if the answer to part (a) above be in the affirmative, when was the said railway line abandoned and for what reasons; and

(c) whether Government propose to restore the said railway line?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) There was a rail connection between Bhaptiahi and Pratapganj Ghat only, but not between Pratapganj and Forbesganj.

(b) The line between Pratapganj and Bhaptiahi had to be progressively closed down between the years 1911 and 1927, on account of the westward advance of the Kosi river.

(c) There is no such proposal at present.

**Shri L. N. Mishra:** May I know whether it is proposed to restore the railway line, since the area is free from flood of the Kosi now?

**Shri L. B. Shastri:** Well, the matter is not under Government's consideration just at present. Unless the Kosi

river is controlled and its course is stabilised, it would not be practicable to have an all-weather line in the area.

**Shri L. N. Mishra:** Is it a fact that the Central Jute Committee of India and the Government of Bihar have recommended the construction of these railway lines?

**Shri L. B. Shastri:** There was some correspondence from the Government of Bihar. But the Central Board of Transport decided that it was not possible to take up that project just at present.

#### ग्राम सुधार परियोजनाएँ

\*१५९९. **सेठ गोविन्द दास:** क्या स्थायी तथा कृषि मंत्री यह बतलाने की कृपा करेंगे कि १९५२-५३ में कौन कौन सी ग्राम सुधार परियोजनायें आरम्भ की जायेंगी ?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** 15 Development Projects sanctioned with financial assistance from the Ford Foundation have been or will be undertaken during 1952-53. One each of these projects will be located in U.P., Bombay, West Bengal, Mysore, Madhya Pradesh, Assam, Bihar, Orissa, Hyderabad, PEPSU, Madhya Bharat, Vindhya Pradesh, Himachal Pradesh, Bhopal and Travancore-Cochin.

In addition, 55 Community Projects have been selected under the Community Development Programme to be started in October, 1952 and completed by 1955-56.

**सेठ गोविन्द दास:** इन योजनाओं के सम्बन्ध में जब निर्णय किया गया था तब क्या भिन्न भिन्न प्रदेशों की सरकारों से भी राय ली गई थी ?

**श्री करमरकर:** जी हाँ ।

**सेठ गोविन्द दास:** जब यह राय आ गई और उस के बहु केन्द्रीय सरकार ने इस के सम्बन्ध में निर्णय किया तो क्या उस बक्त भिन्न भिन्न प्रदेशों के कृषि मंत्री या मुख्य मंत्री मौजूद थे जिन की सलाह से अन्तिम निर्णय हुआ ?

**श्री करमरकर :** इस के बारे में नोटिस चाहिये ।

**Shri Velayudhan:** May I know how these village uplift projects will be integrated with the grow more food plan of the Government of India?

**Shri Karmarkar:** Grow more food naturally, is one of the principal plans of this programme. The whole idea is to help the agriculturists all round and one of the principal aspects of it is grow more food.

**सेठ गोविंद दास :** किस किस योजना पर कितना कितना रुपया खर्च होगा, इस के सम्बन्ध में कुछ निश्चय द्वारा है ?

**श्री करमरकर :** इस के बारे में जो फोर्ड फाउन्डेशन की संस्था काम कर रही है उस के बारे में एक नोट में टैब्लूल में रख रहा हूँ । वह वहाँ ही लम्बी है । कम्प्युनिटी प्रौजेक्ट के बारे में अभी इन्फारमेशन नहीं है ।

**Shri H. N. Mukerjee:** Does the Ford Foundation lay down any terms in regard to the association of American personnel with the operation of these programmes?

**Shri Karmarkar:** They give us the idea. We retain complete initiative in the matter and the whole scheme is carried on under our supervision and guidance.

**Shri Achuthan:** Is the development project different from the community project?

**Shri Karmarkar:** I thought it was the same.

#### SECRETARIAT STAFF WELFARE AND AMENITIES COMMITTEE

**\*1600. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Home Affairs be pleased to state whether it is a fact that the Government of India have undertaken to implement the suggestion made by the Estimates Committee of the Provisional Parliament regarding the setting up of a Secretariat Staff Welfare and Amenities Committee?

(b) What will be the activities to be organised by this Committee?

(c) Have the opening of canteens suggested by the Estimates Committee been implemented?

(d) If so, how far do they serve the needs of the Secretariat Staff and whether scheme is a success?

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

(b) This is under examination.

(c) Some canteens are already functioning and steps are being taken for opening others.

(d) They provide wholesome and cheap refreshment to the Secretariat staff. As far as I am aware the scheme is working satisfactorily.

**पंडित मुनीश्वर दत्त उपाध्याय :** क्या इन कैनटीन्स में जो चीजें बिकती हैं उन पर सेल्स टैक्स लगता है या नहीं ? अगर लगता है तो किस रेट्स से लगता है ?

**रेल तथा यातायात मंत्री (श्री एल० बी० शास्त्री) :** जनरल एडवाइजरी कमेटी ने यह फैसला किया है कि जो चीज़ खाने पीने की बेची जाती है उस पर सेल्स टैक्स न लिया जाय और उस पर से सेल्स टैक्स माक़ कर दिया गया है । सिर्फ़ १०० रुपये पर आठ आना लिया जाता है ।

**पंडित मुनीश्वर दत्त उपाध्याय :** कितने उस में से बैंजीटेरियन हैं और कितने नान-बैंजीटेरियन हैं ? इन में जनरल स्टोर रखने का प्रबन्ध हो गया है या नहीं ?

**डा० काट्जू :** मैं आनरेबिल मेम्बर से अर्ज करूँगा कि वह वहाँ पर जा कर खुद देख लें तो उन को मालूम हो जायेगा कि वहाँ पर क्या क्या चीजें रखकी गई हैं ।

**Shri Nambiar:** May I know, Sir, what steps have been taken to grant Privilege Ticket Order to Central Government servants, as recommended by the Central Pay Commission as one of the welfare measures?

**Mr. Speaker:** How is it related to this question?

**Shri Velayudhan:** No answer?

**Mr. Speaker:** No answer.

**पंडित मुनीश्वर दत्त उपाध्याय:** जहां तक मैं ने देखे हैं जनरल स्टोर की चीजें वहां नहीं हैं, उम्मीद है जल्दी होंगे।

**डा० काट्जू:** आशा है कि वह स्टोर आप की आशा को जल्दी पूरी करेंगे। मैं आप की आशा को वहां तक पहुंचा दूँगा और वह लोग उसी तरह से इन्तजाम करेंगे।

**ESTIMATES COMMITTEE'S SECOND REPORT**

**\*1603. Prof. Agarwal:** Will the Minister of Home Affairs be pleased to state:

(a) the steps that Government have so far taken on the Estimates Committee's Second Report on the reorganisation of the Secretariat; and

(b) the extent of economy effected as a result of such change?

**The Minister of Home Affairs and States (Dr. Katju):** (a) The progress made on the recommendations contained in the Second Report of the Committee was reported to Parliament in the two Statements laid on the Table of the House by the Minister of State for Finance on 8th June 1951 and 18th September 1951. A statement showing the further progress made in respect of such recommendations, as required further action, is laid on the Table of the House. [See Appendix VIII, annexure No. 1.]

(b) The recommendations contained in the report largely relate to organisation, methods and procedure of work in the Government of India Secretariat and have been made with a view to increase speed and efficiency. It is not possible to assess the extent of economy if any, likely to be effected. In any case it must take some time before the full effect of the measures taken by Government in these respects is felt.

**Prof. Agarwal:** One of the important recommendations contained in para 3 was about the abolition of the posts of Additional and Joint Secretaries. May I know whether any action has been taken on this recommendation?

**Dr. Katju:** Care is taken to appoint the minimum number of Additional and Joint Secretaries.

**Prof. Agarwal:** In para 5 the recommendation was that attempt should be made to see that the maximum salary of an official under the Government is Rs. 3,000. May I know whether any action has been taken?

**Dr. Katju:** I think it is the general rule that for no new appointments the salary should exceed Rs. 3,000. Hon. Members are aware of the Constitutional guarantees given in respect of the older officers.

**Prof. Agarwal:** With regard to financial control, in para 16, it was observed that financial control is more rigid on minor items and perhaps less on major items. May I know whether Government has considered this recommendation?

**Dr. Katju:** I think, Sir, the hon. Finance Minister will highly resent this. The control is equally stringent both on minor and major items.

**पंडित मुनीश्वर दत्त उपाध्याय:** क्या यह सही है कि किफायतशारी के बजाय खर्चा दिन पर दिन बढ़ता जा रहा है?

**डा० काट्जू:** मेम्बर साहब ने जो सवाल किया है कि खर्चा बढ़ता जाता है, तो उन को भी यह मालूम होना चाहिये कि अगर खर्चा बढ़ता जाता है तो काम भी बढ़ता जाता है, अब यह जो इतना बड़ा हाउस हो गया है, तो यहां का भी खर्चा पहले से बढ़ गया है।

**पंडित सी० एन० मालवीय:** सन् १९५० में ज्वाइंट सेक्रेटरीज और एडीशनल सेक्रेटरीज की तादाद कितनी थी और अप्रैल सन् १९५२ में ज्वाइंट सेक्रेटरीज और एडीशनल सेक्रेटरीज की तादाद कितनी हो गई?

**डा० काट्जू:** मुझे इस समय संख्या याद नहीं है, लेकिन अगर माननीय मेम्बर मुझ से इस बारे में पूछेंगे, तो मैं उन को यह तादाद बता दूँगा।

**Shri B. S. Murthy:** May I know, apart from economy, whether any efficiency has been effected?

**Dr. Katju:** That is what we hope for.

**RECRUITMENT TO CENTRAL AND ALL-INDIA SERVICES**

\*1604. **Shri Krishna Chandra:** Will the Minister of Home Affairs be pleased to state:

(a) whether recruitment to all the Central and All India Administrative and Ministerial services is made on the advice of the Union Public Service Commission;

(b) what are those services to which recruitment is made direct by Government and not on the advice of the Union Public Service Commission; and

(c) whether temporary appointments are also made on the advice of the Union Public Service Commission?

**The Minister of Home Affairs and States (Dr. Katju):** (a) and (b). Recruitment to posts in the All-India Services, and Central Services, Class I and Class II, and Ministerial services of the Government of India Secretariat and attached offices, is made after consultation with the Union Public Service Commission, with the exception of a few specified posts of a highly technical or special nature which are included in the Schedule to the Union Public Service Commission (Consultation) Regulations, a copy of which will be found in the Library. Recruitment to posts in subordinate services is made without consultation with the Commission by authorities authorised by Government to make appointments.

(c) Yes, except in cases where the officer to be appointed is not likely to hold the post for more than one year.

**Shri Krishna Chandra:** When vacancies arise in a particular Ministry, is that communicated to the Home Ministry for getting appointments made, or is the Ministry concerned competent enough to make appointments?

**Dr. Katju:** Is the hon. Member referring to temporary posts?

**Shri Krishna Chandra:** Yes, Sir.

**Dr. Katju:** If the temporary post is for a period of less than a year, and it is concurred in by the Finance Department, then, no reference is made so far as I know to the Home Ministry.

**Shri Krishna Chandra:** Is the sanction of the Home Ministry obtained

for creating such temporary posts in the different Ministries?

**Dr. Katju:** I do not think so.

**Shri Dabhi:** May I know if the Government are bound to accept the advice of the Union Public Service Commission in every case?

**Dr. Katju:** I would suggest to the hon. Member to read the Constitution. Its advice is generally accepted. The Constitution does not say that it must be accepted.

**Mr. Speaker:** Will he please read the answer to part (b)?

**Dr. Katju:** I have got here only parts (a), (b) and (c). I have read it to the House.

"(c) Yes, except in cases where the officer to be appointed is not likely to hold the post for more than one year."

**Shri Velayudhan:** With regard to temporary appointments, may I know whether these temporary posts are later on made quasi-permanent and then permanent, with the result that the reserved quotas allotted for the Scheduled Castes are being completely ignored?

**Dr. Katju:** This complicated question requires notice.

**Shri B. S. Murthy:** Are there any cases during the year 1951-52 where the Government had to differ from the recommendation made by the Union Public Service Commission?

**Dr. Katju:** That will appear always in the report of the Public Service Commission.

**Shri Kelappan:** Do those who have acted once, as a matter of course, receive preference over new entrants?

**Dr. Katju:** I do not think so. What happens is this. When the post is made permanent or the post is extended beyond a year, the Public Service Commission is consulted. They issue an advertisement and the man who has been serving in the temporary posts is also authorised and is at liberty to apply. Of course, he receives due consideration. That is all.

**Sardar Hukam Singh:** Has the second yearly report been received from the Union Public Service Commission?

**Dr. Katju:** The next question relates to that.

**Dr. Jaisoorya:** Have any cases come to the notice of the hon. Minister where

the Public Service Commission has protested against the flouting of its advice?

**Dr. Katju:** I have heard of that.

**ROADS IN SCHEDULED AREAS**

\*1605. **Shri Sanganna:** Will the Minister of Home Affairs be pleased to state:

(a) the length of road mileage constructed in the Scheduled areas of each State to open up communication with the plains during the last five years and

(b) the amount spent on the construction of such roads by each State during the same period?

**The Minister of Home Affairs and States (Dr. Katju):** The matter is primarily the concern of the State Governments. The Government of India have no information.

**EXTENSION TRAINING CENTRES**

\*1606. **Shri Dabhi:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that five Extension Training Centres and fifteen Development Blocks are going to be set up in the different parts of India under the agreement between the Ford Foundation and the Government of India; and

(b) if the answer to part (a) above be in the affirmative, what are the places in Bombay State where Extension Training Centres have been set up or are proposed to be set up as also the areas in Bombay State to which Intensive Development Blocks extend or are going to be extended?

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

(b) With assistance from the Ford Foundation, one extension training centre has been set up at the Institute of Agriculture, Anand.

The intensive development block will also be at Anand and will be attached to the Anand Training Centre. It will cover 100 villages within a radius of 9 miles from Anand in the Charotar tract of Gujarat.

**Shri Dabhi:** What kind of training will be given at the extension training centre, and to whom will it be given?

**Shri Karmarkar:** At each training centre, village workers required for

training in the development projects will be given training for a period of six to nine months in agriculture, co-operation and village participation, health, hygiene, sanitation and adult education.

**Shri Dabhi:** May I know who are employed to give the training?

**Shri Karmarkar:** Suitable teachers are employed to give the training.

**Dr. P. S. Deshmukh:** What is the exact contribution of the Ford Foundation to these centres and what is the contribution of the State Governments and the Centre?

**Shri Karmarkar:** I should like to have notice of that question, but I understand that the total cost of training is Rs. 2.39,000, divided into Rs. 1.30,000 capital and Rs. 1.09,000 recurring expenditure *per annum*, and of that I understand, the entire cost of the training centres for a period of three years will be met by the Ford Foundation. The entire cost of development projects during the first two years will be met by the Ford Foundation; the cost of the third year will be shared equally by the Ford Foundation and the Government of India and the State Governments. The cost of the fourth and fifth year will be shared equally between the Government of India and the State Governments. Regarding the actual amount for the development projects, I should like to have notice.

**Shri B. S. Murthy:** May I know the number of training centres and the development blocks in respect of the State of Madras and the places where they are situated?

**Mr. Speaker:** The question specifically relates to Bombay State.

**Shri B. S. Murthy:** Part (a) of the question is general, Sir.

**Mr. Speaker:** Can he give those figures?

**Shri Karmarkar:** So far as I can find from the information available, the five training cum development centres are in U.P., Bombay, West Bengal, Madhya Pradesh and Mysore. Regarding Madras, I should like to have notice.

**Shri Dabhi:** What would happen to the trainees after they have finished their training? Will they be employed by Government?

**Shri Karmarkar:** The idea is to give employment to the trainees in the development projects concerned.

**Shri B. S. Murthy:** May I know why the State of Madras has not been treated on a par with other States?

**Mr. Speaker:** The question of treatment does not follow. He said he has not got the figures.

#### HOSPITALS

\*1609. **Shri Rishang Keishing:** Will the Minister of Health be pleased to state:

- (a) the number of hospitals, dispensaries and staffs existing at present in the tribal areas of Assam and Manipur;
- (b) how many Leper Colonies there are in the said areas; and
- (c) how many Christian Hospitals there are in the said areas?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) to (c). A statement giving the required information is placed on the Table of the House. [See Appendix VIII, annexure No. 2.]

**Shri Rishang Keishing:** May I know, Sir, the number of Leper Colonies managed by the Government and by the Missions?

**Rajkumari Amrit Kaur:** The number of Leper Colonies managed by the Government in the Assam tribal area is three, and in Manipur two.

**Shri Rishang Keishing:** By the Missions or by the Government?

**Rajkumari Amrit Kaur:** I thought he asked how many were managed by Government. Three in the Assam tribal areas and two in Manipur, and by the Mission, five in the Assam Tribal areas and two in Manipur.

**Shri Rishang Keishing:** What is the help given by the Government to those leper colonies manned by the Mission organisation?

**Rajkumari Amrit Kaur:** I have not got any information, but I do not think there is any help given.

**Shri Rishang Keishing:** Is it a fact that most of the hospitals in this area are without adequate medical supplies, medical staff, proper quarters and furnitures?

**Rajkumari Amrit Kaur:** I have received no complaints.

**Shri B. S. Murthy:** May I know, Sir, whether Government is aware that leprosy is on the increase in Assam, and will Government therefore be pleased to provide a clinic in every hospital wherever it is possible?

**Mr. Speaker:** She may answer the question, but it is a suggestion for action.

**Rajkumari Amrit Kaur:** Government would like to do much in that line, but it is all a question of money.

#### ROADS IN MANIPUR

\*1610. **Shri Rishang Keishing:** Will the Minister of Transport be pleased to state:

(a) what schemes Government have made for the development of roads in Assam and Manipur under the Five Years Plan;

(b) how many motorable roads have been completed in the said areas since the achievement of Independence; and

(c) the total amount spent so far by Government for the construction of roads in the said tribal areas?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) Presumably the hon. Member refers to the development of roads in Tribal Areas in Assam and Manipur.

Plans for development of roads in the Tribal Areas in these two States have not yet been finalised.

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

**Shri Rishang Keishing:** Is it a fact that most of the motorable roads, about 200 miles in length, constructed by the village volunteers under the supervision of the Government, have been neglected?

**Shri L. B. Shastri:** I am not aware of that, but as the hon. Member has drawn the notice of Government to it, we will look into the matter.

**Shri Rishang Keishing:** As the tribal people are keenly interested in the construction of roads without any profit motive, is it the policy of the Government to give the contracts to the tribal organisation in the future?

**Shri L. B. Shastri:** Well, when the contracts are given, tenders are invited, and it will be difficult to confine the tenders or the contracts to tribal people only.

**Shri B. S. Murthy:** What prevents Government from giving these contracts to co-operative labour organisations of the tribal people?

**Mr. Speaker:** Order, order. These are all suggestions.

**Shri P. T. Chacko:** May I know whether Government are aware that the hon. Member Shri Rishang Keishing has to walk about eighty miles to reach a cartable road to come to this House of Parliament?

**Mr. Speaker:** Order, order.

**COUNCIL OF ADVISERS FOR MANIPUR AND TRIPURA**

\*1611. **Shri Rishang Keishing:** Will the Minister of States be pleased to refer to the reply to starred question No. 532 asked on the 5th June, 1952 and state:

(a) the approximate date when the Council of Advisers is likely to be appointed;

(b) what will be the number of members of the Council of Advisers; and

(c) the procedure to be followed in selecting the members of the Councils?

**The Minister of Home Affairs and States (Dr. Katju):** (a) to (c). All these matters are under very active consideration and Government hope to finalise these arrangements at a very early date.

**Shri H. N. Mukerjee:** Is Government aware that all Members of the electoral college of Tripura including Congress Members have stated their objections against the appointment of an Advisory Council?

**Dr. Katju:** All these matters are under active consideration.

**LAND ARMY**

\*1612. **Shri M. S. Gurupadaswamy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether *Bhumi Sena* or Land Army has been started under the Land Transformation Programme; and

(b) if so, on what basis the army has been composed?

**The Deputy Minister of Commerce and Industry (Shri Karmarkar):** (a) The State Governments and certain institutions have been requested to make a beginning in the formation of a Land Army for harnessing public interest for agricultural development and a few States have organised such Land Armies.

(b) The Land Army will consist of all classes of persons who are interested in the development of the villages

and are prepared to direct their enthusiasm to agricultural extension and development.

**Shri M. S. Gurupadaswamy:** May I know, Sir, whether this army would be composed of volunteers or men paid for their services?

**Shri Karmarkar:** The conception is that the personnel of the land army will consist of official and non-official workers who are actually working on the extension in the districts, students of colleges, particularly agricultural colleges in the States, and public men including Members of Parliament and State Legislatures who will be willing to associate themselves with this activity.

**Shri M. S. Gurupadaswamy:** May I know, Sir, what are the salient features of the ten year programme of land transformation under which the land army also is thought of?

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

**Shri M. S. Gurupadaswamy:** May I know, Sir, what is the target of production aimed at at the end of the ten year period?

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

**Shri M. S. Gurupadaswamy:** May I know, Sir, what is the exact nature of the activities of the land army?

**Shri Karmarkar:** The activities are agricultural in all ways.

**Shri Sarangadhar Das:** Will the Minister please tell us how many States have formed these armies, what their probable number is and how much work has already been done in reclaiming land?

**Shri Karmarkar:** I have information for seven States here: the unit organised by Delhi, the unit organised by the Indian Agricultural Research Institute, West Bengal State, Bombay State, Vindhya Pradesh, Bhopal State and Assam State. To begin with, the land army units which have not so far received any special training, have been assigned *ad hoc* by the authorities organising the units. In some places they have dug drains, constructed roads, planted trees, eradicated weeds and similar work relating to agricultural production.

## WRITTEN ANSWERS TO QUESTIONS

## CASH CROPS

**\*1596. Shri S. V. Ramaswamy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that the land under the cultivation of cash crops has increased at the expense of cultivation of food crops after the introduction of food controls; and

(b) if so, what steps have been taken to avert this process?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) Until the inauguration of the integrated production Programme in 1950, there was no official plan for the diversion of land from foodgrains to cash crops. Under this programme, however, a plan was made under which the Government was prepared for the diversion, if necessary, of 37.3 lakh acres from foodgrains (rice, millets and ragi) to jute and cotton in the years 1950-51 and 1951-52, with a view to augmenting the production of these two important cash crops. In the absence of exhaustive field to field surveys of land, it is not possible to arrive at any firm estimate of the amount of land that was actually diverted from foodgrains to jute and cotton in the two years concerned. On the basis, however, of the available data it is roughly estimated that in the sixteen states where there were plans for diversion from foodgrains to jute and cotton the maximum amount of net diversion of land from the former to the latter that may have taken place during these two years is likely to be of the order of 17.4 lakh acres only. There was no plan for diversion in other states or to other cash crops although there was some diversion due to natural causes. For the reasons explained above, it is not possible to frame any firm estimate of this diversion. But roughly speaking the net diversion from foodgrains to the five important cash crops, namely, jute, cotton, oilseeds, sugar-cane and tobacco taken together does not exceed 3.3 million acres during these two years for the country as a whole. The actual diversion is in fact, likely to be appreciably less as the above estimate is based on the extreme assumption that all the addition to these cash crops was at the expense of foodgrains and not of other crops or of fallows nor due to double cropping and inter-cropping.

(b) Does not arise.

## ALLOTMENT OF FOODGRAINS BY U.P. TO CENTRE

**\*1601. Shri Ganpati Ram:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether U.P. Government have procured any stock of food grains for fulfilling its rationing commitments till December 1952 and if so, its quantity;

(b) whether U.P. Government have also allotted any stock out of that to the Centre for distribution to the deficit States; and

(c) if so, what is the quantity of different kinds of foodgrains so allotted?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) The State Government procured 4,52,000 tons of foodgrains up to 19th June 1952 this year, to fulfil their commitments.

(b) Yes, Sir.

(c) The State Government have hitherto offered for export 15,000 tons of rice, 15,000 tons of bajra and 2,300 tons of barley.

## NORTH ANDAMAN FOREST

**\*1602. Shri Jhunjhunwala:** Will the Minister of Food and Agriculture be pleased to state:

(a) the terms and conditions on which the tenders for working of North Andaman Forest were invited;

(b) the terms and conditions on which the final contract has been given;

(c) to whom the contract has been given; and

(d) whether the party has complied with the terms and conditions on which they have been given contract?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) and (b). A copy of the North Andamans Agreement of Licence is placed in the Library of the House. The tender notice is printed on page 9.

(c) Messrs. P. C. Ray and Company (India) Limited, Calcutta.

(d) Yes.

## SUGARCANE (DESTRUCTION)

**\*1607. Shri B. N. Roy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that in some States the sugarcane standing in the fields is going to be burnt as

the Sugar Factories managements concerned have refused to crush the remaining cane;

(b) whether Government have taken any steps for saving it from destruction; and

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

**The Minister of Food and Agriculture (Shri Kidwai):** (a) The reports so far received from the State Governments indicate that no sugarcane will be left standing in the fields which may have to be burnt.

(b) and (c). Some factories had complained of financial difficulties in view of large production and accumulated stocks and their inability to crush available cane. To overcome this difficulty and to encourage the factories to crush all available cane, Government of India had issued special orders on 19th April, 1952 permitting the factories to defer payment of the price of cane above Re. 1 per maund. Further, as the factories were getting reduced recovery of sugar due to the advent of the hot season, Governments of Uttar Pradesh and Punjab were specially authorised to allow suitable rebates on cane crushed after 1st May. The Uttar Pradesh Government has stated that as a result of these measures no cane would be left un-crushed in reserved zones in that State.

#### AGRICULTURAL GOVERNMENT FARMS

\*1608. **Shri B. N. Roy:** Will the Minister of Food and Agriculture be pleased to state:

(a) the acreage of farms which are directly under the Government of India;

(b) whether there is any proposal by the Central Government for starting cultivation in new farms during the current year; and

(c) if so, acreage proposed and the places decided?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) About 3,400 acres in the Institutes and Commodity Committees under the control of the Ministry.

(b) None.

(c) Does not arise.

#### LIVESTOCK CENSUS

\*1613. **Shri Jhulan Sinha:** Will the Minister of Food and Agriculture be pleased to state whether the All-India Livestock Census Report has been compiled and published?

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**The Minister of Food and Agriculture (Shri Kidwai):** Not yet, but the provisional number of livestock and poultry in India has been published in the Journal 'Agricultural Situation in India' May, 1952.

#### PANCHAYAT BOARD ELECTIONS

\*1614. **Shri Muniswamy:** Will the Minister of Communications be pleased to state whether it is a fact that the extra departmental staff of the Postal Department are prohibited from contesting the Panchayat Board Elections, and if so, the reasons thereof?

**The Deputy Minister of Communications (Shri Raj Bahadur):** Yes, but the position is being re-examined.

#### UPLIFT OF TRIBAL PEOPLE

\*1615. **Shri R. B. Shah:** Will the Minister of Home Affairs be pleased to state:

(a) the amounts placed at the disposal of the Madhya Pradesh Government, in the years 1950-51 and 1951-52, for the uplift of the tribal people;

(b) whether that amount is fully utilised by Madhya Pradesh Government; and

(c) if not what are the reasons?

**The Minister of Home Affairs and States (Dr. Katju):** (a) 1950-51—Nil.

1951-52—Rs. 12 lakhs.

(b) and (c). The information is not yet available.

#### RAILWAY SCHOOLS

\*1616. **Shri K. C. Sodhia:** Will the Minister of Railways be pleased to state:

(a) the total number of Railway Schools functioning during 1951-52; and

(b) how many of them are technical schools?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) and (b).—

(i) Educational	144
(ii) Training Schools for Railway Staff	30

**TOTAL** 174

#### ADMINISTRATION OF SCHEDULED AREAS

\*1617. **Shri Balwant Sinha Mehta:** Will the Minister of States be pleased to state:

(a) whether the annual reports regarding the administration of Scheduled Areas of Part 'B' States have been submitted to the President by various Rajpramukhs or not;

(b) whether any recommendation has been made about the inclusion of 'Bhomat' into Scheduled Area which is the most backward culturally and economically in whole of Rajasthan;

(c) whether Government propose its inclusion in the Scheduled Areas?

**The Minister of Home Affairs and States (Dr. Katju):** (a) So far only the Rajpramukh of Madhya Bharat has submitted his annual report.

(b) Yes.

(c) Government have decided not to make any alterations in the Scheduled areas until the Backward Classes Commission has gone into such questions.

#### KANDLA PORT

\*1618. **Shri Achuthan:** Will the Minister of Transport be pleased to state:

(a) the estimated cost for the construction of Kandla Port and the number of officers employed there drawing more than Rs. 200 per mensem;

(b) when the work was begun and the progress made so far;

(c) how this number (officers) compares with the number employed at Cochin at its construction stage;

(d) how many officers are now in Cochin Port of the above grade;

(e) which is the firm entrusted with the construction of the Kandla Port and the special reasons for such entrustment; and

(f) which firm constructed the Cochin Port?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) The estimated cost of the Kandla port project is Rs. 12.95 crores. 58 posts carrying a scale with a minimum of Rs. 200 and above have been sanctioned so far.

(b) The project is in three parts. The first part consists of preliminaries such as marine, land, aerial and health surveys, soil tests, boring tests, etc. Work on these was commenced in September 1949 and has been completed. The second part consists of roads, bridges, railway lines, office buildings, staff colony, water and power distribution. Work on these is

under way. The third part relates to the main harbour works, consisting of the wharf, transit sheds, warehouses, floating dry-dock, passenger jetty, oil jetty and bunder for lighters and country craft. Tenders for the design and execution of these works have been received and considered. It is hoped that the contract for the execution of the works will be finalised shortly.

(c) 40 officers drawing above Rs. 200 p.m. were employed at Cochin port during its construction stage.

(d) 47.

(e) As already stated, the matter is under consideration.

(f) The construction works of Cochin port were executed departmentally in four stages spread over twenty years but the plans and designs were vetted at every stage by an expert committee in London, composed of members drawn from three firms of Consulting Engineers in London.

#### COMMITTEE TO ENQUIRE INTO SERVICE CONDITIONS OF P. & T. EMPLOYEES

\*1619. **Shri H. N. Mukerjee:** Will the Minister of Communications be pleased to state:

(a) whether an expert committee was constituted in 1948 to inquire into the service conditions of postal and telegraph employees; and

(b) if so, whether any action has been taken on the recommendations of the Committee?

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

(b) Orders on some of the recommendations were issued in 1950; the rest are under the consideration of Government and a decision will be reached shortly thereon.

#### KANCHRAPARA RAILWAY WORKSHOPS

\*1620. **Shri H. N. Mukerjee:** Will the Minister of Railways be pleased to state whether it is a fact that the Kanchrapara railway workshops are to be dismantled and shifted to a site in Uttar Pradesh?

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

#### PRODUCTION OF SUGAR IN HYDERABAD

\*1621. **Shri Telkikar:** Will the Minister of Food and Agriculture be pleased to state:

(a) the total contribution of sugar by Shakkar Nagar (Bodhan) sugar factories in Hyderabad State to the

total production of sugar in India (in terms of tons and percentage);

(b) whether it is a fact that the increased production of sugar has adversely affected the Gur producers in the State; and

(c) if so, whether Government propose the permission of export of large quantities of sugar and gur, from the State?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) In 1951-52 38,497 tons or about 2.6 per cent. of total production in India.

(b) As the actual production figures of gur in Hyderabad State during 1951-52 are not yet available it is difficult to assess the effect of increase in the production of sugar on the production of gur.

(c) No export quota for sugar has been fixed from the Hyderabad factories. The export quota for gur has not been fixed on a territorial basis.

#### FOOD SITUATION IN BIHAR

\*1622. **Shri R. N. Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) what is the latest report of the food situation in Bihar;

(b) what was the stock of foodgrain in the custody of the Government of Bihar on 31st May, 1952 and the average monthly off-take from the stock; and

(c) what is the Bihar Demand of foodgrain and also the quota of the foodgrain allotted thereto by the Centre for the coming six months?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) According to the latest report of the State Government, the food situation in Bihar is satisfactory.

(b) On 30th May, 1952, the Government of Bihar had 1,25,747 tons of foodgrains in stock. The present monthly off-take from Government stocks is 11,700 tons.

(c) The State Government estimated in November, 1951 that their deficit for 1952 would be 693,500 tons. Later in February, 1952 the estimate was reduced to 560,000 tons but their demand for the first 8 months of the year has only been 30,000 tons which has been supplied. The Bihar Government's requirements for the rest of the year will be met in full by the Government of India.

#### श्रेणी ४ के कर्मचारी

\*1623. **श्री आर० एस० तिवारी :** क्या गृहकार्य मंत्री यह बतलाने की कृपा करेंगे कि क्या कोई ऐसा नियम है जिस के अनुसार सरकार श्रेणी ४ के कर्मचारियों को भर्ती करती है ?

**The Minister of Home Affairs and States (Dr. Katju):** Recruitment of class IV servants is done through the Directorate General, Resettlement and Employment Exchanges. Recently Middle School standard has been prescribed as the minimum educational qualification for recruitment of certain categories of Class IV servants (peons and above). The normal age limits prescribed for entry into Government service apply to class IV servants as well.

#### U. P. S. C. COMMISSION

\*1624. **Shri Jhulan Sinha:** Will the Minister of Home Affairs be pleased to state whether the U.P.S.C. has submitted as required under Article 323 of the Constitution its report for the year 1951-52 for being placed before the two Houses of Parliament?

**The Minister of Home Affairs and States (Dr. Katju):** The report has not yet been received. It is understood to be under preparation.

#### गांवों के लिये टेलीफोन

\*1625. **श्री आर० एस० तिवारी :** (क) क्या संचरण मंत्री यह बतलाने की कृपा करेंगे कि टेलीफोन तथा तार व्यवस्था से प्रति वर्ष कितनी आय होती है तथा इन में से प्रत्येक पर कितना व्यय होता है ?

(ख) जिस प्रकार ग्रामों में तार देने की मुश्विधायें दी गई हैं, क्या उसी प्रकार टेलीफोन की भी व्यवस्था कर दी गई है ?

(ग) क्या ग्रामों में टेलीफोन लगाने की कोई योजना है ?

**The Deputy Minister of Communications (Shri Raj Bahadur):** (a) The income derived from the telephone and telegraph services and the expenditure

incurred on them during the year 1950-51 (which is the latest year for which actuals are available) are given below:

(Figures in thousands of Rupees.)

	Income	Expenditure.
1. Telegraph Branch .	5,94,65	5,16,38
2. Telephone Branch .	9,08,73	5,26,47

(b) No.

(c) No. Under the Five Year Plan commencing from the 1st April, 1951, it is proposed to take telephones to all places where the project is expected to be remunerative and, in particular, to install telephone exchanges at all places with over 30,000 population and to open Public Call Offices at places with more than 20,000 population. The plan is of course subject to the availability of funds and equipment.

#### केन्द्रीय लोक निर्माण विभाग नौगांव

\*१६२६. श्री आर० एस० तिवारी :

(क) क्या यातायात मंत्री यह बतलाने की कृपा करेंगे कि विन्ध्य प्रदेश में से कौन कौन से विभिन्न राजमार्ग गुजरते हैं ?

(ख) इन राजमार्गों की लम्बाई क्या है तथा इन पर प्रति वर्ष कितना व्यय होता है ?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) and (b). Banaras-Rewa-Cape Comorin Road (National Highway No. 7) length 130 miles; Allahabad-Rewa Road (National Highway No. 27) length 32 miles and Jhansi-Saugor-Lakhnadon Road (National Highway No. 26) length 2 miles. The expenditure on the maintenance and repairs of the first two roads was Rs. 2.88 lakhs in 1950-51 and Rs. 2.82 lakhs in 1951-52. The two mile stretch of the third road in Vindhya Pradesh is being maintained by the Uttar Pradesh P.W.D. The figures of annual expenditure thereon are not readily available, but the expenditure in this stretch is probably of the order of Rs. 6,000 per annum.

#### KONKAN-BELGAUM RAILWAY LINE

\*1627. Major-General Bhonsle: Will the Minister of Railways be pleased to state whether it is proposed to undertake the construction of a railway in the near future for linking the Colaba and Ratnagiri Districts (Konkan coast line) with Bombay and Belgaum?

**The Minister of Railways and Transport (Shri L. B. Shastri):** No such proposal is under consideration at present.

#### NATIONAL HIGHWAYS IN MADHYA PRADESH

\*1628. Shri Kirolikar: (a) Will the Minister of Transport be pleased to state what are the National Highways in Madhya Pradesh State maintained by the Government of India?

(b) How much grant was given to the Madhya Pradesh State as their share of the maintenance cost of these National Highways for the years 1950-51 and 1951-52?

(c) What amount was spent in the repairs of Raipur-Chichola portion of the National Highway in 1950-51 and 1951-52?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) Bombay-Nagpur-Calcutta National Highway No. 6; Banaras-Nagpur-Cape Comorin National Highway No. 7; Jhansi-Saugor-Lakhnadon National Highway No. 26; and Raipur-Vizianagram National Highway No. 43.

(b) Rs. 14.62 lakhs in 1950-51 and about Rs. 18.00 lakhs in 1951-52.

(c) About Rs. 75,600 during 1950-51 and Rs. 74,700 during 1951-52.

#### BRIDGE OVER JUMNA

\*1629. Seth Achal Singh: Will the Minister of Transport be pleased to state whether a proposal is under consideration to construct a National Highway Bridge over the River Jumna at Agra, if so, when?

**The Minister of Railways and Transport (Shri L. B. Shastri):** Yes, but the bridge has a low priority as a road-cum-rail bridge already exists over the Jumna at Agra.

#### CENTRAL RAILWAY STATION AT AGRA

\*1630. Seth Achal Singh: Will the Minister of Railways be pleased to state whether a proposal is under consideration to construct a Central Railway Station at Agra and if so, when?

**The Minister of Railways and Transport (Shri L. B. Shastri):** A proposal for providing a Central Railway Station at Agra was considered, but was not found to be practicable from the operational point of view and was, therefore, dropped.

#### SURVEY OF RAILWAY LINES IN NELLORE DISTRICT

\*1631. Shri Ramachandra Reddi: Will the Minister of Railways be pleased to state:

(a) whether it is a fact that certain new Railway lines were surveyed in Nellore District (Madras State);

(b) if so, what those surveyed lines are and whether it is proposed to take up any one of those surveyed for execution; and

(c) if not, why not?

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

(b) and (c). The following Railway lines in Nellore District were surveyed in the past:—

1. Ollapadiem-Singarayakonda-Kanigiri.
2. Kavali-Udayagiri.
3. Cumbum-Kalahasti-Madras.
4. Nellore-Kanigiri.

It is not proposed to take up any of these lines for execution at present.

Adequate justification was not found for construction of any of the above lines when they were surveyed.

#### DELHI IMPROVEMENT TRUST

**\*1632. Shri P. N. Rajabhoj:** Will the Minister of Health be pleased to state:

(a) the total amount of profit earned by the Delhi Improvement Trust upto the 14th August, 1947 and after the 15th August, 1947 so far;

(b) whether the necessity of providing land for building houses to Government employees and others who have to stay in Delhi has ever been considered by the Delhi Improvement Trust; and

(c) if not, what steps Government propose to take to solve the housing problem of the middle class people in Delhi?

**The Minister of Health (Rajkumari Amrit Kaur):** (a) The Improvement Trust is not a profit making body. Any profit it makes by the sale of land in its development schemes is consumed by expenditure on slum clearance schemes which are deficit schemes. It is understood that the Trust has at present a deficit of over Rs. 17 lakhs.

(b) The Trust has no special responsibility for the provision of land to Government employees as such. However most of the Improvement schemes of the Trust are directly or indirectly Housing Schemes. The Trust has so far developed about 1500 acres of land for housing purposes in different parts

of the city. It also transferred about 2260 acres of land to the Rehabilitation Ministry for the purpose of housing displaced persons. The Trust has so far constructed 527 houses for housing people displaced by the clearance of slums and 336 quarters for the same purpose are under construction.

(c) The whole question of Housing is under the consideration of Government.

#### EXTRA DEPARTMENTAL EMPLOYEES

**\*1633. Shri Muniswamy:** Will the Minister of Communications be pleased to state whether Extra Departmental Staff are granted leave with pay and provided with provident fund facilities?

**The Deputy Minister of Communications (Shri Raj Bahadur):** No.

#### CENTRAL PAY COMMISSION RECOMMENDATIONS

**\*1634. Shri Muniswamy:** Will the Minister of Railways be pleased to state whether it is a fact that Government have not implemented the recommendations of the Central Pay Commission regarding the dearness allowance and educational assistance to Railway employees and if so why?

**The Minister of Railways and Transport (Shri L. B. Shastri):** When the scales of pay recommended by the C.P.C. were introduced in 1947, their recommendation in regard to the quantum of dearness allowance that should be granted in relation to the cost of living index obtaining at that time was fully implemented. Consequent on a subsequent rise in the cost of living, this matter has been reviewed from time to time and in order to alleviate the hardship caused thereby, particularly to the lower paid employees, Government have increased the quantum of dearness allowance in respect of these employees, keeping in mind the necessity to avoid serious deficits in the Budgetary position and to keep down the forces of inflation.

It has not been possible for the Government to accept the recommendation of the Central Pay Commission in regard to the grant of special financial assistance towards the cost of education of children of Government employees on grounds both of principle as well as the difficulties which, in practice, would be experienced in ensuring an even distribution of the benefits of any such scheme amongst all employees concerned.

**SUPPLY OF WAGONS TO SAKHIGOPAL RAILWAY STATION**

\*1635. **Pandit Lingaraj Misra:** Will the Minister of Railways be pleased to state:

(a) whether Government received any complaints from the producers or traders of cocoanut in the Puri District regarding irregular supply of wagons to the Sakhigopal Railway Station, in the former B.N.R., for transport of cocoanut;

(b) whether it is a fact that under the existing classification of goods for priority of despatch, cocoanut has been classed as an oil-seed rather than as perishable food;

(c) whether it is a fact that the cocoanut grown in this part of the country is used more as food than as copra;

(d) whether there is any proposal under consideration for upgrading the priority of cocoanut for supply of wagons; and

(e) what is the average monthly requirement of wagons at the Sakhigopal Railway Station for this purpose?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) Yes. A few representations in this regard were received last year from the Secretary, Sakhigopal Cocoanut Growers' Co-operative Society, Sakhigopal.

(b) No. Cocoanuts are not treated as perishables. They fall in the category of 'non-preferential' traffic. Wagons, as available, are supplied to consignors in the order of the registration of their indents, consistent with the Preferential Traffic Schedule, i.e. traffic entitled to any preferential treatment according to the comparative order of preference prescribed in the General and Special Orders issued under section 27-A of the Indian Railways Act, 1890.

(c) Yes. Cocoanuts grown in Puri District are mostly used for edible purposes in the fresh state.

(d) No.

(e) Approximately 50 wagons.

**"WHEAT FOR RICE DEAL" WITH PAKISTAN**

\*1636. **Shri Heda:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether the 'Wheat for Rice Deal' has been recently concluded with the Government of Pakistan;

(b) if so, what is the quantity of wheat that has been transferred to Pakistan under this deal and what is

the quantity of rice that has been obtained in exchange; and

(c) what are the prices current in Indian markets of the qualities of rice and wheat so exchanged?

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

(b) The barter is of 39,700 tons of U.S.A. wheat for 37,700 tons of Sind rice.

(c) As the qualities of wheat and rice exchanged differ from those produced in India, it would not be proper to compare their prices.

**विन्ध्य प्रदेश में रेलवे लाइन**

१६३७. **श्री बी० डॉ शास्त्री:** क्या रेल मंत्री यह बतलाने की कृपा करेंगे कि विन्ध्य प्रदेश में कुल कितने मील लम्बी रेलवे लाइन बिछी हुई हैं?

**The Minister of Railways and Transport (Shri L. B. Shastri):** The total mileage of railway lines in Vindhya Pradesh is 292.

**MALNAD DEVELOPMENT BOARD**

\*1638. **Shri Madiah Gowda:** Will the Minister of Food and Agriculture be pleased to state:

(a) when the Malnad Development Board was constituted and with what object;

(b) whether any reports have been received from the Board so far; and

(c) the amount expended for the Board, so far?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) The hon. Member is presumably referring to the Central Malnad Planning Committee which was appointed by the Government of India in October, 1950. If so, the attention of the hon. Member is invited to the Government of India Resolution No. F.14-10/50-GMF(Co.), dated the 5th October, 1950, a copy of which is placed on the Table of the House. [See Appendix VIII, annexure No. 3.]

(b) Yes. An interim report was received in December, 1950. The Committee has since been wound up.

(c) Rupees 2271/3/-.

**DELEGATION TO F. A. O. MEETINGS**

\*1639. **Shri Madiah Gowda:** Will the Minister of Food and Agriculture be pleased to state:

(a) the names and designation of persons deputed to F.A.O. meetings in 1951-52;

(b) how far the agricultural interest of our country is served by the delegation; and

(c) how many agriculturists constituted the delegation?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) A Statement is placed on the Table of the House.

(b) Interests served by international Conferences are not susceptible of evaluation in precise terms. Such Conferences help member countries to exchange scientific knowledge and co-operate in international action on common problems. The particular Conference was of interest to India with regard to obtaining technical assistance, co-ordination of locust control and plant protection work, review of world agricultural situation and commodity problems and consideration of measures for meeting famine.

A report of the Delegation is available in the Library of the House for reference.

(c) Two members were practical agriculturists.

#### STATEMENT

*Names and designations of persons who constituted the Indian Delegation to the 6th Session of the F.A.O. Conference and the 13th Session of the F.A.O. Council held in November-December, 1951.*

1. The Hon'ble Shri K. M. Munshi, then Minister for Food and Agriculture, Central Government.....*Leader*.

2. Sardar Datar Singh, Vice President, Indian Council of Agricultural Research.....*Alternate*.

3. Dr. P. S. Deshmukh, Member, Parliament.....*Associate*.

4. Shri M. D. Chaturvedi, I.F.S., Inspector General of Forests, Ministry of Food and Agriculture.....*Associate*.

5. Shri S. S. Bajpai, Commercial Counsellor, Indian Embassy, Rome.....*Associate*.

6. Shri J. V. A. Nehemiah, Secretary, Indian Council of Agricultural Research, and Deputy Secretary, Ministry of Food and Agriculture.....*Adviser and Secretary*.

#### PUBLICITY AND PROPAGANDA

\*1640. **Shri Madiah Gowda:** Will the Minister of Food and Agriculture be pleased to state:

(a) the amount spent on Agriculture and "Grow More Food" Campaign for publicity and propaganda for the year 1951-52;

(b) the mode or nature of publicity and propaganda carried out; and

(c) whether any books, periodicals or handbills are published, and if so, which they are and in what languages they are produced?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) Rs. 42,476.

(b) The chief method of disseminating information is the actual demonstration in the fields carried on by the staff employed by the State Governments. In addition, factual and educational publicity for the Ministry is carried on by the Press Information Bureau, I. & B. Ministry, through the Press, Radio, Posters, Pamphlets, Slides and Films. A special programme entitled 'Farm Forum' for the benefit of the cultivators is broadcast from four Stations of the All-India Radio once a week.

A weekly Food Bulletin in English, Hindi, Urdu and a few other regional languages is also prepared and issued widely by the Press Information Bureau, I. & B. Ministry.

(c) A list of the publications showing the languages in which they have been published is placed on the Table of the House.

#### LIST

- (i) Towards Land Transformation—Part I (English).
- (ii) Towards Land Transformation—Part II (English).
- (iii) Land Transformation, A philosophy and a faith (English).
- (iv) Towards Self-Sufficiency (English).
- (v) Towards Self-Sufficiency (Hindi).
- (vi) Food & People No. I (English).
- (vii) Food & People No. II (English).
- (viii) Call to the Plough (English).
- (ix) Haal Joto (Hindi).
- (x) Help Grow More Food (English).
- (xi) Compost (Hindi).
- (xii) Grain Storage for Traders (Hindi).
- (xiii) Domestic Storage (Hindi).
- (xiv) Land Reclamation (English).

- (xv) Ganga Khadar (English).
- (xvi) Kans Eradication (English).
- (xvii) Why this Ration Cut. (English and Hindi).
- (xviii) Back to 12 Ounces (English and Hindi).
- (xix) Improved Seeds (Hindi).

Besides this, ten posters on various aspects of Grow More Food have also been issued. Posters on Vana Mahotsava have been produced in main regional languages.

#### Periodicals

The following periodicals are issued:

1. Agricultural Situation in India (English)—Monthly.
2. Tad Gur Khabar (English and Hindi)—Quarterly.
3. Compost Bulletin (English)—Monthly.
4. Indian Farming (English) (issued by the I.C.A.R.)—Monthly.
5. 'Kheti' (Hindi) (issued by the I.C.A.R.)—Monthly.

In addition various Commodity Committees produce their own periodicals.

#### SUBSIDIARY FOOD SCHEME

\*1641. **Shri Mohanlal Saksena:** Will the Minister of Food and Agriculture be pleased to state:

- (a) how much money was spent on subsidiary food scheme and in particular on sweet potatoes during the year 1951-52;
- (b) how the scheme worked and with what results; and
- (c) does the officer responsible for sponsoring the sweet potato scheme still continue as an adviser of the Food Ministry?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) Nil, the Subsidiary Food Production Committee having been wound up in August, 1950.

(b) The Subsidiary Food Production Committee conducted various experiments for the utilisation of subsidiary foods with a view to see if these could be substituted for cereals, thereby reducing pressure on consumption of cereals and consequent reduction in imports of foodgrains. The Committee after being wound up in August, 1950, was substituted by the All-India Women's Food Council which took over the function of popularisa-

tion of the consumption of supplementary foods. An extract of the recommendations of the Subsidiary Food Production Committee is placed on the Table of the House. [See Appendix VIII, annexure No. 4.]

(c) There was no one particular officer appointed to sponsor this scheme. The scheme was handled by the Subsidiary Food Production Committee.

#### INCIDENTAL CHARGES ON PROCUREMENT AND SALE OF FOODGRAINS

\*1642. **Shri Mohanlal Saksena:** (a) Will the Minister of Food and Agriculture be pleased to place on the Table of the House a statement giving incidental expenses charged by various States on the procurement and sale of food cereals particularly wheat and rice?

(b) How do they compare with the middle man's profit in pre-control days?

(c) If they are considerably higher, will Government take immediate steps to reduce them to the minimum?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) A statement showing the incidental charges on local grains from the procurement to the issue stage in different States is laid on the Table of the House. [See Appendix VIII, annexure No. 5.]

(b) Information regarding middlemen's profit during pre-control days is not available.

(c) Government of India review the incidental charges in different States from time to time to ensure that the charges are kept at reasonable levels.

#### ASSOCIATION WITH CERTAIN ORGANISATIONS

\*1644. **Shri H. N. Mukerjee:** Will the Minister of Home Affairs be pleased to state:

(a) whether there is any direction to the heads of different departments of the Central Government that association with certain organisations renders an employee liable to dismissal or suspension; and

(b) if so, the names of such organisations?

**The Minister of Home Affairs and States (Dr. Katju):** (a) and (b). According to the rules regulating the conduct and discipline of Government servants, a Government servant who becomes a member of any political party or association or takes part in their activities renders himself liable

to disciplinary action; more particularly such action can, and should be taken with regard to Government servants who, in the opinion of the competent authority, are engaged in, or are reasonably suspected to be engaged in, subversive activities, or are associated with others in subversive activities. It will not be in the public interest to give further details.

#### VEGETABLE OIL

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

(a) the total quantity of production of vegetable oils in the country during 1946-47, 1947-48, 1948-49, 1949-50, 1950-51, and 1951-52; and

(b) the names of places with districts and States where mills for the production of vegetable oils are situated?

**The Minister of Food and Agriculture (Shri Kidwai):** Presumably hon. Member's question refers to vegetable oil products, if so the answer is as follows:—

(a) Figures of production of vegetable oil products from 1946 to 1952 are given below:—

Year	(Quantity In thousand tons.)
1946	... 135
1947	... 95
1948	... 130
1949	... 155
1950	... 172
1951	... 172
1952 (upto 30th April)	... 59

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

#### STATEMENT

*Location of V.O.P. Factories State-wise and District. wise.*

Name of Factory 1	Location 2	District 3	State 4
1. Hindustan Vanaspati Mfg. Co.	Bombay	Greater Bombay	Bombay
2. Indian Vegetable Products	"	"	"
3. Swastik Oil Mills, Ltd.	"	"	"
4. Amrit Vanaspati Co.	"	"	"
5. Amrut Oil Mills	"	"	"
6. Vegetable Vitamin Foods Co.	"	"	"
7. Lily Oil Industries	Baroda	Baroda	"
8. Madhusudan Vegetable Products	Rakhial	"	"
9. Bharat Vanaspati Products	Pachora	East Khandesh	"
10. Western Indian Veg. Products	Amalner	"	"
11. Palanpur Vegetable Products	Palanpur	Palanpur	"
12. Walchandnagar Industries	Walchandnagar	Poona	"
13. Ganesh Flour Mills	Kanpur	Kanpur	U.P.
14. Modi Vanaspati Mfg. Co.	Modinagar	Meerut	"
15. Amrit Vanaspati Co.	Ghazibabad	"	"
16. Hindustan Vanaspati Mfg. Co.	"	"	"
17. Ganesh Flour Mills Co.	Delhi	Delhi	Delhi
18. D.C.M. Vanaspati Mfg. Co.	"	"	"
19. Rohtas Industries Ltd.	Dalmianagar	Champaran	Bihar
20. Bharat Vegetable Products	Chattarpur	Ganjam	Orissa
21. Snow White Food Products	Calcutta	Calcutta	W. Bengal
22. Hindustan Development Corp.	"	"	"
23. Kusum Products	"	"	"
24. United Vegetable Mfrs.	"	"	"
25. Swaika Vanaspati Ltd.	"	"	"

1	2	3	4
26. Hindustan Vanaspati Mfg. Co. . .	Calcutta	Calcutta	W. Bengal
27. Berar Swadeshi Vanaspati . . .	Shegaon	Wardha	M. Prades
28. Berar Oil Industries. . .	Akola	Berar	"
29. Mysore Vegetable Products . . .	Madras City	Madras	Madras
30. Mettur Chemical & Industrial Corpn. . .	Mettur Dam	Salem	Madras
31. Hindustan Vanaspati Mfg. Co. . .	Pudur	Tiruchirapalli	"
32. Tungabhadra Industries. . .	Kurnool	Kurnool	"
33. The Vegetols Ltd. . .	Chittur	Chittur	"
34. East Asiatic Company . . .	Madras City	Madras	"
35. East Coast Food Products . . .	Guntur	Guntur	"
36. Vizagapatam Veg. Oil Products . . .	Bobbili	Vizagapatam	"
37. Mysore Veg. Oil Products . . .	Bangalore	Bangalore	Mysore
38. Davangere Vanaspati Veg. Oil Co. . .	Davangere	Davangere	"
39. Hyderabad Veg. Products . . .	Hyderabad	Hyderabad	Hyderabad
40. Tata Oil Mills Co. Ltd. . .	Ernakulam	Trichur	Travancore-Cochin
41. Malwa. anaspati and Chem cal Co. . .	Indore	Indore	Madhya Bharat
42. Jagadish Industries . . .	Porbunder	Porbunder	Saurashtra
43. Bhavnagar Vegetable Products . . .	Bhavnagar	Bhavnagar	"
44. Morvi Vegetable Products . . .	Morvi	Morvi	"
45. S. G. Vegetable Products. . .	Jamna Nagar	Ambala	E. Punjab

## LAND UNDER JUTE CULTIVATION

**372. Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state how much additional acreage of land Government propose to bring under Jute cultivation during the next five years?

**The Minister of Food and Agriculture (Shri Kidwai):** According to the present plans of the State Governments, an additional area of about 9.5 lakh acres is proposed to be brought under jute during the period covered by the Five-Year Plan viz. 1951-52 to 1955-56. It is, however, expected that as intensive cultivation of jute becomes more effective, there may not be need for expanding jute acreage to the full extent indicated.

SHRI A. D. GORWALA'S REPORT ON  
ROAD TRANSPORT SERVICES

**373. Shri S. C. Samanta:** (a) Will the Minister of Transport be pleased to state what are the recommendations of Shri A. D. Gorwala to improve Road Transport Services in States and in the Centre?

(b) Which of the recommendations have been accepted by the Planning Commission and how will they be carried out?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) In his Report on the "Efficient Conduct of State Enterprises" Shri A. D. Gor-

wala has made the following observations to improve Road Transport Services:—

"Road transport services form one of the principal public utilities that have been taken over by Government in many States. They are generally run departmentally though in one or two instances boards have been set up under special Acts. In effect, these are attempts to establish public corporations, though some of the members of the boards are Government officers holding other Government appointments. Clearly in regard to these too, autonomy is needed for efficient working. The public corporation form seems most suitable. A full-time Government official should be appointed as managing director and the rest of the board of the corporation made up by selecting part-time directors from amongst business and public men. Commercial practice in all matters including personnel and proper accounting should of course be the rule."

(b) The Planning Commission has accepted the recommendation that the operation of State Road Transport Services should be entrusted to public corporations and not allowed to be managed departmentally. The Road Transport Corporation Act, 1950, enables such corporations to be formed and enjoins that a corporation in carrying on its undertaking shall act on business principles.

As the executive authority for road transport matters is vested in State Governments, the implementation of this recommendation is their responsibility.

The road transport services in Delhi, are administered by a statutory authority set up under the Delhi Road Transport Authority Act, 1950.

#### LAND ARMY

**374. Pandit Munishwar Datt Upadhyay:** Will the Minister of Food and Agriculture be pleased to state:

(a) in what parts of the country pilot centres have been opened for the training of the land army; and

(b) what is the training imparted to the trainees in these centres and how are the cost of these centres met?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) No pilot centre has been opened for training the Land Army personnel.

(b) Does not arise.

#### U. S. TECHNICAL CO-OPERATION AGREEMENT (LOCUST MENACE)

**375. Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Food and Agriculture be pleased to state whether there have been any Agreement signed between Government of India and U.S. Technical Co-operation Administration to fight the locust menace in India?

(b) What material and technical aid would be available to India under this Agreement?

(c) What would be the share of India's contribution to this project?

(d) When is locust invasion apprehended in India?

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

(b) The following material and technical aid would be available to India under this agreement:—

(i) **Material Aid**—

(i) 75 light (4-wheel drive) vehicles.

(ii) 75 power sprayers and

(iii) 8 Wireless sets.

(ii) **Technical Aid**—

3 fixed wing planes with aircrew and technicians for demonstrating and conducting effective methods of locust control by aerial spraying during July-October, 1952.

(c) Rs. 2,48,000.

(d) The invasion started in the middle of May, 1952 and its intensity will be at its height by the end of July, 1952. The breeding will start in the wake of the monsoon rains.

#### MINORITIES IN INDIA

**376. Shri Ganpati Ram:** Will the Minister of Home Affairs be pleased to state:

(a) the total population enumerated as minorities in India giving the numbers state-wise;

(b) what castes, creed and sects of people are enumerated in minorities; and

(c) the number, caste, creed, colour-wise of each State?

**The Minister of Home Affairs and States (Dr. Kastu):** No attempt has been made in the 1951 Census to classify people by caste or creed except as regards the Scheduled Castes and the Scheduled Tribes.

#### RAPE AND MUSTARD

**377. Shri Ganpati Ram:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether there is any total increase in area under Rape and Mustard in 1952 in comparison with the total area in previous three years and also the percentage of increase;

(b) the States in which such increase has occurred and the States in which it has decreased and the reasons for such increase or decrease; and

(c) what efforts have been made to increase the production of these seeds and if so, in what way and to what extent it has succeeded?

**The Minister of Food and Agriculture (Shri Kidwai):** (a) and (b). Final estimate for 1951-52 crop is not yet available. Present indications, however, are that the 1951-52 acreage may show some increase over previous years.

(c) The Indian Central Oilseeds Committee have been giving financial assistance to State Governments for carrying out research with a view to evolve high yielding varieties of Rape and Mustard seed and for control of pests and diseases. A statement showing the schemes of research undertaken is laid on the Table of the House. [See Appendix VIII, annexure No. 6.]

## SUGAR FACTORIES

**378. Shri N. B. Chowdhury:** Will the Minister of Food and Agriculture be pleased to state the number of new sugar factories established in India during 1947-48, 1948-49, 1949-50, 1950-51 and 1951-52 State-wise?

**The Minister of Food and Agriculture (Shri K. N. Wai):** A statement giving the required information is placed on the Table of the House.

## STATEMENT

Number of new sugar factories installed in the various States during the period 1947-48 to 1951-52

Name of State	1947-48	1948-49	1949-50	1950-51	1951-52
Ajmer	1	...	...	...	...
Travancore-Cochin	...	1	...	...	...
Madhya Bharat	...	1	...	...	...
Madras	...	1	1	1	1
Bombay	...	...	1	...	...
Hyderabad	...	...	1	1	1
	1	2	1	3	2

## ROADS IN SCHEDULED AREAS OF ORISSA

**379. Shri Sanganna:** Will the Minister of Transport be pleased to state:

(a) whether there is any proposal under consideration of Government to take up construction of new roads or improvement to the existing roads in the Scheduled areas of the State of Orissa under the National Highways Development Programme; and

(b) if so, where and in what parts of the State?

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

Yes.

(b) National Highway No. 6 (Bombay-Calcutta Road) passing through Mayurbhanj is being developed as a fully bridged road. Also some improvement works are being done on National Highway No. 5 (Calcutta-Madras Road) in Mayurbhanj and National Highway No. 48 (Raipur-Vizianagram Road) in Koraput area.

## DISPLACED PERSONS (CONFIRMATION)

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

(a) the number of displaced persons employed under the Government of India after the Partition; and

(b) the number out of (a) so far confirmed?

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

## CARRIAGE OF POSTAL MAILS ETC.

**381. Shri K. C. Sodha:** Will the Minister of Railways be pleased to state the amount charged by the Railways for the carriage of postal mails (i) from the Posts and Telegraphs Department (ii) from the Defence Department for the movement of military traffic both personnel and stores and (iii) from the food Department for the carriage of foodgrains during 1951-52?

**The Minister of Railways and Transport (Shri L. B. Shastri):** Presumably the hon. Member is referring to the revenue derived by Railways by way of transport charges during 1951-52 from (i) the Posts and Telegraphs Department, (ii) the Defence Ministry and (iii) the Food Ministry at the Centre and Food Departments in the States.

So far as items (i) and (ii) are concerned, the amounts involved are (i) Rs. 63,37,888 and (ii) Rs. 7,77,16,486 respectively.

So far as item (iii) is concerned, separate figures of revenue derived from the carriage of foodgrains for the Food Ministry and Food Departments alone are not readily available. The total revenue derived by railways from the carriage of foodgrains traffic covering all movements amounted to Rs. 16,13,08,219 during 1951-52.

## AVENUE TREES

**382. Shri Madiah Gowda:** Will the Minister of Transport be pleased to state:

(a) the number of avenue trees on the National Highways;

(b) the steps that are being taken to maintain the trees that are in existence and to plant new trees; and

(c) the amount provided for this purpose?

**The Minister of Railways and Transport (Shri L. B. Shastri):** (a) to (c). The maintenance of trees along National Highways is a part of the ordinary maintenance and repairs of these highways. Information as to the number and cost of maintenance of avenue trees on these highways is not readily available and the time, labour and expense involved in its collection

by hundreds of executive officers of all the State Public Works Departments concerned will not be commensurate with the result.

#### LOCUSTS SWARMS

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

(a) whether it is a fact that locust swarms have been noticed flying over Rajasthan; and

(b) if so, what steps have been taken to prevent the menace?

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

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

#### STATEMENT

*Action taken and going to be taken to meet the locust menace.*

#### Action taken—

The Central Locust Organisation which is responsible for control operations in the scheduled desert areas in Rajasthan, Punjab, Pepsu, Bombay, Saurashtra and Kutch have divided it into three Circles, each in charge of an experienced Entomologist, with headquarters at Bikaner, Jodhpur and Palanpur. At other places which are important from the point of view of locust strategy, particularly along the Indo-Pakistan borders, there are outposts at about 60 points, which are equipped with poison, hand and power dusting and spraying machines and motor transport. The strength of the Organisation has recently been increased temporarily to meet the menace. Some additional insecticides and equipment have also been purchased. Many of the places have been equipped with radio transmitting facilities for quick and timely activity.

As regards the States which are threatened with locust invasion, the preparations have been made more or less on the above lines, according to the requirements of the State concerned.

#### Action to be taken—

Under the Point Four Programme of the U.S.A. three small aeroplanes will be arriving in India (Jaisalmer) by the middle of this month, for locust spraying operations. The following equipment is also being obtained under a recent Agreement concluded with the Technical Co-operation Administration in India:—

- (i) 75 light vehicles.
- (ii) 50 power sprayers.
- (iii) 25 power dusters.
- (iv) 8 wireless sets.

Pending the arrival of the equipment from U.S.A. arrangements are being made with the Defence Services and T.C.A. authorities to obtain on loan some vehicles and jeeps from them respectively. Some power sprayers and dusters are also being purchased from stocks in India, which will be financed from the T.C.A. funds.

#### MERCY PETITIONS

**384. Shri Muniswamy:** Will the Minister of Home Affairs be pleased to state:

(a) how many petitions for mercy from condemned prisoners were received during the year 1952 up-to-date and

(b) how they have been disposed of?

**The Minister of Home Affairs and States (Dr. Katju):** (a) 99.

(b) In 18 cases the sentence of death was commuted to transportation for life and in one to 7 years' imprisonment. The remaining 80 cases were rejected.

THE  
PARLIAMENTARY DEBATES

Dated..... 26.11.291

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

3443

3444

HOUSE OF THE PEOPLE

Wednesday, 9th July, 1952.

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-15 A.M.

PRIVILEGES COMMITTEE

PRESENTATION OF REPORT ON ARREST OF SHRI V. G. DESHPANDE

The Minister of Home Affairs and States (Dr. Katju): I beg to present the report of the Committee of Privileges on the question of privilege involved in the arrest of Shri Vishnu Ghanashyam Deshpande, a Member of this House, which was referred to the Committee on the 27th May, 1952.

Dr. S. P. Mukherjee (Calcutta South-East): For the first time we are having a report like this. I would like to know what will be the procedure adopted. Will a date be fixed for discussion of the report, or will any other procedure be adopted?

Mr. Speaker: I will consider the matter, and then let the hon. Member know about it.

ELECTION TO COMMITTEES  
CENTRAL ADVISORY BOARD OF EDUCATION

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House do proceed to elect, in such manner as the Speaker may direct, three members from the House of the People to serve on the Central Advisory Board of Education for a period of three years."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the Speaker may direct, three members from the House of the People to serve on the Central Advisory Board of Education for a period of three years."

The motion was adopted.

COURT OF UNIVERSITY OF DELHI

Shri Satya Narayan Sinha: I beg to move:

"That in pursuance of item (xvi) of Clause (1) of Statute 2 of the revised Statutes of the University of Delhi, this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to be members of the Court of the University of Delhi for a period of five years."

Mr. Speaker: The question is:

"That in pursuance of item (xvi) of Clause (1) of Statute 2 of the revised Statutes of the University of Delhi, this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to be members of the Court of the University of Delhi for a period of five years."

The motion was adopted.

Mr. Speaker: I have to inform hon. Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees:

	Date of Nomination	Date for Election
(1) Central Advisory Board of Education	11-7-1952	15-7-1952
(2) Court of the University of Delhi		

[Mr. Speaker]

The nominations for these Committees will be received in the Parliamentary Notice Office up to 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Deputy Secretary's Room (No. 21) in the Parliament House between the hours 10-30 A.M. and 1 P.M.

### PREVENTIVE DETENTION (SECOND AMENDMENT) BILL

**The Minister of Home Affairs and States (Dr. Katju):** I beg to move for leave to introduce a Bill further to amend the Preventive Detention Act, 1950.

**Mr. Speaker:** Motion moved:

"That leave be granted to introduce a Bill further to amend the Preventive Detention Act, 1950."

**Dr. S. P. Mookerjee (Calcutta South-East):** Sir, I rise to oppose the motion under rule 72 of the Rules of Procedure. In doing so, with your leave, I shall make a very brief statement. It is not customary for any Member to oppose the motion asking for leave to introduce a Bill. But in view of the extraordinary nature of the Bill which is now sought to be introduced we deem it our duty to oppose it at this stage, as we shall oppose it at every stage later on.

I do not wish to make a long speech now, because I am not allowed to do so under the rules. But I shall very briefly state the reasons why we oppose the Bill from the very beginning. It has been admitted by all that the principle of detention without trial is inconsistent with and repugnant to the basic principles of democracy. In fact, we have been trying to find out from the laws of various countries whether such an enactment exists in any democratic country, but we do not find it to be so. (Interruption). The hon. Minister of Finance will visit Russia next time and give us a first hand report, and we will await that report (Interruption). In any case we are prepared to concede that an emergency may arise, and special circumstances may require in the history of any country, including ours, when such a Bill has to be passed into law. But the question is whether such conditions do exist in India today. And there our emphatic answer is that such conditions do not exist.

Some time must come when the country must be governed according to the rule of law, and this is the most propitious time when Government should have allowed the country to be governed according to the ordinary laws of the land. If it is necessary to amend the existing penal laws for any special purposes, that matter might be considered separately. But any Bill for the purpose of detaining persons without trial which is completely repugnant to democracy should not be proceeded with.

The last point which I would like to stress is that the manner in which the Act has been administered does no credit to Government. This will appear from the observations and judgments, not of politicians, but of Judges of High Courts and the Supreme Court, who have expressed their helplessness in dealing with matters where they felt obvious injustice was done and even where they had a suspicion that Government was acting in a *mala fide* manner. For this reason and for other reasons which we will have the chance to place before the House later on, we oppose the motion at this stage of introduction.

**Dr. Katju:** Sir, I am really astonished that my hon. friend—I do not know whether he has read the Bill which I have sought leave to introduce—has just risen to oppose the introduction of the Bill, by opposing the motion made by me asking for leave to introduce the Bill. In the Constitution, the Constitution-framers recognised the possibility of having such an Act on the Statute-Book, and have made detailed provisions about preventive detention. I do not want to enter into a controversy at this stage. If leave is granted, and the Bill comes up for consideration, I shall satisfy this House, irrespective of party considerations that the need exists and shall continue to exist for a considerable time. It may be—I speak with great respect—that my hon. friend who has just risen to oppose leave, has been speaking, I do not know, for party considerations; it may be that he himself probably will always act within the law and therefore will never be exposed to the dangers of preventive detention. But there are others who are engaged in activities prejudicial to public safety. There are, for instance, people who still hold arms without a licence, and say that they will continue to hold arms without licence, unless and until something is done by way of a settlement with them. Is that consistent with the prevalence of law here?

I do not want, as I said, to go into details. We have taken every aspect into consideration in moving or in preparing this Bill and bringing it before the House. I am only carrying out the undertaking which I gave on the last occasion. The Act was due to expire on the 31st of March—the old Act—and we could have then sought liberty from the House to extend it for 12 or 18 or 24 months or any period. We thought it only fair and respectful to this House—newly elected House—that we should take the House into confidence and seek its consent in enacting it and therefore, the Act was only extended for six months. These six months will expire on the 30th of September. We are going out of our way to occupy the House in the month of July because we do not want to take any action on purely executive authority. The fairer thing will be for the House to have the Bill before it, to consider its provisions and then to give a considered opinion on the merits of the Bill. If the House thinks they should not like to have any Bill at all, that the country is absolutely safe and sound

and there is no danger either from without or from within and preventive detention is not likely to be of any effect, then let it say so. But I take objection to this—that it is something lawless. The Constitution provides for it. It is entered in List I and in the Concurrent List. The Constitution says that it can be framed and what the Constitution recognises as such is something within the law of the land. I do not want to take up any more time on this occasion.

**Dr. N. B. Khare (Gwalior):** I must say.....

**Mr. Speaker:** No, no. The hon. Member will resume his seat. He has no right to say anything now.

**Mr. Speaker:** The question is:

“That leave be granted to introduce a Bill further to amend the Preventive Detention Act, 1950.”

*The House divided: Ayes. 279: Noes. 84.*

Division No. 7]

[9-30 A.M.

AYES

Abdus Sattar, Shri	Bhonsle, Major-General	Dessi, Shri K. N.
Aehal Singh, Seth	Bidari, Shri	Deshmukh, Shri C. D.
Achint Ram, Lala	Birbal Singh, Shri	Deshmukh, Shri K. G.
Achutan, Shri	Bogawat, Shri	Deshmukh, Dr. P. S.
Agarwal, Prof.	Bornoah, Shri	Dholakia, Shri
Agarawal, Shri H. L.	Bose, Shri P. C.	Dhulekar, Shri
Asrawal, Shri M. L.	Brajeshwar Prasad, Shri	Dhusiya, Shri
Akarpuri, Sardar	Brohmo-Choudhury, Shri	Digambar Singh, Shri
Alagesan, Shri	Buragohain, Shri	Dube, Shri Mulchand
Altekar, Shri	Chacko, Shri P. T.	Dubey, Shri R. G.
Alva, Shri Joachim	Chandak, Shri	Dwivedi, Shri D. P.
Amrit Kaur, Rajkumari	Chandrasekhar, Shrimati	Ebenezer, Dr.
Anthony, Shri Frank	Charak, Shri	Elayaperumal, Shri
Asthana, Shri	Chatterjee, Dr. Sudhiranjan	Fotadar, Pandit
Ayyangar, Shri M. A.	Chaturvedi, Shri	Gadgil, Shri
Azad, Maulana	Chavda, Shri	Gandhi, Shri M. M.
Badan Singh, Ch.	Chinaria, Shri	Gandhi, Shri V. B. ;
Balasubramaniam, Shri	Choudhri, Shri M. Shaffee	Ghose, Shri S. M. ;
Bansal, Shri	Dabhi, Shri	Ghosh, Shri A.
Barman, Shri	Damar, Shri	Giri, Shri V. V.
Barrow, Shri	Das, Dr. M. M.	Gopi Ram, Shri
Barupal, Shri	Das, Shri B. K.	Gounder, Shri K. P.
Basappa, Shri	Das, Shri B. Ram	Gounder, Shri K. S.
Bhakta Darhan, Shri	Das, Shri K. K.	Goviud Das, Seth
Bhandari, Shri	Das, Shri Ram Dhan	Guha, Shri A. C.
Bharati, Shri G. S.	Das, Shri Ramananda	Gupta, Shri Badabah
Bhargava, Pandit M. B.	Das, Shri S. N.	Hari Mohan, Dr.
Bhatkar, Shri	Das, Shri N. T.	Heda, Shri
Bhawanji, Shri	Datar, Shri	Hem Raj, Shri
Bheekha Bhai, Shri	Deb, Shri S. G.	

Hembrom, Shri	Mishra, Shri Bibhutil	Sabu, Shri Rameshwar
Ibrahim, Shri	Mishra, Shri L. N.	Sakhare, Shri
Islamuddin, Shri M.	Mishra, Shri Lokenath	Samanta, Shri S. C.
Iyyani, Shri E.	Mishra, Shri M. P.	Sanganna, Shri
Iyyunni, Shri C. R.	Mishra, Shri S. N.	Sankarapandian, Shri
Jagjivan Ram, Shri	Misra, Pandit Lingaraj	Sarmah, Shri
Jain, Shri A. P.	Misra, Shri B. N.	Satish Chandra, Shri
Jajwade, Shri	Misra, Shri S. P.	Satyawadi, Dr.
Jangde, Shri	Morarka, Shri	Sen, Shri P. G.
Jasani, Shri	More, Shri K. L.	Sen, Shrimati Sushama
Jatav-vir, Shri	Muchaki Kosa, Shri	Seawal, Shri A. R.
Jayashri, Shrimati	Mudaliar, Shri C. R.	Shahnawaz Khan, Shri
Jena, Shri K. C.	Musafr, Giani G. S.	Sharma, Pandit Balkrishna
Jena, Shri Niranjan	Muthukrishnan, Shri	Sharma, Pandit K. C.
Jethan, Shri	Nair, Shri C. K.	Sharma, Prof. D. C.
Jha, Shri Bhagwat	Namdhari, Shri	Sharma, Shri K. R.
Joshi, Shri Jethalal	Narasimhan, Shri C. R.	Sharma, Shri R. C.
Joshi, Shri Liladhar	Naskar, Shri P. S.	Shastri, Pandit A. R.
Joshi, Shri M. D.	Natawadkar, Shri	Shastri, Shri H. N.
Joshi, Shrimati Subhadra	Natesan, Shri	Shivnanjappa, Shri
Kakkan, Shri	Nathwani, Shri N. P.	Shobha Ram, Shri
Kale, Shrimati A.	Nehru, Shri Jawaharlal	Sidhananjappa, Shri
Kanungo, Shri	Nehru, Shrimati Uma	Singh, Shri Babunath
Karmarkar, Shri	Neswi, Shri	Singh, Shri H. P.
Kasiwal, Shri	Nevalia, Shri	Singh, Shri L. J.
Katham, Shri	Nijalingappa, Shri	Singh, Shri M. N.
Katju, Dr.	Pannalal, Shri	Singh, Shri T. N.
Kaushik, Shri	Pant, Shri D. D.	Sinha, Dr. S.
Kazmi, Shri	Parikh, Shri S. G.	Sinha, Shri Anirudha
Keshavalingar, Shri	Parmar, Shri R. B.	Sinha, Shri C. N. P.
Khan, Shri S. A.	Pataskar, Shri	Sinha, Shri Jhulan
Khedkar, Shri G. B.	Patel, Shri B. K.	Sinha, Shri N. P.
Khongmen, Shrimati	Patel, Shrimat Maniben	Sinha, Shri Satyendra Narayan
Khuda Baksh, Shri M.	Pateria, Shri	Sinha, Shri
Kirolikar, Shri	Patil, Bhau Saheb	Sodhia, Shri K. C.
Kolay, Shri	Patil, Shri S. K.	Somana, Shri N.
Krishna Chandra, Shri	Patil, Shri Shankargauda	Somani, Shri G. D.
Krishnamachari, Shri T. T.	Prabhakar, Shri N.	Subrahmanyam, Shri T.
Krishnappa, Shri M. V.	Prajad, Shri H. S.	Suriya Prashad, Shri
Kureel, Shri B. N.	Radha Raman, Shri	Swaminadhan, Shrimati Ammu
Lal, Shri R. S.	Raghbir Sahal, Shri	Syed Ahmed, Shri
Lalaji, Shri	Raghbir Singh, Ch.	Syed Mahmud, Dr.
Laskar, Prof.	Raghuramalai, Shri	Tandon, Shri
Lingam, Shri N. M.	Raj Bahadur, Shri	Tek Chand, Shri
Madiyah Gowda, Shri	Ram Dass, Shri	Telikkar, Shri
Mahodaya, Shri	Ram Saran, Prof.	Tewari, Sardar R. B. S.
Mahtab, Shri	Ram Subbag Singh, Dr.	Thimmalah, Shri
Majhi, Shri R. C.	Ranbir Singh, Ch.	Thomas, Shri A. M.
Majithia, Sardar	Rane, Shri	Tivari, Shri V. N.
Malaviya, Shri K. D	Ranjit Singh, Shri	Tiwari, Shri R. S.
Malliah, Shri U. S.	Rao, Diwan Raghavendra	Tripathi, Shri K. P.
Malvia, Shri B. N.	Rao, Shri B. Shiva	Tulsidas, Shri
Malviya, Pandit C. N.	Rao, Shri Seshaigiri	Tyagi, Shri
Malviya, Shri Motilal	Raut, Shri Bholu	Uikey, Shri
Mandal, Dr. P.	Reddy, Shri H. S.	Upadhyay, Shri Shiva Day 1
Masuodi, Maulana	Roy, Dr. Satyaban	Upadhyaya, Shri S. D.
Masuriya Din, Shri	Roy, Shri Patiram	Vaishnav, Shri H. G.
Mathew, Prof.	Rup Narain, Shri	Vaishnya, Shri M. B.
Mehta, Shri A. L.	Sahaya, Shri Syamnandan	Varma, Shri B. B.
Mehta, Shri Balwant Singh	Sahu, Shri Bhagabat	
Mehta, Shri B. G.		

Vartak, Shri  
Venkataswami, Shri  
Vidyasankar, Shri

Vijaya Lakshmi, Shrimati  
Vishwanath Prashad, Shri  
Vya, Shri Radhakish

Wilson, Shri J. N.  
Wodeyar, Shri  
Kaidi, Col.

NOES

Achalu, Shri  
Ajit Singh, Shri  
Amin, Dr.  
Amjad Ali, Jonah  
Bahadur Singh, Shri  
Bauerjee, Shri  
Basu, Shri K. K.  
Biren Dutt, Shri  
Buchhikotaiah, Shri  
Chatterjee, Shri N. C.  
Chatterjee, Shri Tushar  
Chattopadhyay, Shri  
Chowdhary, Shri C. R.  
Chowdhury, Shri N. R.  
Damodaran, Shri N. P.  
Das, Shri B. C.  
Das, Shri Saranadhar  
Dasaratha Deb, Shri  
Deo, Shri R. N. S.  
Deogam, Shri  
Deshpande, Shri V. O.  
Gam Mallinath, Shri  
Girdhari Bhai, Shri  
Gopalan, Shri A. K.  
Gurupedaswamy, Shri  
Hukam Singh, Shri  
Jaipal Singh, Shri  
Jaisoorya, Dr.

Jaswant Rai, Shri  
Jena, Shri Lakshmid  
Jwala Prashad, Shri  
Kachiroyar, Shri  
Kamal Singh, Shri  
Keslappan, Shri  
Khare, Dr. N. B.  
Krishnaswami, Dr.  
Lal Singh, Sardar  
Mahata, Shri B.  
Mahi, Shri Chaitan  
Menon, Shri Damodara  
Mishra, Pandit S. C.  
Misir, Shri V.  
Mookerjee, Dr. S. P.  
Mukerjee, Shri H. N.  
More, Shri S. S.  
Muniswamy, Shri  
Murthy, Shri B. R.  
Mushar, Shri  
Naidu, Shri N. R.  
Nambiar, Shri  
Nanadas, Shri  
Nathani, Shri H. R.  
Nesamony, Shri  
Punnose, Shri  
Raghavachari, Shri  
Raghavaiah, Shri

Ramnaraya Singh, Babu  
Randaman Singh, Shri  
Rao, Dr. Rama  
Rao, Shri Gopala  
Rao, Shri K. S.  
Rao, Shri P. R.  
Rao, Shri Vittal  
Reddi, Shri Ramachandra  
Reddy, Shri Bewara  
Rishang Keishing, Shri  
Saha, Shri Meghnad  
Shah, Shrimati Kamelendu Mai  
Shakuntala, Shrimati  
Sharma, Shri Nand Lal  
Shastri, Shri R. D.  
Singh, Shri G. S.  
Singh, Shri R. N.  
Soren, Shri  
Subrahmanyam, Shri K.  
Sundaram, Dr. Lauka  
Swami, Shri Sivamurthi  
Swamy, Shri N. B. M.  
Trivedi, Shri U. M.  
Vallathara, Shri  
Veerawami, Shri  
Velayuthan, Shri  
Verma, Shri Ramji  
Waghmare, Shri

The motion was adopted.

Dr. Katju: I introduce the Bill.

CONSTITUTION (SECOND AMENDMENT) BILL

Shri H. N. Mukerjee (Calcutta North-East): Sir, yesterday I was making prefatory observations while commending my amendment which seeks to circulate the Bill in order to elicit opinion thereon by the 1st day of November 1952. I feel that a constitutional amendment is a matter about which we should try to secure the maximum possible public opinion and then decide in which way the Constitution ought to be amended. I feel that the heavens will not fall if there is some delay in finding out how exactly we are going to delimit our constituencies for whatever elections

might ensue in the future. I know that there are certain provisions in the Constitution which require to be changed, because we do have census enumerations from time to time. The population of our country changes and therefore if there are provisions in the Constitution which cannot possibly be observed, in view of the change in the population structure of our country, then surely certain alterations are called for. I do not therefore object to the amendment as such but I do object and very strongly object to the manner in which the amendment has been sought to be made and the kind of thing which is now intended to be done by means of this amendment.

[Shri H. N. Mukerjee]

The hon. Law Minister intends to amend article 81, of which clause (1) (a), says:

"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."

There is a further sub-clause (b), which says:

"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 7,50,000 of the population and not more than one member for every 5,00,000 of the population."

The question here which requires to be determined is what exactly was the intention of the makers of the Constitution. Did they want to put a ceiling figure, namely 500, but in that case did they intend seriously to apply sub-clause (b) which says "the number of members.....shall be so determined.....that there shall be not less than one member for every 7,50,000 of the population and not more than one member for every 5,00,000 of the population"?

I should say that in determining questions of this sort the tenor and purpose of the Constitution have got to be considered. I take it that the makers of the Constitution wanted to make it as democratic a document as possible. The Preamble of the Constitution has been very highly spoken of in different parts of the world. Lately one of the political scientists of Great Britain in a book makes specific mention of the Preamble to our Constitution as incorporating a democratic principle in a manner which he commends very highly.

If we take the tenor and purpose of our Constitution, I submit that in spite of there being very many limitations in the Constitution, as it has been framed, its purpose definitely is democratic. We have got the Chapter on Fundamental Rights, which we know leaves a great deal to be desired. Even the Prime Minister said the other day that he wants at least one particular Fundamental Right to be phrased very differently from what it is. We know that there are many defects in the

Chapter on Fundamental Rights. However, there is after all a chapter on Fundamental Rights. Again, there are certain Directive Principles of State Policy which are not binding but which are at the same time of very special significance. Therefore, I take it and I think the House will agree with me in this regard, at any rate, that the purpose of our Constitution is certainly democratic and therefore if so soon after the inauguration of our Constitution we are going to amend it, it should be our duty to amend it in a manner which would be in conformity with the democratic purpose of our Constitution.

But what the Law Minister seeks to do is to keep the number of seats in the House of People at the present level, not to change the Constitution as far as that goes, but virtually to take away the right of franchise from a certain section of our population and to raise the figure in regard to the population which would be represented in the House of the People. I would say that this is a most illogical procedure and is absolutely out of consonance with the spirit of the Constitution. If it is suggested that 500 is a ceiling figure which we should never exceed, I would say that it is an extremely frivolous proposition. If it is suggested that for all time to come the House of the People shall consist of not more than 500 Members, just because in the Constitution there is a provision to that effect, I would say there is an extremely irresponsible attitude of mind behind it. I say this because in different countries there are provisions from which we ought to take some lesson.

Yesterday I pointed out how in the House of Representatives of the U.S.A. the number has risen from time to time. On account of the change in census figures from time to time, on account of the increase of population in the U.S.A. and the redistribution of constituencies, the membership of the House of Representatives in the U.S.A. has come up to 435 from 65. In the Constitution of Canada also we find that there are provisions regarding the fluctuations in the size of the federal body in conformity with the census figures. Similarly we find in the Constitution of South Africa, a country which we need not follow in many respects, but which may have, from a technical point of view, certain lessons for us. There readjustment of representation is made according to the census figures, as they are collected from time to time. It stands

to reason that as and when our population increases their representation in the House of the People also should increase. I do not say that the number in the House of People should be deliberately made very unwieldy and cumbrous but I say that that question does not arise at the present moment. 500 is not such a very fantastic number, I submit. In the House of Commons in the U.K. there are now about 640 members. If a little island like the U.K. can have a House of Commons consisting of 640 members and if there one finds a provision that there should be one member of Parliament for every 25,000 of the population, there is no reason why in this country we should have such a provision as has been commended to this House by the hon. the Law Minister. In certain other countries, for example, Ireland, there is not less than one member for each 30,000 of the population and not more than one member for each 20,000 of the population. In Burma it is laid down that there is to be not less than one member for each 1,00,000 of the population and not more than one member for each 30,000 of the population. These are figures which are extremely eloquent. If that is so, there is no reason why we should fight shy of increasing the number of Members of the House of the People.

I have heard sometimes even such extremely frivolous statements as that the present building, where the House of the People meets, is not big enough, there is no accommodation even for 500 people and, therefore, we should not have a larger number. I should say that that kind of argument is utterly frivolous, not worthy of consideration. In the House of Commons even now there is no provision for the seating of all the members there but that does not mean that the number of members should be reduced. We certainly have resources enough to provide accommodation, if we think it necessary, for as many Members of the House of the People as there may be. I can easily envisage the number of Members of the House of the People going up to as much as 750. There is nothing to prevent it and nothing should be there to prevent it.

If that is so, then for quite a length of time we need not bother and in order to get over certain difficulties in the Constitution, I would suggest that now that we are amending article 81, let us do something about it, namely, let us try to amend article 81 (1) (a) and not article 81 (1) (b).

That would serve our purpose if we increase the number of Members of the House of the People up to whatever figure the House thinks fit, or if we leave it indefinitely as I have suggested in another amendment and say that the number of Members of the House of the People shall be determined by law from time to time. That would take note of whatever census figures are available from time to time. That is a course which I suggest is absolutely in conformity with reason, with commonsense, with democratic principles, and there is no reason why we should proceed to amend our Constitution in an obviously undemocratic direction.

I hope that the attention of the Ministry has been directed to public opinion which has already been pronounced in a certain fashion on this measure. As soon as the Bill was introduced, there were statements made in many journals all over the country which suggested that there was an effort to disenfranchise a section of the population. It is not that we lose our vote altogether, but if we are not to send as many representatives to the House of the People as we ought to, then surely that is a variety of disenfranchisement. I submit that already there has been a certain expression of opinion on this point which shows very clearly which way the people feel in regard to the proposed amendment, and I suggest that this Bill should not be rushed through the Legislature in the manner it is being sought to be done. I submit that a constitutional amendment is a very serious matter, something which affects us very deeply, and we should give our very careful thought to it. We should try to elicit opinion from as many sources as we possibly can do, and unless we do that we shall be failing in our responsibility, we shall be failing in our duty not only to the people but also to the Constitution by which we swear. I therefore propose that my amendment which is extremely modest in nature, which is extremely reasonable, which should be acceptable to anybody as far as I can understand it, should be accepted by this House. I do not ask for the moon. I do not ask for any very radical change in the Constitution. I only say: "Do not proceed in this haphazard fashion. Do not proceed in this frivolous fashion and do not try even indirectly and remotely to take away whatever constitutional rights our people have got". Therefore at least for the time being, let us not proceed with this sort of legislation. Let us try to find out how the country feels in regard to this matter and then

[**Shri H. N. Mukerjee**]

surely we will be in a position to understand what we should do in regard to the constitutional amendment.

I reserve my right to express myself in regard to the other amendment which I have given notice of, later on. But I do hope that the hon. the Law Minister will respond to the amendment I have given notice of, because I feel that this ought to be accepted by the Government straightway.

**Shri Syammandan Sahaya** (Muzaifarpur Central) rose—

**The Minister of Law and Minority Affairs (Shri Biswas)**: May I interrupt my hon. friend at this stage and state, with your permission, Sir, that having regard to the views which have been expressed here and the views which have been expressed to me outside the House I would accept an amendment for circulating the Bill for eliciting public opinion. I propose to do this also in connection with the next Bill relating to the Delimitation Commission.

10 A.M.

**Mr. Speaker**: So, I would put it straightway. There is not much scope for argument now. I would put the amendment of Mr. Mukerjee, that the Bill be circulated for the purpose of eliciting public opinion by the ... does the hon. Minister agree to the date also?

**The Prime Minister (Shri Jawaharlal Nehru)**: If I may suggest, the date could be shortened. You may say, three months from now or the end of September.

**Mr. Speaker**: Is he agreeable?

**Shri H. N. Mukerjee**: Three months?

**An Hon. Member**: End of October.

**Shri Jawaharlal Nehru**: I think three months from now would be quite sufficient.

**Shri H. N. Mukerjee**: I am agreeable.

**Shri Nand Lal Sharma (Sikar)**: I do not think three months will do. It should be sufficiently circulated.

**Mr. Speaker**: Let me see. Today is the 9th. Three months from now will mean up to the 9th October.

**Shri A. K. Gopalan (Cannanore)**: You may make it 15th October.

**Mr. Speaker**: I shall accept a compromise, although it is not for the Chair to do so. I hope, however, the hon. Members will accept it. I will say 15th October.

The question is:

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

The motion was adopted.

#### REPEALING AND AMENDING BILL

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

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

There is one amendment of which I have given notice for the purpose of filling an omission which should have been filled long ago. This is due to the change in the age of marriage under the Child Marriage Restraint Act. The limits there now are 18 years for the bridegroom and 15 years for the bride. In the Indian Christian Marriage Act of 1872 the limits had been laid down otherwise. The amendment is that in the Second Schedule under the Indian Christian Marriage Act (Act XV of 1872) I propose to insert this new provision: In Section 60, in condition No. (1), for the words 'shall exceed sixteen years' and 'shall exceed thirteen years' the words 'shall not be under eighteen years' and 'shall not be under fifteen years' shall respectively be substituted. This is to bring it in conformity with the Child Marriage Restraint Act. It is a purely formal amendment, which is long overdue. A Christian missionary drew our attention to this. That is why I have tabled this amendment.

**Mr. Speaker**: The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

The motion was adopted.

Clauses 1 to 4 were added to the Bill. The First Schedule was added to the Bill.

Amendment made: In page 8, line 15.

In column 4, before "In section 81" insert:

"In section 60, in condition No. (1), for the words 'shall exceed sixteen years' and 'shall exceed thirteen years' the words 'shall not be under eighteen years' and 'shall not be under fifteen years' shall respectively be substituted."

[**Shri Biswas**]

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

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

**Shri Biswas:** I beg to move:

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

**Mr. Speaker:** The question is:

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

The motion was adopted.

[**M.R. DEPUTY-SPEAKER** in the Chair]

### DELIMITATION COMMISSION BILL

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

"That the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and for matters connected therewith, be taken into consideration."

As I explained, while moving the earlier Bill for amendment of the Constitution, the two Bills are connected. The present Bill has been placed before the House in accordance with the provisions of clause (3) of article 81 of the Constitution, which reads thus:

"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."

As I explained yesterday, the delimitation of constituencies now in force will remain effective until the 26th January 1953, and we have got to take steps in order to get a fresh delimitation of constituencies ready as soon thereafter as possible. That is the object of these two Bills.

As the two Bills are linked up and as the other one is going to be circulated for eliciting public opinion, it is just as well that this Bill should also be treated in the same way.

do not propose to make any long speech in moving for consideration, because the matter will stand over till opinions are received.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill to provide for the readjustment of the representation of territorial constituencies in the House of the People and in the State Legislative Assemblies and for matters connected therewith, be taken into consideration."

**Shri Biswas:** If the House permits me I will move the amendment to the effect that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th October 1952.

**Dr. P. S. Deshmukh (Amravati East):** There is no need of an amendment. This will be the only motion; the motion for consideration need not be put.

**Mr. Deputy-Speaker:** Without the motion for consideration this motion cannot come. I am only considering whether the hon. Minister himself can move the amendment.

**Shri Syamandal Sahaya (Muzaffarpur Central):** A Member who has moved a motion for consideration, and particularly the Member who is presenting the Bill, has a right to move, even after moving his consideration motion, that the Bill be circulated for eliciting opinion, or that it may be referred to a Select Committee. I think the rules provide for it.

**Dr. S. P. Mookerjee (Calcutta South-East):** He cannot move both.

**Shri Venkataraman (Tanjore):** May I invite your attention to rule 74 which says that when a Bill is introduced or on a subsequent occasion the Member in charge may make one of the following months, the last being that it be circulated for eliciting opinion thereon. Therefore, it is quite competent for the Minister to move the second motion.

**Shri Biswas:** I have previously moved that it be taken into consideration. Having done that, it is not open to me to move the alternative motion.

**Mr. Deputy-Speaker:** Anyhow, why should there be difficulty in a matter where there is agreement. Dr. Mookerjee will move the amendment.

**Dr. S. P. Mookerjee:** I beg to move:

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

\*Moved with the previous recommendation of the President.

**Mr. Deputy-Speaker:** The question is:

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

The motion was adopted.

### INDIAN INCOME-TAX (AMENDMENT) BILL

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to move:

"That the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee consisting of Shri S. Sinha, Pandit Algu Rai Shastri, Prof. Kam Saran, Shri Ghambani Lal Bansal, Shri C. R. Basapa, Shri Shantilal Girdharlal Parikh, Shri Hari Vinayak Pataskar, Shri Radheshyam Ramkumar Morarka, Shri P. Natesan, Pandit Chatur Narain Malviya, Shri Ahmed Mohiuddin, Pandit Thakur Das Bhargava, Shri A. K. Basu, Dr. Panjabrao S. Deshmukh, Col. B. H. Zaidi, Shri C. P. Mathen, Shri Purnendu Sekhar Naskar, Shri Sohan Lal Dhusiya, Shri P. N. Rajabhoj, Shri Kamal Kumar Basu, Shri N. C. Chatterji, Shri K. A. Damodara Menon, Shri Tulsidas Kilachand, Shri S. V. Ramaswamy, Shri Mahavir Tyagi and the Mover, with instructions to report on or before the 21st July, 1952."

The first thing I would like to point out, Sir, is that this Bill is quite different in its scope, if not in content, from the Bill of 1951, which has lapsed. The main features of the present Bill are that it contains a number of beneficial provisions which have been found necessary for facilitating the repatriation of foreign accumulated profits of Indians trading abroad and for the promotion of industries and for the construction of buildings. Besides there are a few other exemptions and one or two other administrative provisions.

The main provisions are as follows: One, exemption of foreign profits remitted to India. Now, in this behalf a concession was announced as far back as May 1950 and this is now being implemented by the proposed amendment of the Act. The object is to enable non-resident persons trading abroad, who have recently returned to India and have become residents, to bring into India their foreign profits without incurring any taxation liability. In some of the foreign countries, conditions have worsened and is

has become difficult for self-respecting Indians to pursue their avocations there. Also, we need capital. In these circumstances they may be anxious to bring their foreign profits to India for starting some industries or business here, which is of obvious advantage to us.

The next concession is regarding the remittance of foreign profits which applies to persons who are already resident in India. This concession also was announced in September last year. Its application is confined to such foreign profits as were taxable on remittance only, but not otherwise. The persons concerned can secure exemption from taxation by investing half the amount remitted to India in Government securities purchased through the Reserve Bank. The justification for this is, if this concession were not given, there is a temptation to bring foreign profits either surreptitiously or, if that cannot be done, to divert them to other countries.

In connection with the construction of buildings and the promotion of industries, the concessions are these. In the first place, to promote the construction of new buildings, we granted exemption in 1946 in respect of the rental income of properties constructed between 1st April 1946 and 31st March 1948. This period was extended by two years each time, for about three times. Now, it has been extended further by two years up to 1954. So, in all, it comes to three times. Similarly, in the case of buildings constructed for business purposes, the period has been extended up to 31st March, 1954. Buildings constructed before that date will be entitled to a higher initial depreciation of 15 per cent. in the year of construction. In the case of buildings situated in the area affected by the Assam earthquake of 1950, allowance for repairs has been increased from one-sixth to a maximum of one half of the annual letting value for the assessment year 1951-52.

As regards new industrial undertakings, the period of concession has been extended by five years in such a manner that every undertaking entitled to the concession gets it for five years. To enable the small industries to get the benefit of the exemption, the number of persons to be employed is reduced from 50 to 25. Also in the case of new buildings, machinery or plant erected or installed after 31st March 1948, which are entitled to double depreciation for five successive years, the period up to which such double depreciation is admissible

has been extended by five years, from 31st March 1954 to 31st March, 1959. Depreciation will also be admissible now in respect of assets acquired by gift or inheritance, which costs the assessee nothing. But, where a part of the cost of the asset is met in course of business by any person, depreciation will be admissible only on the net cost actually borne by the assessee.

We propose to give certain concessions to Life Insurance companies. Life Insurance companies are perhaps the chief beneficiaries under this Bill. They have been representing for some years that the deduction of half the bonus reserved for policy holders or the allowance of 12 per cent of the renewal premiums as management expenses, in computing the taxable income was inadequate, in the present circumstances, when the net rates of interest had gone down and management expenses had gone up owing to the rise in the salaries of the staff. Keeping in view this representation, the deduction of bonus reserved for policy holders is being increased from 50 to 80 per cent and the allowance of 12 per cent of the renewal premiums is being raised to 15 per cent. In the Bill which lapsed, allowance for bonus reserved for policy holders was restricted to two-thirds. That has had to be increased to four-fifths as even the two-thirds allowance was found to be inadequate. The proposal is to apply this concession with effect from the assessment year 1951-52, for the Insurance companies would have got this relief had the Bill introduced last year not lapsed. We recognise that.

Then, there are other exemptions of which I shall mention a few important ones. One of these affects hon. Members of this House, and those of the last one and the Constituent Assembly. I can see an awakening of interest now. As the allowance given to the Members was in the form of a daily allowance, there was a general apprehension in the minds of the Members as well as Income-tax Department that these allowances were similar to the Daily allowances given to Government servants when on tour. But, actually, we found that these allowances were given not only to Members who came from outside Delhi, but also to those who resided in Delhi. On that, the legal view was that it was possible to consider this as in effect partly at least remuneration for the time devoted by Members in Parliament, and therefore we were advised that it was liable to tax. It would have caused —we recognise that—great hardship to the Members if the legal position

had been enforced for a number of years for which proceedings for re-assessment could be taken under the Indian Income-tax Act. To avoid this hardship, exemption of this allowance has been specifically included in the Bill.....

**Shri Syamnandan Sahaya (Muzaffarpur Central):** What happens if they had made disclosures; Mr. Tyagi will derive the benefit.

**Shri C. D. Deshmukh:** .....with retrospective effect to all the assessment years.

**Shri S. S. More (Sholapur):** What about the future?

**Shri C. D. Deshmukh:** That would depend on the recommendation made by the Committee.

**Pandit Thakur Das Bhargava (Gurgaon):** Suppose the report is that the allowance is to be given then will the allowance not be taxed?

**Shri C. D. Deshmukh:** I take it that in prescribing the allowances the same sort of mistake that occurred which led to its being regarded as remuneration will be avoided.

**Pandit Thakur Das Bhargava:** Of course.

**Shri C. D. Deshmukh:** In March 1951, the exemption granted by an executive notification to pensions payable outside India was withdrawn. It was then represented that in the case of officers of the Secretary of State's Services, and High Court Judges, appointed before the 15th August 1947, protection had been given to their existing pensionary rights in the Indian Independence Act of 1947, and that that protection was retained in the Constitution. Effect to this exemption is therefore being given by an amendment of the Act.

There is one more exemption which I would like to mention, and that is, in regard to the death-cum-retirement gratuity payable to Government servants under the revised pension rules. In fixing the quantum of gratuity, the question of its liability to tax was not taken into consideration. It seems to have been fixed on the assumption that it was a sort of commutation of pension and therefore not liable to tax. Exemption of this gratuity has been specifically included in the Act to accord with the facts of the situation.

Now, I come to what I may call the administrative provisions, although I hope that they will not be regarded

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as non-beneficial, in view of the fact that they are necessary for the proper administration of the Act, or are calculated to assist in the prevention of tax evasion. In the first place, the exemption in favour of religious and charitable institutions is being slightly tightened up in order to secure that it applies to charitable purposes within India and to such income as is actually applied to these purposes. The Central Board of Revenue is, however, given power to exempt any existing trusts the income whereof is applied to charitable purposes outside India. As it stands, the exemption is too wide, and it has been found that sometimes abused by the creation of charitable trusts which apply the income thereof to other purposes.

Next, the Income-tax officer has been given power to require the production of current accounts and the furnishing of such information in writing as he may consider necessary for purposes of scrutiny. It was also necessary to empower the income-tax authorities to impound books of accounts where they are found to have been fabricated—not an uncommon occurrence. This power would be exercised very sparingly and cautiously so as not to cause any harassment. We feel that it is necessary to confer this power as it has been found that as soon as such fabricated accounts are taken away by the assessee, we are told that they are either lost or destroyed in some accident—maybe, an accident, yes—the object obviously being to escape the consequences of penalty or prosecution.

Then there is one more provision which perhaps needs mention, and that relates to the removal of doubt that the provisions of section 34 of the Income-tax, as amended in 1948, apply to all proceedings for earlier years commenced after 30th March 1928. In connection with this provision, it may be that we may be told that we are rushing through legislation even before the matter has been adjudicated upon by the highest tribunal. But our object is to save a lot of avoidable litigation, and that can be done if we were to clarify the provision now and state at this stage what the intention of the amendment is. It must be remembered that there are more than 50,000 assessments and a revenue of Rs. 16 crores which is involved in all such re-assessment cases.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Indian Income-tax Act, 1922, be

referred to a Select Committee consisting of Shri S. Sinha, Pandit Algu Rai Shastri, Prof. Ram Saran, Shri Ghambani Lal Bansal, Shri C. R. Basappa, Shri Shantilal Gircharial Parikh, Shri Hari Vinayak Pataskar, Shri Radheshyam Ramkumar Morarka, Shri P. Natesan, Pandit Chatur Narain Malviya, Shri Ahmed Mohiuddin, Pandit Thakur Das Bhargava, Shri A. K. Basu, Dr. Panjabrao S. Deshmukh, Col. B. H. Zaidi, Shri C. P. Matthen, Shri Purnendu Sekhar Naskar, Shri Sohan Lal Dhusiya, Shri P. N. Rajabhoj, Shri Kamal Kumar Basu, Shri N. C. Chatterji, Shri K. A. Damodara Menon, Shri Tulsidas Kalichand, Shri S. V. Ramaswamy, Shri Mahavir Tyagi and the Mover, with instructions to report on or before the 21st July, 1952."

**Shri P. T. Chacko (Meenachil):** Since the hon. Minister has now made the motion to refer the Bill to a Select Committee, I have only to support the motion, but in supporting the motion, I may be permitted to point out certain matters of real concern for the consideration of the Select Committee.

The hon. Minister was saying that the provisions regarding the exemption of income-tax for the income of charitable and religious trusts have been a little bit tightened up. My submission is, from the Bill it can be seen that the provisions regarding the exemption of income-tax to charitable and also religious trusts have been restricted to a great extent. In almost all progressive countries, the income of charitable and religious trusts is exempted in varying degrees, and in some countries like the U.S.A. and the United Kingdom, even contributions made to charitable and religious institutions for charitable and religious purposes are exempted from the total income of an assessee. India being a country where the majority of the people are very poor, my submission is that it is our duty to encourage charity more than in any other country.

I am now referring to clause 3 of the Bill. Clause 3 amends section 4, sub-section (3) clauses (i) and (ia). It says:

"(b) in sub-section (3),—

(i) for clauses (i) and (ia), the following clause shall be substituted, namely:

'(i) Subject to the provisions of clause (c) of sub-section (1) of

section 16, any income derived from property held under a trust or other legal obligation solely for religious or charitable purposes, in so far as such income is applied to such religious or charitable purposes only, and in the case of a property so held in part only for such purposes, the income applied or finally set apart for application thereto."

As regards the income derived from a property which is held in part only for religious or charitable purposes, no change in the law is contemplated by the Bill. But as regards income derived from a property held under a trust solely for religious or charitable purposes, a change is made. Now, I want to know what is the logic of this change: In the case of a property which is held solely for charitable or religious purposes, the exemption is given only to the extent of that portion of the income which is applied for such purposes. It can be seen from the latter part of the clause that in the case of property which is held only in part, the income is exempted from income-tax not only to the extent of that portion which is really applied to such purposes, but also to the portion that is set apart for such purposes. So, from a reading of this clause, it can be seen that if a property is wholly set apart for religious and charitable purposes, the income is exempt from taxation only to a certain extent, that is to the extent of that portion of the income which is actually applied for religious or charitable purposes. But in the case of a property which is not solely set apart for such purposes, but is held only in part, the exemption goes to a greater extent. To my understanding—I do not know whether my interpretation of this clause is correct or not, but if it is correct—it appears that when a trust is created whereby a property is set apart for religious or charitable purposes, the exemption goes to a certain extent, whereas if the property is held in trust only in part for such purposes, the exemption goes to a greater extent. If this interpretation of mine is correct, it looks to me as if the Government wants to give the first prize to the runner-up. In the proviso also something similar can be seen:

"Such income shall be included in the total income, unless in the case of property held under a trust or other legal obligation created before the commencement of the Indian Income-Tax (Amendment) Act, 1952, the income wherefrom is applied to religious and charitable

purposes, without the taxable territories, the Central Board of Revenue, by general or special order in this behalf otherwise directs."

I would like to know from the hon. Minister as to what is the position of a trust which is created after this Act comes into force. According to me, the proviso obviously does not apply to such a case. Therefore, such a case is to be governed by sub-clause (i). In the case of a property which is held under a trust created after this amending Bill comes into force, the income derived from that property will be exempt from taxation to the extent mentioned in sub-clause (i). In the case of trusts created before the Act comes into force, the income derived from such a property is not exempt from taxation, unless the Central Board of Revenue otherwise directs. If my reading of the clauses of the present Bill and also the sections of the Act now in force is correct, it seems to me that this proviso is illogical. I wish the Select Committee to go into this matter and consider these two cases I have mentioned above. My submission is that it has to be amended. Conditions being similar, if a trust is created after 1952, the income from the property held under such a trust will be exempt from taxation, but the income from a property held under a trust created before 1952 will not be exempt from taxation, unless it is exempted specifically by a direction of the Central Board of Revenue. This matter has to be gone into by the Select Committee.

Then, there is another objection which I would like to raise. It is possible that a medical mission which was constituted during the pre-separation days, before Burma was separated, or during the pre-partition days before India was partitioned, may be still carrying on its work in Burma or Pakistan and in India. It may also be that the whole income of such a mission is derived from a property which is held under a trust in India. In such a case, if this Bill comes into force, my fear is that an institution which was created probably years back for carrying on charitable work in India, as it was at that time, will now have to close down its work outside India. My submission is that we should not take such a narrow view about social service, and charitable work. If a medical mission is deriving income from a property which is held under a trust in India, and is carrying on work in Burma or elsewhere outside India, I feel that we should not prohibit such works. Then again, what is the objection in exempt-

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ing at least that portion of the income which is applied for charitable work in India? As could be seen from part (i) of the proviso even if only a small portion of the income is spent for charitable purposes outside the taxable territories of India, the whole income may be taxed in India. The exemption is taken away completely from such income of a property held under trust for such charitable purposes. I submit, that there is no necessity to take such a narrow view of charities, and make such a drastic change in the existing law.

I now come to part (ii) of the proviso. It is practically clause (ia) of sub-section (3) in the existing Act. Clause (ia) of sub-section (3) in the existing Act is now sought to be brought under the proviso to clause (i). My submission is that this is done deliberately with a purpose, namely that of overruling certain judicial pronouncements which have already been made in India. I wish to refer here to a decision in AIR, 44. Lahore 465. It was held therein that "the word 'property' in clause (i) did not bear the restricted meaning that it bore in section 9 of the Act, but included securities or business or share in a business. Clause (ia) as it stands cannot in any way derogate or subtract anything from clause (i). It rather adds to the list of exemptions and provides immunity for certain kinds of business which in the view of the legislature has not already been provided for. A new clause inserted by the legislature cannot be presumed to be inconsistent with or repugnant to a foregoing clause in the same sub-section unless it is so expressly provided". This was a case in which a business carried on by a charitable institution was taxed. It was taken up before the Lahore High Court in appeal and it was decided that simply because a charitable trust was carrying on a business or a trade the income derived from that trade or business could not be taxed under clause (ia) because it came under clause (i) as the meaning of the word 'property' in clause (i) included business or trade. Therefore, the intention of bringing clause (ia) now under the proviso is to restrict the scope of the exemption of the income of charitable and religious trusts. The existing law therefore is, if an institution created under a trust carries on a business or a trade, the income derived from such trade or business is exempt from taxation under clause (i). But if an institution which is not created under a trust

carries on—although it is a religious or charitable institution—trade or business, the income from such trade or business is governed by the provisions under clause (ia). That is, unless the business or trade is carried on by the beneficiaries of the trust and unless the primary object for which the trust is created is for carrying on such an institution, it will not be exempt in the case of business or trade carried on by such institutions. That was the distinction made. So by this amendment it is sought to overrule this decision of 12 ITR 385 and to bring all income derived from any business or trade under the proviso. So my submission is that this is also a clear attempt to restrict the scope of the exemption of the income of charitable and religious institutions from income-tax.

I may be permitted here to explain it further by means of an example. There is the Devaswam Board in Travancore-Cochin. Under the Constitution, out of the State revenues we are giving 51 lakhs of rupees to the Devaswam Board. The primary object of the Devaswam Board is not to conduct colleges or schools or to carry on social work or any other work, social or educational. Now the Devaswam Board may think of conducting certain colleges, educational institutions or a handloom industry for the purpose of giving employment to poor beneficiaries of the institution. Now there have been judicial pronouncements in England to that effect—that the conducting of a college or a religious institution is a trade or a business. If this is applicable here, if the Devaswam Board of Travancore conducts a college and gets some income out of it which they could spend for other social services, under this provision of the Bill, such income derived from conducting such a college will have to be subjected to tax. My submission is that this will be very hard. Under the Constitution, out of the general revenues of the State, 51 lakhs of rupees is given to the Devaswam Board. The Board now intends to expend this money for the uplift of backward people for their education, and for providing employment for them. Now, suppose this Bill comes into force. The purpose for which the Devaswam Board was constituted is not for conducting educational institutions or for providing employment for the backward communities or for doing social work or anything of the sort. It is constituted for the specific purpose of administering the Devaswams in Travancore. So my submission is: are we to encourage

charitable institutions like the Devaswam Board of Travancore-Cochin or a medical mission to do social work in India?

**Shri Nambiar (Mayuram):** It is not like a medical mission.

**Shri P. T. Chacko:** I understand it. I am speaking from a particular point of view, which I hope the hon. Member can understand if he goes through the provisions of the Bill and also through the provisions of the Act in force now.

I was submitting, Sir.....

**Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes):** Will it not come under charitable trusts?

**Shri P. T. Chacko:** That is why I am speaking about it. Otherwise there was no purpose in my referring to it. Take the case of the Devaswam Board. Suppose the Devaswam Board conducts a handloom industry. The income derived from such business or trade will be taxable, if it does not come under clause (ii). And it will never come under clause (ii) because the primary purpose for which the Devaswam Board is constituted is not for conducting such a factory or educational institution. My submission therefore is that institutions like the Devaswam Board will have to be encouraged to take up social work. As I was referring to a medical mission and as my friend, Mr. Nambiar seems to question the similarity, I would like to say a word about it. Suppose there is a medical mission constituted under a trust, with the primary object of conducting hospitals or dispensaries. Supposing for lack of facilities, certain medicines are not available and they intend manufacturing such medicines for the benefit of the institution and also for the benefit of carrying on their social work. That becomes a trade or business under clause (ii) of the proviso.

**An Hon. Member:** Only profit.

**Shri P. T. Chacko:** Any income will be taxable, not only profit.

I will read clause (ii) which says:

"In the case of income derived from business carried on behalf of a religious and charitable institution, the income is applied wholly for the purposes of the institution and—

(a) the business is carried on in the course of the carrying out of a primary purpose of the institution, or

(b) the work in connection with the business is mainly carried on by the beneficiaries of the institution."

This is clause (ii) now. Therefore, if a business or trade is carried on by a charitable trust and if the income therefrom should be exempted from income-tax, first of all the primary purpose of the trust should be to carry on such business or trade. Then, secondly, the business should be carried on by the beneficiaries of the trust. What I was saying was that in the case of conducting a college or in the second case where a medical mission manufactures certain medicines, these will not come under this clause. Therefore, since this clause is now governed by the proviso the income derived from such business or trade or such conducting of an educational institution will also be taxable. It was not taxable previously, as I have shown by referring to the decision in *AIR 1944 Lahore*. Previously if the institution was created by a trust and if it carried on any business or trade, the income from the trade or business was not taxable. It was taxable only in cases where the institutions themselves were not created by a trust and they carried on business or trade. That is the distinction. Formerly, as a matter of fact, many of the charitable and religious institutions were created by trusts and therefore the income derived from business or trade or from any other property was in short exempt from taxation in accordance with the provisions of the Act which is now in force. But when this Bill comes into force, what will be the position? Income from property is not exempt. Or rather it is exempt only to a small extent—only to the extent of that portion which is actually applied for charitable or religious purposes, and not even that portion which is finally set apart is exempt. That is as regards income from properties. Then as regards the income from business or trade, formerly, if the institution itself was created under a trust any income from any business or trade carried on by that institution was totally exempt from the income-tax. Now it is not so. It becomes exempt only if the primary purpose of the institution was to carry on this sort of business or trade. So my submission is that under these two clauses the scope of the exemption for charities has been restricted to a great extent. It is not as the hon. Minister of Finance said—tightening up a little—but practically all the income of charitable or religious trusts will become taxable under the provisions of this Bill. The income derived from

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any business or trade carried on by a charitable institution will also be taxable under this Bill.

Then again I want to refer to clause (i). That is:

"Subject to the provisions of clause (c) of sub-section (1) of section 16".

11 A.M.

By this it is clear that the income from a revocable trust is excluded from the scope of exemption. I do not know why it has been done so. Suppose a charitably inclined person is willing to create a trust, whereby he places a certain property under a trust, the income wherefrom may be utilised for a period of 15 years for certain charitable purposes. Why should Government prohibit it? If a charitably inclined person is disposed only to give a certain amount for charitable purposes only under a revocable trust, why not, allow it? There is no reason why the Government should discourage it or prohibit it. Of course, it may be argued that by creating a revocable trust the person might take undue advantage for himself. I submit that the Government have ample power under the provisions of other Acts to see that the deponents of such trusts do not interfere in such affairs and do not take any undue advantage from trusts created by them.

I wish to refer only to one other matter and that is regarding proposed section 46A, which says:

"Subject to such exceptions as may be made by the Central Government, no person who is not domiciled in India, or who even if domiciled in India at the time of his departure, has, in the opinion of an income-tax authority, no intention of returning to India, shall leave the territory of India by land, sea or air unless he first obtains from such authority as may be appointed by the Central Government in this behalf.....a certificate stating that he has no liabilities under this Act, the Excess Profits Tax Act, 1940.....or the Business Profits Tax Act, 1947....."

[PANDIT THAKURDAS BHARGAVA in the Chair]

So it can be seen that whenever a person wants to leave India, if, not in his own opinion but in the opinion of a third person who is the Income-tax authority, he may not return, he will have to take a certificate according to clause (i). Then the provisions of proposed sub-section (ii) are:

"If the owner or charterer of any ship or aircraft carrying persons from any place in the territory of India to any place outside the territory allows any person to whom sub-section (1) applies, to travel by such ship or aircraft without first satisfying himself that such person is in possession of a certificate as required by that sub-section, he shall be personally liable to pay the amount of tax, if any, which is or may be payable by such person, and shall also be punishable with fine which may extend to two thousand rupees."

So the owner, charterer or the agent of a ship or aircraft before allowing a person to travel from India to Pakistan or to a foreign country should know whether in the opinion of the Income-tax authority this person would return to India or not. Supposing he makes a mistake. What will happen? Supposing he allows a person to travel to Pakistan on his own authority thinking that he would come back, what is the penalty? The penalty is that he will have to pay any income-tax dues which this person had to pay. Not only that, he is also punishable with a fine of two thousand rupees. I may be permitted to mention a simple example. Supposing a person goes to Pakistan or for that matter any other country. He has the intention of coming back to India and the owner or agent of the aircraft or ship by which the man travels knows that he would come back to India. But it may be that the opinion of the Income-tax authority is otherwise. Even if that person returns to India, I am asking, whether the agent or charterer or owner of the ship or aircraft is not liable? Strictly, under this sub-section, if the opinion of the Income-tax officer is otherwise, namely that the person would not return to India, to transport such a person from India to a foreign country without a certificate becomes punishable. I submit that this is something unheard of, because I am to be punished not for my acts, I am to be judged not for my intentions but for the opinion of a third party, namely the Income-tax authority. I am to be judged not by my intentions or actions not even by the intentions or actions of the traveller in my aircraft or ship, but I am to be judged by the opinion of the Income-tax authority.

If one wishes to travel out of India it is very difficult to ascertain the opinion of the Income-tax authority, whether he would return to India or

not. Every person who wants to leave India will have to go to the Income-tax authority and take a certificate.....

**The Minister of State for Finance (Shri Tyagi):** This the practice today. Nobody is allowed to go out of India unless he obtained a certificate of income-tax clearance. If he paid income-tax alone that certificate has to be taken and only then he is allowed to go.

**Shri B. T. Chacko:** Under what provision of law?

**Shri Tyagi:** I cannot tell you off-hand. I will tell you later but that is the present practice and rule.

**Shri P. T. Chacko:** I do not know under what provision of law this practice is pursued. It may be an executive order, in which case it is illegal. (Shri Tyagi: No, no.) I know that a passport is necessary.

**Shri Tyagi:** A passport is necessary and along with it the man must have an income-tax clearance certificate.

**Shri P. T. Chacko:** To my knowledge there is no provision of law by which I could be compelled to produce a certificate from the Income-tax authority. At any rate, I am not sure.

However, I was speaking about the proposed section 46A. I submit that it is very hard to judge and punish me if the opinion of the Income-tax authority differs from my intentions.

We know that certain arrangements are being made by the Government and certain negotiations are going on with the Government of Pakistan with regard to a passport or permit system for travel between India and Pakistan. This provision will add to the difficulties. I do not know what is the practice now, whether it is necessary to obtain a certificate from the Income-tax authority. I may be a person who is not worth a pie and without any income at all and yet I will have to obtain such a certificate. I do not say that the Income-tax authorities are all corrupt but I will yet have to obtain a certificate from them. There is a provision for passport and I submit that that will serve the purpose. I do not know whether the Minister means that even now there is a provision of law in force, by which if the opinion of the Income-tax authority differs from the traveller's intention regarding his return to India, then the owner of a ship or aircraft which carries the passenger can be punished.

**Shri Tyagi:** As regards people going to Pakistan along with a permit, such a certificate is necessary and my friend is right, there is no such provision according to the income-tax law. What is intended is to have that provision in the section which the hon. Member is criticising. As regards people who go to Pakistan, no permits are issued unless the person gets a certificate from the Income-tax authority that he has paid his taxes.

**Shri P. T. Chacko:** May I know whether the owner of an aircraft or ship can be punished even now, if a person is allowed to travel without a certificate from the Income-tax authority?

**Shri Tyagi:** Not yet. After the House agrees to this clause, he will be punishable.

**Shri P. T. Chacko:** The question is not whether I should get a passport or certificate. It is whether the owner can be punished for allowing me to travel in his ship or aircraft if in the opinion of the Income-tax authority I will not come back to India? As per sub-section (2), if I am the agent or owner of an aircraft or ship I am to be judged not by my action or intention but by the opinion of an Income-tax authority. A penal provision of this nature should not find a place in the income-tax law.

As regards the law regarding charities, your attempt seems to restrict the scope of the exemption of the income of charitable and religious institutions, whether created under a trust or not. The question is whether we are going to encourage charities in this country or not. "Charities", according to the definition, includes education and other social works. The question is whether we are going to encourage charities, social work, social education, etc. If we are going to encourage charities, there is no reason why the present law should be changed. Then again, if a property is held in part only under a trust for charitable purposes, no exemption should be given, more than what is given to a property held under a trust solely for such purposes. Also as regards clause (ii) of the proviso, I do not know the sanctity of the moment when this law comes into force. I hope these questions will be looked into by the Select Committee. This is a question of real concern and I hope the Select Committee and the hon. Minister will consider the points I have raised.

**Shri N. P. Nathwani (Sorath):** On a point of information, may I know

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from the hon. Minister whether, when it is proposed in the Bill that any daily allowances received by the Members will be exempted from the Income-Tax Act, this does not imply that daily allowances represent either income, profits or gain, and does this not involve the further proposition that the hon. Members who receive daily allowances hold an office of profit? I want a clarification from the hon. Minister.

**Shri Tyagi:** Whatever is granted to hon. Members by way of pay or allowances by means of an Act of this Parliament is constitutionally regular and for those emoluments Members have been exempted from any disqualification. Therefore, by receiving such allowances or pay they will not be disqualified and would not be deemed to be holding an office of profit, because this office and the payment of these sums have been exempted.

**Mr. Chairman:** There is a provision in the Constitution itself by virtue of which allowances and salaries are paid.

**Shri Datar (Belgaum North):** So far as allowances are concerned, the hon. Minister told us that the daily allowance paid to Members of Parliament constitutes remuneration. He also said that there was legal opinion obtained. With due deference, I wish to submit that the daily allowance paid to Members of Parliament before 31st March 1952 could not be considered as remuneration at all. You are aware that allowance is entirely different from salaries or profits. Allowance is paid for the purpose of meeting certain ordinary costs. It will also be noted that the daily allowance that was being paid and that is even now being paid was not in respect of remuneration as such but also in respect of certain requirements so far as various costs are concerned. Therefore, it would not be correct constitutionally or legally to say that the whole of the daily allowance that had been paid to Members of Parliament before April 1952 constituted remuneration or profits for the purpose of being assessed under the Income-tax Act.

Then the present position also has to be considered. We have a Parliamentary Committee considering the question of pay and allowances. It appears that under article 106 of the Constitution salaries and allowances have to be paid, and not merely allowances. It is quite likely that the Com-

mittee that has been appointed by the hon. Speaker might recommend some salaries and some allowances. In case salaries and allowances are recommended and that is accepted by the House, then so far as salary is concerned, it may be subjected to income-tax, but not the allowance. Assuming for the sake of argument that the present system is maintained by the Parliamentary Committee, then the Finance Minister and the Select Committee should consider whether the whole of the allowance that is being paid to us should constitute income for the purpose of being subjected to income-tax. Both these contingencies should be taken into account when we are amending the Income-tax Act. We should say that allowances, whatever their nature, ought to be entirely exempt from income-tax, while salaries or pays would have to be subjected to income-tax. This should be borne in mind.

**Shri Mohanlal Saksena (Lucknow Distt. cum Bara Banki Distt.):** I am rising to put one or two questions to the hon. Finance Minister before making my submissions on the Bill. If you refer to the Bill as introduced in 1951, you will find that the Statement of Objects and Reasons clearly said that it was primarily intended to give effect to the recommendations of the Income-tax Investigation Commission. Now that that Bill has lapsed, this Bill has been introduced, but we find that not a single recommendation of the Income-tax Investigation Commission has been included in it. The reason given by the hon. Finance Minister is that in view of the fact that the provisions would require detailed examination in the light of comments received from various quarters, he has not incorporated them in the present Bill. I do not know to what quarters he is referring, but I am quite positive that if the Income-tax Investigation Commission is to function effectively, at least four recommendations which had been incorporated in the previous Bill should have been included in the present Bill.

One of the provisions was that the Income-tax authorities should have the power to enter premises for searching for account books. I have with me the Report of the Income-tax Investigation Commission for 1951. It is full of cases where it is said the assessee were dodging and adopting all sorts of subterfuges in order not to produce the genuine account books and the Income-tax authorities found themselves powerless to get hold of the

genuine books. In view of these statements contained in that Report, the first thing that should have been done was that the investigation Commission or the authorities recommended by it should have been forthwith given the power to enter premises for obtaining account books. Under the provisions of the Sales Tax Acts in different States, the sales tax authorities have got that power and I do not know why the income-tax authorities should not be given that power.

The second provision provided for punishing persons who make false statements. I do not know from which quarter objection to this provision has come. The Investigation Commission has given instances in its Report where respectable persons had come forward to testify to the false statements of the assessee which the assessee themselves admitted later on that those statements were false, and not only that—they said that they were able to get these "respectable" persons to support their statements by documents and otherwise by paying not very considerable sums. Therefore, I do not know why the provision for punishment has been omitted. I suppose all sections of the House would agree that power should be given to the authorities to punish persons who make false statements and abet to deprive the State of its legitimate dues.

Then there are two other provisions which do not find a place here. One relates to the fact that the accounts could be shown to a third party with the permission of the Commissioner. It has been brought out in the Report that these tax-evaders have evolved a technique of tax-dodging. They have engaged competent persons whose principal business is to find out loopholes, or to devise ways and means to defraud the Government of its legitimate dues. In the face of that statement, it is not only necessary that account books are got hold of and but also if the Income-tax Investigation Commission, or the Commissioner feels that it is not possible for him to get the true state of affairs without reference to another person, who may be conversant with a similar business, or who may be able to give advice, it should be open to him to show these books to such other person.

Lastly, there was a provision for giving rewards. The practice of giving rewards obtains in several countries. Even in our Customs Department such rewards are given. I do not know why this provision has not been incorporated in this Bill. In my view,

if there is any urgency about the enactment of any provision, it is of this.

Now, I would like to put a question to the hon. the Finance Minister. When does he propose to bring the next Bill, for implementing these recommendations?

**Shri C. D. Deshmukh:** At the next session, I hope.

**Shri Mohanlal Saksena:** Then, I would like to know from which quarters these objections have come. I am sure all sections of the House would be agreed on the question of collection of evaded income-tax. Since 1948 the recommendations of the Income-tax Investigation Commission have been before Government; but for one reason or another effect has not been given to them. I do not know why there should be a soft corner for persons who forge documents, or give false evidence.

I am sure if the hon. the Finance Minister introduces in this very session another Supplementary Bill incorporating only these four provisions and refers it also to a Select Committee, it would be possible to enact that Bill. If, on the other hand, the introduction of the Bill is postponed till the next session, it may not be enacted before the end of 1952.

**Shri C. D. Deshmukh:** Is it a question, or would it do if I deal with it in the course of my reply?

**Mr. Chairman:** It can be dealt with in the course of the hon. Minister's reply.

**Dr. Krishnaswami (Kancheepuram):** This Income-tax (Amendment) Bill, as explained by the Finance Minister is only a piecemeal measure meant to fill up certain gaps in our income-tax structure. We have to wait for a long while for a big, comprehensive measure, which would deal with all aspects of income-tax and probably we have to await the experience and developments which take place in the United Kingdom. Undoubtedly, in the United Kingdom there would be a clarification of some of the doubts that we have with respect to income-tax profits and other matters and we should be entitled to draw on the experience of the United Kingdom in this matter.

Here I should like to point out that so far as the present Income-tax (Amendment) Bill is concerned, it is much better than its predecessor in several

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respects. I do not follow the arguments of some of my hon. friends who have preceded me when they pointed out that the previous measure was really a good one and that the Finance Minister had not done the right thing in not reintroducing the same measure.

It is not quite proper on my part to examine a measure which is not before the House, but I may point out that there were several provisions in that Bill which were really repugnant and which would have led to very many difficulties and also led to a great deal of hardship for the community as a whole. I want also to make it clear that some of the provisions of the present Bill are good. My only regret is that they do not go further. The beneficial provisions relating to exemptions granted to policy holders is a step in the right direction. In the United Kingdom the exemption is limit about 100 per cent. whereas here we have decided to give them about 80 per cent. quite a good step particularly when we are intending to encourage the savings of the community.

But there are other provisions of this Bill which are really very far-reaching in character and which in my judgment are calculated to promote a great deal of hardship to the community. Neither on grounds of justice, nor on grounds of fair-play or on grounds of public finance, can some of these provisions really form part and parcel of our income-tax law. My hon. friend Mr. Chacko, who preceded me this morning, referred to clause 23 and the insertion of a new section 46A in Act XI of 1922. Proposed Section 46A reads as follows:

'Subject to such exceptions as may be made by the Central Government, no person who is not domiciled in India, or who even if domiciled in India at the time of departure, has, in the opinion of the Income-tax authority, no intention of returning to India, shall leave the territory of India by land, sea, or air, unless he first obtains from such authority as may be appointed by the Central Government in this behalf, (hereinafter in this section referred to as the "competent authority") a certificate stating that he has no liabilities under this Act, the Excess Profits Tax Act, 1940 or the Business Profits Tax Act, 1947 or that satisfactory arrangements have been made for the

payment of, all or any of such taxes which may become payable by that person:

Provided that if the competent authority is satisfied that such person intends to return to India, he may issue an exemption certificate either in respect of a single journey or in respect of all journeys to be undertaken by that person within such period as may be specified in the certificate.'

I have no objection to those who leave our country obtaining exemption certificate, or tax clearance certificate from the Income-tax authority, but why should others who really act as carriers of these people be reduced to the position of assessee. It is all right to suggest that the man who is entitled to pay the tax should be really brought to book if he does not pay it. But why should a charterer or others who really perform the functions of carrying an individual from one place to another, be put in the position of an assessee. Moreover, we have got the Home Department of the Government of India. At the time of granting the passport you can certainly find out whether that individual has paid the income-tax or not. Why try to burden the charterer or others who are really concerned with the carrying trade?

Besides, what are the effects of this provision? One is simply horrified at the consequences of the law if this provision forms part of our law. The explanation which is added to this section is something of a far-reaching character, and which is opposed to all canons of sound common sense and morality. The Explanation says:

'For the purposes of this subsection the expressions "owner" and "charterer" include any representative, agent or employee empowered by the owner or charterer to allow persons to travel by the ship or aircraft.'

What is the implication of this provision? Suppose for instance, the owner of a particular Air company employs an ordinary clerk to issue certain tickets to gentlemen who wish to travel abroad and that clerk, by negligence, does not check up properly the Income-tax certificate, then, undoubtedly, the owner is really brought to book and he is made to pay exactly the amount which the man who has evaded the Income-tax would be made to pay. Or again, take another ins-

tance. Supposing, for instance, the clerk enters into collusion with that individual who goes abroad. Then again, the owner is really brought to book. I ask this House whether it is really worth our while making the legal duty so strong or so rigorous as to put the owners and charterers in that position. From the viewpoint of investment, from the viewpoint of really undertaking great undertakings, I think we will be simply burdening many of these enterprises unduly and great hardships will be caused to these owners or charterers. I think that is a provision which will have to be modified in great detail particularly by the Select Committee when it considers this Bill in detail.

There is also another point in respect of this particular provision which I should like to bring to the notice of the House. There is this difficulty which has to be faced by those who are in charge of income-tax and other matters. Remember, that, after all, we are thinking of those who evade income-tax by fleeing from this country. After all, in the very nature of things, this would be of a temporary character. In order to safeguard yourself against some of these things which happen, I suggest that you should not try to load the Statute-Book with permanent provisions of this nature. It is a very serious interference with many aspects of our activities. Certainly, it is not just or proper that the charterers or owners should be loaded with such onerous duties.

Let me take another provision which has formed the subject of very great controversy in the Press and which I certainly think ought to be considered seriously by all those who have some regard for individual liberty and fair-play. I refer to the section which deals with the validity of certain notices and assessments, which reads thus:

"For the removal of doubts it is hereby declared that the provisions of sub-sections (1), (2) and (3) of section 34 of the principal Act shall apply and shall be deemed always to have applied to any assessment or re-assessment for any year ending before the 1st day of April, 1948, and any notice issued in accordance with sub-section (1) or any assessment completed in pursuance of such notice within the time specified in sub-section (3), whether before or after the commencement of the Indian Income-tax (Amendment)

Act, 1952, shall, notwithstanding any judgment or order of any court, Appellate Tribunal of Income-tax Authority to the contrary, be deemed to have been validly issued or completed, as the case may be, and no such notice, assessment or re-assessment shall be called in question on the ground merely that the provisions of section 34 did not apply or purport to apply in respect of an assessment or re-assessment for any year prior to the 1st day of April, 1948."

One wonders whether it was ever necessary to have introduced this provision in this Income-tax (Amendment) Bill. The provision as it stands is a very serious encroachment on the principle of independence of the judiciary. Let us remember the history of this section. The Madras High Court and the Calcutta High Court, interpreting the previous provisions of the Income-tax Act came to the conclusion that they could not construe it retrospectively, that financial burdens should not be construed retrospectively and that the assessee should not be asked to pay. That case is pending before the Supreme Court. Certainly, the State could have afforded—and this is my humble judgment—to await the appeal being heard by the Supreme Court. It would have been very proper if it had been done. Once the Supreme Court had pronounced its judgment, the Government would have been in a better position to introduce any amendment which they thought proper. Lord Reading had remarked in one of the most celebrated cases which came up before him thus:

"When there is any question as to the legality of a statute, the executive should wait until the highest court has finally spoken and accepting that judgment as correct, they should then put forward legislative proposals to meet the situation created by that judgment."

This is a splendid principle which ought to be adopted by our executive. If, for instance, the Government had wished this matter to be heard expeditiously, the Attorney-General of India could have moved the Supreme Court to fix an early date and I do not see any reason why the Supreme Court would not have complied with the request made by the Government. The whole case would have been reviewed and everything could have

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been gone into. After all, nothing would have been lost and the heavens would not have fallen if we had awaited the judgment of the Supreme Court. That is my first submission.

There is another point, more serious, which I should like to bring to the notice of the hon. Finance Minister. Sometimes, during the course of the debates, hon. Members have pointed out that there have been men who have secreted their income and have not done their duty by the State. I entirely agree that we should punish such men. But, what is the process that has to be adopted in order to bring these guilty men to book? You have, for instance, the Commission of Enquiry. Only if you have a suspicion that there are many people who are secreting their income, you can set in motion that process and find out how far they are secreting their income, and then bring them within the purview of section 34, assess them and make them do their duty by the State. But, this measure goes very far. It can be used very harshly against those, who, if I may say so, without any disrespect to my hon. friend the Finance Minister, are political opponents to any ruling party in power. Let me analyse the implications of this measure. For instance, through no fault of an assessee, through no negligence on the part of the assessee, he may not have paid income-tax in the past. The whole case is re-opened *de novo*, as it were by the Income-tax Commissioner or some other authority, and he is assessed immediately. We all know what happens in many of these cases. Many hardships are experienced by the assessees. I speak with some knowledge of the difficulties of the clients whose cases I have had to handle and I know that in 99 out of 100 cases, the Income-tax authorities never grant any stay and you have got to appeal to the court only after you have paid the income-tax fully. Some of the poorest men have been very hard hit because they have had to sell their properties and it is only later on that they can go before the appellate authority for justice being done. After the property has passed into the hands of third parties, I do not see how they can be restored to the position *status quo ante*?

There is another point also which we have to consider. Is it really in conformity with the fundamental principles of justice that an enactment should be retrospective in operation? Certainly, is it in conformity with fundamental principles of jus-

tice that we should have an enactment that is retrospective in character, particularly when it is a taxing statute? There is always a tendency in courts of law to so construe a statute that it is prospective in operation. Particularly, in the case of taxing statutes there is a bias in favour of seeing to it that it is not retrospective in character because it is not considered to be fair and proper to create new financial burdens where they did not exist at all. That is the position which I have to place before you.

And also taking into consideration the present situation in our country and the Constitution under which we are living, I ask this House, and I ask the Finance Minister whether it is not possible that this may not be abused, and abused very gravely. It is not, after all, the richer man that can come within the purview of this measure. The ordinary man also can come within the purview of this measure. We have had, for instance, a recent judgment of the Madras High Court which enunciated the fundamental principle that so far as taxation laws are concerned, they are of a dominant nature and they over-ride even Fundamental Rights. The case came up, and it may be of interest to hon. Members of this House to know, in connection with a writ filed by the People's Society of Madras regarding non-payment of fees in connection with the enrolment of an advocate. There, it was laid down by the court that so far as taxation laws could, they should be of a dominant character, because after all, if we want any Fundamental Rights, the Court of law aptly remarked, we must have a Society, and to have a society, we must have a State which must be supported by revenues and taxes. Now, in this particular matter, when so much right is given to the State, we have also necessarily to consider whether this taxation right ought not to be exercised in as circumspect a manner as possible. In this case, if it is retrospective in character, and if you are able to collect what are known as arrears for the past seven or eight years, you can ruin individuals. The Fundamental Rights which are given under article 19, *viz.*, the right to carry on trade or business can be reduced to a cypher as a result of the application of this retrospective measure. It would be a different matter if you are made to pay your income-tax out of your current revenues, because then, of course, your property would not be affected to that same ex-

tent, your trade and business would not be affected to that same extent. But so far as this particular measure is concerned, where it is very retrospective in character, I venture to submit to this House and to the Finance Minister and to others on the other side, that we are in a position to ruin a large number of people as a result of the application of this measure. May be, as a result of this measure being passed, we can swell the ranks of the assessee, but that is not the primary consideration, and that ought not to be the primary consideration which ought to dictate us in passing measures or in passing laws. I feel very strongly on the subject, because I know that in several of these cases, abuse of this power is likely to occur. The section as it is worded is very loose, and certainly gives scope, ample scope for re-opening many of these cases without any possible justification. I, therefore, think that some of these sections should be reviewed by the Select Committee, and if possible, deleted, because we would not in the least suffer as a result of such deletion. But the other measures that have been instituted, particularly the beneficial provisions relating to the earlier Bill are a welcome feature of the Income-tax (Amendment) Bill.

**Pandit K. C. Sharma** (Meerut Distt.—South): I welcome this measure, and while doing so, I entirely agree with the submission of my friend Mr. Saksena, that the authority which was envisaged to be given in the Bill introduced in 1951, viz., to enter the premises in order to find out books of accounts was a necessary one. The principle underlying this is this: There is a misconception about the income of an individual. My respectful submission is that it should be properly understood that no man who earns income, creates any property by himself alone. He earns, or he creates property in co-operation with certain other people who work for him, whether they work for him in creating the property or they work for him in keeping the property safe in his hands. Therefore, so far as any person prevents the benefit from that property in whole or in part going to the State, he commits a very serious crime. Therefore, his position is the same as that of a thief who steals away the property and conceals it somewhere else. If the public authorities under the law have access to find out the whereabouts of the property concealed by the thief somewhere, the income-tax authorities should have the same right to enter premises to find out the details of income, its description and

where the books are concealed, and if the person is an assessee or is likely to be an assessee, his books may be seized.

The second proposition is punishment for making false statements. It is also a very important thing. It is common knowledge that when justice is being done, if a man goes and makes a false statement before a court of law, he is punishable for making that false statement. In the same way, coming to the Income-tax authorities, if a person makes a false statement, supports a false claim, he should be liable to punishment. It is a very serious charge at the present time because most of our people are given to the habit of evading income-tax. Whatever the reason, I say that we owe it to the community, to the State, that better services, better administration should be afforded to the community, and in this way, anybody who has by evasion of taxation, deprived the State of its lawful income, stands in the way of better services to the society, and certainly commits a crime. It is something which is not quite consonant with his duty as a citizen, and as such, he should be punished.

With regard to section 46 A, I do not see eye to eye with my friend who says that the burden lies on the third party. It is a simple question of the law of agency, that if a man commits a crime or offence or tax evasion of a certain sort, all his agents would be liable for it. There is nothing strange in it. If it is necessary that a man who leaves the country should clear his income-tax account, then, anybody who is helping in the evasion of that income-tax is guilty of abetment and as such is liable to punishment. There is nothing unjust, there is nothing unfair or contrary to the conception of justice as it prevails in modern jurisprudence. It is a very simple affair. Whoever abets the commission of an offence, or whoever helps in the evasion of tax should be punished in the same way as any agent is liable for the commission of crime. A clerk or assistant is responsible because he is the agent of the assessee.

It is said that we should await the verdict of the Supreme Court before making the provision contained in the Bill. There is nothing in it against the law or jurisprudence. The final authority elected by the people is Parliament. The will of the people is conveyed on the Statute-Book through the verdict of Parliament. We are the final authority. Once we give a

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verdict, that is the law, because the people so desire it. That verdict of the people goes on the Statute-Book. Now, that statute comes for interpretation before the courts of law. During the interpretation, one of the courts of law creates certain doubts. Those doubts are contrary to the wishes of the people as represented by us. It is open to us to clarify the matter now, instead of waiting for the final verdict of the Supreme Court or the Highest Tribunal to say that whatever the subordinate court has said is not what we meant it to be. I do not understand where anything against jurisprudence or natural justice comes in. We are the final authorities to say what the will of the people is, which finds an expression in the Statute-Book. If we are to clarify our will, I do not see where anything against jurisprudence or anything against the conception of law or justice comes in.

**Shri C. D. Deshmukh:** I take it that by and large the proposed Bill commends itself to the House, because most of the provisions are, as I have said, beneficial provisions. There are two or three provisions which have been criticized. There was quite a long and involved argument in regard to the provision for charitable trusts. Our intention is quite clear and that is to ensure that the income of these trusts, if it is applied to the purposes of the trust, and in India, then it should be exempted. If the drafting is such that it brings into jeopardy income of this kind in regard to existing trusts, well, we shall have to take care of it in the Select Committee. It is my intention to suggest an amendment to make the intention quite clear, namely that:

- (a) Where the income is not actually applied to charitable purposes, but is accumulated, then exemption will be admissible;
- (b) That the Board will give directions in the case of the existing trusts, the income wherefrom is applied to charitable purposes outside, but this will not apply to any future trusts; and
- (c) That the exemption is available generally if the charitable purposes are in India.

I feel sure, that we shall be able to take care of the points that have been urged by the hon. Member in regard to this matter.

The other clause which has given rise to certain misapprehensions is clause 23. By and large, the object is that every one should be required to produce a clearance or an exemption certificate. I do not know how else one can secure this. I suppose the ordinary procedure would be that in the case of a person who is domiciled in India, the Income-tax authority will act on information that may be communicated to them by the carriers of such information. But I said, we are doing nothing more than following a practice which is already in vogue in other countries. That is the principle we have adopted. We have special difficulties in regard to the transit of passengers to our neighbouring countries, and that is where a certain amount of care would have to be exercised. In regard to journeys to other countries, it may be possible to lay down a wide list of exceptions. But it is difficult to deal with these cases in general terms, so one has to deal with such cases as they arise in practice. However, I can assure hon. members that we shall take every care to see that no harassment is caused to people. We cannot make any discrimination amongst countries, and if there are any other ways of lightening the burden of this new provision, we shall certainly explore them.

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The other question was about the agencies. I understand that this is the ordinary law of agency. If we were to give some relaxation here, it would be admitting many forms of evasion. However, the observations of the hon. Member who made that point are on record, and I have no doubt that the Select Committee will take it into consideration also.

Then, I beg to refer to Members' allowances or salaries, about which certain questions were asked. The position is as expounded by Shri Datar, that we are well seized of this situation, and I have no doubt that the Joint Committee will take this into consideration.

**Shri Achuthan (Crangannur):** May I know whether consolidated monthly allowances will come under this exemption?

**Shri C. D. Deshmukh:** I shall reiterate what I said earlier in my speech. The difficulty arose because the Delhi Members got exactly the same allowance as the other Members. Now if we were to call that a compensatory allowance, we wondered what the Delhi Members were intended to be compensated for.

**Shri Achuthan:** My point was whether consolidated monthly allowance will come under this exemption.

**Shri C. D. Deshmukh:** I will try to expound the thing. I am beginning at the very beginning. We said: "Here is a person from Madras who gets Rs. 40 per diem, and here is a Member from Delhi. All that the Delhi Member does is that he engages a conveyance and comes to the House." So. we were driven to the conclusion that at least some element out of this could not be a compensatory allowance. When we fix salaries and allowances or salaries exclusively or allowances, we shall take this into consideration, —this particular difficulty in regard to the Members from Delhi. If it is all in the form of salary then obviously it is subject to income-tax, and the fact that it is subject to income-tax will be taken into consideration, when the size of it is decided upon. In regard to allowances, it may be—and here I am forced to say something which really is a matter for the Joint Committee to consider—that some discrimination would have to be made in respect of Members from Delhi, in order to ensure that the allowance would really amount to a compensatory allowance.

**Shri Radha Raman (Delhi City):** Delhi Members are getting for two days less in a week than other Members.

**Shri C. D. Deshmukh:** All that the Delhi Members will have to do is to arrive from old Delhi to New Delhi, and I do not think that that is a great hardship. My point is that there should not be a compensation for nothing, which is very obvious.

I was asked certain questions by Shri Saksena. My answer is that, however important these provisions may be, we felt that any attempt to compress too much in the way of both Budget discussions and legislation in this session would lead to its undue prolongation. Therefore we said we would try and include in this Bill only what we regarded as non-controversial provisions. I think today's discussion has shown that, by and large, they are regarded as non-controversial. If we were to bring in these and a few others to which other Members attach importance, then I fear that we might have to sit well on into August. That was the only reason which led us to decide on a simpler Bill now and to the introduction of a more comprehensive Bill perhaps next session when,

we hope, we shall be able to devote greater time to legislation. It does not imply that we are scared away from criticism from whichever quarter it might come, except that it is convenient to consider opinions expressed on a complicated measure of this kind from all sections of the community.

Then, lastly, there was this question of clause 34. An answer has been given by an hon. Member and that point comes up very frequently, as to the propriety of Parliament passing some legislation in order to make clear the meaning of a statute. I myself have failed to see what disrespect it could ever involve to the courts, and, as my own colleague said the other day, indeed if against the advice given by Lord Reading we took the earliest opportunity of expressing clearly the intention of the legislature, I think we might be entitled to appreciation on the part of the judiciary rather than otherwise. The position in regard to this section is that it was amended in 1938 and the time-limit for reopening assessments was increased to four years in ordinary cases and to eight years in fraud cases. Then it was again amended in 1948 when the conditions and the procedure necessary for reopening the assessments were changed. But the time limit of four years and eight years was retained, except that it was provided that if the proceedings were started in time they could be completed within a further period of one year from the date of the commencement of the proceedings. Now, this section had been held by the Privy Council only to be a procedural section and therefore the procedure laid down there is applied to the earlier years. Then there was no occasion to meddle with it. But very recently the Calcutta High Court has held that such increase of the time-limit for the completion of the assessment affects the substantive rights of an assessee. section 34 as amended in 1948 cannot be said to be merely procedure and cannot have retrospective effect unless such effect were specifically given. An appeal has been filed to the Supreme Court, but their decision may take a long time. Meanwhile, as I have said, there is a very large number of cases—50,000—and Rs. 16 crores of revenue involved. I think the hon. Member who was so eloquent on this issue said nothing was to be lost. Well, one gets into the habit of regarding crores as nothing these days, but, frankly, we are worried and therefore we thought that we might take this opportunity of clearing up the situation and making it beyond doubt that this applies to assessment years prior to the first day of April 1948.

[**Shri C. D. Deshmukh**]

I think, Sir, these were the main points raised in the course of this debate, and what I have said now does not obviously represent the final decision as the whole matter would have to be considered by the Select Committee.

**Mr. Chairman:** The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee consisting of Shri S. Sinha, Pandit Algu Rai Shastri, Prof. Ram Saran, Shri Ghambani Lal Bansal, Shri C. R. Basappa, Shri Shantilal Girdharlal Parikh, Shri Hari Vinayak Pataskar, Shri Radheshyam Ramkumar Morarka, Shri P. Natesan, Pandit Chatur Narain Malviya, Shri Ahmed Mohiuddin, Pandit Thakur Das Bhargava, Shri A. K. Basu, Dr. Panjabrao S. Deshmukh, Col. B. H. Zaidi, Shri C. P. Matthen, Shri Purnendu Sekhar Naskar, Shri Sohan Lal Dhusiya, Shri P. N. Rajabhoj, Shri Kamal Kumar Basu, Shri N. C. Chatterjee, Shri K. A. Damodara Menon, Shri Tulsidas Kilachand, Shri S. V. Ramaswamy, Shri Mahavir Tyagi and the Mover, with instructions to report on or before the 21st July 1952."

The motion was adopted.

#### CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL

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

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

This is, in spite of a large number of amendments of which notice has been given, a very innocuous measure and the reason why the Bill has been introduced is set out succinctly in the very short Statement of Objects and Reasons. As the House is aware, under sections 128 to 132 of the Code of Criminal Procedure, it is open to the civil authorities, whenever they think necessary for the purpose of dispersing unlawful assemblies, which they cannot with the forces at their disposal, to call in the aid of military forces; and inasmuch as this Code was initially passed in the year 1852 or so and at that time the only military forces were the army, reference is made in the Code to the Commissioned and non-Commissioned officers and ranks of the army. They can be utilised subject to the order and general supervision of the magistrate. Now, the armed forces

of the State include—everybody knows—the army, the navy and the air forces. We have got the stations scattered over the country where we get some personnel of the air force (An Hon. Member: For bombing) and then we have got our ports Bombay and Calcutta where some naval officers and ranks may be available. These are people who have got military training and they can be utilised. The object of the Bill is to enlarge the description of the people who can be requisitioned for giving military aid and instead of describing them as army and Commissioned officers and non-Commissioned officers of the army, we say they should be used as 'armed forces of the State'—armed forces maintained by the Union of India. And the armed forces would include these three different groups. The rest of the Code remains exactly as it has been during the last nearly 100 years.

Now, I should have thought, as I said, that this would not have aroused any comment at all. But I was astonished—I use the word deliberately—to hear that this wicked Government now wants to take authority for aerial bombing of the civilian population. I respectfully suggest that that is a suggestion which had never occurred to me at least, and I believe, never occurred to 90 per cent. of the Members of this House.

**Shri Nambiar (Mayuram):** Then why amendments?

**Pandit A. R. Shastri (Azamgarh Distt.—East cum Ballia Distt.—West):** 99 per cent.

**Dr. Katju:** The question was that for the purpose of dispersing the unlawful assemblies you require some authority. Ground soldiers may not be available, there may be naval detachments, there may be some people in the aerodrome or airfields, you get them and they might be employed by the magistrate for dispersing. That is all. And I say that there is not the remotest idea—no one ever thought of it—there is not the remotest possibility that any such wicked thing should be done which we condemn everywhere.

I have seen notices here of amendments given that the Bill should be circulated. I am myself anxious to obtain opinions. But circulation for what? You may say 'for public opinion'. But do you not want the unlawful assemblies to be dispersed or is it your suggestion that the aid which may be requisitioned by a magistrate should be limited to the soldiers of the army who

today are armed in a variety of ways. I have seen rioters now-a-days armed in the streets of Calcutta with acid bulbs and bombs and weapons of all descriptions. Similarly so far as the police is concerned, they have not got acid bulbs and bombs but they have got their pistols and firearms of that description. Now if you get the naval detachment in Calcutta it can be called in. Say about 100 people or 50 people just march in the streets.....

**Shri Nambiar:** And bombard.

**Dr. Katju:** Mr. Nambiar, in the first instance you should not interrupt and whenever you interrupt, you talk nonsense, you take it from me. (*Interruption*).

**Dr. S. P. Mookerjee** (Calcutta South-East): The hon. Minister has to address the Chair. Is that word 'nonsense' addressed to the Chair?

**Mr. Chairman:** As a matter of fact we expect that when an hon. Member or a Minister speaks, other hon. Members should keep quiet and not interrupt him. If there is interruption and if in respect of that interruption some reply is given, the hon. Member should not then feel it. As a matter of fact there should be no interruptions from the hon. Members.

**Dr. Katju:** The word 'nonsense' is not unparliamentary.

**Shri H. N. Mukerjee** (Calcutta North-East): Is it your ruling, Sir, that when a Member interrupts, he can be addressed straightway by the hon. Minister in any fashion he chooses? When I am interrupted, am I entitled according to your ruling to answer the interruptor in whichever way I like?

**Mr. Chairman:** All Members should address the Chair. But when a reply has been given it is no use asking the Chair for a ruling. (*Interruptions*)

**Shri Nambiar:** I will give and I will take.

**Dr. Katju:** You are defying again the ruling of the Chair.

**Dr. S. P. Mookerjee:** Again he addresses the Member and not the Chair.

**Dr. Katju:** I am very sorry. I am always accustomed to talk face to face.

Now the Bill is a short one. It can be disposed of here. Either pass it or reject it: finished. What is the use of troubling and wasting good paper and good ink by circulating it for public opinion. The point is very clear. In

appropriate cases when the magistrate feels so inclined and thinks it necessary, he should have the speediest measures available to him to disperse that unlawful assembly. The assembly will not wait. It has got to be dispersed.

Then there are some amendments which suggest that the President should declare an emergency and should issue a proclamation. This is absurd. Now just consider it. Here is an assembly—let us say somewhere here or anywhere else—then there is a telephone message to be sent. Unlawful assembly may be anywhere for instance in Delhi, Calcutta or Bombay or even in Telangana. So the unlawful assembly is sitting. They are throwing stones; they are throwing brickbats; they are throwing acid bulbs and bombs and the civil authorities should restrain their hands and immediately send a wire to the President saying "Please issue a proclamation and declare an emergency" and till the President issues such a proclamation and issues such consequential orders, that assembly will continue to stay and loot and commit arson and all sorts of things. Therefore, I think this is ridiculous.

So, Sir, I will not take your time and I suggest that every hon. Member would be pleased to read about ten lines of the Statement of Objects and Reasons. This is a plain-sailing Bill, and requires very short consideration and it may be taken into consideration at once and passed.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

**Shri Velayudhan** (Quilon cum-Mavelikkara—Reserved—Sch. Castes): I beg to move:

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

I was very pleased to hear the elucidation of the Home Minister on this Bill and at the outset he himself mentioned that it is an innocuous measure and will have to be passed without much difficulty. I was trying to find out as to what was the meaning of the word 'innocuous'. I asked my friend on my right side and he said that it is a "harmless" measure. Then I went through the Objects of the Bill as well as the purpose of the Bill, and I find that I will have to differ from the Home Minister. I might say that

[**Shri Velayudhan**]

it is not only a harmful measure, but it is a wicked measure and it is a measure which no democratic country will tolerate. The hon. Minister was trying to restrict the scope of the Bill when he, like a clever lawyer was trying to argue with us and trying to convince you and the Members in this House that it is only a very light measure. The Bill, even though it is only an amendment of a certain Act which was passed some time before, covers the whole field of law and order in the country. It is not only a Bill that has found its place in the Statute-Book recently. It was there in some form or other during the time of the British regime. It was also amended during the time or after we got independence. I again hold the view that the Bill covers the entire field of law and order. I remember the days of the British regime when it had its own way of keeping law and order in the country. We have not forgotten that there was the Criminal Law (Amendment) Act as well as the Defence of India Rules existing during the time of the British regime. But when we got independence we changed those rules into different forms.

**Mr. Chairman:** Order, order. I will just clarify this question. According to the Bill the only change which is sought to be made in Chapter IX is that instead of certain words like 'sailor', 'soldier', 'army', 'navy' etc. the words 'armed forces' be substituted. The scope of the Bill is a very restricted one and a reference to the question of civil liberties and the Defence of India Rules etc. is not germane to the subject. I would therefore request the hon. Member kindly to restrict his remarks to the Bill itself.

**Shri Velayudhan:** Sir, I was trying to convince you about this point. But if the Chair is not convinced I cannot help it. I wanted merely to express my views on this Bill. This is not a small matter. You are allowing the armed forces to smash the people—the civilians—in the country. The Government is now trying to get the help of navy as well as air force. Is it a small matter? (*Interruptions*) For that reason we oppose this Bill in principle. We oppose it because we do not want such a measure in a democratic country which we are having today. Of course we.....

**Mr. Chairman:** To me the point is that the present law of the country is contained in Chapter IX so far as the dispersal of unlawful assemblies is concerned and the present law is only sought to be amended

to the extent that these words 'armed forces' are going to be substituted for some other words which now exist, namely the three branches of the forces, army, navy and air. And the only other difference is that for the words "any commissioned or non-commissioned officer etc." the words "any officer of the armed forces etc." are being substituted. That is the only difference and therefore I would just request the hon. Member to restrict his remark only to this Bill and the provisions of this Bill and not to travel outside.

**Dr. S. P. Mookerjee:** Is it your ruling, Sir, that it will not be open to us to discuss the principles of the Bill? We are entitled to discuss the principles of the Bill under rule 75, not only the provisions; and, as has been stated in the Statement of Objects and Reasons, the principles of the Bill relate to the provision of military assistance in cases of need. So it is certainly open to us to show that we are opposed to the principles of the Bill. We are against the extension of the use of military force in cases of civil commotion. We can go into those questions and you cannot rule out the discussion of the general principles.

**Mr. Chairman:** I am not doubting the right of the Members to discuss the principles of the Bill but the Bill is an amending Bill. It does not relate to the principles underlying the entire statutory law contained in Chapter IX of the Criminal Procedure Code. You cannot go back to the principles of Chapter IX. Only two amendments are sought to be made and one is that instead of certain words the words "armed forces" are being used. We cannot go back to the parent Act and go into its principles. We are only concerned with an amending Bill.

**Dr. S. P. Mookerjee:** The principle of the Bill, as the Home Minister mentioned and as is contained in the Statement of Objects and Reasons, relates to recourse being had to military force for purposes of dispersal of unlawful assemblies. So far as the provisions of the Bill are concerned, they relate to the extension of the principle to air force and navy. There is a fundamental difference between the two. Under rule 75, it is clear that the principles of the Bill and also its provisions may be discussed. It will depend on how the matter is put before the House.

**Mr. Chairman:** To me the point is very clear. So far as the principles are concerned they can only be as covered by the provisions of the Bill as a whole. We are not dealing with

Chapter IX as a whole. If that were so, certainly all the principles which underlie the provisions in Chapter IX will be open to discussion. Here we are only concerned with an amending Bill and so far as principles are concerned the only principle involved arises from the substitution of certain words. Previously too, as also even now, according to the law the army, navy and the air force can be requisitioned by the civil authorities.....

**Hon. Members:** No, no.

**Mr. Chairman:** Order, order. Let hon. Members wait till I have concluded. When the Chair is addressing the House, no Member should stand up, and, certainly, when several Members stand up simultaneously the decorum of the House cannot be maintained. I am open to conviction and I will hear every possible view.

As I was saying, here we are only concerned with two amendments. Instead of the words commissioned and non-commissioned officers, we are using the words "officer in charge", and for the words the Indian army, navy or air force etc. the words "armed forces" are substituted. The only principle involved is what is involved in the substitution of the words but you cannot go back to the question whether civil authorities are entitled to use the armed forces and the circumstances in which the civil authorities will so act. For instance, reference has been made by the Home Minister to the powers in emergencies which are outside the scope of the Bill.

**Shri H. N. Mukerjee:** Sir, as far as I can understand, the Government wants amplification of the provisions for requisitioning the armed forces in the task of quelling possible civil disturbances. The provisions in regard to amplification are now under discussion. How can we possibly discuss what is asked for in the way of amplification without referring to the basic principle of the employment of the armed forces to assist the quelling of civil disturbances?

**Mr. Chairman:** I would request the hon. Member to point out the words in all the provisions of the Bill in respect of which the amplification is required. Under certain circumstances instead of a commissioned or non-commissioned officer it is suggested that the person in charge may be made to give orders. So far as that is concerned it is perfectly open to any Member to base his argument but if any Member wants to question the

very propriety of the civil authorities calling in the military etc., that cannot be allowed.

**Sardar Hukam Singh (Kapurthala-Bhatinda):** So far as I can make out section 129 of the old Act says that if any such assembly cannot be otherwise dispersed and it is necessary for public security that it should be dispersed, a magistrate of the highest rank who is present may call for it to be dispersed by military force. By military force was meant the army or the land forces. What is now sought is that the magistrate might be able to requisition the naval or air force as well. That is the amplification that is now required. The apprehension is that a civil disturbance might be of a very small magnitude and the magistrate in charge of dispersal might come to the conclusion that it requires the assistance of the armed forces, which are the words sought to be substituted now and he can requisition the services of the air force, which may come by planes, or the naval force. Even the Government does not intend it or it was never suggested to them that that is the construction that can be put on the words that are being put in now. If the air force is to come they will come in their planes. This is the fear that we have on this side, though it might not have suggested itself to the Government. But certainly it would be so construed and it would be a right construction on the words brought in now.

**Shri Dhulekar (Jhansi Distt.—South):** On a point of order, Sir. My hon. friend Mr. Velayudhan submitted on the question that an unlawful assembly cannot be dispersed now with military force because India has now attained its independence; from that point of view it is out of order. The second point put forward by Sardar Hukam Singh is that he is afraid that there might be aerial bombing or the naval force might also be brought in to help in the dispersal of an unlawful assembly. I put the point of order this way. What are the words that he would suggest which should be substituted for the words that the Minister has put in? The Minister has suggested the words "armed forces". If Sardar Hukam Singh has some apprehensions, what are the words which he wants to substitute, so that we may consider them?

**Sardar Hukam Singh:** I only wanted to point out that Chair was under the impression that no substantial chance was brought about and I was trying to show

[Sardar Hukam Singh]

that a great and big change was involved in the Bill.

**Mr. Chairman:** Quite true. I stand corrected. There is a change. As a matter of fact the present words are "the Indian Army, or a person subject to the Territorial Army Act...." I was under the impression that sailors and airmen were also included there. I was wrong. As a matter of fact now the change is that instead of the army and the members of the territorial forces alone, even the air and naval forces can be called into aid. That is correct. But the broad point which has been brought into the discussion by the Member who was speaking is certainly not justifiable. I would therefore restrict the discussion to two points. One is whether the change from army and territorial force only to the navy and air force also, which can be requisitioned to quell disturbances, is called for. The second question is whether the substitution of the words "commissioned or non-commissioned officers" in place of "officer in charge" of a particular detachment should be made. These are the two points to which the discussion must be restricted.

**Shri N. C. Chatterjee** (Hooghly): After your observation, it is not necessary for me to take the time of the House. I was going to submit that section 128 which deals with use of civil force says that the executive can call upon a male person to help in the dispersal of an unlawful assembly but not an officer of the Army, Navy or Air Force or a person subject to the Territorial Army Act, 1948. That was meant to exclude those people. There you can call upon any male person except those persons who are excluded. But section 130 is going to be amended and there the ambit is going to be wider. That section really deals with the use of military force. Any magistrate, even a third-class magistrate, is going to get the power to requisition any officer of the army, navy or the air force and it is our apprehension that there is a possibility of abuse. On that point we want to make ourselves very clear. We have made some constructive suggestions also and we have said that only a district magistrate or a first-class magistrate should have this power and not any magistrate under any circumstances.

**Shri A. K. Gopalan** (Cannanore): Rule 75(1) says that when discussing the principle of a Bill, its provisions may be discussed generally. Previously, the provision was that for dispers-

ing an unlawful assembly, the military can be used. Now it is said that not only the military but.....

**Mr. Chairman:** I have given a ruling that the discussion shall be confined to the two matters I pointed out. At this stage, it is not open to the hon. Member to criticise that ruling. He should accept it and proceed on that basis.

**Shri A. K. Gopalan:** I am not criticising but I want to know.....

**Mr. Chairman:** That discussion is concluded.

**Shri Velayudhan:** On seeing these discussions and disputes on the scope of the discussion on the Bill, I have come to the clear conclusion that while the previous Bill allowed only the calling of the army, this Bill seeks to allow the calling of the navy and air force. There is a vast difference between calling the army and also calling the navy and the air force. Supposing this Bill is defeated. What will be the effect? Its effect will be that the army itself cannot be called.

**Dr. S. P. Mookerjee:** How can that be?

**Shri Velayudhan:** I may be wrong, but that is my opinion. I request the Chair not to put any undue restriction on the discussion, because the purport of the Bill affects the very civilian life of the country. If this Bill is passed, the police force, or the military or the navy or the air force can be called in at any moment and any area can be bombarded. Even this Parliament can be bombarded. (Hon. Members: No. no.) Therefore, it is not a small affair as it is depicted by the Home Minister. It is a very serious affair.

**Mr. Chairman:** The hon. Member should know that this Parliament can never be an unlawful assembly.

**An Hon. Member:** It may be considered as one and a bomb may fall on it.

**Mr. Chairman:** It is not the Government but the Speaker and the Members of the House who have got authority here.

**Shri Velayudhan:** Let me tell you how the Government have used this power in the past. There was the previous Act. They had the power only to call the army. Did they use it properly? Again, should I not come to the question of law and order? There was no need for calling the army and

yet there have been instances in the past where the Government have called the army to quell the disturbances or the so-called rebellions in several parts of the country. One instance I can bring before the House. It was also discussed here in this House. In Cooch-Behar when there was a hunger march, not only the police but the army was called. The Press reports said that there was bombardment also. I say therefore that the Government have misused the power. They have arbitrarily used the power conferred by this Parliament, and that is where I come to grips with the Government. I do not oppose the Government simply for the sake of opposition. I want India to be a democratic State just as much as anybody on the other side wants. At the same time, this kind of legislation, this kind of vicious sentiment which the Home Minister expressed, does not extend any hope of a democracy for India. But at the same time, it is raising a fear of dictatorship in the country. I say this with a little emotion, because I am one who wants democracy to be built up in India. My personal opinion is that none of us wants to introduce Communism or Socialism here—we know it is not yet time for India—but when the time comes, people will have it in spite of you and the Government and its military and air force, whether you get it from America or Europe. You are going, I think, to make this country a fascist State with this kind of Legislations. The Prime Minister may dispute this. I am intelligent enough to understand it. But I claim that I am equally intelligent, if not more intelligent than the Prime Minister.

**Mr. Chairman:** He need not bring in the Prime Minister. Why should he compare himself to the Prime Minister?

**Shri Velayudhan:** I was not saying this with any disrespect to the Prime Minister. I have the greatest respect for him. When I spoke on the Budget I called him as one of the world personalities today.

**Mr. Chairman:** He is going outside the scope of the Bill.

**Shri Velayudhan:** You yourself said that I was comparing myself with the Prime Minister.

**Mr. Chairman:** Order, order. The hon. Member was making a statement like that himself, and I only asked him not to bring in the Prime Minister. He has nothing to do with this Bill as such. Let him confine his remarks to the Bill.

**Shri Velayudhan:** Coming to the Bill as such, the Home Minister is making a fetish of the whole thing. I do not believe that he has got any heart at all. He is a heartless Home Minister. Civilians according to the Bill can be bombarded under the guise of quelling disturbances; and who issues this order? A magistrate drawing Rs. 75 salary. Can such a thing happen in any other democratic country?

**Mr. Chairman:** Order, order. I am very sorry to interrupt the hon. Member again and again. The powers of the magistrate as such are not in dispute in this case; the powers will continue as before. They are irrelevant to the discussion. I would, therefore request him to confine himself to relevant remarks and bring his speech to a close.

**Shri Velayudhan:** My idea in making these remarks was this. I can certainly understand the President declaring an emergency and calling in the troops. But you are giving a *chhotta* magistrate power to call not only the army, but also the navy and the air force. It is here that my difference with the Home Minister comes. It is a fundamental difference. I entirely agree with the Home Minister, and the Treasury Bench that in case of an emergency declared by the President or the Governor of a State, they should have the power to call in the army, navy or air force. In this case my fear is that the power is likely to be misused by the States. It is not the Centre that is dealing with the situation. Parliament may be sitting here, or it may not be sitting, but it is the States that are going to execute this particular piece of legislation.

We have seen in the past how the States misuse the powers conferred by this Parliament. We had a lot of discussion in the previous Parliament on the Preventive Detention Bill. I do not want to enter into a discussion of it on this occasion. I only wish to say on this occasion that the States have misused the powers conferred by this Parliament and any extension of the power to the use of the navy and air force would create a dangerous situation to the people of this country. The House knows well what happened in Gorakhpur. There was half-an-hour discussion over it in this very House. Our own friends had gone there and investigated the matter. Very appalling stories of the happenings have come to our notice. The other day the Home Minister presented a report to

[**Shri Velayudhan**]

the House on the firing at Gorakhpur. But, I believe, truth will never come through Government sources. It can come only through people's sources and we have heard the truth. Simply under the orders of a magistrate and the General Manager of a Railway, not only the police but also the military force was called out. Firing was resorted to, which led to the death of two people. I was informed that the bullet that was used was not the bullet permissible by the police. It was a bigger type of bullet. One of the bullets hit the abdomen of a man; it was not extracted by the doctor, fearing that the size of the bullet would be discovered with the result that the man died.

**Shri P. T. Chacko (Meenachil):** May I know what is the size of the bullet permissible under law?

**Mr. Chairman:** The hon. Member is referring to a certain matter which happened in some State, the details of which are not known. The hon. Member can certainly discuss general questions which arose out of that incident, but to refer to specific details of that incident, will not be fair. Again the hon. Member is speaking on the basis of hearsay information. I would therefore request him to be more specific and discuss questions of a general nature.

**Shri Velayudhan:** I have no desire to accuse any State Government in this connection. The hon. the Home Minister himself made a statement regarding this matter in this Parliament; I therefore, wished to allude to it. The other side also will get a chance and they can refute any statement in my speech—I do not mind it.

But if you want to keep law and order in this country, this is not the way you should proceed. You cannot have a police state to keep law and order. We have seen it in the British days.

**Pandit A. R. Shastri:** You tell us the way.

**Shri Velayudhan:** You put me in the other position. I mean the Treasury Bench. I know how to do it. Today the Treasury Bench is filled with masters of bungling. If intelligent people go there, they will know how to rule the country.

**Mr. Chairman:** I am sorry to interrupt the hon. Member again. I warned him several times that he should

not speak about the intelligence of this Member or that. That is very improper. I would ask him to confine his remarks to the scope of the Bill and not to travel about hither and thither. He has been repeating these very arguments over and over again. I find he is not hearing me. I would ask him to at least hear what the Chair says. He has been repeating the arguments *ad nauseam*. I have allowed him enough latitude and would ask him to bring his remarks to a close.

**Shri Velayudhan:** The other point I wish to emphasise is that this measure is more dangerous than the Preventive Detention Act. The Preventive Detention Act only puts people in lock-ups or jails. But by one bombing you may kill thousands of people. That is why I attach particular importance to this Bill.

This measure should not be taken as a simple one or in a humorous way by the Treasury Bench. I am speaking under emotion, but I am not angry at the other side. Which country in the world has tolerated this kind of suppression, this kind of police measures and dictatorial acts? Government would not have been in power even for twenty-four hours, if it were not in India. If it were not for the ignorant and illiterate masses here. Government would not have dared to bring such a measure. They do so because they know the people are weak, they have no intelligence, they have no commonsense or organising capacity. But I believe in the power of the people. I know a time will come when the people will do what they want. If pieces of legislation like this are going to be enacted a day will come (interruptions).

**Mr. Chairman:** Order, order.

I have already warned the hon. Member. I do not know, I may have to take some drastic step against him if he persists in this kind of thing. I request the hon. Member to confine himself to the provisions of the Bill and to the matters which are relevant to the Bill. He is again travelling out and making all sorts of statements, and not saying anything which is relevant. I will have to curtail the speech of the hon. Member if he behaves further in this manner.

**Shri Velayudhan:** Only one word I have to say and that is, if the Government bring forward this kind of police legislations in this country, I know certainly the people will not tolerate it. The Treasury Bench may tolerate

it; the Congressmen in the country may tolerate it. But, the people are bigger than the Congressmen, bigger than the Socialists or Communists. They are bigger than all joined together. I myself, as the representative of the most down-trodden people, know the feelings of my people, the under privileged people in the country. With these police actions, with these atrocities, with this suppression, who have suffered most? It is not people like Mr. Gopalan or Mr. Punnoose or their community that have suffered. It is my community people, the untouchables of India who have suffered most. That is why I am very particular about this Bill. If a high class person is arrested, there will be the Minister directly or indirectly coming in his favour with the police officer. If a Harijan is arrested, it is not like that. He is made into pulp by the police. I can accept the charges from the other side if they stand for democracy. I would go with them if they stand for democracy and I know most people in the country will be with them if they are dictated by the principles of democracy.

**Mr. Chairman:** Order, order. I have heard the hon. Member at great length. He now speaks of discrimination between the various classes, which is very far from the principles or any matter connected with this Bill. I am sorry I shall have to curtail his speech unless he finishes it very soon.

**Shri Velayudhan:** I commend this Bill for circulation for eliciting public opinion.

**Mr. Chairman:** Amendment moved:

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

**Shri M. V. Krishnappa (Kolar):** On a point of order, Sir,.....

**Mr. Chairman:** No point of order. The hon. Member has finished.

**Shri Namdhari (Fazilka-Sirsa):** Sir, I was simply amazed and surprised that whenever the Government brings any measure for law and order.....

**Shri Vallatharas (Pudukkottai):** On a point of order, Sir. (Interruptions) Please excuse me, I have got a right to submit what I want to say to the House. Though we have got the highest pitch of our voice and the liberty to wield every limb of our body to any extent, there must be a sense of decorum in our demonstration, oral as well

as physical. Such a decorum is observed in the law courts to the strictest possible extent. There is always a limit. May I request the Chair with the greatest respect, to say whether there is any principle followed by us here or whether a Member is at liberty to indulge to any extent.

1 P.M.

**Shri M. V. Krishnappa:** In support of the same point of order, Sir, I may say some hon. Members get nervous when the hon. Member speaks.....

**Mr. Chairman:** Order, order. I have not understood the point of order involved. What is the point of order?

**Shri Vallatharas:** There is a limit to the pitch of voice which is used and also a limit to the physical demonstration in the course of a speech. We observe it in the law courts, and I have personal experience of that. Do the same principles apply here? That is what I want to know.

**Mr. Chairman:** If the hon. Member wants to stress that there should be decorum and dignity in this House, he is perfectly welcome to give this sermon to his own side as well as to other Members of the House. At the same time, I would request all hon. Members to maintain dignity and decorum. This is the Parliament of India. Every Member is expected to behave with dignity and decorum. It is true this is not a law court. A law court is a different thing. At the same time, we should keep up the decorum and dignity of the House. Nobody can doubt that. I would request the hon. Member who has just spoken to use his influence with those around him to keep this idea before them.

**Shri Namdhari:** I was saying that I am surprised that whenever Government introduces any Bill for enforcing law and order, it does not upset the other respectable parties in the Opposition except the Communist party. Do they intend to break the law? Is that so? I do not understand why they get upset. If we equip a surgeon with all the modern surgical instruments to operate in any portion of the body, it is not a bad thing. Who knows in what side of the country, in what conditions, its application will be necessary. The idea is only to keep law and order. The idea is not to kill the people. I do not know why it upsets my Communist friends. I have heard these people have not surrendered their arms. Have they got a definite

[Shri Namdhari]

plan to break law and order? It does not upset other respectable parties. The Hindu Sabha and Akalis are there; there are others. They have spoken nicely and quietly argued. Why does it upset my friends, the Communist Members? We have heard such beautiful speeches from.....

**Mr. Chairman:** May I just enquire from the hon. Member if he wants to continue his speech?

**Shri Namdhari:** Yes.

**Mr. Chairman:** He may continue tomorrow.

It is proposed to take up the following Bills tomorrow, the 10th July, 1952 and Friday, the 11th July, 1952. These Bills were introduced some time ago.

(1) Business entered in today's agenda and not concluded.

(2) The State Armed Police Forces (Extension of Laws) Bill.

(3) The Prevention of Corruption (Second Amendment) Bill.

(4) The Criminal Law Amendment Bill.

(5) The Indian Tea Control Amendment Bill.

(6) The Rubber (Production and Marketing) Amendment Bill.

(7) The Indian Companies (Amendment) Bill.

(8) The Indian Ports (Amendment) Bill.

(9) The Reserve and Auxiliary Air Forces Bill.

Members may give notices of amendments today.

**Sardar Hukam Singh:** Is there time enough now? How can we give notice of amendments today?

*The House then adjourned till a Quarter Past Eight of the Clock on Thursday, the 10th July, 1952.*