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**Volume III**

**No. 3**



**Thursday**  
**6th August, 1953**

# **PARLIAMENTARY DEBATES**

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## **HOUSE OF THE PEOPLE**

**OFFICIAL REPORT**

**(Vol. III contains Nos. 1—25)**

**(Part I—Questions and Answers)**

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THE

## PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

### OFFICIAL REPORT

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#### HOUSE OF THE PEOPLE

Thursday, 6th August, 1953.

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

[MR. DEPUTY-SPEAKER in the Chair]

#### ORAL ANSWERS TO QUESTIONS

##### GOVERNMENT BUILDINGS AND PROPERTY AT SIMLA

\*181. **Shri M. L. Dwivedi:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the maintenance cost annually of Government buildings and other property at Simla;

(b) what is the amount realised annually as rent of such property;

(c) whether it is a fact that the buildings and other property now let out to the Government of Punjab are likely to be vacated in the near future consequent on the decision of that Government to shift the capital to Chandigarh; and

(d) if so, what steps are being taken by the Government of India to put these buildings etc., to some use?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) The cost of maintenance of Central Government property in Simla during 1952-53 was Rs. 9,39,764/-.

(b) The amount of rent recovered during the same year for the above property amounted to Rs. 7,29,480/-.

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(c) The Government of Punjab will be moving only their camp offices to Chandigarh this year, and that too by stages. Therefore, the accommodation which would be released by them in the near future will not be appreciable.

(d) The question of utilising the accommodation to be released by the Government of Punjab is under consideration.

**Shri M. L. Dwivedi:** May I know whether after the headquarters of the Punjab Government moved to Chandigarh, the Assembly Hall which is at present in the use of the Punjab Assembly, will be handed over to the Himachal Pradesh Assembly?

**Sardar Swaran Singh:** The proposal is under consideration.

**Shri A. M. Thomas:** May I enquire whether, when the hon. Minister visited Simla recently, representations were made to shift some of the Central Government offices to that city, and whether the Government proposes to do anything like that? May I also enquire whether the Government intend to shift the Western-Command Headquarters also to that city?

**Sardar Swaran Singh:** Both these proposals are under consideration, and steps are being taken to ensure that such of the accommodation as is released is put to the best use, by shifting some of the offices of the civil or army administration to Simla.

**Shri M. L. Dwivedi:** May I know by what time the Punjab Government



will shift their headquarters completely from Simla to Chandigarh?

**Sardar Swaran Singh:** That is really a question which should be put to the Punjab Government. But at the moment, they have indicated that they are shifting only their camp offices, and it will take some years before they could completely shift to Chandigarh, if they do so at all.

**सेठ गीबिन्द दास :** माननीय मंत्री जी ने अभी यह कहा कि शिमले की इमारतों को ठीक रखने में कोई ६ लाख रुपया खर्च होता है और आमदनी किराये की उन से वसूल होती है कोई ७ लाख रुपये, तो यह जो २ लाख रुपया ज्यादा खर्च होता है, इस के आमदनी से मिलने की निकट भविष्य में क्या कोई आशा है ?

**सरदार स्वर्ण सिंह :** यह कमी दरअसल इस वजह से है क्योंकि सारी की सारी जो प्रापर्टी है, वह किराये पर नहीं दी हुई है बल्कि उस का कुछ हिस्सा किराये पर दिया हुआ है ।

**सेठ गोबिन्द दास :** बाकी जो हिस्सा अभी किराये पर नहीं उठा है और उस कारण यह जो रुपया सरकार लगाती है, क्या इस के बराबर हो जाने की कोई उम्मीद है ?

**सरदार स्वर्ण सिंह :** वह हिस्सा सेंट्रल गवर्नमेंट के खुद अपने पास है और उस पर से क्रेडिट मिल जाता है, वह तो हिसाब की बात है ।

**Shri Sarangadhar Das:** Arising out of the reply of the hon. Minister to one of the supplementary questions, may I know whether there is any doubt about the completion of the capital at Chandigarh?

**Sardar Swaran Singh:** Not at all. If that is the impression that has been

created in the mind of the hon. Member, then I want to contradict it emphatically. The point really was that even after the capital of the Punjab Government shifts to Chandigarh, the Punjab Government would still like to have some of their offices at Simla, and therefore it is not likely that the entire accommodation which is now being used by the Punjab Government there may be released for use by the Central Government or the Himachal Pradesh Government.

**Mr. Deputy-Speaker:** Next question.

**Shri M. L. Dwivedi:** May I know what is the nature of the use of the property at Simla...

**Mr. Deputy-Speaker:** Order, order. I have called the next question. I have spent nearly five minutes over this question.

#### INDO-PAKISTAN BORDER INCIDENT ON 8TH MAY, 1953

\*182. **Dr. M. M. Das:** Will the Prime Minister be pleased to state—

(a) whether Government have made detailed investigation regarding the incident near Indo-Pakistan border of the Purnea District in Bihar, in which five Santalli women were killed by Pakistan Police and Ansars on the 8th May, 1953;

(b) if so, the result of such investigation;

(c) whether it is a fact that two of the offenders were arrested in Indian territory by the Indian Police; and

(d) if so, whether these two arrested persons have been handed over to the Pakistan authorities?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). Yes. On the 8th May, 1953, four Pakistani Policemen trespassed into Indian territory on the western bed of the river Nagar near Bathandangi Tola, Police Station, Karandighi, District Purnea, and attempted to kidnap an unmarried girl, who was collecting shells on the river bed

along with a party of Santalli men and women. The girl resisted and her father and four of the women tried to help her to escape from the policemen. The latter, thereupon, assaulted the Santallis with the butt ends of their rifles and killed all the five women. They then returned to Pakistan territory dragging the father of the girl with them. The bodies of those killed were recovered from the river by the Bihar Military Police who reached the spot soon after the incident. Local investigations clearly indicate that the incident occurred within Indian territory and that the women were victims of grievous assault and succumbed to injuries inflicted on them by the Pakistani Policemen.

Protests were made to the Government of East Bengal by our Deputy High Commissioner at Dacca and to the Pakistan Government by our Commissioner at Karachi. The Government of Pakistan have replied that they are having the matter enquired into and that, in the meanwhile, one of the policemen involved in the incident has been suspended and proceeded against. The Governments of Bihar and East Bengal have also agreed to have a joint enquiry made by the District Magistrates of Purnea (India) and Dinajpur (Pakistan).

(c) No.

(d) Does not arise.

**Dr. M. M. Das:** May I know whether any attempt has been made by the Government of India to impress upon the Government of Pakistan that incidents of such nature are the greatest stumbling blocks on the way to amity and friendship between the two nations?

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

**Pandit S. C. Mishra:** Are the Government aware that this overt bullying vis-a-vis the timid attitude of the two Governments is having a very bad effect on the morale of the people that inhabit these border areas?

**Mr. Deputy-Speaker:** Let there be no aspersions or insinuations. Questions may be put, and answers elicited.

**Pandit S. C. Mishra:** My question is a simple one, Sir.

**Mr. Deputy-Speaker:** Hon. Members ought not to take advantage of the question or the question-hour, for the purpose of making such remarks.

**Pandit S. C. Mishra:** I wanted to know what effect these incidents have on the border areas. I am not making any aspersions.

**Mr. Deputy Speaker:** Order, order. Let there be no question of timidity or other such remarks.

**Dr. Ram Subhag Singh:** May I know whether such incidents are still occurring on Bihar and East Bengal borders?

**Shri Anil K. Chanda:** During this year, there have been three other incidents on the Bihar border. One was on the 12th March 1953, in the village of Barogharia in the district of Purnea. The second was on 8th May 1953, in the village of Kalitola, near Karanighi; and the third was on 17th May in the district of Purnea in the village of Baroah. But this has been the most serious of the incidents.

**Shri S. C. Samanta:** May I know whether the Government have any information regarding the punishment given by the Pakistan Government when similar cases were referred to them?

**Shri Anil K. Chanda:** In some cases, of course, there have been punishments.

**Shri T. S. A. Chettiar:** May I know whether the father of the girl, who was taken into Pakistan territory has been released?

**Shri Anil K. Chanda:** He is still in the custody of the Pakistan Police.

**Dr. M. M. Das:** In the case of the five Indian national who were murdered in Indian territory, may I know

what arrangements have been made between the two Governments, to furnish the proofs of these crimes before the Pakistani court that is trying the case?

**Shri Anil K. Chanda:** As I said, a joint inquiry is to be held in the matter. Our case was that this incident happened in our territories, whereas Pakistan's case was that it was in their territories. A joint inquiry is to be held, and it will take place on the 9th of August.

**Dr. Ram Subhag Singh:** According to your reply, it was in Indian territory.

**Shri S. N. Das:** May I know the distance of the nearest police outpost from where the incident occurred, and may I also know the time taken by the Indian police to go to the spot?

**Shri Anil K. Chanda:** There was a police camp at Khurka Mouza, and within an hour, the border policemen were on the spot.

**Shri Namdhari:** May I know whether such acts of high-handedness were ever done by Indians on their side?

**Mr. Deputy-Speaker:** That does not arise out of this question. The hon. Member may put a question. He need not unnecessarily spend the time of the House in this manner.

**Dr. Ram Subhag Singh:** This is a very important question, Sir.

**Dr. M. M. Das:** I beg to know whether the Government of India are satisfied that all possible steps are being taken by the Pakistan Government to punish adequately these offenders, and whether any instructions have been issued to our High Commissioner's Office in Eastern Pakistan, to watch the proceedings, and report them to the India Government?

**The Prime Minister (Shri Jawaharlal Nehru):** This case is obviously a very bad one and it naturally excites the anxiety and concern of the House

and of the Government. Naturally that is so in a case in which a few defenceless Santali women are attacked in this way and killed. It is also natural that people in the locality especially, apart from elsewhere, must as the hon. Member suggested, feel alarmed at these things that happen on that border. The border is always rather a dangerous place where criminals hop over from this side to the other, or as in this case, others who are not criminals do it. In the present case, some action was taken fairly quickly by the Pakistan Government and now an inquiry is to be held jointly on behalf of India and Pakistan. Apart from such proceedings as may take place in Pakistan, magisterial or other, in two or three days a joint inquiry is going to be held. And naturally, so far as the Government of India are concerned, acting through the Government of Bihar, they are taking every interest in it to see that the true facts come to light and that justice is done.

#### PROGRAMME EVALUATION ORGANISATION

**\*183. Shri B. C. Das:** (a) Will the Minister of Planning be pleased to state whether there is an organisation called "Programme Evaluation Organisation" under the Planning Commission?

(b) If so, what is the nature of work of this organisation?

(c) How many people (in the officers' as well as in other cadres) are employed in this Organisation and on what scales of pay etc.?

(d) What part of the expenditure of this organisation has so far been recovered from the Ford Foundations?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Yes, Sir.

(b) The organisation keeps under continuous observation the working of the Community Projects and other schemes of intensive development with a view to apprise their progress and advise the authorities concerned about successful methods which may be followed with advantage.

(c) A statement is laid on the Table of the House. [See Appendix I, annexure No. 62.]

(d) The entire expenditure.

**Shri B. C. Das:** Has any agreement been reached between the Ford Foundation and the Planning Commission about this project, and if so, what are the terms of the agreement?

**Shri Hathi:** There is, an agreement reached and I shall lay a copy of it on the Table of the House.

**Shri Muniswamy:** May I know, Sir, whether centres have been opened for this organisation and if so, where are they and how do they function?

**Shri Hathi:** Yes, centres have been opened.

**Shri Muniswamy:** Where?

**Shri Hathi:** 19 centres have been opened.

**Shri B. C. Das:** Has Government modified its project by drawing any lesson from this Evaluation Committee?

**Shri Hathi:** No, there is no question of modification.

**Shri B. C. Das:** Has the Evaluation Organisation any officer connected with the Ford Foundation or with the American Government?

**Shri Hathi:** No, all these officers are independent. They are appointed by the Government of India.

**Mr. Deputy-Speaker:** Question No. 184.

**Shri Punnoose:** Sir, all the three questions—Nos. 184, 185 and 186, may be put together.

**Mr. Deputy-Speaker:** Yes.

#### WORKERS' STRIKE IN PANCHET HILL DIVISION

\*184. **Shri Punnoose:** (a) Will the Minister of Irrigation and Power be pleased to state whether it is a fact that 5,000 workers of Panchet Hill

Division of the Damodar Valley Corporation struck work from the 4th May, 1953?

(b) If so, what were the demands of these workers and what was the reply given by the authorities to these demands?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Yes Sir, but their number was only 550.

(b) A statement showing demands of workers and the settlement arrived at, is laid on the Table of the House. [See Appendix I, annexure No. 63.]

#### MAITHON DAM WORKERS' STRIKE

\*185. **Shri Punnoose:** (a) Will the Minister of Irrigation and Power be pleased to state whether it is a fact that 8,000 workers of Maithon Dam have given notice of strike if their demands are not conceded?

(b) What are these demands and what steps are the authorities taking in regard to them?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Yes Sir, but their number was only about 2,500.

(b) A statement giving the demands of the workers and the terms of settlement arrived at, is laid on the Table of the House. [See Appendix I, annexure No. 64.]

#### LABOUR DISPUTES IN DAMODAR VALLEY PROJECTS

\*186. **Shri Punnoose:** Will the Minister of Irrigation and Power be pleased to state whether Government propose to appoint an Enquiry Committee to investigate into the causes of the labour disputes in the Damodar Valley Projects?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** No Sir. Whatever labour disputes have so far occurred in the Damodar Valley Corporation have been amicably settled and there is no case for enquiry by Government.

**Shri Punnoose:** May I know, Sir, whether the strike in the Panchet

Hill Division was declared after protracted negotiations between the management and the workers' Union?

**Shri Hath:** It was not a protracted thing. It was only a question of four or five days' negotiation.

**Shri Punnoose:** May I know, whether in the agreement arrived at, the demand of the workers that they should not be discharged for the duration of the work, has been agreed to by the management?

**Shri Hath:** I think that has been agreed to.

**Shri Punnoose:** May I know, whether instead of conceding the justifiable demands of the workers, Shri Asit Roy, General Secretary of the Union, was transferred on 24 hours notice to Maithon Dam and that caused the strike?

**Shri Hath:** I would require notice.

**Shri A. M. Thomas:** May I know what is the total number of workers in each dam and whether they are members of any labour organisation?

**Shri Hath:** There is no organisation as such registered. The number at Panchet Hill is 550 and that at Maithon, 2556.

**Shri Punnoose:** May I know, whether, in spite of an undertaking given when the agreement was arrived at that no workers would be sent away during the work, 28 employees have now been dispensed with on the plea of retrenchment, and that is causing unrest among the workers?

**Shri Hath:** I have no information. I shall look into that.

**Shri H. N. Shastri:** Since the question of working conditions in the river valley projects was raised at the budget session of Parliament last time, have the Government taken any positive steps in setting up some machinery for the settlement of the grievances of workers in these projects, and if so, what is the shape of such machinery?

**Shri Hath:** So far as the Damodar Valley Corporation is concerned, the Labour Welfare officers are there and they look into all the amenities, and if there are any disputes, so far as they have arisen, they have been amicably settled. So there is no question, for the present, of having such a machinery.

**Shri Punnoose:** Are Government aware that in the course of the strike, the police was called in several times and the workers were dispersed by using lathis?

**Shri Hath:** Maybe that the police had come there, but they were not called in for dispersing the workers by the use of lathis.

#### DECENTRALISATION OF NEWS SERVICE

**\*187. Ch. Raghupir Singh:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether it is a fact that Government are contemplating a scheme to decentralise the news service; and

(b) what steps Government have taken so far to make this scheme a success?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) No, Sir. An experiment is being made at two Stations of All India Radio with regional bulletins carrying only regional news.

(b) The regional news bulletins are being broadcast at present from Lucknow and Nagpur Stations. The question of extending the scheme gradually to other Stations will be considered in the light of experience gained at these two stations.

**Ch. Raghupir Singh:** May I know, Sir, the amount of expenditure likely to be incurred on this scheme?

**Dr. Keskar:** It is too early to evaluate the expenditure because the starting of the bulletins really means the addition of two or three persons to carry on the work of the programme. There is no other addition

to the Station staff. It will be possible only after two or three months more to know exactly what it will cost us on an annual basis.

**Shri Joachim Alva:** Is Government contemplating its own news scheme in view of the fact that the Government pays a very substantial sum to the PTI and the PTI is almost being paralysed now on account of the blundering of the management towards its honest and hard working employees?

**Mr. Deputy-Speaker:** A number of questions are strung up.

**Dr. Keskar:** I may inform the hon. Member that Government have no intention of having their own news service.

**Shri Velayudhan:** May I know whether the Press Information Bureau is now running a news service of its own in its regional headquarters?

**Dr. Keskar:** We have at certain places our own correspondents, though the number of such places are few, and they try to get local news of importance. Over and above this, there is no coordinated news service as such.

#### FIVE YEAR PLAN

**\*188. Ch. Raghubir Singh:** (a) Will the Minister of Information and Broadcasting be pleased to state whether Government have made any special arrangements to explain the significance and the progress of the Five Year Plan to people in rural areas?

(b) If so, what are those arrangements and how are they going to be effected?

(c) What is the budget for this kind of arrangement for the year 1953?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) Yes, a programme of integrated publicity has been drawn up to explain the significance and the progress of the Plan to people in all parts of the country.

(b) The programme provides for the utilization of the various media of publicity viz., films, press, publications, posters and folders and radio. It also provides for regional units and mobile vans in order to make the people of rural areas conversant with the significance of plan.

(c) The estimated expenditure for the year 1953-54 is at present under active consideration: it will be finalised very soon.

**Prof. D. C. Sharma:** May I know if any documentaries have been prepared to show the progress of work so far as these Community Projects and other things are concerned?

**Dr. Keskar:** There are three or four documentaries depicting the work and the idea behind the Community Projects, as well as, for example, the river valley projects. But that is not what probably the questioner has meant as an integrated publicity plan which has a larger conception than, for example, producing documentaries on specific items of the Five Year Plan.

**Kumari Annie Mascarene:** May I know, whether these programmes are being carried out in South India?

**Dr. Keskar:** I have not understood what programme is meant.

**Kumari Annie Mascarene:** These programmes give only theoretical benefit to the people of the South.

**Dr. Keskar:** I think the hon. Member has misunderstood my answer. Sir, as I said, this publicity of the Five Year Plan in an integrated way has not yet been launched. We have been doing it in a piecemeal way up till now and when it will be launched, naturally, it will be of an all-India coverage and the South will not be excluded.

**Shri Heda:** Apart from the documentaries, which are short, are Government contemplating to take any steps for the educational films in

which particular aspects of the Five Year Plan may be given publicity?

**Dr. Keskar:** Yes, Sir.

**सेठ अचल सिंह :** क्या माननीय मंत्री महोदय बतलाने की कृपा करेंगे कि उत्तर प्रदेश में कितने मोबाइल काम कर रहे हैं ?

**डा० केशकर :** शायद मेम्बर साहब मोबाइल वान्स का जिक्र कर रहे हैं। मैं उनको बताना चाहता हूँ कि मोबाइल वान्स के द्वारा जो फिन्स वगैरह दिखलाये जायेंगे वह उत्तर प्रदेश में भी दिखलाये जायेंगे।

#### PRICE OF COAL

\*189. **Shri Heda:** Will the Minister of Production be pleased to state how the internal price of coal compares with the average cost of our exported coal?

**The Minister of Production (Shri K. C. Reddy):** The basic price, internal and for export, is the same and special commercial charges levied by the Government on export at one time have been abolished. The difference between internal price and the price for export of coal loaded on ships is accounted for by charges like shipping charges, river dues, grading fees, Calcutta Port Commissioner's charges, etc. incurred on export of coal. At Calcutta, these amount approximately to Rs. 4/12/- per ton.

**Shri Heda:** I want to know it clearly, whether because of the export of coal we do not suffer any loss or lose profit when we compare our sale in the internal market.

**Shri K. C. Reddy:** We do not suffer any loss by export.

#### INCREASE IN COAL CESS

\*190. **Shri Nageshwar Prasad Sinha:**

(a) Will the Minister of Production be pleased to state whether the colliery owners of Bihar have submitted a representation to Government drawing their attention to the recent increase in coal cess per ton?

(b) If so, what action has been taken on it?

(c) Is the increase calculated to affect production of coal?

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

(b) The Government of India have been in communication with the Bihar Government on the subject. The Bihar Government have agreed to stay collection of cess in accordance with the enhanced rates ordered by them. They have also made certain revised proposals which are now under the consideration of the Government of India.

(c) It is presumed that what the hon. Member wants to know is whether the increase will affect the production of coal adversely. It is not possible to give any definite answer to this now as the actual increase in the rate of cess is still to be finalised.

**Dr. M. M. Das:** May I know, whether the State Governments in the States in which these collieries are located are entitled to determine the rate of cess?

**Shri K. C. Reddy:** Yes; they are entitled to determine the local cess that has to be levied on coal produced in their States.

**Shri P. C. Bose:** Are the Government aware that the District Boards of Manbhum and Hazaribagh are starving for want of money on account of the stay order on the collection of this cess?

**Shri K. C. Reddy:** The Bihar Government have stayed the collection at the proposed increased rate till they consider the counter-proposals made by the Government of India



When that is finalised, then only the question of collecting the necessary cess arises.

**Shri P. C. Bose:** How long will it take to finalise?

**Shri K. C. Reddy:** We expect a reply from the Bihar Government. As soon as we get their reply, we will finalise it.

**Shri P. C. Bose:** What arrangement is made till then for the maintenance of the Board, the pay of teachers and other things?

**Shri K. C. Reddy:** I do not quite follow.

**Mr. Deputy-Speaker:** For the pay of the teachers and other things.

**Shri P. C. Bose:** The expenses of the District Board.

**Shri K. C. Reddy:** I do not know, Sir. It is for the Bihar Government to answer the question. If the hon. Member gives notice of a separate question, I will try to find out.

**Shri M. M. Das:** May I know, Sir, what are the different kinds of cesses that have been imposed upon the production of coal by the State and Central Governments?

**Shri K. C. Reddy:** So far as the Central Government is concerned, following are the important cesses. The first is the 'stowing cess' and the second is the 'welfare cess'; and, in some places, what is called 'rescue cess' is also collected. So far as the State Governments are concerned, they collect what is known as a 'local cess'. These are the various cesses that are being collected.

**Kumari Annie Mascarene:** May I know, whether Government has any scheme for nationalising this industry?

**Shri K. C. Reddy:** That question, I submit, Sir, does not arise out of this.

**Babu Ramnarayan Singh:** What was the necessity for this increase in the rate of the local cess?

**Shri K. C. Reddy:** The local cess is collected by the State Governments in order to provide certain amenities in that area just as roads, tunnels, bridges, sanitation and things of that sort. It is for that purpose the State Governments raise those local cesses.

#### HEAD HUNTING IN NAGA HILLS

\*191. **Dr. Ram Subhag Singh:** (a) Will the Prime Minister be pleased to state whether there have been any incidents of head-hunting in Naga hills this year?

(b) If so, how many and when?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). There have been no such incidents.

#### DAM PROJECTS EXAMINED BY DR. SAVAGE

\*192. **Dr. Ram Subhag Singh:** Will the Minister of Irrigation and Power be pleased to state the number of Dam Projects which have been examined and reported on by Dr. J. L. Savage?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** Apart from ten State Projects on which the State Governments concerned consulted Dr. J. L. Savage, the Government of India have utilised his services for technical advice in connection with the Hirakud and Kosi Projects.

**Dr. Ram Subhag Singh:** How many of the dam projects which have been examined and reported on by Dr. Savage have been given effect to and how many are likely to be given effect to during the course of the Five Year Plan?

**Shri Hathi:** The Government of India consulted him on two projects—as I mentioned—Hirakud and Kosi. The Hirakud project is already being given effect to. Others are State projects.

**Shrimati Taikeshwari Sinha:** Is it a fact that because Dr. Savage who examined the Kosi Advisory Committee Report expressed the view



that if the dam is constructed on the Kosi river, it would silt up in 17 years, the Government is considering the proposal to build a barrage instead of a dam in Kosi?

**Shri Hathi:** That is under consideration.

**Shrimati Renu Chakravartty:** May I know whether it is true that one of the dams constructed under the advice of Dr. Savage has shown wide cracks near Meerut in U. P.?

**Shri Hathi:** What dam?

**Shrimati Renu Chakravartty:** It has appeared recently in the Press that a dam constructed under the advice of Dr. Savage near Meerut in U.P. has shown wide cracks,

**Shri Hathi:** I have no information.

**Dr. Ram Subhag Singh:** May I know the total amount spent on the examination of these two dam projects—Hirakud and Kosi?

**Shri Hathi:** Eighteen thousand dollars.

**Shri S. N. Das:** May I know whether there has been any difference between the opinion of Dr. Savage and the opinion of some of the Indian engineers on the Kosi dam project?

**Shri Hathi:** There has been no difference on that project.

**Shri V. P. Nayar:** May I know whether the Savage advice also included the purchase of second-hand machinery from the United States of America?

**Shri Hathi:** No.

**Shri Altekar:** May I know whether Dr. Savage examined the Koyna valley project?

**Shri Hathi:** That does not arise: it is a State subject. But I find that he was consulted by the Bombay Government for Koyna project.

**Shri U. C. Patnaik:** Is Government aware of the fact that Dr. Savage is

only a Designing Engineer and not an expert on constructions?

**Shri Hathi:** He was consulted on designs.

**Shri T. N. Singh:** May I know whether Dr. Savage and our engineers are agreed with regard to the height of the dam at Kosi?

**Shri Hathi:** If the hon. Member refers to the bigger dam I think they agreed on that.

**Shri L. N. Mishra:** May I know whether Dr. Savage participated in the conference held about the Kosi project?

**Shri Hathi:** No, he did not.

**Shri U. M. Trivedi:** May I know if Dr. Savage is an expert on river valley projects or merely an expert in designs?

**Shri Hathi:** He is a consulting engineer, expert on designs.

**Shri Sarangadhar Das:** May I know if Dr. Savage's reports come every time and whether they will be available to the House?

**Shri Hathi:** He was consulted on different technical points at different times. His first report on the Hirakud Project has been, I think, laid on the Table of the House. The others related to minor questions, technical ones, raised at different times. It may not be possible to lay all those things on the Table of the House.

**Shri Muniswamy:** May I know if investigations on Krishna-Pennar project have commenced and if so, on what basis?

**Shri Hathi:** I require notice. Moreover, it is for the States concerned.

**Dr. Ram Subhag Singh:** May I know the main points on which consultation with Dr. Savage took place on the Kosi Dam project?

**Shri Hathi:** There were different points involved—designs for foundations silting, etc.

REPRESENTATIVE IN THE FAR EAST OF U.N.  
HIGH COMMISSIONER FOR REFUGEES

\*193. **Shri H. N. Mukerjee:** (a) Will the **Prime Minister** be pleased to state whether it is a fact that Mr. Aamir Ali, an Indian National, has been appointed to the post of representative in the Far East of the U.N. High Commissioner for Refugees in the Far East?

(b) If so, what are his functions and to whom is he answerable?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Yes.

(b) He will assist the U. N. High Commissioner in the discharge of his responsibilities under the Statute of the Office of the U. N. High Commissioner for Refugees. The representative will be answerable to the U.N. High Commissioner for Refugees

**Shri H. N. Mukerjee:** May I know who exactly are the refugees in the Far-East, except for the Kuomintang remnants in Formosa and other places?

**Shri A. K. Chanda:** I have no information on the matter.

**Shri Damodara Meena:** May I know whether this appointment was made in consultation with the Government of India?

**Shri A. K. Chanda:** We were informed about it, but no previous consultation took place.

**Mr. Deputy-Speaker:** Question 194.

**Shri S. N. Das:** May I suggest that my question No. 228 may be taken up along with No. 194?

**Mr. Deputy-Speaker:** Yes.

DISCUSSIONS WITH GENERAL NAGUIB

\*194 **Shri H. N. Mukerjee:** (a) Will the **Prime Minister** be pleased to state whether it is a fact that the **Prime Minister** met General Naguib, the Egyptian **Prime Minister**, en route to the Coronation and on his way back?

(b) What was the nature of the discussions held between the two **Prime Ministers**?

(c) Is it a fact that the Egyptian General sought the support of India in her struggle for the evacuation of Suez Canal Zone by the British Troops?

(d) If so, what is the attitude of the Government of India towards these matters?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) Yes.

(b) The discussions with the Egyptian leaders were confidential. It may be said, however, that they dealt with a number of international problems of common interest. Among the subjects discussed was the one relating to the Suez Canal.

(c) and (d). There was no question of India's support being sought in any struggle. But it is a well known fact that India is sympathetic to national movements for freedom and that India hopes that the full sovereignty of Egypt will be recognised.

CAIRO TALKS

\*228. **Shri S. N. Das:** Will the **Prime Minister** be pleased to state:

(a) whether the attention of the Government of India has been drawn to an editorial comment made by the *Economist*, a London paper under the heading 'India takes a hand in Cairo' the text of which was published by the *Hindustan Times* in its issue of the 3rd July, 1953 on page 6, Column 3, under the head line 'India's Role in Cairo Talks'?

(b) if so, whether anything has been done to counteract the wrong impression created about the role played by the Indian Ambassador in Egypt as well as by the Government of India;

(c) whether any authoritative statement has so far been made by Government with regard to India's stand in the matter; and

(d) if not, whether Government would like to do so now?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). The editorial comment is incorrect in some particulars. It is not customary, however, for Government to correct the impressions contained in editorial comments. Any attempt to deal with private conversations would necessarily involve giving publicity to what is regarded as confidential. Government are satisfied that their Ambassador in Cairo acted correctly in his approach to this matter.

(c) and (d). No statement has been issued by Government in this matter, but the Prime Minister has made reference to it on several occasions.

**Shri H. N. Mukerjee:** We learn from press reports that our Prime Minister has advised Egypt patience and caution on the Canal Zone issue and also that General Naguib has stated that his views and those of our Prime Minister are identical. What is the real position?

**Shri Jawaharlal Nehru:** That is a way, Sir, of finding out what happened at our conversations—by side questions. I do not think that is fair.

**Shri S. N. Das:** May I know, whether our Ambassador in Egypt made any public statement which might have been construed to that effect by the Economist?

**Shri Jawaharlal Nehru:** I do not remember our Ambassador in Egypt made any public statement. But I cannot say off-hand; he may have spoken, possibly, at some dinner or something, —that is, where our Ambassadors usually function,—apart from privately.

सेठ गोविन्द दास : माननीय प्रधान मंत्री जी ने अभी यह कहा कि वहां जितनी बात-चीत हुई वह गोपनीय है, मैं उस गोपनीय बात को बाहर नहीं लाना चाहता लेकिन मैं यह जानना चाहता हूं कि क्या यह बात सही नहीं है कि ग्रेट ब्रिटेन और ईजिप्ट में जो आपस के संबंधों में सुधार हुआ है, उस का बहुत सा श्रेय हमारे प्रधान मंत्री जी को है और यह

धा र उस को उन की बात चीत के बाद हुआ है ?

**Shri H. N. Mukerjee:** Will the Prime Minister tell us in general terms if there was any discussion in the Commonwealth Prime Ministers' Conference on the Canal Zone issue, and, again in general terms, if he communicated to General Naguib the trend of such discussions?

**Shri Jawaharlal Nehru:** The answer is 'Yes' for both.

**Mr. Deputy-Speaker:** Next question.

**Shri Joachim Alva:** This is a very important question. Can't you allow some more supplementaries?

**Mr. Deputy-Speaker:** It is called 'confidential'.

#### PRICES OF EDIBLE OILS

\*196. **Shri Dabhi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that recently there has been great rise in the prices of edible oils in the country;

(b) if so, the reasons therefor; and

(c) what steps Government have taken to bring down the prices of edible oils in the country?

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

(b) The main reason for the increase was the short groundnut crop.

(c) The following steps have been taken:—

- (i) Import duty on copra and palm oil has been reduced.
- (ii) Export of groundnut oil has been stopped.
- (iii) Facilities are being given for larger import of palm oil and coconut oil for use in soap manufacture in place of groundnut oil.

- (iv). The larger soap manufacturers have been asked to discontinue for the present, the use of groundnut oil in soap making.

**Shri Dabhi:** May I know the present prices of various kinds of edible oils, as compared with those prevailing in January 1953 and the extent to which these prices have fallen as a result of Government action?

**Shri T. T. Krishnamachari:** I am afraid, Sir, the information that I have cannot be very accurate for the reason that prices are extremely temperamental: they change from day to day. I cannot claim that prices have come down to any appreciable extent because of Government action, but, perhaps, prices have not gone up beyond what they were.

The price of groundnut oil in Bombay in July was somewhere about Rs. 74/9 per maund. The present prices, are more or less in the same region, excepting for the fact that forward prices for October delivery, I think, have come down appreciably.

**Shri Dabhi:** May I know whether it is a fact that the principal cause of the rise in prices of edible oils is the purchase and stocking of groundnut seed in large quantities on behalf of vanaspati manufacturers and the over-estimate by Government of production of oil seeds in the country and their export to foreign countries on the basis of this over-estimate.

**Shri T. T. Krishnamachari:** Government do not think that there is any foundation for these conjectures.

**Shri Velayudhan:** May I know, Sir, whether there was any opposition from the west coast regarding the unrestricted import of coconut oil from Malaya and other places?

**Shri T. T. Krishnamachari:** That is the order of the day. There are always complaints from west coast regarding unrestricted import of oil even when imports are restricted.

**Shri Punnoose:** May I rise on a point of order? What is the meaning of his

saying that "it is the order of the day" with reference to the west coast?

**Mr. Deputy-Speaker:** The hon. Minister evidently means that there have been a number of questions and that he has been answering them from time to time. In such matters I think all sides may try to limit themselves to the question alone and not bring in any other matter.

**Shri T. T. Krishnamachari:** May I slightly amend what you, Sir, have said? I am not referring to what hon. Members in the House say. I get representations daily on these matters by means of telegrams; that is a daily routine for us. It is completely unconnected with any complaints or representations that hon. Members of Parliament may make.

**Mr. Deputy-Speaker:** Anyhow it may be avoided.

**Shri V. P. Nayar:** May I know whether it is not a fact that the Travancore-Cochin Government through its Ministers recently represented to the Government of India that the reduction in the import duty on coconut oil has affected the economy of the country?

**Shri T. T. Krishnamachari:** A representation was made. It was proved to their satisfaction that it has not.

**Shri V. P. Nayar:** May I know what percentage of coconut oil is used at present for edible purposes?

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

**Shri Dabhi:** May I know whether Government are aware of the fact that the high prices of edible oils are causing great hardship to the poor and middle class people in the country?

**Shri T. T. Krishnamachari:** Yes, Sir, Government are aware, and that is why we are taking some steps to see that the price situation eases.

**Shri Heda:** The hon. Minister has stated that he is not certain whether the prices have come down; at the moment he claims that they have not gone up. May I know what further

steps Government contemplate taking to bring down the prices?

**Shri T. T. Krishnamachari:** The remedies that are open to Government at a time when one crop season ends and another begins are not many. We can control the situation only by allowing a certain amount of imports and reducing the duty on imports. Investigation in this regard is proceeding continuously.

**Shri Altekari:** May I know the extent of the export of edible oils up to this time this year as compared to the export last year?

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

**Shri Punnoose:** May I know whether the Coconut Committee was consulted before the import duty was reduced and also whether Government are aware that all sections of people and newspapers in Travancore-Cochin were opposed to this reduction of import duty?

**Shri T. T. Krishnamachari:** The Coconut Committee was not consulted. As regards the second question, since prices have not materially come down by reason of the reduction in the import duty, the representations have no basis.

**Kumari Annie Mascarene:** May I know whether the Government is aware that the policy of the Government with regard to coconut oil producers in the South has always been a disadvantage to them?

**Mr. Deputy-Speaker:** Next question.

Some Hon. Members rose—

**Mr. Deputy-Speaker:** There are a number of edible oils. This question is so big.

#### EDIBLE OILS PRODUCTION BY MILLS

\*197. **Shri Dabhi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Planning Commission has in the

Five Year Plan, recommended the adoption of a policy under which oil mills are to produce only non-edible oils, while the production of edible oils is to be reserved for the village ghanis; and

(b) if so, the steps Government have so far taken or are going to take to implement this policy?

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

(a) The recommendation made by the Planning Commission is that "in the oil industry the policy could be adopted of developing the production of edible oils through the village industry and the production of non-edible oils through oil mills."

(b) The recommendation is under the consideration of Government.

**Shri Dabhi:** May I know whether it is a fact that the meeting of the all-India Khadi and village Industries Board held recently at Bombay has recommended to Government to reserve for the village oil industry a portion of the edible oilseeds available in the country and to completely reserve the sesamum oilseeds for the ghanis and whether Government have accepted this recommendation?

**Shri T. T. Krishnamachari:** I believe some such recommendation was made. All these recommendations are under the consideration of Government.

**Shri Dabhi:** May I know whether it is a fact that the Planning Commission has recommended the imposition of a small cess on mill oil for the benefit of the village oil industry and, if so, when do Government intend to implement this recommendation?

**Shri T. T. Krishnamachari:** That is a fact, so far as the recommendation of the Planning Commission is concerned. As I said, all these matters are under the consideration of Government. Whether they would be implemented in that form or in some other form or would not be implemented at all will depend when ultimately Government makes up its mind.

**Dr. M. M. Das:** May I know whether the price of mustard oil has risen recently and whether it can be attributed to the causes mentioned by the hon. Member in his question?

**Shri T. T. Krishnamachari:** I require notice.

**Shri Sinhasan Singh:** How long will Government take to implement the recommendation of the Planning Commission about producing edible oils through cottage industries and not by mills?

**Shri T. T. Krishnamachari:** I am afraid, I am unable to answer the question either way.

**Shri U. M. Trivedi:** Will the hon. Minister be pleased to give a list of the edible oils and of oils edible in the South and those edible in the North?

**Mr. Deputy-Speaker:** Very well. Shrimati Tarkeshwari Sinha.

**Shrimati Tarkeshwari Sinha:** Is it a fact that Government has levied a cess of one rupee per 80 maunds of oil on almost all the oil producing mills in the country, to encourage this industry?

**Shri T. T. Krishnamachari:** The Government of India, I do not think, have done anything of that sort.

**Shrimati Tarkeshwari Sinha:** Are Government aware of the report in the *Eastern Economist* that Government have imposed such a cess?

**Shri T. T. Krishnamachari:** Apparently the *Eastern Economist* must know better than I do.

**Shri Sinhasan Singh:** The hon. Minister said that he was not able to give a reply about the time that would be taken to implement the recommendation of the Planning Commission. May I know whether Government will take time to consider to implement this recommendation till 1957 or before 1957?

**Shri T. T. Krishnamachari:** The hon. Member is perfectly at liberty to draw whatever conclusions he desires.

#### COAL SUPPLIES TO PAKISTAN

**\*200. Shri K. P. Sinha:** Will the Minister of Production be pleased to state:

(a) the total quantity of coal demanded by Pakistan since the liberal provision made under the recent Indo-Pakistan Trade Agreement; and

(b) whether it is a fact that 71,000 tons of coal demanded by Pakistan in the month of April, 1953 was not supplied in time?

**The Minister of Production (Shri K. C. Reddy):** (a) The demand for coal by Pakistan since the Indo-Pakistan trade talks held in March 1953 was as follows:—

April, 1953	71,000 tons.
May, 1953	81,000 tons.
June, 1953	... 67,175 tons.

(b) The actual supply in April was 61,627 tons only. The shortage in supply was principally due to the Pakistan wagon credit balance with the Indian Railways having gone down to nearly 500 with effect from 21-4-53 as against approximately 1,000 which Pakistan had agreed to maintain.

**Shri K. P. Sinha:** May I know if the demand for coal from Pakistan has increased after the Agreement?

**Shri K. C. Reddy:** The demand is fixed in accordance with the terms of the Agreement with Pakistan. The maximum which they can demand is 71,000 tons; and, as a special case, if Pakistan so desires, we have agreed to step up exports to West Pakistan by another 10,000 tons. That is to say, the maximum is 71,000 tons ordinarily or 81,000 tons in special cases, per month.

**Shri K. P. Sinha:** May I know how the demand compares before and after the Agreement; has the demand increased after the Trade Agreement?

**Shri K. C. Reddy:** Before this trade agreement the Government of India had agreed to supply to Pakistan 90,000 tons of coal. After the trade agreement it was fixed at the figure I have already mentioned.

**Shri Meghnad Saha:** Is the hon. Minister aware that there have been complaints from Indian manufacturers that on account of supply of coal to Pakistan they are being deprived of coal in this country?

**Shri K. C. Reddy:** No Sir. we have received no such complaints.

**Shri Meghnad Saha:** May I bring to the notice of the hon. Minister that there have been loud complaints.....

**Mr. Deputy-Speaker:** He has got no information. If any hon. Member has got information he may pass it on to him.

#### OIL REFINERY BY CALTEX (INDIA) LTD.

**\*201. Shri K. P. Sinha:** Will the Minister of Production be pleased to refer to the reply given to part (b) of starred question No. 1250 asked on the 9th April, 1953 and state when the Oil Refinery to be established by Messrs. Caltex (India) Ltd. is expected to go into full production?

**The Minister of Production (Shri K. C. Reddy):** The Company has undertaken to commence the engineering and design of the proposed Refinery not later than 1st January, 1955, and to proceed with the construction of this refinery within four to six months after such date, and to complete it, as soon as reasonably possible thereafter.

**Shri K. P. Sinha:** What is the total capacity of this refinery?

**Shri K. C. Reddy:** The total capacity will be half a million tons crude oil.

**Shri Nanadas:** May I know the reason for this delay?

**Shri K. C. Reddy:** I do not understand the hon. Member's question. According to the agreement Caltex are to undertake the construction of this only at the time that they have specified. They are not in a position to start earlier.

**Shri Nanadas:** How many foreign experts have already come to investigate into this affair?

**Shri K. C. Reddy:** No foreign experts have come so far.

#### BAN ON INDIAN AND PAKISTAN CITIZENS BY THE SOUTH AFRICAN GOVERNMENT

**\*202. Shri K. P. Sinha:** (a) Will the Prime Minister be pleased to state whether it is a fact that the South African Government have put a ban on Indian and Pakistan Citizens from joining their parents and husbands in South Africa?

(b) Since when has this restriction been imposed?

(c) Is it a fact that in the month of April or May, 1953, some people had to face this restriction?

(d) If so, with what result?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) to (d). A statement is laid on the Table of the House. [See Appendix I, annexure No. 65]

**Shri K. P. Sinha:** Is it a fact that 7,000 people have been denied permission by the Government of South Africa to land in South Africa in the month of May?

**Shri Anil K. Chanda:** There have been several cases of Indians who have not been given permission to land there.

**Shri Boovaraghasamy:** May I know the reason for this?

**Shri Anil K. Chanda:** It is the declared policy of the Government of South Africa to more or less Europeanise the country.

#### U. S. AMBASSADOR'S COMMENTS ON COMMUNITY PROJECTS

**\*203. Shri A. N. Vidyalkar:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that in the course of his speech made in Bombay on the 24th May, 1953, the U.S. Ambassador in India, Mr. George Allen, had stated that "the progress of



community projects in India was not satisfactory"; and

(b) whether there is any basis for such a statement?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) No.

(b) Does not arise.

**Shri A. N. Vidyalkar:** Is it not a fact that on May 24 it was reported in the press that the U.S. Ambassador said that he was not satisfied with the progress of Community Projects in India?

**Shri Hathi:** No Sir, that is not a fact. He was not properly reported in the press. On the contrary what he said was that he had been here for a very short time and was not well-informed. The question of forming his own judgment one way or the other did not arise.

**Shri Raghuramiah:** Apart from the opinion of the U.S. Ambassador, may I know whether this Government has been assessing the progress of the Community Projects and they are satisfied with it.

**Shri Hathi:** We have been constantly watching their progress. They are going on very well.

#### PENCIL INDUSTRY

\*204. **Shri A. N. Vidyalkar:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that India is now absolutely self-sufficient in respect of pencils;

(b) whether it is a fact that recently Government have liberalised the import of pencils;

(c) whether Government have received any protest from the pencil industry against Government's import policy, which is considered detrimental to the indigenous industry; and

(d) whether Government propose to revise their policy?

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

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am unable to answer the question in the affirmative.

(b) The import policy on pencils was liberalised to some extent after the import duty had been doubled.

(c) Some representations have been received by the Government.

(d) The import policy for all items is reviewed every 6 months.

**Shri A. N. Vidyalkar:** May I know if it is a fact that the productive capacity of the industry showed a considerable expansion during the last few years but the actual output of the industry has been far below that capacity?

**Shri T. T. Krishnamachari:** Well, Sir, I think that is a fact but it does not necessarily mean that the capacity and the output of the industry is adequate.

**Shri A. N. Vidyalkar:** Was not the liberalisation of import policy of Government of India responsible for this low production?

**Shri T. T. Krishnamachari:** No. The policy of liberalisation has been coupled with special increase in import duty.

**Shri Matthen:** How does the quality of the Indian pencil compare with the foreign imported pencils.

**Shri T. T. Krishnamachari:** I suppose the hon. Member uses pencils and he must have an experience of the quality.

**Seth Govind Das:** By what time is it expected that India would be self-sufficient as far as pencil making is concerned and also as far as the quality is concerned.

**Shri T. T. Krishnamachari:** My capacity to project into the future is extremely limited.

**Kumari Annie Mascarene:** May I know, Sir, from which countries pencils are imported into India?

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

**Shri Damodara Menon:** Has the Government considered the capacity of Indian pencil industry to produce



quality pencils before liberalising import.

**Shri T. T. Krishnamachari:** The capacity might be there, the production is not there. Pencils which are valued less than Rs. 16/- per gross are not allowed and there is a duty of 66 per cent. now as against 31½ per cent. The question of quality pencils is rather a matter for the consumer to determine if he shows a preference to have quality pencils in certain categories.

**Kumari Annie Mascarene:** On a point of order, Sir. The answer to my question is that the Minister requires notice to answer from which country the pencils are being imported. I think that the Minister knows but he is evading.

**Mr. Deputy-Speaker:** Directly or indirectly hon. Member should not cast aspersions on the integrity of an hon. Minister. If he wants notice he wants notice.

**Shri Dabhi:** May I know whether any Government assistance is being given to the indigenous pencil industry?

**Shri T. T. Krishnamachari:** Sir, pencil is a protected industry which has been enjoying protection and the assistance that we gave is largely by restricting import of cheaper pencils and imposing a very high rate of duty on the import of quality pencils.

**Shri Mohiuddin:** May I know what steps Government are taking to improve the quality of the pencils?

**Shri T. T. Krishnamachari:** I am afraid I am unable to answer the question off-hand. I require notice.

#### HYDRO-QUININE FACTORIES

\*205. **Shri M. R. Krishna:** (a) Will the Minister of Commerce and Industry be pleased to state the number of factories producing hydro-quinine which have been closed down?

(b) What is the protection granted to this industry?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) It is presumed that the hon. Member is

referring to factories producing hydroquinone. One of the two factories producing hydroquinone was temporarily closed from February to August, 1952. and from December, 1952, to March 1953. Both the factories are now working.

(b) Protective duties of 27.3 per cent. preferential and 37.8 per cent. standard are levied on imports of hydroquinone.

**Shri M. R. Krishna:** May I know, Sir, whether it is a fact that these factories had to suffer heavy financial loss due to the over-estimation of domestic demands by the Tariff Commission?

**Shri T. T. Krishnamachari:** I require notice.

**Dr. M. M Das:** May I know, Sir, for what purposes this hydroquinone is used?

**Shri T. T. Krishnamachari:** Hydroquinone is used for producing photographic material.

#### WRITTEN ANSWERS TO QUESTIONS

##### RESERVATION OF *Dhoties* and *Sarees* FOR HANDLOOM INDUSTRY

\*195. **Shri Gidwani:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the attention of Government has been drawn to the observations made in his speech by the Chief Minister of Madras, while declaring open the colony of handloom weavers at Tiruchengode in the Salem District to the effect that the cess on mill cloth would not be of substantial help to handloom weavers and that reservation of bordered *dhoties* and coloured *sarees* was the only way to help the industry; and

(b) whether Government intend to reserve *dhoties* and *sarees* for handloom production as suggested by the Chief Minister of Madras?

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

(b) The question of reservations along with allied questions is being examined by the Textile Enquiry Committee.

#### FINANCIAL AID TO HYDERABAD

\*198. **Shri Krishnacharya Joshi:** (a) Will the Minister of Rehabilitation be pleased to state whether the Government of Hyderabad have asked for any financial help for the social rehabilitation of those people who suffered before, during and after the Police Action?

(b) If so, what is the extent of financial help sanctioned by the Central Government?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) Yes.

(b) Sanction for Rs. 5 lakhs during 1953-54 has been issued.

#### DISPLACED FAMILIES IN HYDERABAD STATE

\*199. **Shri Krishnacharya Joshi:** Will the Minister of Rehabilitation be pleased to refer to the answer given to Starred Question No. 2044 asked on 12th May, 1953 and state whether families of displaced persons have gone to Hyderabad and settled there?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** No. The displaced persons have put forward certain demands which have been referred to the Government of Hyderabad for consideration.

#### ADEN REFINERY PROJECT

\*206. **Shri A. K. Gopalan:** (a) Will the Prime Minister be pleased to state whether it is a fact that 362 Indian employees of Aden Refinery Project went on hunger strike from 1st June, 1953?

(b) Did Government of India make any enquiries about the reasons and the circumstances under which Indian nationals employed by the Project were forced to resort to hunger strike?

(c) If so, what has been the result of the enquiry?

(d) What action have Government taken on it?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (b). Yes.

(c) The Indian employees had certain grievances regarding unsatisfactory living conditions, poor quality of food, behaviour of the Kitchen Supervisor, etc. The matter was discussed between the representatives of the employees and the Management, and on latter's assurance to remove genuine grievances, the strike was given up on the 3rd June 1953.

(d) Immediately on receipt of the news of the strike, further emigration for the Refinery was suspended, and necessary enquiries were made. Emigration has been re-permitted on receipt of report that steps are being taken by the Management to effect the desired improvements. Further developments are being watched.

#### U. N. GOOD OFFICES COMMISSION ON TREATMENT OF INDIANS IN SOUTH AFRICA

\*207. **Shri A. K. Gopalan:** (a) Will the Prime Minister be pleased to state whether it is a fact that the South African Government have refused to recognise the Good Offices Commission of the U.N. set up under the U.N. General Assembly resolution of December 15, 1952?

(b) How many times have the South African Government rejected U.N. proposals up to this time?

(c) Did the Prime Minister discuss with Dr. Malan about any of these matters during his visit to Britain for the Coronation?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Yes.

(b) The question was first raised in the U.N. General Assembly in 1948. In all, five resolutions on this subject

have so far been passed by the U.N. General Assembly in its different sessions. All these resolutions have been rejected by the South African Government.

(c) No.

#### COAL WASHERIES COMMITTEE

**\*208. Shri S. C. Samanta:** Will the Minister of Production be pleased to state:

(a) whether the Coal Washeries Committee has submitted its report; and

(b) if so, the main recommendations made?

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

(b) Does not arise.

#### INDUSTRIAL HOUSING SCHEME

**\*209. Shri S. C. Samanta:** (a) Will the Minister of Works, Housing and Supply be pleased to state which States have not as yet taken up the Scheme for industrial housing?

(b) What are the difficulties faced by the State Governments to implement the Scheme?

(c) How many industrial houses have been built up-to-date (State-wise)?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) and (c). Two statements showing the required information are placed on the Table of the House. [See Appendix I, annexure No. 66.].

(b) No particular difficulties have so far been brought to our notice by any of the State Governments.

#### SELECTION OF OFFICERS OF SINDRI FERTILISER FACTORY

**\*210. Shri T. K. Chaudhuri:** Will the Minister of Production be pleased to state:

(a) the procedure of selection of officers in the higher administrative and technical posts in the factory and establishment of the Sindri Fertilisers and Chemicals Ltd.;

(b) whether there is any Selection Board for selecting candidates for appointment to such posts or whether the Board of Directors of the S. F. & C. Ltd. or any person authorised on their behalf finalise such appointments;

(c) whether there are any rules to guide the selection and to judge the suitability or otherwise of candidates for such posts;

(d) the mode of selection by which the present incumbents for the posts referred to in part (e) below were selected; and

(e) the nationality of the present incumbents and total salary and other cash emoluments of the following posts:

- (i) Superintendent, Maintenance;
- (ii) Superintendent, Power House;
- (iii) General Superintendent; and
- (iv) Instrument Experts?

**The Minister of Production (Shri K. C. Reddy):** (a) and (b). The higher administrative and Technical posts in the Sindri factory are advertised all over India under the procedure followed by the Company since it has been formed and applications thus received are scrutinised by the appropriate Departmental Selection Committee and the candidates considered *prima facie* suitable for interview are called for interview. Besides the Managing Director as Chairman, the Selection Committee consist of the Departmental Head concerned and his Deputy as members. Generally, one or two outside experts are also associated in the selection of senior personnel. The Managing Director is authorised to approve the recommendations of the Departmental Selection Committee and finally select the candidate for a post, the scale of which does not exceed Rs. 1,000/- in the maximum. Where, however, the pay scale of a post exceeds Rs. 1,000/- in the upper limit, the recommendations of the Departmental Selection Committee, together with the views of the Managing Director are put up to the Board of Directors for final approval. The creation of a post carrying a pay

of Rs. 2,000/- and above and the selection of the incumbent thereof is made with the approval of the President of India.

(c) The Departmental Selection Committees are mainly guided by the following considerations in recommending the best candidate suitable for a post:—

- (i) Age, general bearing and personality, qualities of leadership and ability to control men.
- (ii) Academical qualifications and post-School or graduate training.
- (iii) Practical experience.

(d) and (e). A statement containing the information is laid on the Table of the House. [See Appendix I, annexure No. 67.]

#### IMPLEMENTATION OF BAGGE AWARD

\*211. **Shri T. K. Chaudhuri:** (a) Will the Prime Minister be pleased to state how matters stand with regard to the implementation of the Bagge Award on the boundary disputes between India and Pakistan?

(b) What was the time limit fixed for the implementation of the Award?

(c) Is it a fact that the Government of Pakistan have intimated our Government of their unwillingness to implement the Award owing to certain inherent practical difficulties about it?

(d) What progress, if any, has been achieved so far to secure a negotiated boundary with Pakistan in all disputed points referred to the Tribunal?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) and (d). Air survey of the boundary—dispute No. 1 before the Bagge Tribunal—and hydrographic survey of the Ganges in the sector between Murshidabad (West Bengal) and Rajshahi (East Bengal) has been completed. Dispute No. II. The off-take of the Mathabhangha has also been

jointly determined. No progress, however, in the demarcation of the boundary involved in dispute Nos. III (common boundary between the thanas of Barlekha and Patharkandi in the Patharia Hills Forest Reserve) and IV (the course of the Kusiya river) has been made because of the difference of opinion between India and Pakistan over the basis of the demarcation of the boundary in accordance with the Bagge Award.

(b) The Tribunal had fixed a time limit of one year for the implementation of the award in dispute No. 1 only. This time limit has been extended from time to time.

(c) No.

#### AUTOMOBILE SPARE PARTS

\*212. **Shri Nanadas:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have taken any steps for the proper distribution of automobile spare parts among the various concerns;

(b) whether Government intend to arrange for the periodical inspection of the firms to see that the spare parts do not go to black-market; and

(c) whether Government intend to fix a target date for the manufacture of complete cars in India?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) and (b). No. There is no statutory control over distribution and price of automobile spare parts.

(c) No, Sir.

#### AUTOMOBILE MANUFACTURING FIRMS

\*213. **Shri Nanadas:** (a) Will the Minister of Commerce and Industry be pleased to state the percentage of supervisory, managerial and technical staff from abroad employed in the five firms that are to be recognised as automobile manufacturing units?

(b) Have Government set up a time schedule for the completion of training of Indian personnel to man the factories fully?

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

(a) According to the information available with the Government, two of the five automobile manufacturing units do not employ any non-Indians. In the other three units, all posts on less than Rs. 1000/- p.m. are held by Indians. Sixty-one per cent. of all the technical and managerial posts on a pay of Rs. 1000/- and above is held by non-Indians in these units.

(b) No. Government do not consider it practicable to fix a time schedule for the purpose at present and the number of foreign technicians may well increase for some time as the firms make real progress with manufacture.

#### COTTON TEXTILE INQUIRY COMMITTEE

**\*214. Shri Tushar Chatterjee:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Cotton Textile Inquiry Committee is enquiring into the condition of labour also; and

(b) whether in the course of investigation evidence from trade unions is being taken?

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

(a) Yes, those especially in the handloom and powerloom sectors.

(b) The Committee would take into consideration any evidence tendered by the trade unions.

#### IMPORTS OF PENCILS FROM JAPAN

**\*215. Shri K. Subrahmanyam:** (a) Will the Minister of Commerce and Industry be pleased to state whether Government's attention has been drawn to a report in a Bombay English Weekly that the Commerce Minister went out of his way to issue a clearance permit to a newspaper magnate of Madras, for a consignment of pencils imported from Japan?

(b) If so, had the Madras Port authorities earlier refused the clearance

permit on the ground that the pencils were of non-importable variety?

(c) Were they included in the said consignment?

(d) What was the total value of the consignment?

**The Minister of Commerce (Shri Karmarkar):** (a) No. Sir.

(b) to (d). These questions do not arise.

#### ORGANISATION FOR TUNGABHADRA PROJECT

**\*216. Shri K. Subrahmanyam:** (a) Will the Minister of Irrigation and Power be pleased to state whether a conference of irrigation officials from the Centre and the States of Madras, Mysore and Hyderabad was held in Delhi to consider the shape of organisation for execution and maintenance of the Tungabhadra Project?

(b) What are the decisions of the Conference?

(c) Did the Mysore representatives at the Conference oppose the construction for execution and maintenance of the Tungabhadra high level channel?

(d) If so, what decision was taken on that issue?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Two conferences were held for the purpose—one on the 28th & 29th May 1953 and the other on the 9th July 1953.

(b) A copy each of the record notes of decisions taken at these conferences is placed on the Table of the House. [See Appendix I, annexure No. 68.]

(c) No, Sir.

(d) Does not arise.

#### REQUISITIONED BUILDINGS IN DELHI

**\*217. Shri K. Subrahmanyam:** (a) Will the Minister of Works, Housing and Supply be pleased to state the number of buildings still under Government requisition in Delhi?

(b) How many of them are lying vacant now?

(c) What is the general procedure for derequisitioning such buildings?

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

(a) The number of buildings in Delhi and New Delhi which are still under requisition with Government is 402.

(b) Requisitioned buildings are not allowed to lie vacant except for brief intervals necessitated by change in allottees.

(c) Cases for release are scrutinized from time to time on applications of the owners or otherwise and decided on individual merits.

#### TRANSIT CAMPS NEAR CALCUTTA

**\*218. Shri S. C. Samanta:** (a) Will the Minister of Rehabilitation be pleased to state the number of inmates residing as on the 30th June, 1953, in the four transit camps near Calcutta (camp-wise)?

(b) How many of them passed through the reception centre at Seal-dah since January, 1953?

(c) How many of them are from the families of unattached women?

(d) In which camp have they been located?

(e) What is the proportion of incoming and out-going inmates in those four camps in recent months?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):**

(a) Cossipore	...	2786 persons
Reliance	...	2,536 persons
Ghushuri	...	4,380 persons
Babughat	...	302 persons
TOTAL	..	10,004 persons

(b) Cossipore	...	129 persons
Reliance	...	848 persons
Ghushuri	...	468 persons
Babughat	...	86 persons
Total	..	1,531 persons

(c) 302 persons.

(d) Babughat Transit Camp.

(e) 66 per cent. (incoming inmates)

#### CLOSURE OF INDIAN LEGATION IN LISBON

**\*219. Shri A. K. Gopalan:** (a) Will the Prime Minister be pleased to state whether it is a fact that the Government of India have closed down their Legation in Lisbon in protest against the refusal of the Portuguese Government even to discuss the question of Portuguese territories in India?

(b) What further action do Government propose to take in regard to the Portuguese settlements in India?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Yes. The Legation was closed on the 11th June 1953.

(b) This matter is receiving consideration.

#### EMBASSY IN RUSSIA

**\*220. Shri P. C. Bose:** (a) Will the Prime Minister be pleased to state whether the restriction on the movement of our Ambassador and Embassy Staff in Russia imposed by the Russian Government is still continuing?

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

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Some of the restrictions previously imposed have been relaxed since June last and large areas of the USSR are now open to foreigners. But a number of restrictions still continue.

(b) Government do not propose to take any special action.

#### EXPORT OF COAL

**\*221. Shri Jethalal Joshi:** (a) Will the Minister of Production be pleased to state whether it is a fact that Government have abolished the surcharge on export of Indian coal?

(b) If so, has it stimulated the demand for our coal from over-seas countries?

(c) What is the tonnage of the export of coal registered in April, May and June, 1953?

**The Minister of Production (Shri K. C. Reddy):** (a) Yes, the Government have abolished the additional (commercial) charge on exports of coal.

(b) This has not so far resulted in an increase in the demand from overseas countries which depends also on other factors.

(c) The exports to countries other than Pakistan during the months of April, May and June 1953 were 95,640 tons, 1,45,797 tons and 1,06,895 tons, respectively. The exports to Pakistan during the same period were as follows:—

April .....	61,627 tons
May .....	79,200 tons
June .....	62,500 tons

(Approximately)

#### CARD-BOARD FROM GROUNDNUT AND SUGAR CANE WASTE

**\*222. Shri K. G. Deshmukh:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that a successful experiment was made for manufacturing card-boards from the waste of groundnuts and sugar-cane?

(b) Have Government established or propose to establish any card-board factory on the basis of the above experiment?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Sugar-cane waste (bagasse) is already being used for the manufacture of card-board. Government are, however, not aware of any successful experiment conducted in the country on the use of groundnut waste for card-board manufacture.

(b) No, Sir.

#### HANDLOOM INDUSTRY IN BIHAR

**\*223. Shri Jhulan Sinha:** Will the Minister of Commerce and Industry

be pleased to state the nature and extent of encouragement given to the handloom industry in Bihar by the All-India Handloom Board?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** The Bihar Government have been asked to send up a scheme for the development of the handloom industry in the State to be financed out of the cess on mill cloth. Their proposals in this regard are awaited.

#### SPEECH OF UNITED STATES AMBASSADOR

**\*224. Shri H. N. Mukerjee:** Will the Prime Minister be pleased to state whether in pursuance of the provisions of International Law, a copy of the speech made by the present United States Ambassador to India had been furnished beforehand to the Ministry when he presented his credentials to our President?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** Yes. A copy of the speech made by the Ambassador of the United States of America in India at the time of presentation of his credentials was furnished to the Ministry of External Affairs in advance.

#### ROCK SALT

**\*225. Shrimati Kamlendu Mati Shah:** Will the Minister of Production be pleased to state:

(a) whether there is any possibility of mining rock salt in Tehri Garhwal District in U.P.;

(b) if so, whether Government are taking steps in this direction; and

(c) whether Government are aware that some years back there was trade in rock salt between the people of Tibet and Tehri Garhwal?

**The Minister of Production (Shri K. C. Reddy):** (a) to (c). The information is being collected and will be placed on the Table of the House in due course.



### TRAINING IN DAM CONSTRUCTION

\*226. **Shri S. N. Das:** (a) Will the Minister of Irrigation and Power be pleased to refer to the reply given to starred question No. 451 asked on the 3rd March, 1953, and state whether the scheme to give advanced training to engineers in design and in the construction of dams and bridges has been finalised?

(b) If so, what are the important features of the scheme?

(c) What will be the recurring and non-recurring expenditure involved?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Not yet, Sir.

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

### BUILDING WORKS

\*227. **Shri S. N. Das:** (a) Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to unstarred question No. 101 asked on the 17th February, 1953 and state whether the report of the Committee of Experts for building works has been considered and decision taken thereon by Government?

(b) What are the important recommendations made by this Committee which have been accepted by Government?

(c) To what extent have the accepted recommendations been given effect to?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) The report of the Committee has been under consideration, and decisions have been taken on certain recommendations of the Committee.

(b) and (c). Government have accepted the recommendation regarding the setting up of the National Building Organisation. The Committees' recommendations regarding the planning of construction and provision of budget grant in advance, standardisation of quality of materials, standards of accommodation and construction economy through architectural and structural design, and

prompt payment to contractors are also generally acceptable to Government.

### TEXTILE INDUSTRY WORKING PARTY

\*229. **Th. Lakshman Singh Charak:** Will the Minister of Commerce and Industry be pleased to state:

(a) what are the recommendations made by the Working Party on Textile Industry;

(b) how many of them have been accepted by Government;

(c) the reasons for not accepting the other recommendations; and

(d) whether Government have set up an Inspectorate to advise the Industry in the matter of quality control?

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

(a) These are contained in Chapter XV of the Report, copies of which have been placed in the Library of the House.

(b) and (c). The report is under examination.

(d) The question is under consideration.

### संसद सदस्यों के लिये फ्लैट

\*२३०. **श्री आर० एन० सिंह :** (क)

क्या निर्माण, रखरखाव तथा संभरण मंत्री यह बतलाने की कृपा करेंगे कि संसद सदस्यों के फ्लैट जो पहले के बने हैं तथा जो अब नये बनाये जा रहे हैं उन की लागत में कितने रुपये का अन्तर है ?

(ख) इन नये बने फ्लैट में जो सुव्यवस्था के हेतु सामान दिये गये हैं वे पहले बने फ्लैट में दिये गये सामानों से कम कीमत के हैं कि अधिक ?

(ग) यदि अधिक या कम हैं तो कितना ?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) and (c). A statement is laid on the



Table of the House. [See Appendix I, annexure No. 69.]

(b) Certain items of furniture provided in the old flats have not been supplied in new flats, resulting in reduction of cost. But greater comfort in these flats has been provided by addition of court-yards to 'B' type flats on the ground floor and making the verandahs in 'B' and 'C' types wider by one foot.

पाकिस्तान को खाद का संभरण

\*२३१. श्री नवल प्रभाकर : क्या उत्पादन मंत्री यह बतलाने की कृपा करेंगे :

(क) क्या यह तथ्य है कि सिवरी से पाकिस्तान को पन्द्रह हजार टन खाद भेजा गया है ;

(ख) इस खाद का मूल्य; तथा

(ग) विनिमय की शर्तें ?

**The Minister of Production (Shri K. C. Reddy):** (a) Arrangements have been made to supply 15,000 tons of Ammonium Sulphate from Sindri to East Pakistan. Despatches have started from the beginning of this month.

(b) Rs. 325 per ton f.o.r. Sindri.

(c) An irrevocable letter of credit covering the cost of the fertilizer and the railway freight up to the Indo-Pakistan border has been opened in a Bank in Calcutta by the Government of Pakistan. Payment for the actual despatches will be made by the Bank against railway receipts and invoices certified by the representative of the Pakistan Government who has been stationed at Sindri for this purpose.

#### UNEMPLOYED INDIANS

\*232. **Shri N. Sreekantan Nair:** (a) Will the Prime Minister be pleased to state whether it is a fact that there are thousands of unemployed Indians in Singapore and Penang?

(b) Are Government aware that certain firms in Borneo are prepared to engage Indian workers?

(c) What steps have Government taken in the matter?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) There has been some seasonal unemployment owing to a fall in rubber prices.

(b) and (c). Government are not aware of any such proposal by firms in Borneo.

#### ADMINISTRATIVE AUDIT

\*233. **Shri M. L. Dwivedi:** (a) Will the Minister of Works, Housing and Supply be pleased to state whether the system of administrative audit in the Central Public Works Department on the lines obtaining in the Military Engineering Service has been decided to be introduced with effect from the next financial year?

(b) If so, has the establishment of an independent inspection agency for the technical examination of expenditure on the C.P.W.D. been provided for?

(c) From which date are the Chief Technical Examiner and the Chief Surveyor of Works likely to begin functioning?

**The Minister of Works, Housing and Supply (Sardar Swaran Singh):** (a) Yes, Sir. I hope to introduce the system even during the current financial year.

(b) Not yet, as the details of the set up are being worked out.

(c) I am afraid I cannot give a specific date now but it should be possible to finalize the question in about three months' time.

#### TEA GARDENS IN ASSAM

\*236. **Shri Bell Ram Das:** (a) Will the Minister of Commerce and Industry be pleased to state how many tea gardens were closed in Assam during 1952-53?

(b) How many of these closed gardens have been re-opened?

(c) How many gardens have received financial assistance either from the Government of India or from the State Government?

The Minister of Commerce (Shri Karmarkar): (a) 83.

(b) 73.

(c) None.

#### RAW SILK (IMPORT)

\*237. Shri M. S. Gurupadaswamy: Will the Minister of Commerce and Industry be pleased to state:

(a) the total amount of raw silk imported into India from various countries since January, 1953 up-to-date; and

(b) whether any representations have been received regarding the reduction of such imports?

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

(a) The total imports of raw silk upto January-May 1953 amount to 58,346 lbs.

(b) No such representations have been received.

#### चलते फिरते ध्वनि-बद्धक यंत्र

\*२३८. श्री एस० एल० द्विवेदी : (क)

क्या सूचना तथा प्रसारण मंत्री यह बतलाने की कृपा करेंगे कि जिन स्थानों में नमोवाणी के केन्द्र नहीं हैं वहाँ के कलाकारों एवं अन्य विशेषज्ञों के संगीत को ध्वनि-बद्ध करने के लिये सरकार ने चलते फिरते ध्वनि-बद्धक यंत्रों की जो योजना तैयार की है वह कब से प्रचलित हो रही है ?

(ख) यदि प्रचलित हो चुकी है, तो अब तक ऐसे कितने चलते फिरते यंत्र कार्य में जुटाये जा चुके हैं और वे कहाँ कहाँ कार्य कर रहे हैं ?

(ग) योजना के अन्तर्गत कुल कितने ऐसे यंत्र प्रति वर्ष चलाये जायेंगे ?

(घ) प्रति चलते फिरते यंत्र के संचालन में कितना भावार्थक तथा अनावर्तक व्यय होता है जब कि चालकों और अन्य कर्मचारियों आदि का सालाना व्यय भी इस में शामिल कर लिया जाय ?

The Minister for Information and Broadcasting (Dr. Keskar): (a) to (d). No such scheme is under consideration. Portable disc recorders are a normal complement of equipment at all important stations of All India Radio.

#### DESPATCH OF ARMS TO GOA

\*239. Shri Raghavaiah: Will the Prime Minister be pleased to state whether it is a fact that Portugal is sending arms of all kinds to Goa?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): The Government of India have received reports from time to time that some military equipment has reached Goa.

#### TRAVEL BETWEEN INDIAN TERRITORY AND FRENCH INDIAN SETTLEMENTS

\*240. Shri Muniswamy: (a) Will the Prime Minister be pleased to state whether the proposal to introduce a permit system to regulate travel between Indian territory and the French Indian Settlements has been finalised?

(b) What is the purpose of introducing such a permit system?

(c) Will this permit system be under a bilateral agreement between the two countries?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (c). The Government of India are considering a proposal to introduce a permit system for regulating travel between Indian territory and the French Indian Settlements. The object of this measure is to check smuggling which is taking place on a

large-scale on the Indo-French border. There is no question of any bilateral agreement being concluded for this purpose.

### चीन को भारतीय कलाकार मण्डल

\*२४१. श्री बीरबल सिंह :

श्री रघुनाथ सिंह :

क्या प्रधान मंत्री यह बतलाने की कृपा करेंगे कि :

(क) क्या भारत से चीन को ३० कलाकारों का एक दल श्री शचिना सेन गुप्त के नेतृत्व में गया है; तथा

(ख) क्या सरकार ने इस दल को कुछ आर्थिक सहायता दी है ?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Government understand that such a delegation has gone to China. They were not, however, officially consulted or informed about it.

(b) No.

### DIPLOMATIC IMMUNITY

**111. Shri Eswara Reddy:** Will the Prime Minister be pleased to state the designations of the 218 Americans in India who enjoy diplomatic immunity and the places where they are stationed in India?

**The Prime Minister (Shri Jawaharlal Nehru):** The American nationals who enjoy diplomatic immunity are, according to the present information, 191 in number, excluding their families in respect of whom exact information is not available. They are all stationed in New Delhi and fall into the following categories:—

- (i) The U.S. Ambassador and other diplomatic officers of the U.S. Embassy at New Delhi ... 60
- (ii) Non-diplomatic members of the Staff of the U.S. Embassy at New Delhi. .... 91

(iii) Officers belonging to the U.S. Technical Co-operation Administration, borne on the staff of the U.S. Embassy at New Delhi ... 40

### COIR MATS

**112. Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to refer to the last but one paragraph on page 747 of the Journal of Industry and Trade (June 1953) and state:

(a) the basis on which the inferences contained in that para. have been made;

(b) whether the Government of India have ascertained the prices at which coir yarn is available for manufacturers in the foreign countries for manufacturing mats and mattings from (i) India and (ii) other countries;

(c) whether the Government of India have ascertained the manufacturing cost of mats and mattings in other countries as compared with their cost of manufacture in India;

(d) if so, how and to what extent they differ; and

(e) whether prices of coir yarn and manufacturing costs both are higher in foreign countries than in India?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) The inference is based on reports from Indian Government Trade Representatives abroad on the marketing of coir mats and mattings.

(b) Yes.

(c) and (d). Actual cost of manufacturing mats and mattings in foreign countries is not available. It is, however, estimated that the cost of raw materials (coir yarn), which constitutes the major portion of the manufacturing cost, will be higher in foreign countries than in India.

(e) Yes.

### INVESTMENTS IN COTTON YARN AND CLOTH MANUFACTURING INDUSTRIES

113. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total investments made so far in the cotton yarn manufacturing and cotton cloth manufacturing industries in India;

(b) the number of workers employed in each of these two industries during the years 1947-48 to 1952-53;

(c) the total wages bills in each of the two industries for the above period;

(d) the production in these two industries for the above period; and

(e) the annual profits made by them during the same period?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) to (e). A statement is laid on the Table of the House. [See Appendix I, annexure No. 70]

### INVESTMENTS IN JUTE MANUFACTURING INDUSTRY

114. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total investments made so far in the Jute manufacturing industry;

(b) the total yearly wage bill in the industry for the years 1947-48 to 1952-53;

(c) the number of workers employed in the industry during the above years;

(d) the total profits made by it in the above years;

(e) the total value of production of jute during the above period; and

(f) the total value of jute produced in factories managed by the managing agency firms?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) It is not quite clear what the

hon. Member means by the expression of 'total investments'. According to the figures collected by the census of manufacturing industries under the Industrial Statistics Act, the industry had fixed assets amounting to Rs. 30.03 crores and working capital amounting to Rs. 39.11 crores on 31st December, 1950. The total paid-up capital of jute companies at work in India was, according to the returns furnished by the Registrar of Joint Stock Companies, Rs. 27.71 crores in 1950-51.

(b), (c), (e) and (f). A statement giving the required information is laid on the Table of the House. [See Appendix I, annexure No. 71]

(d) No exact figures for the industry as a whole are available.

### INVESTMENT IN THE IRON AND STEEL INDUSTRY

115. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the capital so far invested in the iron and steel industry in India;

(b) the share therein of (i) Messrs. Tatas and (ii) foreign investors;

(c) the number of workers employed in this industry;

(d) their total wage bill for the years 1947-48 to 1952-53; and

(e) the total yearly profits made by the industry during the above period?

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

(a) Rs. 19.01 crores by the two main producers, viz., the Tata Iron and Steel Co. and the Indian Iron and Steel Co.

(b) (i) Rs. 10.47 crores; (ii) Rs. 18 lakhs.

(c) 78,697 in 1951.

(d) 1947 Rs. 6.41 crores

1948 Rs. 7.41 "

1949 Rs. 8.28 "

1950 Rs. 9.27 "

1951-53 (Information not available)

(e) The total yearly net profits made by the Tata Iron and Steel Co. and the Indian Iron and Steel Co., the two main producers, after providing for depreciation and tax are:

	Rs. in crores
1947-48	1.74
1948-49	2.13
1949-50	2.41
1950-51	3.18
1951-52	3.44
1952-53	Not available

#### INVESTMENT IN DIESEL ENGINE MANUFACTURING INDUSTRY

116. **Shri V. P. Nayar:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total capital invested so far in the diesel engine manufacturing industry in India;

(b) the number of workers employed in this industry from 1947-48 to 1952-53;

(c) their total yearly wage bill;

(d) the profits made or losses incurred by the industry during the above period;

(e) the share of foreign capital, if any, in the industry; and

(f) the total production of engines during the same period?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) to (e). Precise information is not available.

(f) The figures of production are given below:—

1947-48	772 Nos.
1948-49	1,158 "
1949-50	2,554 "
1950-51	5,536 "
1951-52	7,263 "
1952-53	2,809 "
<b>Total</b>	<b>20,092 "</b>

#### PENICILLIN FACTORY

117. **Dr. Amin:** Will the Minister of Production be pleased to state:

(a) whether negotiations with the Tata Hydro-Electric Company, Ltd., Bombay, for the supply of power to the Penicillin Factory, Pimpri, have been completed;

(b) whether any agreement has been made with this Company; and

(c) if so, the terms of the agreement?

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

(b) and (c). An agreement has not yet been signed.

#### "BHARTIYA SAMACHAR"

118. **Ch. Raghupir Singh:** (a) Will the Minister of Information and Broadcasting be pleased to state whether it is a fact that Government are going to revive the Hindi edition of "Bhartiya Samachar"?

(b) If so, when and what expenditure is going to be incurred on it?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) Yes Sir.

(b) The financial implications are under examination. Steps will be taken to issue *Bhartiya Samachar* when funds are available.

#### EXPORT OF COAL TO PAKISTAN

119. **Shri Heda:** (a) Will the Minister of Production be pleased to state the total value of coal exported to Pakistan in 1950-51, 1951-52 and 1952-53?

(b) How does the price compare with the internal price of coal?

**The Minister of Production (Shri K. C. Reddy):** (a) The approximate value is as follows:—

1950-51	Rs. 32,35,408
1951-52	Rs. 5,15,75,463
1952-53	Rs. 4,94,76,093

(b) The price charged to Pakistan during the last three years was higher than the internal price from time to time as shown below:—

From 1-4-50 to 25-2-51—Rs. 12/- per ton

(Coal exports to Pakistan remained suspended during this period).

From 26-2-51 to 9-5-51—Rs. 10/6/9 per ton.

From 10-5-51 to 7-8-52—Rs. 10/3/9 per ton.

From 8-8-52 to 24-3-53—Rs. 11/13/9 per ton.

From 25-3-53 the price is the same as for internal consumers.

#### TRAINING OF DISPLACED PERSONS IN VOCATIONAL TRADES

120. **Shri Heda:** Will the Minister of Rehabilitation be pleased to refer to his reply to the starred question No. 2051 asked on 12th May, 1953 and state:

(a) the number of displaced persons trained in Vocational Trades up to 31st March, 1953;

(b) the number of those trained in 1952-53 and expenditure incurred on their training; and

(c) the number of these trained persons who have been gainfully employed?

The Deputy Minister of Natural Resources and Scientific Research (**Shri K. D. Malaviya**): (a) and (b). Complete information is not yet available. Replies are still due from a few States and it is hoped to lay shortly a complete statement on the Table of the House.

(c) This information is not available.

#### FOREIGN TRADE

121. **Dr. Ram Subhag Singh:** (a) Will the Minister of Commerce and Industry be pleased to state the value of India's foreign trade in the principal commodities in the year 1952-53?

(b) What was the trend of India's export earnings during the said period?

The Minister of Commerce (**Shri Karmarkar**): (a) Imports (including transit trade)—Rs. 658.11 crores.

Exports (including re-exports)—Rs. 569.88 crores.

(b) While there was a decline in the export of jute goods and tea, the level of export earnings was maintained over the rest of the field as a whole in spite of a fall in export prices.

#### PURCHASE OF HANDMADE PAPER

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

(a) Government's policy about the purchase of handmade paper for the requirements of the various Government departments;

(b) the total value of paper purchased for the use of the various Government departments during the years 1951-52 and 1952-53; and

(c) the total value of the handmade paper purchased for the use of the various Government departments?

The Minister of Works, Housing and Supply (**Sardar Swaran Singh**): (a) It has been decided that handmade paper should be purchased for all demi-official correspondence of the Government of India.

(b) (i) 1951-52—Rs. 4½ crores (Approximately)

(ii) 1952-53—Rs. 5 crores (Approximately).

(c) (i) 1951-52—Rs. 90,500/-

(ii) 1952-53—Nil as sufficient stock from the closing balance of previous paper was available.

#### बिना बंटन के काम करने वाले राजनयिक प्रतिनिधि

१२३. श्री आर० एन० सिंह: क्या प्रधानमंत्री यह बतलाने की कृपा करेंगे कि :

(क) सन् १९४७ से १९५२ तक कौन कौन भारतीय राजदूत मृत्युवायुक्त तथा महा वाणिज्य-दूत बिना बंटन के काम करते थे;

(ख) वे किन किन देशों में काम करते थे;

(ग) क्या लन्दन के भूतपूर्व राजदूत केवल अपने निजी व्यय की ही रकम लेते थे;

(घ) क्या कोपनहेगन स्थित विद्यमान भारतीय महा वाणिज्य दूत आज भी बिना वेतन काम करते हैं; तथा

(ङ) कितने ऐसे कर्मचारी हैं जो विदेशों में बिना वेतन काम करते हैं ?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) to (c). There have been no honorary Ambassadors, High Commissioners or Consuls-General during the period mentioned. But our former High Commissioner in London did not draw any salary during the five years of his holding the post. He drew only the expenses of his official entertainments from Government funds.

(d) There is an honorary Consul-General of India at Copenhagen. He is a Danish national.

(e) One.

#### RAW MATERIALS OF PROTECTED INDUSTRIES

**124. Pandit Munishwar Datt Upadhyay:** Will the Minister of Commerce and Industry be pleased to state:

(a) the protected industries that largely get their raw materials from other countries and the countries from which the raw materials are imported;

(b) the percentage of import of such raw materials;

(c) whether such imports have been gradually increasing;

(d) what attempts have so far been made to remove the dependence of these industries on imports; and

(e) the results of such attempts?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) to (e). I lay on the Table of the House

a statement giving the information as far as is available. [See Appendix I, annexure No. 72.]

#### SALT MANUFACTURING CENTRES

**125. Shri Raghavaiah:** Will the Minister of Production be pleased to state:

(a) the names of the salt manufacturing centres in India;

(b) the number of workers employed in each of these centres showing men, women and children, separately;

(c) the wages, dearness allowance and bonus received by them at each centre;

(d) the working hours, period of employment in a year, leave and other rights enjoyed by them; and

(e) the labour laws which are in operation in each of these centres?

**The Minister of Production (Shri K. C. Reddy):** (a) A statement is placed on the Table of the House. [See Appendix I, annexure No. 73.]

(b) to (e). Another statement giving these details is also placed on the Table of the House. [See Appendix I, annexure No. 74.]

#### MICA (PRODUCTION AND EXPORT)

**126. Shri Gopala Rao:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of the production of mica between 1947 and May 1953 (year by year), giving separately figures for block mica, mica splittings and scrap mica;

(b) the total quantity of its export during the same period (each grade separately and year by year); and

(c) the prices obtaining in the period 1947 to May 1953 (both internal and external), year-wise for each grade separately?

**The Minister of Commerce (Shri Karmarkar):** (a) to (c). No reliable statistics of production are available. As, however, there is hardly any consumption of mica in the country, the

figures of export more or less represent the actual production of mica in the country also. A statement showing the figures of export and prices at which export has been made from year to year is laid on the Table of the House. [See Appendix I, annexure No. 75.]

### रेडियो के बाल्व (आयात)

१२७. श्री बाल्मीकि : क्या वाणिज्य तथा उद्योग मंत्री यह बतलाने की कृपा करेंगे कि :

(क) १९५०-५३ में किन किन देशों से रेडियो के बाल्व तथा अन्य सामान आयात किया गया ;

(ख) रेडियो के बाल्व तथा अन्य सामान को अपने देश में ही उत्पन्न करने के लिये क्या कदम उठाये जा रहे हैं; तथा

(ग) यह कार्य कब तक पूरा होने की आशा है ?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) Radio valves and components are mainly imported from the U.K., U.S.A. and Holland.

(b) Radio valves are proposed to be manufactured in the new State-owned wireless factory at Bangalore. A large number of other components are already being manufactured in the country. All necessary assistance is being rendered for developing manufacture of radio component parts.

(c) By the year 1956 or so.

### रेडियो सेट

१२८. श्री बाल्मीकि : क्या सूचना तथा प्रसारण मंत्री यह बतलाने की कृपा करेंगे कि :

(क) देहाती क्षेत्र में राज्यवार कितने रेडियो सेट कार्य कर रहे हैं;

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(ख) देहाती जनता को दिन प्रति दिन की घटनाओं से अवगत रखने के लिये प्रसार-योजना को अधिक प्रोत्साहन देने के लिये क्या कदम उठाये जा रहे हैं ?

**The Minister of Information and Broadcasting (Dr. Keskar):** (a) The State-wise distribution of community sets in rural areas is as follows:—

1. Assam	98
2. Bihar	314
3. Bombay	530
4. Delhi	155
5. Hyderabad	117
6. Jammu & Kashmir	231
7. Madras	1783
8. Madhya Pradesh	550
9. Mysore	188
10. Orissa	192
11. Punjab	264
12. Uttar Pradesh	193
13. West Bengal	195
14. Travancore-Cochin	88
Total	4893

(b) The importance of providing community sets in rural areas has been impressed upon State Governments who are again being urged to instal more sets.

### DISPLACED AND DESTITUTE WOMEN'S HOME AT RUPSI

129. **Shri Amjad Ali:** (a) Will the Minister of Rehabilitation be pleased to refer to unstarred question No. 821 asked on the 31st March, 1953 and state what steps have been taken to shift the Destitute Women's Home at Rupsi (District Goalpara, Assam) from the present place to the town-areas of Dzulri?

(b) What is the present strength of the women there?

(c) How many have been provided with alternative or independent living?

**The Deputy Minister of Natural Resources and Scientific Research**



(Shri K. D. Malaviya): (a) It is proposed to merge the Rupsi Home in the Central Destitute Women's Home when the same is sanctioned.

(b) 22.

(c) 12.

#### U.S. COTTON

130. Shrimati Tarkeshwari Sinha:

(a) Will the Minister of Commerce and Industry be pleased to state whether the period for grant of licences for the import of U. S. cotton has been extended till the end of December, 1953?

(b) If so, what will be the total amount of U. S. cotton imported into India till the end of this year?

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

(b) Licences were issued for the import of 1.125 million bales of U.S.A. cotton of 1951-52 crop from August 1951 onwards. Against this, about 970,000 bales of cotton have already been imported. It is expected that the balance will arrive by the end of this year.

#### AVAILABILITY OF CLOTH

131. Shri Jhulan Sinha: Will the Minister of Commerce and Industry be pleased to state whether it is a fact that there has been a progressive deterioration in the per capita availability of cloth from 17 yards to 11 yards during the last 13 years from 1938-39?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): No. The per capita availability which was 11.8 in the year 1951, went upto 14.2 in 1952. It is hoped to maintain this improvement with the present rate of production.

#### ADVERTISEMENTS

132. Shri K. C. Sodhia: (a) Will the Minister of Information and Broadcasting be pleased to state

whether the expenditure incurred on production and release of display advertisements on behalf of the different Ministries of the Government of India is realised from them?

(b) If so, what was the amount realised from each of them during 1952-53?

(c) If not, what are the reasons therefor?

(d) What was the total amount spent during 1952-53 on the preparation of cinema slides and other advertisements for small-income saving and treasury-saving deposits?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No Sir. The expenditure incurred on production and release of display advertisement is provided for in the budget estimates of the Ministry of Information and Broadcasting.

(b) and (c). Amounts are not realised from individual Ministries.

(d) Total amount spent on Cinema slides, Posters, Calendars, Blotters, Stickers and display advertisement in 1952-53 was Rs. 5,54,387.

#### BIDI INDUSTRY IN TRIPURA

133. Shri Biren Dutt: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that bidi producers and labourers have demanded the introduction of restrictions and fixation of quota for the use of outside bidis in Tripura;

(b) whether it is a fact that many factories and labourers are going to be out of work due to competition by such outside bidis; and

(c) the steps Government propose to take to save the bidi industry in Tripura?

The Minister of Commerce (Shri Karmarkar): (a) No representation on this subject either from the producers or from labourers has been received by the Tripura Government or the Government of India.

(b) No.

(c) Does not arise.

#### BICYCLE FACTORIES

**134. Th. Lakshman Singh Charak:** Will the Minister of Commerce and Industry be pleased to state:

(a) how many bicycle factories were working in India at the end of 1952;

(b) the annual production of bicycles from each factory of each quality;

(c) whether Government still allow import of bicycles from abroad; and

(d) if so, the number of such bicycles?

**The Minister of Commerce (Shri Karmarkar):** (a) Six.

(b) A statement is laid on the Table of the House. [See Appendix I, annexure No. 78.]

(c) Yes, Sir.

(d) The total number of bicycles likely to be imported during this year is about 72,000 nos.

#### CLOTH (EXPORT)

**135. Dr. Ram Subhag Singh:** Will the Minister of Commerce and Industry be pleased to state the yardage of cloth exported to Australia, New Zealand, and Indonesia during the years 1950-51, 1951-52 and 1952-53?

**The Minister of Commerce (Shri Karmarkar):** Exports of mill made cloth. (Figures in yards)—

	1950-51	1951-52	1952-53
Australia	54,645,953	24,777,348	6,539,384
New-zealand	8,639,668	3,765,205	2,647,858
Indonesia	6,757,857	2,791,323	3,562,811

#### LAJPATNAGAR HARIJAN COLONY

**136. Shri P. N. Rajabhoj:** (a) Will the Minister of Rehabilitation be pleased to state how many hand-pumps have so far been installed in

the displaced persons' Harijan colony of Lajpatnagar, New Delhi?

(b) Are they sufficient to provide water for the residents?

**The Deputy Minister of Natural Resources and Scientific Research (Shri K. D. Malaviya):** (a) and (b). Five hand pumps have already been fixed and another six are in the process of installation. These eleven hand-pumps are considered sufficient to provide water for the residents

#### SOAP MANUFACTURE

**137. Shri H. N. Mukerjee:** Will the Minister of Commerce and Industry be pleased to state:

(a) the total quantity of soap produced in India in 1952;

(b) whether the biggest unit in the soap industry in India, which produces about 70 per cent. of the total quantity produced, is a subsidiary of an international combine;

(c) the proportion of indigenous soap-producing capacity which is being currently utilised; and

(d) the steps taken to ensure achievement by 1955-56 of the targets of soap-production laid down by the Planning Commission?

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** (a) About 116,370 tons.

(b) The biggest unit in the soap industry in India produces about 43 per cent. of the total output of soap in India. This unit is registered under the Indian Companies Act, but the investment is wholly foreign.

(c) Nearly 44 per cent. of the total capacity in the country is being currently used.

(d) The target of production in the Plan is 200,000 tons in 1955-56. As existing capacity is even greater, there is no reason why production should not expand upto this figure to meet demand.

## RESEARCH PROGRAMMES COMMITTEE

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

(a) whether the Research Programmes Committee to work out and arrange suitable schemes for research and investigation into social, economic and administrative problems relating to National Development has been constituted and is functioning;

(b) whether this Committee will function as a permanent body; and

(c) whether any scheme has been drawn by this Committee?

**The Deputy Minister of Irrigation and Power (Shri Hathi):** (a) Yes, but it has not started functioning as yet. The first meeting of this Committee is scheduled to take place sometime this month.

(b) The Committee is an *ad hoc* body appointed by the Planning Commission, and the question of its length of tenure has not been considered for the present.

(c) Schemes to be taken up for research and investigation will be considered by the Committee at its first meeting.

## SPEECH OF DR. MALAN

139. **Shri S. N. Das:** Will the Prime Minister be pleased to state:

(a) whether the attention of Government has been drawn to a P.T.I.

report of a speech delivered by Dr. Danial Malan, the South African Premier on the 9th July, 1953 while speaking at a Luncheon given to Mr. Menzies, Australian Premier, the report having been published in the *Hindu* of Madras in its issue of the 10th July, 1953 in column 4 at page 5 under the headline "Malan's offer to Australia—Help in Defence against India"; and

(b) if so, the steps taken or proposed to be taken by Government in the matter?

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** (a) Yes.

(b) The insinuations and charges made by Dr. Malan were so absurd and fantastic that the Government of India did not consider it necessary to take any special steps to refute them. Press criticism in Australia as well as in other countries made it clear that people were not misled by Dr. Malan's statement. India's external policy has been repeatedly stated. India has no territorial ambitions in Africa or any other part of the world. India stands for political freedom and racial equality in all parts of the world and, more especially, in Africa where both are denied.

**THE**  
**PARLIAMENTARY DEBATES**

Dated 25.11.2014

(Part II—Proceedings other than Questions and Answers)

**OFFICIAL REPORT**

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**HOUSE OF THE PEOPLE**

Thursday, 6th August, 1953

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

[MR. DEPUTY-SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(See Part I)

9-15 A.M.

**MOTIONS FOR ADJOURNMENT**

**SHRI KAMI REDDI'S HUNGER STRIKE**

**Mr. Deputy-Speaker:** I have received two adjournment motions, one from Dr. Lanka Sundaram and the other from Mr. K. Subrahmanyam. I would like to know briefly from the hon. Members how this is the concern of this Government.

**Dr. Lanka Sundaram** (Visakhapatnam): Sir, the fast unto death of Shri Kami Reddi, who is now on death bed actually, on the 49th day of his fast, arises out of an executive decision of the Government of India to give certain portions of the Bellary district to the Mysore State as proposed in the Bill which has been presented to the Madras and Mysore legislatures. This executive decision of the Government of India has been arrived at without properly ascertaining, in the most approved fashion, either through a boundary commission or a plebiscite, the wishes of the people. Related to the second point, Mr. Deputy-Speaker, is the fact that when Mr. Justice Wanchoo was sent out and he made certain

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recommendations on this question, they were rejected. Then Justice Misra went and his recommendations were implemented executively. Finally, Sir, hundreds of people have been arrested, including the Chairman of the Bellary Municipality. The situation today of Mr. Kami Reddi is perilous. These are my reasons.

**Shri K. Subrahmanyam** (Vizianagaram): Even Justice Misra has hinted at the point that short of plebiscite, nothing can solve the problem of Bellary satisfactorily or finally. Therefore, I urge upon the Prime Minister to save the precious life of Mr. Kami Reddi and declare on the floor of the House that a plebiscite or a boundary commission will be appointed to go into the question of the disputed areas.

**The Prime Minister (Shri Jawaharlal Nehru):** Sir, the simple question before the House is as to whether, in view of a gentleman undertaking a hunger strike for a political object, a decision of the Government of India communicated to this House long ago should be upset. Now, the gentleman in question Mr. Kami Reddi, I have no doubt, is an estimable person and has been moved by the best of intentions. But, I really cannot understand how any Member of this House can suggest that Governmental decisions taken after as careful an enquiry as possible should be changed, varied or upset because of an individual indulging in hunger strike. As a matter of fact, in this particular matter, as much care as possible was taken through enquiries by competent impartial individuals to

[Shri Jawaharlal Nehru]

find out what was the right course to adopt. It was declared and adopted. I would commend to such of the hon. Members as have not read the report of Justice Misra to read it to see how carefully he went into this question. He had no prejudice in the matter; he had no predilection in the matter. He went into the question and made his report, and Government after considering had accepted it. Now, apart from the fact that Government think that their decision was absolutely correct and the right one, they are still more convinced that no action of the Government is going to be allowed to be influenced in this way by hunger strikes. Otherwise—it does not matter what Government functions here—no Government will function.

In the present case, my colleague the Home Minister was telling me that he has received a large number of telegrams. Probably, I have received some; but he has got a bunch of them. Telegrams come in exactly what proportion I do not know, some urging one thing and the others urging the other thing, both sides threatening hunger strikes if their wishes are not adhered to, and they are contradictory wishes. Some send us telegrams or letters supporting Mr. Kami Reddi's fast; others threaten the Government, 'if you give in to Mr. Kami Reddi's fast, you have to deal with our fast after that'. So that, politics is reduced to a strange level and this House becomes powerless, if I may say so, before external happenings of this kind. I have great sympathy for Mr. Kami Reddi. I do not wish to criticise him because I know he has been a good constructive worker in the past. It is a pity that a man who has done good work in the past and can do very good work in the future in the new State of Andhra that is coming up, should associate himself with something which can only lead to bitterness on the eve of the formation of this Andhra State. I might inform the House that, not in my capacity as Prime Minister, but in

some other capacities, I sent a telegram to Mr. Kami Reddi last evening, telling him frankly my opinion that what he was doing was very wrong, that it was a wrong method, that the question of Bellary could not be re-opened in this way, that it would lead to trouble, that the question remained as it was, that I would be glad to see him if he wants to see me later and asking him to give up his fast.

**Dr. Lanka Sundaram:** With your permission, Sir, may I draw the attention of the Prime Minister to the statement made by Mr. C. Rajagopalachari, on the 17th July in Madras stating that Bellary is one of the issues to be included in the terms of reference of the proposed boundary commission?

**Shri Jawaharlal Nehru:** Which commission?

**Dr. Lanka Sundaram:** Commission to settle the disputed areas.

**Shri Jawaharlal Nehru:** The Andhra State Bill which would be coming up before this House presently, I believe, has some clauses about the appointment of a boundary commission or commissions. The idea is, I believe, that each of the two States concerned, that is, the Andhra and the residuary State of Madras, or Andhra and Mysore, should appoint boundary commissions—not so much the Government of India, but they should appoint boundary commissions—to deal with minor rectifications of the border. It is up to the States to give such directions as they like to their boundary commissions. Anything they agree to, we are completely agreeable to.

**Shri B. S. Murthy (Eluru):** Is it not a fact that Justice Misra has said that a plebiscite should decide these issues? The Prime Minister has not been pleased to state why that portion of the report has not been taken into consideration while dealing with the Sirkas of Moka, Rupanagudi and Bellary including Bellary town.

**Shri Jawaharlal Nehru:** If I may say so, I do not wish to contradict the hon. Member. That is not exactly what Justice Misra has said. He has come to firm conclusions about certain matters. He says, "If anybody asks how many feel this way or that, only a plebiscite can give that, I cannot state precisely without counting of heads; this is my firm conclusion..... etc." He has not recommended a plebiscite. Casually he has mentioned about it.

**Shrimati Sucheta Kripalani (New Delhi):** The hon. Prime Minister just now said that there are certain other disputed areas and that all these will be referred to a boundary commission. There is considerable feeling over this question of Bellary. Not that we appreciate a fast on political issues; I certainly would like to say that this is not the method by which we should decide such questions. But, as an honest man, he has sincerely undertaken this fast and his life is now in danger. I am sure there is also considerable feeling on this point. I do not think there is any harm if this matter be referred to a boundary commission along with other questions when you accept that you are going to appoint a boundary commission.

**Shri Jawaharlal Nehru:** The hon. Lady Member would have realised that first of all, this is not a matter between the Government of India and anybody, any party or any State or the protagonists of any State. The Government of India being, I hope, an impartial adviser, helper, friend and counsellor—call it whatever you may like—whatever we do leaves an imposition on one State or the other. We have, therefore, sent judicial officers of high standing to go into it and when we consider their report we think it is a fair report. And it has reference to a boundary commission. The boundary commissions were not in terms of disputes originally when we discussed about them but in terms of minor rectifications of the border. We do not at this stage want to trouble

this House with these minor points but to take the districts in one or the other as they were and then constitute the Andhra Province and then go in for greater details in the matter of minor rectifications. I say we have no hand in this as whether the dispute is between the Madras residuary State and Andhra or Andhra and Mysore, the parties concerned can refer anything they like in detail to the boundary commission. The House, no doubt, knows that after this matter of Andhra State is definitely settled and the Andhra State starts functioning, it is Government's intention to consider the larger issue of a re-organisation of States, etc., in India from all points of view because we have come to the conclusion that piecemeal consideration of the subject is not right. It affects other parties fourth party interests; they cannot be separated. India is an organic whole and however much we may divide it for administrative purposes, as a matter of fact, each division affects some State. Therefore, if we consider the matter as an organic whole and appoint a high-powered commission some time later this year to consider this problem dispassionately and to make such recommendations to Government as they think fit and proper. Government would, no doubt, place it before this House.

**Some Hon. Members rose—**

**Mr. Deputy-Speaker:** There must be an end to this. I have heard the views from all sides.

**Shri A. K. Gopalan (Cannanore):** Not from this side.

**Mr. Deputy-Speaker:** The leader must have got up.

**Shri A. K. Gopalan:** The Prime Minister has just now referred to Kami Reddi's fast and, when the Prime Minister was referring to that, he also stated that there is the other side which is strongly opposed to Kami Reddi's fast and from that we can understand that there are, no doubt, two sections that claim a certain portion. Is it not necessary in that situation that the Central Government

[Shri A. K. Gopalan]

should agree to a plebiscite if both parties agree to it. That is the way how a solution can be found because the Prime Minister himself stated that from both sides telegrams have been coming about this dispute and we cannot say which side is stronger. Then, is it not the duty of the Central Government in such a situation to see that the other party does not suffer?

**Mr. Deputy-Speaker:** The hon. the Leader of the Communist Party has spoken now. It is rather unfortunate that a hunger strike should be resorted to on a matter like this. Shri Kami Reddi is a very good worker and it is now the fortieth day of his fast. His condition is very serious. It is true that some sections of the Andhras may not be thoroughly satisfied with the decision but we have always held that hunger strikes of this kind, however laudable they may be, are not constitutional methods of deciding the issue or forcing the Government to decide on the issue. As it was suggested, the matter is also coming up before the House and more coolly the matter may be discussed and if the Government would like to change the policy already decided, there is absolutely no difficulty. Under those circumstances, I may only refer to the previous ruling that has been given. It is to the effect that if this principle is conceded, it can prejudice the impartial decision of the Central Government. Therefore, while it may be proper when the matter comes up before the House during the Andhra Bill or in any other form, I am afraid I will have to reluctantly withhold my consent to the adjournment motion, because I do not feel that these are constitutional methods by which the hands of the Government or the Parliament will be forced. I am sorry, I am unable to give consent to these adjournment motions.

**Mr. Deputy-Speaker:** Now, Dr. Lanka Sundaram.

**Dr. Lanka Sundaram** (Visakhapatnam): May I have your permission,

Sir, to enquire from the Prime Minister whether he will be pleased to make a statement generally on foreign affairs covering all the issues and recent developments in which India is interested, and that there may be a full dress debate thereon?

**The Prime Minister (Shri Jawaharlal Nehru):** The House knows that I welcome very much the consideration of the situation as it exists in the world today more especially in regard to matters affecting India. We are having a short session this time, and it is a very full session. It may not be particularly easy to find time. Nevertheless, I do hope to find some time to address the House. It may perhaps be longer than usual and for that purpose we will have a second sitting. If the House will be good enough to leave it to me, I would suggest that probably a good time for the debate might be in the third or fourth week of this month. I might make a comprehensive statement as Dr. Lanka Sundaram suggested because that itself becomes part of the debate.

**Dr. Lanka Sundaram:** Does it mean that the Prime Minister would make the statement first and there will be an interval between the statement and the debate?

**Shri Jawaharlal Nehru:** I have no particular desire to do that unless some occasion arises. But that was what I thought Dr. Lanka Sundaram was asking.

**Dr. Lanka Sundaram:** Yes, Sir. I wanted to make that point clear.

**Shri Jawaharlal Nehru:** I shall make a brief statement when the occasion arises and if possible more than one statement—I mean different statements on different subjects I am interested in. A comprehensive statement about the world situation becomes a long statement.



**Mr. Deputy-Speaker:** When a day is decided on this, there will be a debate.

#### LEAVE OF ABSENCE

**Mr. Deputy-Speaker:** I have to inform the hon. Members that I have received the following letter from Shri A. K. Basu:—

"For reasons of health I have to be in Switzerland for a month or two. I would, therefore, request you to be kind enough to obtain the leave of the House for my absence during the forthcoming Session of the House."

Is it the pleasure of the House that permission be granted to Shri A. K. Basu for remaining absent from all meetings of the House during this Session?

*Leave was granted.*

#### PAPERS LAID ON THE TABLE

**TARIFF COMMISSION REPORT ON RETENTION PRICES OF TATA STEEL AND GOVERNMENT RESOLUTION THEREON**

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** I beg to lay on the Table a copy of each of the following papers under sub-section (2) of Section 18 of the Tariff Commission Act, 1951:—

- (i) Report of the Tariff Commission on the fair retention prices of steel produced by the Tata Iron & Steel Co. Ltd. (1953);
- (ii) Ministry of Commerce and Industry Resolution No. SC(A)-2 (96)/52, dated 20th July, 1953 [Placed in the Library. See No. IV R 159(22).]

#### COLLECTION OF STATISTICS BILL —concl'd.

**Mr. Deputy-Speaker:** The House will resume consideration of the motion moved on the 5th August, viz.,

"The Bill to facilitate the collection of statistics of certain kinds

relating to industries, trade and commerce be taken into consideration."

**Shri N. C. Chatterjee (Hooghly):** Sir, on the eve of India's Independence Day I ought to remind you that most of the foreign firms in India were expecting that some concrete steps would be taken by the Government to hasten the pace of Indianisation both in the commercial and industrial field as well as in other sectors of national life. After all, Sir, independent India demanded that the country's nationals should have an adequate place in all organisations controlling their economic life and development. Indeed, we know that many foreign firms had reconciled themselves to this position and they promoted many of their Indian executives to senior cadres. But, Sir, for some reason, some inscrutable reason, I must say the Government of India has not been very watchful, and as watchful as the circumstances warranted, and that made the foreign firms feel somewhat complacent. The result has been that from complacency there has been a drift against progressive Indianisation. And, as I gave you some facts, there has been a neglect of our nationals in foreign firms. As a consequence, there have been good many complaints against discrimination. Ultimately, New Delhi has been energised into action by the volume of complaints.

How far the charge of deliberate discrimination and victimisation is correct can only be realized if proper data and statistics are collected. The Government is stating in the Statement of Objects and Reasons:

"Though Government can exert pressure to make certain firms submit returns, it is expedient that Government should be armed with powers to compel all concerns (including Managing Agency firms) engaged in (a) trade and commerce with foreign countries, (b) inter-State trade and commerce, (c) trading firms or Corpora-



[Sbri N. C. Chatterjee]

tions.....and (d) stock exchanges, to furnish such information."

I think Government should be given this power, and this power should be exercised and used properly, and the charges of victimisation, discrimination on racial grounds etc., should be gone into and redressed. But they cannot be redressed unless you get the requisite data, the requisite facts.

After a few observations I made yesterday, some hon. Members expressed to me their amazement that I was supporting this Government measure where extraordinary powers have been given to the executive and they reminded me that such extraordinary powers were often abused. I need not be reminded that statutes like the Preventive Detention Act have been abused—and I am one of the victims of that statute and of extraordinary powers contained therein. I need not be reminded by anybody. We should be very careful that these extraordinary powers should not be abused and they should not be conferred on the executive in an unrestrained manner, yet at the same time I feel that the time has come when such powers should be given. Of course, we realize the danger of clothing the executive Government with unrestrained power.

I have gone through some of the amendments sponsored by Pandit Thakur Das Bhargava and other friends, and I think they are worthy of serious consideration. Pandit Thakur Das Bhargava has said in one amendment that power should not be given also to ask questions necessary for obtaining any information required to be furnished under the Act. He has asked for the omission of that. I don't know why he asks for the omission. I think that it is proper that power should be given to ask questions. Mr. V. P. Nayar has suggested that power of inspection and taking copies of relevant records should be taken. Pandit Thakur Das Bhargava

has said that instead of asking questions, powers should be given to seize records and documents that contain the information required. If the Minister thinks that such power is needed, this Parliament should not be very reluctant to give that power, though such powers may be abused, even flagrantly abused. It may be an engine of oppression and torture, it may be utilized for other purposes. But true patriotism demands that national interests should transcend all sectional, party or group interests, and therefore, although we know that extraordinary powers have been abused and regrettable things have happened, and that we should be careful, still we support it as in the actual working we find that the Government could not get the requisite data. We have heard the statement of the hon. Minister that some of the firms refused to respond. They did not answer the questionnaire, and we know that the questionnaire was answered by others in such a way as to make the information absolutely hopeless or abortive. Therefore, the power should be given. Desperate diseases sometimes require desperate remedies. India has been raising her voice against the racial policy of South Africa, thundering against Dr. Malan's Government, but unfortunately, racial discrimination is going on in this country. There are certain commercial enclaves who think they are still the vestiges of British imperialism. They should be told that the writ of this Parliament will run in Clive Street and every corner of India; that the writ of the Government functioning now under the authority of this Parliament will also run throughout India and nobody can snap his finger at them. We should not tolerate any commercial enclave behaving in a manner derogatory to our self-interest and national prestige.

It is not a question of pounds, shillings and pence or rupees, annas and pies. The Indian executives have been telling repeatedly that they are not

motivated by the desire to secure a few rupees more by the revision of their pay and allowances, although this may incidentally be the result of the redressing of their grievances. They do not mind if their salaries were even reduced, provided the salaries of their superior officers, the foreigners, were also reduced to the same level. It is a question of self-respect and national interest. Most of our key industries are still in the hands of foreigners and they are managed by foreigners. It should be easy to visualize what will happen if there is a national crisis or a national emergency. We should, therefore, train up our own nationals in a proper way. The first thing to do is to have a statute like this with proper safeguards and adequate precautions. I think if the powers are judiciously exercised, we shall get the relevant data and we shall be able to deal with the firms in such a way as to promote our national needs.

**Shri H. N. Shastri** (Kanpur Distt.—Central): I rise to support this motion. The previous speaker has dealt with one important aspect of this Bill. My support to this motion is based on my personal experience as a trade unionist for very many years. I have been connected with a number of Labour Enquiry Committees that have been chiefly entrusted with the task of enquiring into the wages and working conditions of workers in certain industries. In the course of this association I have found that the chief difficulty that these enquiry committees have been faced with has been a reluctance on the part of most of the employers to furnish the requisite data that could be helpful for such enquiry committees.

Then, Sir, as you may be aware, there are industrial disputes that arise from time to time. They come up before Conciliation Boards; they come up before Tribunals and Arbitration Courts. Now, a proper settlement of this question is very greatly impeded for lack of available data.

The difficulties are still greater in the case of private industrial concerns that are free to manipulate their registers and accounts, and instances of such manipulation and gross mismanagement leading even to closure of some concerns have occurred in the past, resulting in unemployment of thousands of workers. Such cases have been brought to light on several occasions in recent years. In view of these considerations, I feel that this is an important piece of legislation that should be put on the statute book. As a matter of fact, the trade union organisations in this country have on many occasions in the past stressed the need for such legislation, and though it is already too late, still I think it will receive the unanimous support of the House.

Before I sit down, I should like to say that any efforts to curtail the powers vested in the Government by this Bill or proposed to be given, by means of amendments like those that have been given notice of by Mr. Thakur Das Bhargava, will undo the very purpose for which this Bill has been introduced. I, therefore, propose that this Bill should be passed in the form in which it has been placed before the House.

**Shri S. S. More** (Sholapur): Sir, I rise to support the underlying principles of this Bill. But in doing so, with your permission, I would like to point out some of the significant omissions that I perceive in this particular measure.

For instance, in the definition clause, in sub-clause (b), the term 'commercial concern' has been defined, but I fail to understand why private companies have been excluded from the ambit of the definition. I speak subject to correction. The definition as it stands reads:

"'commercial concern' means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in trade or commerce, and includes....."

[Shri S. S. More.]

Possibly, it may be argued that the latter part of this definition, 'or any other person or body of persons engaged in trade or commerce' will cover all private companies. But when it is possible to define it more explicitly in technical and legal expressions, I think it would be much better to make the definition as comprehensive as possible, even at the risk of being superfluous in the use of expressions.

Industrial and commercial concerns have been mentioned and defined at some length. But may I point out that there may be some companies which may be interested in large scale agriculture? In my part, particularly, there are some companies which grow sugar-cane, convert it into jaggery and sell it on a huge scale. The question is whether such concerns will be covered by any of these definitions. As far as I am able to read it, companies formed for the purpose of carrying on extensive and modern agriculture on a large scale, will not be covered by these definitions. I would refer you particularly to clause 2(b) (ix) which reads 'a rubber, tea, coffee or cinchona plantation'. That means other plantations such as sugar-cane plantations, etc., are excluded. I would request Government to go into this matter carefully, and bring within the scope of this particular legislation even companies or bodies of persons who are carrying on extensive agriculture. In many of these hundreds of workers are employed. Even for the purpose of ensuring the welfare of labour, the information which is sought or designed to be sought under clause 3 of the Bill is very useful, but as the Bill stands, private companies will be excluded. I would request the hon. Minister in charge to look into the matter and include within the scope of this legislation, even agricultural companies.

My next great grievance is regarding the penalty clause. I know that this penalty clause has been borrowed from the Industrial Statistics Act, 1942

(Act XIX of 1942). But it provides so many loopholes, through which the offenders may escape.

Clause 8(a) (ii) reads:

'wilfully furnishes or causes to be furnished any information or return which he knows to be false;'

If he wilfully furnishes, then we should say 'furnishes or causes to be furnished any information or return which he knows to be false', or 'wilfully furnishes or causes to be furnished any information or return which is false'. The terms 'wilfully' and 'which he knows to be false' together are redundant, because in such cases, the guilty intention of the man will have to be proved, and we shall have to prove not only that he was wilfully furnishing that information, but also satisfy that he also knew the information to be false. If he had not known that the particular information which was supplied to Government or the statistical authority was false, then the question of his wilful submission does not arise. I think the wording as it stands only adds to the confusion.

Now, a person may know a certain information to be false, or he may not believe it to be true. I shall just refer to the Representation of the People Act, in section 123 of which corrupt practice has been defined. Sub-section (5) of that section runs thus:

'The publication by a candidate or his agent, or by any other person, with the connivance of the candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true.....'

If something like that were there in this Bill also, then it will be in accord with provisions elsewhere.

Again, take for instance Section 171 (g) of the Indian Penal Code. We find the same expression being used there. Take again, the Press and Registration

of Books Act. In Section 14 of that Act, there is a similar expression.

If identical expressions in such matters are used in different pieces of legislation covering the same mental attitude of the offender, then decisions in one case or under one enactment may be utilised for the purpose of the cases under other enactments. But the wording used here seems to be something strangely out of the common run. I would request the hon. Minister to apply his mind to this question.

Coming to clause 9 'Offices by companies', I must say that this clause passes my comprehension. With your permission, I shall read out the clause as it stands:

**"9. Offences by companies.—(1)**

If the person guilty of an offence under section 8 is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

A company is a corporate body. It is constituted of the directors who are supposed to manage the affairs, and the shareholders who have contributed their capital for the running of the business. Under this clause, not only the persons concerned will be prosecuted and punished but even the company which is a corporate body will be prosecuted and punished. I can understand a civil action lying against a corporate body or a corporate body being made to pay civil damages. But how can a company be prosecuted? At least

my experience is not enough to give me some light on this point. I would like to have clarification of this point. The proviso to the sub-clause will come in handy for many of the fish to escape. A company carrying on manufacturing business on a large scale may have some big persons on the directorate. Under this clause, if false information is supplied by their agent who happens to be the managing agent, or by anybody else, whatever designation they may choose to give him, and if that information is given wilfully, then according to the first part of the sub-clause, all such persons who are concerned with the affairs of the company shall be deemed to be guilty, and they will be prosecuted and punished. But under the proviso, you give them an opportunity to show that the offence was committed without their knowledge.

What will be the effect? Sir, I do not think you will be able to catch all the Directors and particularly the big fish who will be really responsible for supplying false information. Possibly, this particular clause will be utilised for making a scapegoat of some employee and the other big fish, who are really interested in suppressing correct information from Government, will say, "Well, it was done without our knowledge. We never knew about this matter", and they will escape. That should not happen. No employee of the company who has no interest in the affairs or in the profits of the company beyond the salary that he gets should be made the victim of this particular clause. If this proviso is allowed to remain there, they will take advantage of it and somehow manage to wriggle out of the whole awkward situation.

Then we come to sub-clause (2) of this particular clause: 'Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the

[Shri S. S. More]

part of any director, manager, secretary or other officer, such director, manager, secretary or other officer shall also be deemed to be guilty and shall be liable to be proceeded against and punished accordingly'. Why this 'notwithstanding'? Where is the necessity for this separate clause? As a matter of fact, it only repeats what has been stated in sub-clause (1) with some slight difference, because sub-clause (1) already says:

"If the person guilty of an offence under section 8 is a company, every person who at the time the offence was committed was in charge of and was responsible to the company....."

It is only the courts that will adjudicate upon this matter. So if our expressions are not correct and our meaning is not made precise and definite, this confusion in our wording will be taken advantage of and possibly the Minister will have to come back to us saying that as a result of the different judicial pronouncements, this section needs some amendment and we should again amend that. I feel 'notwithstanding' has no meaning here and this whole sub-clause is nothing but a repetition of sub-clause (1). The proviso should be dropped out if Government is advised to that effect, because that will be a good shelter for the real mischief-makers who will be working from behind the curtain and the big fish who are to be netted in this legislation will safely escape.

These are the only suggestions I would make as far as the wording is concerned. I would say that agricultural companies who are practising agriculture—growing sugarcane or other money crop and employing hundreds of employees—should also be brought within the ambit of this legislation, and as far as the penal clauses are concerned, I would make a special request to the Government that they should be very precise so that no loop-hole may be left in the Bill; because

we, lawyers, are there to find loopholes, and when our legislation is itself giving them loopholes.....

**Shri R. K. Chaudhury** (Gauhati): Why do you accuse lawyers for nothing?

**Shri S. S. More:** I am one of those who subject themselves to introspection on occasion.

These are the points on which Government will have to concentrate their attention. I do admit that this is a very important measure. The condition of statistics in this country is bad, as others have said. Our statistical position has to be improved, correct data has to be collected, sifted and analysed so that it may be of some future guidance for us, and for that purpose, this measure must be made lawyer-proof as far as possible.

10 A.M.

**Shri Tulsidas** (Madras West: I rise also to support this Bill. It is very noteworthy that the Government have now come forward to have the powers to collect statistics and the Statement of Objects and Reasons given here at the back of this Bill shows the reasons behind this legislation. I am sure that the Government have no intention of going beyond the objects and reasons as mentioned in this Bill, and for that purpose, with whatever powers they have clothed themselves now, are more than ample. My friends, Mr. More and Mr. Chatterjee have given something which is entirely not according to the objects and reasons of this Bill. They seem to feel that whenever any legislation is brought forward for any purpose, extraordinary and very wide powers—of whatever nature—must be given to the Government thereby to achieve results. But they forget that the powers which the Government usually get and usually obtain from the Parliament are not generally useful for the purpose for which they are required and they themselves complain more often

than not that the Government have utilised those powers not for the positive purpose but for the negative one. Now, on the one hand and with one voice they say something, and on the other they say something else. I do not know whether they have understood exactly the objects and reasons of this Bill. They are not meant for any purpose other than that of collecting statistics. With regard to statistics, whether it is Governmental agency or whether it is private agency in this country, we are really very backward and want to improve. We want to get statistics in the first instance, whatever it is possible to get, and I do not see any reason why they will not be obtained with these powers, whether these powers are going to be used positively for this purpose or not.

I know, and I am sure the country knows very well, that with the powers the Government have in every legislation, the positive action is never taken. It is always for a negative purpose and used, if I may say so, Sir, with due deference, more for harassment and abuse. I am sorry to use this expression but I would ask the Minister in charge of this Bill as to why, apart from those given in the objects and reasons of this Bill, they want to have the information mentioned in clause 3? Under clause 3 it is said 'any matter.....' Is this legislation for collection of statistics or anything else? Any matter relating to commerce, industry or trade—anything? You want statistics; I do not understand why you say 'any matter'. It is so wide. Any matter means anything—from A to Z.

**An Hon. Member:** Any matter which is relevant.

**Shri Tulsidas:** If you see the wording it is only 'any matter'. That is why I would like to have clarification on this point.

Then, Sir, my friend, Mr. More, just now mentioned that because of this clause 9, the companies or the management of the companies will get away

by putting somebody else as scapegoats. Well, perhaps Mr. More has his own personal experience in this respect. He might have put somebody for somebody else's purposes. But surely, in justice and fairness, the person who has committed an offence is responsible and should be punished, and not the persons who are not in the knowledge of it or the persons who do not know anything about it. (Interruption) It is no use saying 'catch hold of every one, whether the person is in the know of it or whether he has any reason to neglect or any reason not to give the truth'.

**Shri H. N. Shastri:** What about connivance?

**Shri Tulsidas:** My friend on the left also seems to be of the same view. Well, these are the gentlemen who belong more or less to labour unions. They seem to have a common opinion on this point.

**Shri Sarangadhar Das** (Dhenkanal—West Cuttack): They are correct.

**Shri Tulsidas:** I do not know whether it is correct or not. I do not think any one of these gentlemen have any experience of labour themselves. But they seem to represent labour. Sir, we at least know what it is, as a management.

**Shri S. S. More:** You are right.

**Shri Tulsidas:** These gentlemen on the right and left do not know what are the conditions of labour because they do not belong to labour. They only look after labour. I am sorry I have to express this view. They have unnecessarily used this.....

**Shri Achuthan** (Cranganur): He represents the Peasants' and Workers' Party.

**Shri Tulsidas:** The point at issue is that this legislation is meant for statistics and, as I said in the beginning, the Government has got this measure for the right purpose because in this country statistics are not readily available. They are not properly



[Shri Tulsidas]

given and they are not properly compiled.

Before I go further, I would like to remind my friend here on this side that there are a number of legislations already on the Statute Book and the Government get the information they want. Over and above those they are again getting powers under this Bill. I would like the Government first to co-ordinate the different departments. If the information has once been given to the Government, then I am sure the Government will not ask for the same information under this legislation. It will really be a duplication of work for the managements. They have already supplied certain information on a particular legislation and then they are asked for the same information on a second legislation and similar information once again on a third legislation. If that is the work to be done, then it is only waste of time. Therefore, I would only request that when they are taking this power under this legislation they should certainly utilise it only for getting information which they have not already got. They should not go on duplicating work because, I am sure, if one department of Government is supplied with a certain information, with a little co-ordination the other departments can supply it. The information should not be asked for more often than is necessary. That is what I would like to point out to the Minister in charge and I hope that that would be followed, particularly in this case, because, otherwise there will be a lot of difficulties and it would be mere wasteful work to give the same information over and over again.

Sir, I would also like to point out that apart from whatever remarks the Labour Union leaders usually make, there is a vicarious liability, it has to be looked into: whether you want to hang a man or not, at least hang the man when he has committed a crime. Even if a man has committed a mur-

der the court does not believe that he is a murderer until he is proved to be so. In this case the accused has to prove his ignorance or innocence. First he is considered guilty and then he has to prove his innocence. This is the other way round.

**An Hon. Member:** These people are hanged first.

**Shri Tulsidas:** I say that there should be similar legislation which would affect the Labour Union leaders so that they will have experience of it. This is the point that I would like to make. I would only like clarification on this point. Sir, I commend this Bill.

**पंडित ठाकुर दास भागंब (गुडगांव) :**

जनाब डिप्टी स्पीकर साहब, न तो मैं किसी कमर्शाल कौंसर्न (व्यापारिक संस्था) के मैनेजमेंट से ताल्लुक रखता हूँ और न कोई कैपिटलिस्ट (पूँजीपति) हूँ कि जो इस बिल से घबराऊँ। न मैं कोई लेबर या ट्रेड यूनियन का रिप्रेजेंटेटिव (प्रतिनिधि) हूँ जो यह चाहूँ कि इस की वजह से किसी मैनेजमेंट पर किसी क्रिस्म का नावाजिब बोझ डाल दिया जाय। मैं तो एक सीधा सादा अपने देश का सिटीजन (नागरिक) हूँ और इसी हैसियत से मैंने इस बिल को पढ़ा है। मैं इस बिल को बड़े जोर से सपोर्ट करता हूँ, क्योंकि मैं यकीन रखता हूँ कि स्टैटिस्टिक्स (सांख्यिकी) किसी भी मुल्क में, किसी भी इंग्लेण्ड स्टेट में इतनी जरूरी और अहम चीज है कि जिस के बिना काम नहीं चल सकता। हमारे देश में स्टैटिस्टिक्स की बहुत कमी है और इसकी वजह से हमारे देश में ठीक नतीजे उन ऐदादों शुमार (सांख्यिकी) से नहीं निकल सकते जो दूसरे मुल्कों में निकलते हैं। इस वास्ते मैं बहुत ऐंक्शस (उत्सुक) हूँ कि स्टैटिस्टिक्स के मामले में गवर्नमेंट को पूरे अस्तियारात मिलें और स्टैटिस्टिक्स की हमारे यहां ऐसी

हालत हो कि जिससे सही नतीजे हमारी बैलफेयर स्टेट निकाल सके। चुनावों एक मिसाल जो इस के अन्दर दी गई है, जो आबजैक्ट्स एंड रीजन्स में दी गयी है उससे इस बात की ताईद होती है कि स्टैटिस्टिक्स के बिना ठीक हुए गवर्नमेंट को किसी भी काम के करने में कितनी मुश्किल है।

श्री ऐन० सी० चैटर्जी साहब की स्पीच सुनी है जिससे नतीजा निकलता है कि वह किस क्रम इस बात से खुश हैं कि गवर्नमेंट की पालिसी तो सही है, लेकिन उनकी राय में उस पर अमल दुरुस्त नहीं होता, जब तक कि स्टैटिस्टिक्स उन के पास न हों। मैं उन से इस बात में सहमत ही नहीं, बल्कि गवर्नमेंट की खिदमत में बड़े जोर से अर्ज करना चाहता हूँ कि जहां तक स्टैटिस्टिक्स का सवाल है और जहां तक उस अहम नुक्ते का सवाल है जिसकी वजह हमारे कामर्स मिनिस्टर साहब ने आबजैक्ट्स एंड रीजन्स (उद्देश्य तथा कारणों) में दी है, मैं उस की तरफ खास तवज्जह दिलाना चाहता हूँ। इस में कोई शक नहीं कि यह सवाल कोई रुपये आने का सवाल नहीं है। दरअसल यह नैशनल प्रैस्टीज (राष्ट्रीय प्रतिष्ठा) का सवाल है। यह सवाल इस अम्न (बात) का है कि हमारे लोग यह महसूस न करें कि फारैनर्स (विदेशियों) के मुकाबले में हमारे यंगमैन (नौजवान) अच्छी तरह से काम नहीं कर सकते और जब कभी मौका मिले तो फारैनर को ज्यादा तनखाह दी जाय और हमारे आदमियों को कम तनखाह दी जाय। यह नैशनल प्राइड (राष्ट्रीय स्वाभिमान) का सवाल है, नैशनल प्रैस्टीज का सवाल है। साथ ही यह नैशनल सेफ्टी (सुरक्षा) का भी सवाल है, क्योंकि बहुत सारी की इंडस्ट्रीज फारैनर्स के हाथ में हैं। हमारी गवर्नमेंट इन फारैनर्स के साथ, इन सफ़ेद चमड़े वालों के साथ पहले तो बहुत ज्यादा और उसके बाद अब कम तरजीह

वाला सलूक करती रही है। अब पहले के मुकाबले कम तरजीह है, लेकिन ताहम अभी भी तरजीह वाला उन के साथ सलूक है और हमारे लोगों को पूरा मौका हासिल नहीं होता। जब कि एक सफ़ेद खाल वाला आदमी हमारे गवर्नमेंट के या किसी मिनिस्ट्री के डिपार्टमेंट्स में जाता है, तो यह मिनिस्ट्रीज के डिपार्टमेंट्स का क्रसूर है कि अगर वह सफ़ेद मुंह वाला हो तो उस की खातिर तवाज्जह होती सकी ज्यादा सुनवाई होती है। जब गवर्नमेंट खुद इस तरह की एंटीट्यूड रखती है तो क्या उम्मीद रखी जाय कि फारैनर्स जो इस मुल्क में रहते हैं वह हमारी नैशनल्स को ठीक जगह देंगे और अच्छा सलूक करेंगे।

मैं समझता हूँ कि इस बिल के पास (पारित) होने से यह शिकायत गवर्नमेंट को नहीं रहेगी कि गवर्नमेंट के पास ठीक-स्टैटिस्टिक्स न होने की वजह से वह इस मामले में पूरी तवज्जह नहीं दे सकी। मैं चाहता हूँ कि आयन्दा गवर्नमेंट हाउस में यह जवाब न दे सके कि अमल इसलिये नहीं हो रहा है कि उसके पास स्टैटिस्टिक्स नहीं हैं। यह मिसाल गवर्नमेंट के पास मौजूद है। अगर यह मिसाल नहीं होती तो भी मैं बहुत सी मिसालें जानता हूँ कि जिनमें इस तरह का सलूक होता है। लेकिन गवर्नमेंट यही कहती कि हमारे पास स्टैटिस्टिक्स नहीं हैं। इसलिये मैं इस बिल को बहुत जोर से सपोर्ट करता हूँ और चाहता हूँ कि यह बिल पास हो।

इसको सपोर्ट करते हुए यह मैं जरूर महसूस करता हूँ कि "ऐनी मीटर" इस लफ्ज से मामला बहुत काफी वाजह हो जाता है। लेकिन साथ ही यह भी बात है कि इसके अन्दर पहले लफ्ज "स्टैटिस्टिक्स अबाउट ऐनी मीटर" न होते तो जिन मामलों में स्टैटिस्टिक्स नहीं हो सकते वे इसमें नहीं आ सकते। अगर "ऐनी मीटर" न लिखा जाय तो गवर्नमेंट को



[पंडित ठाकुर दास भार्गव]

इसके अन्दर काफी ज्यादा डिटेल देने पड़ते और पता नहीं वह डिटेल काफी भी होते या नहीं। इसलिये मैं नहीं घबराता हूँ कि लफ्ज "ऐनी मैटर" इतना वाज़ह लिख दिया गया है। मैं तो चाहता हूँ कि गवर्नमेंट इस पर अमल करे और मैं खुश हूँ कि गवर्नमेंट ने इस को रखा है। यही दिक्कत लेबर मैटर्स में भी आई थी और उस में गवर्नमेंट को महसूस करना पड़ा और चन्द मामले दर्ज करने पड़े और बाकी उसमें दाखिल नहीं हो सके, क्योंकि उन्होंने लेबर के बारे में 'ऐनी मैटर' लफ्ज पसन्द नहीं किया।

चुनांचे एक अमेंडमेंट मेरी इस में है और कई एक अमेंडमेंट दी गयी हैं जिन के बारे में यह बिल साइलेंट (मुग्ध) था। इस वास्ते इस लफ्ज "ऐनी मैटर" से मुझे कोई घबराहट नहीं है। मुझे घबराहट है तो एक और चीज़ से है जिस का हवाला हमारे मोअज्जिज दोस्त श्री ऐन० सी० चैंटर्जी साहब ने दिया और बाद को श्री तुलसीदास किलाचन्द जी ने जिसका हवाला दिया।

[SHRI PATASKAR in the Chair]

जनाब वाला, जब कभी हम किसी गवर्नमेंट को पावर्स देते हैं तो हम चाहते हैं कि गवर्नमेंट को पूरे पावर्स मिलें और हम चाहते हैं कि उन पावर्स का जायज़ इस्तेमाल हो। लेकिन कौन ऐसा शरूस् हाउस में है जिसका तजुर्बा नहीं है कि बहुत से मामलों में गवर्नमेंट जब उन का इस्तेमाल करती है तो बहुत से आफिसर्स ऐसे होते हैं जो कि उन को अब्यूज (दुरुपयोग) करते हैं। तो इस चीज़ को हमें देखना है। इस हाउस में हम पावर्स तो दें, लेकिन ऐसी हालत ज़रूर बना दें कि वे पावर्स अब्यूज न की जायँ। मैं चाहता हूँ कि स्टैटिस्टिक्स के बारे में और दूसरी चीज़ों के बारे में पूरी पावर्स गवर्नमेंट को मिलें,

क्योंकि स्टैटिस्टिक्स न होने की वजह से हर एक चीज़ का इन्तज़ाम नहीं किया जा सकता। लेकिन ताहम कौन ऐसा शरूस् है जिसके तजुर्बे में नहीं आया कि चाहे जब गवर्नमेंट के अफसरान इस तरह से सैकशन्स को कंट्रोल करते हैं (धाराओं का अर्थ लगाते हैं) इस तरह से पावर्स का इस्तेमाल करते हैं जिस से कि लोगों के हकूक पर असर पड़ता है। इसलिये जहां हम चाहते हैं कि गवर्नमेंट की पावर्स पूरे हों, वहां हम यह भी चाहते हैं कि लिबर्टी आफ सबजेक्ट्स (प्रजा की स्वतन्त्रता) में इस तरह से नावाजिब इंटरफीयरेंस (हस्तक्षेप) न हो। लोगों को यह महसूस न होना चाहिये कि उनके हकूक छीने जा रहे हैं। इस वास्ते हर एक चीज़ में बैलेंस (सन्तुलन) करना पड़ता है, ज्युडीशियल बैलेंस करना पड़ता है कि गवर्नमेंट को इस तरह से पूरे पावर्स दें तो साथ ही इस तरह से रैस्ट्रें (निबन्धित) भी कर दें कि जिस से लोगों की वंगेरीज (दुष्कल्पनाओं) की वजह से खराब असर पैदा न हो सके और उनका बेजा इस्तेमाल न हो सके।

इस वास्ते जब मैं चाहता हूँ कि गवर्नमेंट किसी भी बारे में स्टैटिस्टिक्स के बारे में हुक्म दे, किसी आदमी को हुक्म दे, किसी कर्मशियल एण्ड इंडस्ट्रियल कंसर्न को हुक्म दे कि वह अपने स्टैटिस्टिक्स भेजे और मैं समझता हूँ कि जिनको ऐसा करने का हुक्म मिले, वह उसे मूहैया करे और यह जायज़ हुक्म है और जो शरूस् इसकी तामील नहीं करता, शरूस् तौर पर तामील करता है या इस तरह से तामील करता है जिससे देश का इंटरेस्ट सर्व (लाभ) नहीं होता है, ऐसे फाल्टी लोगों के लिये हमने इस बिल में पेनाल्टीज प्रोवाइड की (अर्थदण्ड का प्रवन्ध किया) है क्योंकि उस हालत में वह मुज़रिन

है और उसको सजा दी जायगी। इस सिलसिले में मोरे साहब ने जो तनक्रीद की है उसको मैं आगे चल कर देखूंगा कि वह कहां तक जायज है। हमें देखना चाहिए कि हमने पेनाल्टीज की दफा में उन अफसरों को क्या पावर्स दी हैं और क्या उनके पास इतनी पावर्स हैं कि वह उनका मिसयूज कर सकें, हमें देखना चाहिये कि हम उन अफसरों को क्या पावर्स देते हैं और आया वह लोगों को खामखा पेनेलाइज कर सकते हैं या नहीं। दफा पांच की रू से स्टैटिस्टिक्स अथारिटी को हमने यह पावर्स दी हैं कि वह किसी भी इंडस्ट्रियल या कर्मशियल कंसर्न से स्टैटिस्टिक्स के बारे में इनफार्मेशन (जानकारी) या रिटर्नस दरियापत कर सकती है, यह पावर्स जो दफा पांच में दी गयी हैं बड़ी वाज्जे और जामे हैं, और इस दफा के अन्दर सारी चीजें मौजूद हैं और वह किसी भी पर्सन (व्यक्ति) या कंसर्न (संस्था) से इस तरह की इनफार्मेशन या रिटर्नस मांग सकते हैं, इस सब के वास्ते प्राविजन मौजूद है।

लेकिन जहां तक दफा ६ का ताल्लुक है मुझे यह जरूर तसलीम करना पड़ता है कि उसे देख कर कुछ हैरानी पैदा होती है। दफा ६ जो राइट आफ एक्सेस टु रेकार्ड्स आर डाक्यूमेंटस् (अभिलेख तथा दस्तावेज देखने का अधिकार) के मुताल्लिक है उसके ऊपर गवर्नमेंट को जरूर फिर से गौर करना पड़ेगा। हम यह जानते हैं कि कई सूरतों में लोग सही स्टैटिस्टिक्स अपने प्राइवेट (निजी) फवाद के खातिर नहीं देना चाहते, खसूसन ऐसी इंडस्ट्रीज जो नाजायज फायदा उठाती हैं और जो अपनी सही कास्ट नहीं बतलाना चाहतीं, जो अपनी बहुत सी बातें छिपाना चाहती हैं और जिसके कारण कंज्यूमर्स को नुकसान होता है, ऐसी हालतों में मैं चाहता हूं कि गवर्नमेंट को इस तरह की

पावर हासिल हो जिससे वह उन लोगों से सही स्टैटिस्टिक्स और रिटर्नस् हासिल कर सके, लेकिन मैं अदब से अर्ज करना चाहता हूं कि जब तक यह न साबित हो जाय कि कोई शस्स या इंडस्ट्रियल कंसर्न दफा पांच के अन्दर जो स्टैटिस्टिक्स और रिटर्नस् उसको दाखिल करने का हुकम दिया गया है, वह उसकी ठीक तरह तामील नहीं करती, सही इत्तिला देने से वह शस्स इंकार करे या ऐसे स्टैटिस्टिक्स दे जिनके ऊपर एतबार न किया जा सके, तभी दफा ६ का इत्लाक होना चाहिए और उस हालत में गवर्नमेंट यह हुकम जारी कर दे कि उस शस्स के घर में या फैक्टरी की प्रीमिसेज में दाखिल हो जाय और वहां जाकर उसके जो रेकार्डस् और डाक्यूमेंटस् हों उनको देखने की कोशिश करे और सही इत्तिला इकट्ठा करने की गरज से उनसे सवालात पूछे। इसके अलावा मेरी अदब से गुजारिश है कि दूसरी हालतों में स्टैटिस्टिक्स अथारिटी को यह पावर नहीं होनी चाहिये कि वह एक आदमी के घर में या उसकी फैक्टरी में जाकर डाक्यूमेंटस् को तलाश करे और उससे पूछताछ करे, क्योंकि फंडामेंटल राइट्स के मुताबिक हर एक आदमी का घर और उसकी बकिंग प्लेस ऐसे हमलों से मुबर्रा होती है और इस वास्ते यह सेफगार्ड करना बहुत जरूरी है कि कथलेसली दफा ६ का इस्तेमाल न किया जाय, दफा ६ का इस्तेमाल तभी किया जाय जब दफा पांच के मुताबिक कोई शस्स या कर्मशियल कंसर्न अपने रिटर्नस् सही सही दाखिल नहीं करते हैं या इंकार करते हैं। और जैसा मेरे भाई श्री तुलसीदास किलाचन्द ने फरमाया कि कई सूरतों में इस दफा ६ में दी गयी पावर्स को ऐबयूज किया जा सकता है।

स्टैटिस्टिकल अथारिटी को दफा ६ का प्रयोग तभी करना चाहिए जब वह देखे कि

[पंडित ठाकुर दास भार्गव]

ऐसी इनफारमेशन दफा पांच के जरिए उसे नहीं मिल रही है और जिसके न मिलने से पब्लिक इंटरेस्ट को नुकसान पहुंचेगा, तभी उसको दफा ६ के मुताबिक हुकम जारी करना चाहिए कि उस शस्स या कंसर्न की प्रीमिसेज में एक्सेस हासिल करके उसके डाक्यूमेंट्स रिटर्नस् और इनफारमेशन को देखे और इकट्ठा करे और उनसे पूछताछ भी करे। मैं अदब से अर्ज करना चाहता हूं कि दफा ६ की जो बडिंग (शब्द रचना) है, मैं उस का बहुत अच्छी तरह से नहीं समझ सका, उसमें लिखा है :

"The statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act....."

सिर्फ एक्सेस का हुकम देने से ही और किसी की प्रीमिसेज में दाखिल होने का राइट देकर ही आपका मकसद हासिल नहीं होता, क्योंकि अगर मौक़े पर जाकर भी आप को ठीक ठीक इनफारमेशन नहीं मिलती या वह शस्स मौजूद न हो तो क्या किताबें और डाक्यूमेंट्स जो वहां पर मिलेंगी वे बोलेंगी, ऐसी हालत में इस दफा के अन्दर यह चीज़ साफ़ होनी चाहिए थी और इसका लाजिकल कौंसीक्वेंस (परिणाम) यह होना चाहिये था कि अगर वहां मौक़े पर कोई शस्स मौजूद न हो और इनफारमेशन देने वाला न हो तो उन डाक्यूमेंट्स को सीज कर लें और उन डाक्यूमेंट्स से नफारमेश हासिल कर लें किसी को पकड़ना तो हमारा मकसद नहीं है थसल में मैं यह तो इनफारमेशन लेने का हूँ। अगर जवाब देने वाला वहां पर मौजूद

न हो और किताबें और दूसरे में तलब के कागजात वहां पर पड़े हों, और स्टैटिस्टिक्स इस किस्म के हों कि जिनका न आना prejudicial to the public interest (लोगों के हितों को बाधक) हो और नुकसान पहुंचता हो उस सूरत में गवर्नमेंट को चाहिए कि लाजिकली प्रोसीड करना चाहिए और अथारिटीज को अस्तित्व दे कि वह वहां जायं और अगर वहां वह शस्स जो इनफारमेशन दे सकता हो मौजूद न हो, तो वहां मिले हुए डाक्यूमेंट्स और दूसरे कागजात को सीज कर लें और इनफारमेशन और सही सही रिटर्नस् मालूम करने के बाद वह कागजात उनको वापिस कर दिये जायं। इसलिये जनाव वाला जहां हम दफा ६ में यह लफ़्ज़ देखते हैं "shall have access" इसके साथ ही अब तक आप स्टैटिस्टिक्स अथारिटी को यह अस्तित्व न दें कि वह जाकर उन खास हालतों में जिनका मैं पहले जिक्र कर चुका हूँ, किसी शस्स के मकान में दाखिल हो सके और उसके डाक्यूमेंट्स और दीगर हिसाब किताब की किताबों को पकड़ सकें उस वक्त तक यह दफा ६ बेमानी हो जाती है। हमें इसके बारे में बिल्कुल साफ़ होना चाहिए। Ask questions : from whom ? In respect of what ? हमको बिल्कुल साफ़ अपने दिमागों में रखना है, साफ़ लिखना चाहिए कि किन लोगों का फ़र्ज है कि जवाब दें, किन बातों का जवाब दें और अगर उसका जवाब भी न मिले तो क्या किया जाय, मुझे अदब से अर्ज करना है कि मौजूदा दफा में इसके वास्ते कोई प्राविजन (प्रबन्ध) नहीं है। अगर कोई शस्स मौजूद नहीं है, तो इसमें कोई प्राविजन नहीं है जिस से इनफारमेशन हासिल की जा सके और इसलिए इसका प्राविजन किया जाना जरूरी है

में अर्ज करूंगा कि इसके आगे क्लॉज ८ (२) जो इस तरह है :

"Wilfully furnishes or causes to be furnished any information or return which he knows to be false"

"श्री मोरे साहब ने इसके मुतालिक जो हाउस की तवज्जह दिलाई मैं उनसे एक बात में पूरा इतिफाक करता हूँ कि इस फिलवाक्या "wilfully" लफ्ज की कतई जरूरत नहीं है।

"Furnishes or causes to be furnished" काफी है।

**The Minister of Commerce (Shri Karmarkar):** What is the meaning of 'filvakiya'?

**Shri Tek Chand (Ambaia-Simla):** As a matter of fact.

**पंडित ठाकुर दास भार्गव :** Wilfully

मेरी अदब से गुजारिश यह है कि :

"If any person furnishes or causes to be furnished." Can he furnish a thing without being willing to furnish it? Can he furnish a thing without doing a thing which has the effect of furnishing?

Wilfully obstructs—it has got some meaning. Furnishes is equally good as causes to be furnished. Then about the words 'which he knows to be false'.

जहां भी यह अलफाज है "व्हिच ही नोज टु बी फाल्स" अगर उस को पता है कि वह झूठ है, और वह उसे फर्निश करे, और उसके बाद "विलफुली" हट जाय, तो जुर्म तो उतना ही हो गया, जुर्म हो गया उस को झूठ बताने का, लेकिन फिर भी आप उस का ज्यादा कुछ कर नहीं सकते। इस लिये आप को दो चीजें रखनी चाहियें, वरना हर एक आदमी बच जायेगा "व्हिच ही नोज टु बी फाल्स" इज नाट सफिशिएन्ट। अगर हम यकीन करते हैं कि यह चीज झूठ है तो बजाय खुद करने के कसी दूसरे आदमी के जरिये फर्निश करा देते

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हैं। यह उतना ही खराब फेल है जितना खराब कि वह फेल जिसे कि हम जानते हैं कि झूठ है। इस लिये मोरे साहब का क्रिटिसिज्म बिल्कुल जायज है कि "व्हिच ही नोज आर बिलीव्ज टु बी फाल्स" जब तक आप 'बिलीव्ज' का लफ्ज नहीं रखते उस वक्त तक यह कानून बेमानी होगा, क्योंकि यह साबित करना होगा कि "ही निउ इट टु बी फाल्स"। जनाब मुलाहिजा फरमाये कि आई० पी० सी० की दफा १९१ और १९३ में यह तीनों चीजें लिखी जाती हैं "व्हिच ही नोज टु बी फाल्स, आर बिलीव्ज टु बी फाल्स, आर इज नाट बिलीव टु बी ट्रू।" लेकिन मैं अर्ज करता हूँ कि "इज नाट बिलीव टु बी ट्रू" ज्यादा सक्त है क्योंकि यह तो स्टेटिस्टिक्स का मामला है, लेकिन जहां तक 'बिलीव्ज' का मामला है यह जरूरी है कि यह लिखा जाय कि "व्हिच ही नोज आर बिलीव्ज टु बी ट्रू।"

अगली चीज में यह अर्ज करना चाहता हूँ कि कि इस क्लॉज ८ के अन्दर

(b) "impedes the right of access to relevant records or documents or the right of entry conferred by section 6".

हमारी कामर्स मिनिस्ट्री एक नया लफ्ज इस्तेमाल करती है दफा ८ में।

(b) "Impedes the right of access to relevant records or documents or the right of entry conferred by section 6." What is the meaning of it? The wording is "wilfully obstructs" in the section 186 of the Indian Penal Code. I know of many other sections also. What is the meaning of saying "Impedes the right of access"? Under the power given in clause 6 any person can say: this person is authorised to go there and is hereby authorised to have access to the record. If any clerk raises an objection, he is 'impeding' his right of access. Or if some other person says "My master is not here, please do not come", is he 'impeding' the right of access?

This is a new expression in law and would require judicial interpretation. If clause 6 is changed to an extent,

[पंडित ठाकुर दास भार्गव]

this need not come and other words which are in the Indian Penal Code will have to be used.

मैं इसके आगे चल कर जनाब की खिदमत में दफा ९ के ऊपर अर्ज करना चाहता हूँ क्योंकि उस पर बहुत बहस की गई है। दफा ९ में दो विउज एक्सप्रेस की गई (मत प्रदर्शित किये गए) हैं। नम्बर एक मोरे साहब ने एक्सप्रेस की है जिन की राय दफा ९ के हक में है क्योंकि वह इन्डस्ट्रियल कंसन्स के मैनेजमेन्ट के सिलसिले में है। दूसरी विउ मेरे लायक दोस्त तुलसीदास किलाचन्द ने जाहिर की है जो फरमाते हैं कि इस की भी मनाही होनी चाहिये कि मडरर (हत्यारे) को भी सजा न दी जाय जब तक कि उस के खिलाफ जुर्म न साबित हो। तो कारखाने दार पर क्यों बार सबूत रखा जावे—मैं अर्ज करना चाहता हूँ कि सेक्शन ९ जो है वह दो कम्प्लिकेटिंग विउज के बारे में कम्प्रोमाइज प्रोपोजीशन (मध्यम मार्ग) है और वह इस तरह पर है कि जहाँ तक सवाल किसी ऐसे आदमी का है वह इस दफा २ में दर्ज है :

"notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable....."

मेरी समझ में नहीं आया अब तक कि इस चीज से मोरे साहब क्यों नाराज हैं और क्यों इस दफा दो के मुताजाब खयाल फरमाते हैं। इस के अन्दर वह चीज दर्ज है कि जिस के

वास्ते हम हमेशा झगड़ते रहे हैं और वह झगड़ते रहे हैं कि अगर किसी आदमी की कन्सेन्ट से, कनाइवेन्स से या किसी के कहने से या नेगलेक्ट से जुर्म हो तो गो नेगलेक्ट के बहुत कम जुर्म ऐसे बनते हैं जिन में पेनलाइज किया जा सके, बहुत थोड़े जुर्म हैं जिन में नेगलेक्ट की वजह से आदमी को सजा दी जाय, लेकिन ताहम कल्पेबल नेगलेक्ट होता है जिसमें आदमी का फर्ज है कि वह थोड़ा सर्कम्पेक्शन करे।

**Shri S. S. More:** Sir, I have one difficulty. My friend is an eminent lawyer. I should like to be enlightened on this. How will you prosecute a company and prove that a company, an incorporate body having no physical existence, has committed a particular offence?

**पंडित ठाकुर दास भार्गव :** I am coming to that. जहाँ तक सवाल इस अम्र का है, दफा २ है। Moreover, Company is a person and is answerable for an offence.

**Shri S. S. More:** Sir, I would make a request that he should speak in English. Oftentimes I feel that he is opposing me when as a matter of fact he is supporting me!

**पंडित ठाकुर दास भार्गव :** मैं इस दरखास्त को मंजूर करने से पहले, अपने लायक दोस्त से जो यह फमति है, यह काउन्टर दरखास्त करूंगा कि उन को कोशिश करनी इसकी चाहिये कि वह मेरी टूटी फूटी हिन्दी को समझ सकें।

**Shri S. S. More:** We shall join in that, but not here.

**Shri A. M. Thomas (Ernakulam):** Sir, when he speaks on Bills which are drafted in English it is advisable to speak in English.

**पंडित ठाकुर दास भार्गव :** मेरे लायक दोस्त को यह दरखास्त मिनिस्ट्री से करना

चाहिये कि बिल हिन्दी में छापा करें—मेरी भी यही शिकायत है कि हिन्दी में बिल नहीं छापा करते—पेस्तर इस के कि यह दरखास्त मुझ से की जाय।

**Shri Sarangadhar Das:** I wish to say a word about this, particularly as he wants the hon. Minister to take note of what he says. Unfortunately the two Ministers concerned are not acquainted with the language he speaks. (*Interruption*).

**Mr. Chairman:** It is left to the choice of the hon. Member.

**Shri S. S. More:** With the greatest deference to you, Sir, it is a question of our being able to understand what he is saying.

**Mr. Chairman:** He is free to use any language he likes and I think he is proceeding in his own way.

**Shri S. S. More:** We cannot follow.

**पंडित ठाकुर दास भार्गव :** मुझ को अफ-सोस है कि जो कुछ मैंने कहा उस को मैं इस तरह से अदा नहीं कर सका कि मेरे लायक दोस्त उस को पूरी तरह समझ सकते। लेकिन इसमें कुछ थोड़ा सा कुसूर मेरा है और वह यह कि अपनी स्पीच में मैं बिल्कुल शुद्ध हिन्दी इस्तेमाल नहीं करता हूँ। यह तो आदत का सवाल है। हिन्दी में थोड़े से अल्फाज उर्दू के भी होते हैं। लेकिन चूंकि यह आदत का सवाल है, वह कुछ दिनों के अन्दर बदल नहीं सकती। मैं कोशिश करता हूँ लेकिन ताहम वक्त लगेगा। इस लिये मैं उस जवान में बोलूंगा जिसमें करमरकर साहब कहते हैं।

**श्री करमरकर :** मैं अंगरेजी बोलने के लिये नहीं कहता हूँ, मैं हिन्दी समझता हूँ।

But when he attacks Mr. More's points, he might perhaps speak in English because he does not understand.

**Pandit Thakur Das Bhargava:** Sir, with your permission I shall now speak in English.

**Mr. Chairman:** Rather in deference to the wishes of the House.

**Pandit Thakur Das Bhargava:** I do not want to speak in a language which many of them do not understand, though I will not do so well in English.

**Shri S. S. More:** You do not know your own capacity.

**Pandit Thakur Das Bhargava:** I do not know what my friends think about me.

Sir, I was submitting in relation to sub-clause (2) of clause 9 that as a matter of fact this clause does not countenance a state of things to which Mr. More has addressed himself. In the first place, if a person is a consenting party to a crime or if he connives at a crime or even if the offence is committed by an act which is attributable to neglect on the part of a manager or director etc., it is ordinary law that he is held chargeable, and it is presumed that he has committed an offence. There is nothing inherently wrong in this sub-clause (2) which can be complained about. All that Mr. More says is that this is in conflict with the previous words. He says that these words "Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved.....etc." are in conflict with the previous words. He takes objection to the previous words to which I shall come later when I discuss clause 9(1). But so far as these words are concerned, it would have been better if the words "or is attributable to any neglect on the part of" were dropped. Because it is only in rare cases of neglect that a person commits an offence in the view of the law. Of course under section 304/A neglect is regarded as culpable, but ordinarily it is not. Because in neglect also the mind of the accused does not go with the act and the *mens rea*.

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is absent. Neglect means that the accused does not advert to the act itself. Ordinarily, neglect is not regarded as culpable. Therefore, when it is a matter of neglect it will not be a penal offence. But I will not press this point too much.

In regard to clause 9(1) exception has been taken by Mr. Tulsidas Kilachand that there is an element of vicarious responsibility here. Not only in this but in many other Acts we have found such comparable provisions.

We have found that provisions like this exist and the person in charge of the business of the company is regarded as a person responsible to the Company and to the Government for all practical purposes. It is done with a view to fixing him with liability so that he may do his work with the utmost consideration. The entire liability would be his if the provision to which my friend Mr. More takes exception were not there. Does he want that every person in charge of a company should be held liable even if he is lying ill in a hospital? I hope he does not mean that.

**Shri S. S. More:** I want that that particular section ought to be recast in such manner that the person is made clearly responsible.

**Pandit Thakur Das Bhargava:** I can appreciate the meaning of my friend. I took it that he was rather criticising. I am afraid I was wrong. So, Sir, it appears that apart from the manner or the shape of this section my friend is in agreement with the principle of this section. So his argument melts away.

As regards the question of vicarious responsibility, Sir, I would have been quite happy if that was not there. If this "vicarious responsibility" is not put there with this safeguard it may be possible that the company may not be able to work well in the interests of the public and the good work of the company themselves. So it is very

necessary that some responsibility should be cast upon the principal man and in cases where he is not responsible and an offence is done without his knowledge he can very easily escape. We are making innocent persons the scapegoats by asking the management to produce a person who has committed the crime, when he is missing. The Government has improved the law now. Indeed it has made it much more reasonable. In the main, therefore, I support this clause 9.

As regards clause 8 I have already submitted.

In the end, I would submit that we should not look at this in a pedantic way. I am not opposed to this measure in principle but at the same time I wish that due safeguards are given to them so that the freedom of the people is fully secured to them. I might mention a case of vicarious responsibility in which all the directors were hauled up in Meerut. They were subjected to indignities by being sent to jail for hours before the Court of Appeal gave them freedom. They were very respectable people. This attitude that he is a respectable person and, therefore, he should have vicarious responsibility is entirely wrong in principle. What is the use of these fundamental rights if you make a law like this?

I have never felt during all my life that judicial independence is wanting as I feel now. Except in the Supreme Court and the High Courts, in the mofussil it is badly wanting. We find that people are not so independent now as they used to be before. I say it with regret that in our days of *swaraj* we expected that judicial officers will be much more independent but now there is a police raj practically. If this is so then no arbitrary powers should be given to the Government by which the liberty of the people may be put into jeopardy. I, therefore, request the hon. Minister, with all the emphasis at my command, to look into the



matter and agree to give at least to innocent people safeguards in which while they must ensure that the authority is quite safe in the exercise of these rights which we are giving, at the same time it will not be able to inflict any injury on any individual. I am anxious, Sir, that so far as the liberty of the subject is concerned it may be fully safeguarded.

**Shri H. N. Mukerjee** (Calcutta North-East): I rise to accord my general support to the Bill before the House but I am afraid I must say that the provisions of the Bill suggest our Government's characteristic hesitancy and its lack of a comprehensive approach in regard to the very serious problem of the collection of statistics.

At this stage I propose to confine myself purely to a general discussion of the issues raised by this Bill and I expect that at a subsequent stage of the proceedings attempts would be made, I hope with some success, to tighten up certain of the provisions which have been included in this measure.

I am happy that the Government has realised its lack of authority in the matter of the collection of statistics which came out as a criticism in the instance of the attempt to find out the position by means of a questionnaire on statistics regarding Indian employees in foreign firms. Now in the Statement of Objects and Reasons it is said very rightly that Government ought to be armed with better authority in order that foreign firms, who had been approached earlier for supply of statistics to Government and had not behaved in a way they should have done cannot go on in this way with impunity. This matter has already been referred to by my hon. friend Mr. N. C. Chatterjee, but I would like to repeat that Government's feet of clay were revealed rather unhappily in this instance of the attempt to find out facts about Indian employment in the foreign firms. Now this came out firstly over the questionnaire. The questionnaire, about

which the Bengal Chamber of Commerce (which is dominated by foreign agency) had the presumption to say that fortunately the questionnaire had been "helpfully framed and therefore, they hoped that "this squall will pass over". Actually that squall passed over smoothly. Since these foreign interests were interested, the squall passed over. Even though my hon. friend, the Minister for Commerce and Industry, has occasionally made some very brave speeches about the measures which he is going to take against recalcitrant foreign interests in this country, actually the foreign interests in this country have as good as an assurance that they are going to rule the roost as long as they have the cleverness and the subtlety to cloak their operations in a manner which Government does not wish, or is not capable to penetrate. Sir, this lack of policy which followed the answers, the very inadequate answers which came to the questionnaire supplied by Government, is a matter to which I want to draw the attention of the House and especially of the Government.

Now, Sir, I found on the first day when we met in this session that in answer to a question of Mr T. K. Chaudhuri the Minister for Commerce and Industry stated that there was no "gentlemen's agreement" with any foreign firms regarding an assurance about a proportion of Indian employees being compulsorily appointed. This is a matter to which I wish to draw the attention of the House because this question was agitated in the papers. It was reported that there had been some sort of an understanding. Actually, the hon. Minister for Commerce and Industry made a speech before the Associated Chambers of Commerce last December where it appeared that he had a kind of understanding in mind. He pleaded that at least 50 per cent. of the insurance business and a large percentage of the shipping business of foreign concerns should go to Indian concerns and he had also expressed a hope that these foreigners when they are get-



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ting the treatment which we accord to our own nationals—should act according to the responsibility imposed by this generosity on the part of our Government.

Apart from that, I find that in the Commerce of the 30th May, 1953, there was a very specific statement that about 60 of these foreign concerns had given a kind of assurance or come to a gentlemen's agreement that they would try as far as possible to appoint Indian employees for every single vacancy except for such technical jobs as could not be tackled by Indian employees available at the moment. There was thus talk about a gentlemen's agreement. But, I am sure it did not mean very much. Besides, a gentlemen's agreement, if it had been arrived at or not, is not material. I am not at all surprised that this was the upshot of the Government's attempt to find out what exactly was the position as far as Indian employees in foreign firms were concerned. This, I submit, is due to the fact that there is a basic inconsistency in our position. Government did show at one time, as a result of popular pressure, a certain amount of enthusiasm for Indianisation. But, Government has, at the same time, a policy of attracting foreign capital on, unfortunately, the foreigners' own terms. There is this contradiction. If you are going to attract foreign capital on the foreigners' own terms, then, surely you cannot advocate compulsory Indianisation, as far as possible, of executive posts in foreign concerns. I would say that, just as in the sphere of our foreign policy, so here also we are daily being confronted with glaring contradictions. On the one hand, our people, and our Government also sometimes reflecting the desire of our people, say that such and such a course of action ought to be adopted in regard to Egypt, for example, which came up this morning in the Question Hour.

There is the other phenomenon that our Government is bound down by

certain other obligations and commitments in the international sphere which disable our Government from proceeding with the right international policy which it ought to espouse. Actually, in the economic sphere, if we are going to wait for the good pleasure of the foreign capitalists, who would be sending their capital to us to keep us contented and grateful for ever and ever; if we take that attitude towards the foreign capitalists, surely we cannot adopt in regard to them the kind of measure which the country expects the Government to do. But, still I am happy that Government, at any rate, has realised its sense of responsibility in this matter to a limited extent—at least the Statement of Objects and Reasons puts it very clearly that the experience of the attempt to collect statistics from foreign concerns was rather unhappy—and that some attempt is being made through the instrumentality of this Bill to correct this deficiency.

There is one other very general matter to which I wish to make reference, and that is in regard to the collection of statistics. It is a very important subject because we have read in the report of the Planning Commission umpteen times that the work of planning is being hampered and hindered because of the lack of adequate statistics. I think if a statistical effort is made to find out from the report of the Planning Commission the number of times where reference has been made to the inadequacy of our statistics, that would be a most interesting and revealing study indeed. Therefore, I believe that it is very important that Government should try to take this House into confidence regarding the steps which they propose to take about the collection of statistics. I mention this matter because, lately, some very unsavoury controversies have come to light regarding the collection of statistics. We all know about the work of National Sample Survey. When the first report of National Sample Survey was issued

it created quite a sensation, because its estimate of production of foodgrains was greatly in excess of the official estimate which has hitherto held the field. I have got the discrepancy here. For the year 1950-51, the National Sample Survey had computed the total consumption of foodgrains at 60.16 million tons. But, the official figure for production in that year was 48.15 million tons. Excluding gram which was not consumed as human food, it was 44.8 million tons. There was thus a difference of over 35 per cent. This kind of difference created quite a sensation at that time and naturally people made not very graceful comments regarding the position of our present collection of statistics. I have nothing specially to say against the Indian Statistical Institute, which, I am sure, on many occasions, has done very important work. I have nothing against the National Sample Survey as such except that I consider that the work of National Sample Survey has not been followed up in the manner in which it was promised it would be followed up. For example, the question of finding out the margin of error has not been pursued. Unless that question is pursued, we do not really have any valuable conclusions and deductions from the report of National Sample Survey. Actually, the second report of the National Sample Survey is overdue; we do not know what actually is going to happen. In the meantime, a very unsavoury controversy has arisen between the Indian Statistical Institute at Calcutta which was entrusted with the work of this National Sample Survey and the Gokhale Institute of Poona of which Prof. Gadgil is the head. These two organisations, which should have been complementary to each other, which should have co-operated in the task of furnishing materials on the basis of which the enquiry into national income could be completed—the first report on national income came out two years ago and nothing has been heard of it since—are at logger heads. Prof. Gadgil has issued a statement which is extreme-

ly disquieting. I do not want to go into the merits of the matter because we are not in possession of all the facts and we cannot really pronounce any opinion on the merits. But the fact that under governmental auspices there are two statistical institutes at logger heads, that this unsavoury statistical struggle is going on, is something of which we ought to take note specially at the time when a Bill for the collection of statistics is before the House. Prof. Gadgil is extremely critical of the idea underlying and the purposes of National Sample Survey. He has also referred to the different agencies which the Government has in its different departments for the collection of statistics. These different agencies, I am sure, have done very important work and I hope they will continue to do their valuable work. But, a fear has been expressed that there might be an attempt to centralise the collection of statistics in a manner which would not really help the interests of the country as a whole. Prof. Gadgil has gone very far in his reference to this matter. He has talked about the different governmental agencies which carry on routine administrative operations and in the course of such operations, collect statistics. He says that now a sort of an all-purpose national sample survey is going to be undertaken and adds:

"This will necessarily lead it to encroach on sphere after sphere in an extensive imperialist drive."

These words 'imperialist drive' have been used by a very eminent economist who is also something of a statistician. He expresses serious misgivings regarding what is going to happen. I do not want to take sides in this matter, because I am not competent to do so. I have not got all the materials before me. I cannot even make an effort to find out where justice lies. But this is, surely, a matter of very great importance. Our entire economic planning is contingent upon the collection of statistics. Unless the

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collection of statistics is placed upon a really sound basis, nothing really germane to the economic progress in our country will ensue. Therefore, I say that I welcome this measure of Government to tighten up its authority and extend its authority in regard to the collection of statistics from private agencies, firms, companies and so on, Indian as well as foreign. I wish that, as soon as possible, Government brings forward further legislation or at least informs this House regarding what it is actually doing about a comprehensive and accurate collection of statistics in the different departments of our economic life.

Of course, I know, that there would be an assurance given from the Government Benches that something is being done. But, in spite of my very short experience of parliamentary life, these assurances are falling rather flat because they do not seem to be implemented usually by the kind of action which we expect. At any rate, I can do no better than just express my expectation and wish that the Government should come forward with comprehensive statements and comprehensive legislation, if it is so advised, regarding the collection of statistics. I wish the Government does pursue the task, which it had taken up very haltingly when it tried to collect statistics about Indian employees in foreign firms, and try to put into operation this measure before us. I hope also that the House would tighten up particular provisions in such a way that those who want to evade the responsibility of supplying statistics are not allowed to get away with it.

**Shri Tek Chand:** I rise to support the policy underlying this Bill. There is no denying the fact that statistics are a vital necessity for a growing economy like ours, and that paucity of statistics can lead to unfortunate results. Inaccurate estimates may be harmful. There may be other miscalculations. Therefore, every conceivable power that the Government

should have for the purposes of collecting facts, and eliciting information, should be given to the Government willingly and wholeheartedly. But, the Bill, as in some parts it is worded, requires reconsideration and certain clauses need recasting. So far as the fears expressed by my hon. friend Tulsidasji are concerned, to my mind, these fears are more illusory than real.

In clause 3(a) and 3(b) it is said:—

“(a) any matter relating to any industry or class of industries;

(b) any matter relating to any commercial or industrial concern or class of commercial or industrial concerns and in particular any matter relating to factories”.

He has not examined carefully the words that precede and the words that follow; i.e., “statistics shall be collected on any matter relating to any industry or class of industries”. That is to say, the enquiry is going to be converged to both commercial and industrial concerns. No doubt, that enquiry would span every conceivable branch. That is as it should be. Therefore, it is not that the officer in charge of statistics is going to have a roving enquiry into the private affairs of those who are running the concerns. There is no such thing. Statistics are to cover all those matters which Government consider worthwhile and which have a bearing on the commercial or industrial activities of that particular undertaking. Therefore, clause 3 using the words “any matter” is not as drastic as it is alleged to be. But I have my apprehensions regarding the lucidity of the language involved in the penal clauses, viz. 8, 9 and 10. I am inclined to be in humble agreement with Pandit Thakurdas Bhargava as to what he says about the language “impedes the right of access to records”. In matters of prosecution where precise language is the desi-

deratum it may be difficult either to successfully prosecute the guilty people or you may be prosecuting those who are not, to be prosecuted.

There is another matter and that is as to the punishment. The punishment imposed in the case of such offences shall range up to Rs. 500 but in the case of subsequent offence the punishment becomes an additional fine of Rs. 200 for each day during which the offence continues. To my mind it is not in consonance with the principles of penal law. So far as clause 9 is concerned, which is the basic clause for purposes of offences by companies and by others, that needs recasting because it indicates a very serious departure from the well-known canons of criminal jurisprudence. One basic rule of criminal jurisprudence is *Actus non sit Reus, Nisi mens sit rea*, that is no act is considered penal unless it is followed by a guilty intention. Therefore, the guilty man is the one you shall punish; not a negligent man, not a clumsy man, not a careless person. No doubt, there are occasional departures where persons though not guilty in mind, though their intention is not criminal, nevertheless because of the serious exigencies of the action involved, man have to be punished in order that they will be on the alert. There is in such a case, an understandable departure from the basic principle but in this case not only persons are going to be punished who have deliberately departed from the letter of the law but also for their neglect. But, negligent act should not become the subject matter of criminal conviction, this is abhorred by criminal jurisprudence. Therefore, to that extent there appears to be a very serious departure from those well-understood laws, which govern cases of punishment for crimes.

Then again there is another contradiction so far section 9(1) is concerned. It is understandable that you have a right to punish the company.

That is something known and then you are also punishing persons who are responsible to the company for the conduct of the business of the company as well as the company and then it proceeds to say that such a person or the company shall be deemed guilty of the offence and shall be liable to be proceeded against. To that extent I do not find fault with the Bill. But, clause 2 to my mind contradicts what is stated above. That is to say, you are punishing the persons who are responsible to the company in the first part and then you go back again and say "notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been due to negligence on the part of a director, manager, etc. he shall also be deemed to be guilty of that offence. Thus in the earlier part you are going to punish those persons only who are wilfully guilty and in sub-clause (2) you go back on what you have stated in sub-clause (1) and say that for mere negligence as well you are going to punish. I am sure the framers of this Bill if they were to concentrate will be in a position to bring out an improvement whereby the object of the Bill may be incorporated without involving any contradiction. Then again, not only criminal jurisprudence abhors punishing people who are not deliberately, knowingly or intentionally guilty but who are guilty of negligence. But, criminal jurisprudence also abhors punishing people vicariously. To some extent vicarious punishment in the case of crimes may be involved. That is understandable but on the whole if you punish people for no fault of theirs, but for that of some other person my respectful submission is, it will be a serious departure from the well-known and well-understood principles of criminal law. In clause 10, so far as the officers in charge of collecting statistics are concerned, they will be punished only for wilful disclosures. Why should the officers not be punished for

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negligent disclosures? If they are giving out information which they have no right to give, which they ought not to give out, which they are enjoined to keep confidential, in their case, you will punish them only on the rare occasion when you are in a position to establish that they have wilfully disclosed the information. Therefore, if negligence were to be treated as part of an offence for this Bill, then gross negligence or culpable negligence should certainly be made punishable so far as divulging of information improperly by the persons in charge of statistics is concerned. Therefore, in any case, if you include punishment for deliberate acts or for gross negligence, it would be perhaps in the fitness of things to include officers among persons liable to punishment. With these remarks, I support the general principle underlying the Bill.

**Shri Joachim Alva (Kanara):** This is but the beginning, beginning in the sense that rupees 160 crore approximately are remitted every year from the gross earnings of foreign firms in India.

I raised the matter of the foreign firms in the Provisional Parliament of India and I blacklisted 13 mighty firms. I may even mention them by name without any difficulty—Firestone, General Motors, Bird & Co., Andrew Yule & Co., J. Walter Thompson; the others I cannot remember today—and at that time when I raised this matter on this floor, not one journal in India dared to publish any particulars of my speech, the reason being that the entire Indian press is under the hegemony of the foreign firms, of the rupees five crore of advertising that goes down the gullets of the Indian journals, and the only paper that dared to publish my speech was my own paper, the *FORUM*, with the result that three foreign firms—especially Firestone, I make bold to say, and Imperial Chemicals—which till then advertised in my paper, cut out their advertising. I make no

bones about it, but I want to say that the Indian press which was noted for its patriotism, character and guts, at the worst period of our history under the British, could not stand up to foreign firms where rupees, annas and pies were concerned—I mean even leading journals which have led public opinion in this country. As long as Indian advertisers, as long as Indian businessmen do not come into their own, as long as they feel that their duty is absolved with spending half a crore every year, as long as Lever Brothers which rules half the world, which rules Nigeria, Africa and other countries, and which is trying to raise its head in this country, and perhaps might become another East India Company, is permitted to spend rupees 70 lakh in advertisement and raise its mighty head to the detriment of our own soap concerns, we have no future.

I said we have made a beginning because the Government of India was still groping in the dark. They did not know how to proceed in the matter. After all, they had to proceed cautiously. After all, they have to be armed with powers. The Government of India is seeking foreign aid, foreign capital, and does not want to get a bad name abroad that it is out to expropriate foreign firms, though there is a good bulk of opinion in this country wanting to confiscate foreign capital. As I said, rupees 160 crore are exported out of this land every year. But what about the Indians employed in those firms? The Government of India is seeking powers, to have those powers in its armoury, and the powers are merely statistical, merely informative. We want to know how many young men are employed in those firms. Our young men go to England, America, Germany, get training in scientific and other technical subjects and come back without being able to find a job of dignity when the Government avenues are perhaps closed. This subject of foreign firms is going to be very, very important. No other party in

India gained more by partition of the land than these foreign firms. Perhaps, foreign firms gained the most. They strode India like a Colossus, went out to Pakistan and opened branches. Even as it is, I blame the Commerce and Industries Minister if, as the rumour goes, Lever Brothers has been given permission to open another factory which is to the detriment of small factories, which will be wiped out and will go to the wall—not because we do not take bath. The Hindus are noted for keeping the sanctity and cleanliness of their bodies, and they had their baths with or without soap, with or without soapnut. So, we do not want Lux or other things to be strewn into our land so that the money may go out of our land.

I remember when I went down to Calcutta after I raised the matter of foreign firms. I visited Bird & Co. I just went and saw their board and was shocked to see there were nearly 200 foreign names, and hardly two or three Indians. One of them was a Knight of the British Empire and retired I.C.S. mah. Bird & Co., and Andrew Yule & Co., are the remnants of the East India Company on the banks of the river Hooghly. The empire of the British may have been washed away after Independence, but their economic policy does not show any signs of decay and continues as strong as ever.

The Government of India has done the right thing; the enterprising Commerce Minister and the Minister of State have started well. They wanted statistics, and they were able to get information from 1,200 firms. These firms sent out information as to how many of our young men were there now, how many old Indian hands who have spent all their days, 30, 35 or 40 years, who have been placed at the end of their careers on a salary of Rs. 1,000. As against that, 1,300 foreign firms have not supplied any information. They say: "We refuse to supply information. You do what you like. We shall blackmail you into submission".

And this is how our Government goes on.

Take Burmah-Shell. In Paris they have a branch, and I am told the French people told them: "Look here. You have got the Shell Company. You may do whatever you like in South East Asia. Here, the French Government will guarantee your profit; the French Government will guarantee the security of your concern, and beyond that we shall not allow you to employ a single non-Frenchman in your company", whilst in India, the whole of Burmah-Shell, Caltex or any other foreign firm, from top to bottom, in posts carrying over Rs. 1,000, is strewn with foreigners.

When I raised the matter in the Provisional Parliament of India, I fixed the sum of Rs. 1,500. As a test for employment of Indian executives. It is easy to give a man up to Rs. 1,000 when he is retiring after 30—40 years of service. How many Indians are there with that salary in foreign firms? If there are not enough Indian executives in foreign firms which collect rupees two or rupees three crore net profit every year, then it is high time the Government of India should ask how many Indian employees they have at the top. Unfortunately, this morning I did not get a chance, though I wanted to ask the Prime Minister how we could forget Egypt, which suffered for decades because Britain prized the Suez and kept Egypt in bondage so that India may be firmly kept for them. You cannot have a foreign firm in Egypt without Egyptian employees at the top, or without fifty-one per cent. capital of their own, while we are still making a beginning in our land. And if our Government and Ministers are making a beginning, let us give them all the power at our command, let us give a long rope to all these foreign firms to hang themselves, so that sooner or later our young men who have picked up technical knowledge in America, Europe, Germany, Soviet Russia or



[Shri Joachim Alva]

Czechoslovakia or anywhere in any part of the world, may be ready to take up these factories whenever that day comes, may be ten or fifteen years hence, when everyone of these factories shall have to be owned, manned and run by Indians only without an iota of money going out of this land. We have allowed the draining of our national wealth at the rate of rupees 150 crore or even rupees 200 crore every year to go into the treasury chests of European, American and British businessmen, and today the East cries that there shall be a halt. We now know how to run aeroplanes. If our young men can run aeroplanes with safety, ability and diligence, why not we run electric engines or the mighty wheels of any other industry? The secrets of these industries were not known to us. Our great indigenous industries like Dacca Muslin in which we pride ourselves have been ruined by the East India Company. Our domestic, village and cottage industries never got a chance. These foreign industrialists have sat on the apex, at the top of the world, ruining our population, without giving employment to our young men who are trained, who have aptitude, who have knowledge, and who have got the desire and aspiration to run these industries. Today, this Government of India, in a free and independent India, are still trying to please public opinion, whether in the United States or in Britain, and we have gone to the farthest extent in pleasing the foreigners and foreign businessmen. I still know how foreigners come and say, "Oh, you should always know what foreign business means; you will have to come to our country and see how foreign business runs." They refuse to see through our own spectacles, and understand through our own minds. I say, with all the sincerity at my command that this matter of the foreign firms is integrated closely with our economy, as I said on a former occasion on the floor of the House. If by chance, we are thrust in times of crisis or war, then every foreigner in our land will be a saboteur, a fifth

columnist, acting against the security and economic strength of our land. Today, the Government of India are seeking to arm themselves with the minimum, ordinary powers by which foreign companies or firms shall be compelled to give information as to how many Indians they have got. This is merely a thin end of the wedge; we cannot go ahead. Unless we have got light in darkness, we cannot hope to clear our house of the mess. Therefore, I must tell the hon. Minister of Commerce, what you want to arm with by the right arm, do not give away by the other hand. I mean what I say, because when one firm, the Godrejs, who have been known to make strong, impregnable safes are launching on an enterprise to manufacture our own typewriters in our own country, do not give away the advantages, by, on the other hand, allowing foreign firms such as the Remington Company to build up a Remington factory in India. What you secure by the right hand will be washed away by the counter-motion of the other hand. Similarly also in the case of many of our industrial products, if we allow them to be built up in our own land, then by giving free import licences for the same products, you destroy advantages secured by the first method.

These are very important considerations. We shall set our goal ahead. Let us know what our objectives are. Our hands should be clean and above suspicion. Above all, we must clearly know the methods we are adopting, though they may be slow, and may take a long time to yield fruit. Thus we shall build up an effective economy of our own.

Shri Nanadas (Ongole—Reserved—Sch. Castes): Though the Bill before the House is a half-hearted one and restricted in its scope, still I am in agreement with my hon. friends Mr. Mukerjee and Mr. Alva, in welcoming it as far as it goes. It is an established fact that statistics will help to make a scientific study of all problems, and

to have a correct understanding of social and economic problems affecting the people, and thus help to formulate correct administrative policies of state.

I entirely agree with the hon. Minister of Commerce, that the smooth running of the official machinery increasingly depends on an adequate supply of up-to-date statistics, and in a social welfare state, where the Government control and regulate the national economy and many other needs of the people, statistical data are quite essential. But I doubt very much whether this Government are really controlling and regulating our national economy, or whether only a few monopolist capitalists and industrialists are controlling it. The running of the community through its institution of Government and business depends very much on statistical information. It is much more so in our country where industrial production and business management have become concentrated in fewer hands, and the Government's intervention has become an inevitable necessity to plan our economic life.

Planning is the order of the day, and without statistics, planning is inconceivable. Therefore, we must have adequate and up-to-date statistical information on important subjects like national economy, trade, industrial and agricultural production, wages, earnings, housing, employment, unemployment, etc. On all these vital topics, accurate and up-to-date information is necessary. But our present Bill is only a restricted one, and there is no provision in it which will enable us to get such information. The collection and publication of statistical data is largely the function of Government, and more so in a welfare state. But what is the position of our Government's storehouse of official statistics? Can we get full information on all these topics, from the statistical data published by our Government? Can we get accurate information on subjects like trade, industrial and agricultural production, public finance, vital statis-

tics, agricultural statistics, etc.? We shall see presently what kind of statistical data we have on these various subjects that I have mentioned.

The estimates of our Five Year Plan are mere rough estimates, based on guesses and inadequate and scattered data. For instance, on page 14, paragraph 9 of the Five Year Plan, it is stated:

"Very little information is available on the rate of investment and on the trends in national economy in India in the last few decades."

Please note the word 'decades'. The paragraph continues:

"Rough estimates are based on scattered data....."

Again on page 326, paragraph 5, we find

"The information available on the subject of existing small scale industries is extremely meagre."

Mr. Chairman: May I bring it to the notice of the hon. Member that this Bill is intended to facilitate the collection of statistics? Whatever lacunae there may be in the previous statistical data need not be referred to, while considering this Bill.

Shri Nanadas: I am just pointing out the necessity of having comprehensive statistics and adequate and up-to-date information on the various subjects. Often the information that is furnished is not recent enough and so does not throw light on the problem.

Again on page 380, paragraph 2, it is stated:

"Exploration of mineral resources has not been thorough or complete in most cases, and the present estimates are rough guesses."

On page 521, paragraph 102, we find:

"The collection and compilation of vital statistical data are defective in completeness and accuracy."



[Shri Nanadas]

On page 650, paragraph 3, we find:

"There have been no attempts so far for collecting statistical material on employment and unemployment."

"There are many such instances of lack of statistical data, which we find as we go through the pages of the Five Year Plan.

The position, therefore, of our official statistics is very meagre, and not uptodate. Nobody can deny the need to collect accurate and uptodate statistical data on each and every subject that affects the economic and social conditions of our people. Why should not the Government come forward with a comprehensive Bill designed to achieve this object? Why should they come only with a half-hearted measure? I fail to understand the objectives of the Government, in bringing forward this half-hearted measure.

What purpose is it going to serve? What is the definite programme that Government have for collecting and publishing statistics regularly from year to year on industry and commerce? It is not made clear in the Bill. These are the things on which I seek clarification from the hon. Minister. In the Statement of Objects and Reasons it is stated that it is expedient that Government should be armed with powers to compel all concerns engaged in industry and commerce to furnish statistical information, but it is not stated whether the Government have decided to collect and publish statistics regularly. The Government have not taken the responsibility for this purpose and it is also not clear from the Bill how far it will help us to get complete and accurate data with regard to industrial and commercial undertakings. It is not made clear in the Bill whether the statistics mentioned in the Bill are required for regular collection and publication. There should have been a provision in the Bill for fixing respon-

sibility on the Central and State Governments for the regular collection of statistics, but we find none in the Bill. It is left to the sweet will of the Governments concerned. There should also have been a provision in the Bill for the constitution of a Committee consisting of officials, Members of Parliament and experts so that this Committee can see to the proper implementation of the provisions of the Bill and also recommend to the Government collection of proper statistics with regard to other subjects.

Anyhow, though it is a half-hearted measure, in concurrence with the previous speakers, I support the Bill subject to the amendments moved by me, Mr. Nayar and Mr. Bhargava.

**Shri A. K. Dutt** (Calcutta South-West): Sir, I am thankful to you for giving me an opportunity to say a few words on this Bill. I support this Bill. The object of the Bill as stated is:

"Recently, in order to assess the extent to which foreign owned and controlled firms engaged Indians and foreign nationals, a notification calling upon all undertakings to furnish the statistics was issued in all important English daily newspapers all over India. The response to the notification has not, however, been very satisfactory. Though Government can exert pressure to make certain firms submit returns, it is expedient that Government should be armed with powers to compel all concerns....."

The object is no doubt laudable. Although it is a rather belated one, it is not too late. If the Government proceed in right earnest, they can give some redress to the people. I am coming from a constituency which comprises a part of Calcutta and its suburbs. There are a number of middle class educated people there. They want to serve and do any work going about in search for service. They

come in hundreds to us expecting that we being in Government, would be able to give them some help. But our power is limited. The Bengal Government also cannot do anything. They are too full with the refugee problem. The result is that they are getting no redress from Government quarters. There is the other alternative: they can get employment in private enterprise—commercial and industrial. In Calcutta, it is a notorious fact that most of the private enterprises are controlled by foreign owners, with a sprinkling of Marwaris, Punjabis or Bengalis. But the fact is that these foreign owners control the Calcutta market and regulate the business relations. To satisfy them, these Indian owners merely follow their policy and want to be in their good books. The result is, as my friend has just now said, that we find in the list of officers of Martin & Burn a number of foreign names. After Independence, it was expected that we would get some redress in this matter. In the beginning it was noticed that there was an attempt to Indianise the services. But that attitude has already changed. It is no longer the policy of these firms in Calcutta, both Indian and foreign, to Indianise their staff. That explains the non-co-operative attitude to submitting returns. The result is disastrous. The people going around for service are getting frustrated without getting service. This is a dangerous situation which has arisen in Calcutta and the genesis of the recent Calcutta disturbances can be traced in this. I hope the Government will not end their duty with merely getting the statistical returns but implement the object of it. We must not allow foreign firms to practise a racial discrimination policy on Indian soil.

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

"That the question be now put."

**Shri Sarangadhar Das:** No, Sir. I have been standing up and sitting

down the whole morning. No one from this party has spoken.

**An Hon. Member:** No question of party.

**Shri Sarangadhar Das:** There is the question of party.

**Mr. Chairman:** Order, order. I have been watching the discussion ever since I came to the Chair and I did allow a certain amount of latitude so far as the foreign firms and others are concerned, because indirectly that matter comes up. But so far as the question of facilitating the collection of statistics is concerned, I think everybody is agreed. Under the circumstances, I think it should be kept before everybody's view whether it is desirable to continue this discussion longer as, especially, on the main point there is not likely to be much difference. However, I will allow the hon. Member to speak, if he wants to speak something new, and then I will put the question.

**Shri Sarangadhar Das:** This is new. I never say anything stale.

I am very glad to support the Bill. It is belated and that is what I wish to speak of. I remember in 1947 when we attained our independence, foreign firms began to pack up, sell their interests to Indian capitalists and go away to England, back home. And there were cases of Indianisation also. I am rather surprised that this Government have come to realise now how this situation has changed since 1949; they have realised this too late. It is because of the weak-kneed policy of this Government that some of the interests which had gone back home to England returned in 1949. When they saw our Government was weak-kneed, they began to ride rough-shod over the Indian employees in their concerns. The injustice done to the nationals of this country on the soil of this country came to a head last year when there was so much agitation in Calcutta, and then the Government had to issue that notification

[Shri Sarangadhar Das]

wanting figures from firms as to how many Indian employees they had under different categories.

This is a situation that would not be tolerated in any other free country. Many years ago I had lived in America where British capital was building up American industry. It was all British capital but the brains that were working those firms were all native American and not Britishers imported from England. Although belated, this weak-kneed Government is getting a little strength in its knees and that is because of so much criticism all over the country, and I hope now that statistics will be secured by the operation of this Act. It must be enforced properly so that the Government will have proper knowledge of what is happening in these firms. When I mention foreign firms, I do not want the House to understand that I am anti-foreign and against foreign interests. As long as the law is there and the Government allows foreigners to come and operate here and as long as it is necessary for us that the foreign firms should be here because of their technical knowledge, and, in some cases, because of the huge capital in certain industries, I am not against foreign firms and I do not discriminate. I am glad to know that in this Bill there is no discrimination. I mention foreign firms because the thing has come to the surface last year and because it is mentioned in the Aims and Objects of this Bill.

I will also say about the Indian firms where the managing agents' or directors' sons, brothers and other relations who may not be fit for the jobs are employed while duly qualified persons are not employed or duly qualified persons are replaced by the relations of the managing agents or the directors.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): Is

control of employment envisaged in the Bill?

Shri Sarangadhar Das: My dear friend will know when he works in some industry. I have worked in an industry and I know how qualified technical men are replaced by the relations of the managing agents or of the directors or the proprietors. By collecting proper statistics these things will be known to the Government and then they will find ways and means of stopping these cases of nepotism, because as an ex-industrial technologist I can say from my experience that Indian industry suffers to a large extent because of this nepotism on the part of the managing agents, proprietors and directors of companies. Therefore, when you get statistics, you should get them not only from the foreign firms but also from Indian firms because guilty ones may be there also.

There is another thing that I wish to mention. This is not a complete Bill. I don't know how it has been left out. I see here in clause 2, sub-clause (ix), 'a rubber, tea, coffee or cinchona plantation'. In this generation of ours, there are all kinds of plantations of one thousand acres and 500 acres that are growing up. For instance, many of the sugar factories in India have plantations of their own anywhere between 500 acres and 5,000 acres. I do not know why such plantations are not included in this subsection. They also employ a large number of unskilled and skilled labourers and technical men and it is necessary to find out whether labour is being properly treated or not, whether the technical men are getting all the facilities or not and whether in place of Indians there are European technical men. I, therefore, suggest that this sub-clause (ix) may be rewritten to include such other plantations as are growing up besides rubber, tea, coffee and cinchona, which have been here for several decades.

As far as the fear of some of the capitalist interests is concerned. I do not see any objection to "any matter" relating to any industry or class of industries which has been dealt with at length by other speakers; I do not want to say very much about them. At the same time, I see no danger there of any one to be treated badly without any reason or without any ground.

As far as vicarious punishment is concerned, I want to say something from my own experience. It is very necessary because of my experience that in the case of limited companies or private limited companies the managing agents must be held responsible and not only the manager. I have been a manager in several concerns years ago where I was a scapegoat for anything that happened. The proprietors, the Indian proprietors have told me, "Well we have got to go on; as managers you must be hand-cuffed if something goes wrong with regard to the Factories Act or the Workmen's Compensation Act." It is well known that a manager is employed, is given a salary simply to answer all the purposes of the Factories Act, the Workmen's Compensation Act etc. It may be that due to the negligence of the managing agents any accident takes place in the factory and the manager is held responsible. He is hauled up in court and is punished. Therefore the provision of holding the directors and the managing agents responsible when the company is delinquent in not supplying the statistics is quite correct.

**Shri Satya Narayan Sinha:** Sir, I beg to move:

"That the question be now put."

**Mr. Chairman:** The question is:

"That the question be now put."

*The motion was adopted.*

**Shri Karmarkar:** I confess that it will not be possible for me, nor is it necessary, to cover all the minute

points made during the course of the general discussion. For my own instruction—since this Bill is connected with statistics—I have tried to make a statistical collection on the discussion of this Bill.

I find that the time taken on this measure at this stage was about two hours and fifteen minutes; the number of speakers was eleven; the number of points, big and small, not less than 30; points which need, in my humble opinion, to be replied to at the present moment, 10; broad groupings would be three. Out of respect for my hon. friends, I would not give the number of points which, in my humble opinion, are irrelevant. The total number of amendments tabled is 28. Amendments necessary, in our opinion, nil. That is the brief statistical position regarding the discussion on the Bill.

Now, coming to the points, I was rather dismayed by an observation—I hope it was casual—by one of my hon. friends sitting over there, that the need for statistics has now disappeared. He asked: "What is the purpose of this Bill?" I was dismayed, because I thought that the Bill allowed of no doubt whatever. The purpose of economic statistics is the development of proper economic conclusions. That is the sole purpose.

Then, there was another small incidental complaint made. Why can't we undertake to publish the data? Government publishes whatever matter it considers relevant. In a case of this kind, under the old Industrial Statistics Act, as also under this Act, when we invite various concerns to give information which is of a confidential nature, any attempt at publication, would naturally militate against the very purpose of the Act. With the consent of the parties it may be possible to publish information which we consider necessary. But I wish the House approves the broad and general purpose of this measure and that is exactly an extension of the provisions of the old Act.

[Shri Karmarkar]

I was in one respect disappointed. What I was expecting to listen to this morning was a sort of review of what Government have been able to do by way of statistical information, especially in the field of economics, and possible measures to improve our methods. For instance, we have reasons to be gratified on this side of the House: our overseas trade statistics are fairly satisfactory. Then again, under the Industrial Statistics Act we have been compiling and publishing in a general manner monthly publications regarding industrial statistics. To our mind it is fairly satisfactory. I was looking forward, since we are including commerce and trade in the purview of this Bill and making it a fairly comprehensive measure, to suggestions as to how we might possibly improve our work. I say I am disappointed, because on that rather vital point, the light that has been thrown during the course of the discussions—I mean no disrespect whatever to hon. Members who have spoken—has been nil, though certain points have been made which in my opinion do not require elaborate discussion. Perhaps owing to the fact that in the Statement of Objects and Reasons we made an incidental reference to our attempt at gathering information regarding foreign concerns in India, I note that about one-third of the time has been taken on foreign concerns operating in India.

One of my hon. friends said that is the main purpose of the Bill. I should say, without any offence to him, that he makes a very great mistake if he considers that the whole purpose of the statistics we collect is simply to invite our own attention to one problem, namely, foreign concerns in India. Now, the purpose of statistics, as I said in my observations at the commencement, is that no economic conclusions can be said to be sound unless we have proper economic statistics. To mention an example, as I said, in the United States, there are weekly statistics published regarding retail trade, retail shops, how much

out-turn, how much purchases and things like that. A publication like that, if it were possible in our country, would be an extremely useful thing; but it would be very difficult in our country. The general purpose of this Bill is not designed to cover only one aspect of proper utilisation of such statistics, but to cover, as much as possible, the whole field of industry and trade. I will not dilate on that point because I find that there is general consensus of opinion regarding the necessity of collection of such statistical information.

Then, again, alluding to the point very briefly—because silence on this point might be misunderstood—there has been a lot said about foreign concerns in India. My esteemed senior colleague, the Minister of Commerce and Industry, thought seriously about this problem, and though we had no legal powers as such we invited all the concerns to give us information connected with the employment of nationals *versus* non-nationals. I am happy to say that a large number of companies concerned saw reason and supplied us the information. We tried also in other proper ways, effective ways, to see that other concerns also gave us the information. By and large the results have been satisfactory, as far as collection of information is concerned, though not the conclusions reached. That was not really a very major problem, though it was unsatisfactory to note that a small percentage of concerns did not give us the necessary information. We, on this side of the House, do not share the difference expressed on the other side of the House.

**Shri Sarangadhar Das:** The Statement of Objects and Reasons says that "it was not very satisfactory". What the hon. Minister says now does not tally with it.

**Shri Karmarkar:** Unsatisfactory to the extent to which the firms did not comply. We want complete informa-

tion. Even if 10 per cent. did not send information, it was absolutely unsatisfactory from the statistical point of view. I do not like the House to be under the impression that our attempt in that direction was absolutely defeated,—that we had in fact feet of clay. I heard the hon. Member saying that at least now the Government is strong. I would put it just the other way. It has been strong all the while, all these years. I am very happy that my hon. friend has been discovering now at least wisdom and truth.

**Shri Sarangadhar Das:** The Government has been in power; you could have had it five years back.

**Shri Karmarkar:** At the present moment my time is limited. I am prepared to listen to him and speak to him as long as he likes, and I am afraid he will not be the better of the two in speaking and listening.

Now, I come to the important points. I said I will not dilate on this point of foreign firms. I am quite sure that foreign concerns which are affected by the measure know our opinion in this matter fully well; I am quite sure that they will have noted also the sentiments expressed in this House. It is quite obvious that where we allowed foreign capital to come in, or foreign interests to come in, we have done it after due deliberation. It is not as if Government follows an erratic policy; it has followed a steady policy, and sometimes makes reservations in its policy, as it chose to make in the case of the recent oil refinery projects. Roughly and broadly the policy has been stated very clearly in the Prime Minister's statement. Wherever we consider foreign capital or foreign interests' participation helpful in the interests of the country, we permit it; but we have a major voice, or a major share in such participation, unless the matter is so unimportant, or so insignificant, that it does not matter if the foreigner has his own way in respect of capital. But by and large, cover-

ing the whole major field, our policy has been to subject every item of foreign participation to vigorous scrutiny. Of course, we do not agree with that school of thought: "Hands off all foreign interests." We do consider it proper, in the present state of economic progress of the country, not only to permit, but in some cases, to invite foreign capital, not on their terms—the House will appreciate—but on our terms. So far as our policy regarding foreign participation is concerned, I think the House will find very little reason to disagree with it, unless it accepts the doctrinaire view of certain hon. Members opposite that whatever is foreign must be kept out excepting, of course, foreign ideology. Our policy has been clear in this regard, namely that we have in no way discriminated in permitting foreign capital. Opinions might differ in a particular case. Wisdom also may lie elsewhere. I do not say that all our decisions are sacrosanct and free from error. No government can say that. But we have tried to see that foreign participation has come on justified and justifiable grounds.

Having said that, I do not think I need dilate on the points made in respect of foreign concerns. I think the House is well aware that we are definitely of the opinion that when a foreign concern comes to India, in their own interests and in the national interests it will be good for them to have as large a number of Indian personnel as possible, unless the employment of foreign personnel is unavoidable for technical or other reasons. That has been our opinion and that has been the way in which we have tried to exercise our influence. The House has the same opinion, as it has expressed, though in intensity it might vary.

Coming to the several points, I would sub-divide the points under three principal groupings. One point of view is that the Bill is too wide in respect of its purpose as also its application. We have been castigated



[Shri Karmarkar]

for taking powers to have information on any matter. With all respect to my hon. friend I tried to analyse and devise for myself any alternative definition. The only alternative definition I was prepared to offer to my hon. friend Pandit Thakur Das Bhargava was that instead of putting in "any matter" we might put "such matters as in the opinion of Government are necessary for collecting information". And I was almost sure he would accept it. But my misery was that in substance it was not different. "Such matters as in the opinion of Government are necessary for collecting information" is the same as "any matter". So I am at a loss to know and I am waiting for some light on this point.....

**Pandit Thakur Das Bhargava:** It could not have been otherwise. I supported you in this matter.

**Shri Karmarkar:** I am very sorry. He so vigorously supported me that for a moment I misunderstood that he was opposing me! I accept the correction. But regarding that matter we have to be given the discretion in respect of the matters on which we want information. We are not going to ask for the number of children a manager or a director has—unless it is related to industries, trade or commerce! All that will be irrelevant. We do not want the power to be unlimited; at the same time to me it is impossible to define in what respect we will have to ask for information.

Then there was a point or two made by my friend, Mr. More. He was worrying about the word "wilfully". I think it might be good for me and the House if I just hurriedly refer to the provisions which are related either to the offence or the penalty section of the Bill. For instance, must has been said about clause 9. Hon. Members are well aware that this is not the first time that we are taking powers and imposing penalties of this kind.

We have done this in the case of the Forward Contracts Act and the rest. Taking clause 9 by itself, what do I find? It is a very logical section. In the case of a company there may be sometimes an attempt at evading responsibility. A dummy manager may be put. He may be given Rs. 500 or Rs. 300 and told "your job is to take any penalty that may come, you may supply false information, but if you are in trouble this is your compensation". In order to prevent such a dummy man being made responsible we have said that if a person guilty of an offence under section 8 is a company "every person who at the time the offence was committed was in charge of, and was responsible to, the company" shall be liable. So whenever an offence has been committed by a company, we hold the man who is primarily responsible as liable for that offence. He cannot say; "look here, I am responsible technically, but so-and-so is really responsible." He cannot escape that way.

There was a difficulty about how a company could be punished. The penalty is a fine, and a company could well be fined. We do not want a company to escape the liability on account of offences committed on behalf of the company. Company may be a non-person in the popular sense. Still it has a responsibility.

**Pandit Thakur Das Bhargava:** Company is a legal 'person'.

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**Shri Karmarkar:** Yes, and it could be punished. That is the scheme of clause 9(1). So the person ostensibly responsible will be responsible for the offence. If he proves that the offence was committed without his knowledge, an innocent manager will not be penalised. But the burden is cast on him. It is not upon us to prove that he has no knowledge. The burden is cast on him, so that in case of injustice it is obviated. If he proves that the offence



was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence, suppose he leaves headquarters and asks the next man to take the greatest possible care and finds that an offence is committed, if he proves that it was without his knowledge and that he had exercised all due diligence, he should not be responsible. That is, so far as the person who at the moment was in charge and was responsible to the company is concerned, he cannot escape the liability.

Sub-clause (2) makes a definite provision: "Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved"—that has to be proved by us—"that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company"—the attribution should be direct, there should be neglect and the commission of the offence should be the direct result of that neglect, it is not due to any fault but due to neglect and that neglect should have resulted in the commission of the offence—then "such director, manager, secretary or other officer shall also be deemed to be guilty". The House may note the difference between this and sub-clause (1). Sub-clause (1) *prima facie* makes the person in charge responsible. Sub-clause (2) also wants to bring within the purview all such persons who are directly cognizant of any offence being committed or whose neglect has resulted in the commission of the offence and, therefore, who are also responsible. That is to say, it enlarges the sphere of responsibility. That is a scheme which has been well understood and which the House has accepted in earlier enactments. The distinction between the two is not only logical but absolutely necessary if all the persons connected with the breach of this law are to be brought within the purview of this measure.

There have been one or two attempts to dilute or strengthen the provision in sub-clause (a) of clause 8. Sub-clause (a)(i) says "wilfully refuses or without lawful excuse neglects to furnish such information or return as may be required under this Act". There the emphasis is on the word "wilfully" refuses or neglects to furnish. And then sub-clause (a)(ii) says "wilfully furnishes or causes to be furnished any information or return which he knows to be false". There has been an amendment tabled to change it to "which he has reasons to believe is false". Suppose an information is really not false but he has reasons to believe it is false. Should he not also be made responsible? If information which is really correct but which he believes to be false—I mean it leads us rather to absurdities.

**Pandit Thakur Das Bhargava:** It is both false, and false to his knowledge and belief. If it is true, no prosecution is possible.

**Shri Karmarkar:** We thought this provision was sufficient, and still feel so; the words are "wilfully furnishes or causes to be furnished any information or return which he knows to be false". He must know it is false and he must wilfully furnish it. Of course, my hon. friend Pandit Bhargava is a better guide on penal matters.....

**Pandit Thakur Das Bhargava:** "Reason to believe" is wider.

**Shri Karmarkar:** That is why we do not want to make it wider. We have accepted the mere belief to be false; we have said he must know it is false. We have experience of the Industrial Statistics Act, and till experience proves that a widening of the responsibility is necessary we felt that the Act might be just what it is. So I won't dilate again on that point regarding penal clauses.

Now, as I said earlier, there are points which could be replied but

[Shri Karmarkar]

there are not many that could really be replied at this time. I very much appreciate the general support given to the measure. I am happy to know that the House very much realises the importance of this measure and as time goes on the House will see that very useful use is made of the various powers taken under this Act.

**Mr. Chairman:** The question is:

"That the Bill to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce, be taken into consideration."

*The motion was adopted.*

**Clause 2.—(Definitions)**

**Shri S. V. Ramaswamy (Salem):** I beg to move:

In page 1, line 14, after "public" insert "or private".

"Public limited company" and "co-operative societies" have been mentioned in sub-clause (b) but in order to make it clear I suggest that private limited companies also should be included. In a way, private limited companies are covered by this provisions because "commercial" may mean a public limited company or a co-operative society or any other person or body of persons engaged in trade or commerce. We could have left the definition to read "a firm or any person or body of persons". In that case there might be a doubt. So we have specifically included co-operative societies. My suggestion is that we must include private limited companies also specifically. Of course, under the Indian Companies Act a private limited company will come under a commercial concern but we can make it absolutely clear.

**Mr. Chairman:** Amendment moved:

In page 1, line 14, after "public" insert "or private".

As the definition now stands, the hon. Member will find that the words

"commercial concern" include everything.

**Shri S. V. Ramaswamy:** My suggestion is that we should make it more comprehensive so that there may be no loophole.

**Mr. Chairman:** Does the hon. Minister accept the amendment?

**Shri Karmarkar:** No, Sir.

**Shri S. V. Ramaswamy:** In that case I beg leave to withdraw my amendment.

*The amendment was, by leave, withdrawn.*

**Shri S. V. Ramaswamy:** My next amendment is No. 6.

**Mr. Chairman:** Is there any difference between "firm" and "partnership"? I do not think he wishes to move it.

**Shri S. V. Ramaswamy:** No, Sir. I would like to say a few words on my next amendment which reads thus:

In page 2, after line 8, insert:

"(xii) any company engaged in the distribution of goods imported from abroad or produced within the country."

By this amendment I want to add another category to the list included in the Bill. There are certain firms which deal only with the distribution of goods either imported from abroad or produced within the country. Statistics relating to such firms are also very vital and these firms are also big concerns employing a large number of men and investing a large amount of capital. I would submit that in order to complete the statistical picture it would be necessary to get at the facts from these distributing firms or concerns engaged in the distributing trade alone. I don't think Government will find any difficulty in doing this. At present such firms are not included.

**Shri Karmarkar:** We shall carefully consider my hon. friend's suggestion. I think we can take action under sub-clause (xi) even against such concerns. If later on we find that it is necessary to include them in a distinct category we shall do it. Our difficulty in the matter is this. "Commercial concern" includes all kinds of concerns including those referred to by my hon. friend. There may be a doubt whether the concern engaged in advertising can be included in the category of concerns engaged in the distribution of goods. Regarding companies of that type there might be possible doubt.

**Shri S. V. Ramaswamy:** I still feel that the definition is not complete. However, I now proceed to my next amendment. Clause 2(d) says:

"Industrial concern' means a public limited company or a co-operative society or a firm or any other person or body of persons engaged in the manufacture....."

There are also firms which deal in the assembling, bundling and packing of the goods and I want that we should make this definition more complete so as to include them also. Therefore, I beg to move:

In page 2, line 13, after "manufacture," insert:

"assembling, packing,"

**Shri Karmarkar:** We do not consider it necessary. There is no harm in accepting it, so I accept it.

**Mr. Chairman:** The question is:

In page 2, line 13, after "manufacture," insert:

"assembling, packing,"

*The motion was adopted.*

**Mr. Chairman:** The question is:

"That clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 2, as amended, was added to the Bill.

Clause 3.— (collection of statistics)

Amendment made: In page 2, after line 44, insert:

"(xii) labour turnover;

(xiii) trade unions."

—[Shri Karmarkar]

**Mr. Chairman:** The question is:

"That clause 3, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5.— Power of statistics authority, etc.)

**Shri Nanadas:** I beg to move:

In page 3, line 24, after "any other person" insert "with access to sources of information".

**Shri Karmarkar:** We think that this amendment is not necessary because the statistical authority can be depended upon to use his discretion properly. It is not likely to serve a notice on a person who has no access to sources of information. This is redundant.

**Shri Nanadas:** Does the hon. Minister mean any other person having access to sources of information?

**Shri Karmarkar:** Yes, that is so.

**Shri Nanadas:** I do not press my amendment.

**Mr. Chairman:** The question is:

"That clause 5 stand part of the Bill."

*The motion was adopted.*

Clause 5 was added to the Bill.

Clause 6.— Right of access to records etc.)

**Shri K. C. Sodhia (Sagar):** I leave it to the Government to accept my

[Shri K. C. Sodhia]

amendment or reject it. The amendment is self-explanatory and I do not think it is necessary to plead much about it.

**Shri Karmarkar:** Our hon. friend has been very generous to leave it to us. But, we think it is not necessary. We are happy that he is not pressing it.

**Mr. Chairman:** Then, Pandit Thakur Das Bhargava.

**Shri S. V. Ramaswamy:** I have an amendment. Sir. It is No. 11. It comes earlier.

**Mr. Chairman:** I shall take up the amendments in the order here.

**Pandit Thakur Das Bhargava:** I have got many amendments: numbers 21, 23, 25 and 26.

**Mr. Chairman:** I would like to dispose of every amendment individually. If he wants, he may move amendment No 21.

**Pandit Thakur Das Bhargava:** I have already submitted the grounds on which I wanted the hon. Minister to reconsider this aspect of the case. I am unfortunate because in his recital of the items, he has not thought it fit to include it as one of the major objections. In fact, while replying to the debate, he perhaps forgot to include it. He did not deal with this argument at all. I am one of those who support this Bill. I would rather like to give to the Government all the powers which are necessary. But, at the same time, I wanted some safeguards to be introduced in this Bill. There are two safeguards which I want to be inserted in this clause. According to me clause 6 should come into operation only after a notice has been given and the notice has not been complied with. If the notice is complied with, the information is obtained by the statistical authority. If notice is given and nobody comes forward to give that information, then and then alone should recourse be had to clause

6. Otherwise, when the purpose is served by giving the notice, and information is obtained, I do not see any reason why the drastic provision contained in clause 6 should be resorted to. This is the first point that I want to place for the consideration of the hon. Minister. Only in cases where there is no compliance with a notice, clause 6 should be resorted to.

I want a further safeguard. I do not want that in respect of each and every matter recourse should be had by the statistical authority to this drastic remedy. I would like that the statistical authority should be given the discretion to see whether the withholding of such information would be prejudicial to public interests. Only after he is satisfied with that, can he issue an order which is in the nature of a search order, which is in the nature of an order against a person who is withholding information. Clause 6 says:

"The statistics authority or any person authorised by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or documents.....etc."

Suppose the person in possession of such statistics does not allow the statistics authority to enter the house, what happens? Even if permission is given and no questions are answered, what happens? The records are there. There is no provision for inspection of the records. There is no provision for the seizing of the records and taking them away and utilising them. As I said, the very purpose of the statistics authority to get the return is frustrated by the fact that no such provision exists. Therefore, I wanted that there should be some provision by virtue of which the statistics authority after getting entry and after having complied with the two safeguards, may seize the records, and after taking notes or inspecting them, may return them to the persons concerned. It may be that the

records are destroyed after the inspection, but no copies have been taken. Difficulties may arise in actual practice, and the very object of this rule may be frustrated. Similarly, even if the person gets into the place and asks some questions and they are not answered, the same thing happens, and the purpose is not served. Therefore, I want two things to be done. In the first instance, the statistics authority should not have recourse to these powers without satisfying himself that the withholding of such information will be prejudicial to the public interests and secondly, first of all, notice should be given. This is a very serious matter. Ordinarily this question will not arise. I can understand many circumstances in which a person may be able to harass an industrial concern or a commercial concern or any private concern. The difficulty is that our experiences in life are different. I know that if the hon. Minister or the Deputy Minister had this matter in his hands such a contingency would never arise. It is not for them that I am making these submissions. After all, who is the statistics authority? That authority may be a big person and he may not have recourse to this clause 6. The statistics authority may authorise any person to exercise this power and we do not know how these persons would exercise this power. I am against giving any arbitrary powers to any person whether respectable or not, whether good or bad. I would like those powers to be hedged in by these safeguards. When there is occasion for the use of this power it should be used effectively. What is the use of having a power when you cannot use it effectively?

With your permission Sir, I may say a word about amendment No. 26 also. I do not want to take the time of the House by putting another argument at a later stage. In this amendment, I have further indicated that in cases where the statistics authority or a person authorised by him enters the house to search his documents, returns, or papers that may be very confiden-

tial to him, for which provision has subsequently been made—such information cannot even be divulged by the officer concerned—the provisions of the Criminal Procedure Code relating to entries, searches and seizure may automatically apply. These safeguards must be there. Two respectable persons should be present; there should be an inventory. These are the ordinary safeguards which have to be taken in regard to every document. Even now, if a search warrant is issued by a district magistrate, these safeguards are provided. I am anxious that so far as we are making laws, we must see that the rights and freedom of the individual are not unduly interfered with. I would respectfully beg of the hon. Minister in charge of this Bill to consider this matter in all its aspects and kindly see that he agree to putting in these two or three safeguards which are as a matter of fact, not very harmful. They do not interfere with the right or authority of the statistics authority. At the same time, they safeguard the rights of the people in general. I would like to know the reactions of the hon. Minister before I move this amendment.

**The Minister of Commerce and Industry (Shri T. T. Krishnamachari):** I am afraid, my hon. friend having seen the seamy-side of life thinks that every provision of this nature is going to be used as it were in a fiscal measure. I think my hon. friend would be right if this were a taxation measure and if we had put in similar provisions in regard to right of access. This is a very innocuous measure. It is rather difficult to prove public interests at every stage. After all, it is in the public interests that statistics should be collected and collated. The very object of this measure is in the public interest. If a man refused to give information, it is really difficult to take an isolated refusal and prove it in a court of law that it is prejudicial to public interests. Secondly, the statistics authority may be an ordinary person having nothing to do with a magistrate or criminal law or the

[Shri T. T. Krishnamachari]

police. He merely asks for information. There is no question of notice in a case like this. There is a general obligation on the part of these firms to send periodical reports. They have got to send monthly returns or weekly returns. Non-compliance with a notice is not there. Because the man does not send the return, the officer walks into that place and asks him, "Why don't you send it?" Or if the return is not properly worded, he asks, "Can I have a look into your records?" The whole idea of this particular section is to facilitate the compilation of statistics which are reasonably accurate. If, on the other hand, as I said, this were a fiscal measure, all the safeguards that my hon. friend has in mind ought to be put in. It is not so.

My hon. friend, Mr. Ramaswamy, has a lawyer's mentality in this trade. It is not a good mentality. I have very great respect for lawyers. I have worked with them and I think it is a very necessary evil society has to put up with. It is not a good mentality—the lawyer mentality. Where that mentality should not be brought, if it is brought, it is a real harm. My hon. friend has been a barrister for several years—20 to 25 years—and has not yet learnt the lessons he has suffered at the hands of people merely because he is not good. His institution is not a good one. Normally, people would do without lawyers. Even if a politician does not agree with people, people would do without contact with Ministers. That is by the way. I think the fears that my hon. friend Mr. Thakurdas Bhargava has in mind are completely baseless. This is not anything new but it merely copies the analogies even of the Industrial Statistics Act. In regard to that, this Act has been in operation. I have not heard of any instance of any particular provision having been abused and it is not intended to abuse either. It is merely a question of getting information as statistical data. It is not one to go to a court involving any legal

complications. You cannot afford to send a notice in order to protect your own interests. It exists there to collect statistics. I beg of my hon. friend not to press this amendment. If it happens, he can depend upon me. He will be here and I will be here for some time. I do not think there will be any need for any hon. Member to find fault with me or my Ministry in regard to this matter.

**Pandit Thakur Das Bhargava:** As the hon. Minister has said in respect of these cases, it is quite true that I look to the society and it is on account of that I have to inform you that many officers including innocent-looking officers who are armed with powers misuse them. If my hon. friend assures me that nothing is going to happen I may not plead for the above by sticking to my views. I know that he is not against lawyers as he is said to be. Lawyers are not such a bad lot. I do submit that his expression about lawyers is not so happy as it ought to have been but this is beside the point. I do not want to reply in that vein and I submit it is unnecessary to press my amendment any further in view of what has fallen from the hon. Minister.

**Shri V. P. Nayar (Chirayinkil):** I beg to move:

(i) In page 3, line 36, for "at" substitute "and search at".

(ii) In page 3, line 38, after "may" insert "inspect or take copies of relevant records and".

I move these amendments because I think that the Government should have more power to tackle the situation. While I was reading the Statement of Objects and Reasons I was amused when I found that the hon. Minister of Commerce and Industry has for the first time confessed the weakness of the Government. Just a year before we heard him in this House saying that he had the overall

control of all foreign investors in the country. This is what he said then. I am reading from the debates on the 17th of June, 1952:—

“So long as we have complete control over them, I am sure that this Government has complete control over every industry, whether owned by foreigners or Indians. It does not do us any harm.”

So, now Sir, here is an instance in which the hon. the Commerce Minister takes a different attitude altogether, sees the question from a different angle and confesses before us that he has been powerless in the matter of foreign investors. I certainly appreciate his present candour. I wish that when we provide for certain powers we should also provide for powers by which this law can be administered in as effective a manner as it is necessary. Sir, without the necessary powers the whole clause becomes absolutely useless. There are similar provisions in the Income-Tax Act also. If you look at section 38 of the Income-Tax Act you will find that there is the power to call for any information. Very recently one of the highly placed officials of the Income-Tax Department told me that without the power of entering for making a search, the power of calling for information will serve no useful purpose to the Income-Tax Department. Here is a case in which the law provides that an officer who wants to collect statistics can enter any premises. Why should he go there? Unless you have the power to search, I fear that this clause will not have any effect. I hope that the hon. Minister of Commerce will certainly agree with this power if he really wants to administer the Act with any measure of success. That is why I have moved this amendment and the hon. Minister will understand my position and I hope will agree to this amendment.

There is also another amendment.

**Shri T. T. Krishnamachari:** May I interrupt my hon. friend. I should like to mention a few words before I accept the amendment. We are prepared to accept the amendment but there may be slight variations in it.

**Shri V. P. Nayar:** Are you accepting my first amendment?

**Shri T. T. Krishnamachari:** No, I will accept the second amendment provided you make a slight alteration.

**Mr. Chairman:** He is going to accept Amendment No. 24 if “or” is put instead of “and”.

**Shri V. P. Nayar:** That may not be sufficient, Sir. He wants only either of these, not the two together. I do not understand why an alternative should be provided for.

**Shri T. T. Krishnamachari:** I merely stated that if the hon. Member's amendment reads: “inspect or take copies of relevant records or ask questions”, i.e., instead of “and” he puts “or”. I can accept it.

**Shri V. P. Nayar:** That would mean inspecting or taking copies or in the alternative, doing some other thing.

**Shri A. M. Thomas:** In the context it will be both.

**Shri V. P. Nayar:** That is not my position, anyway. If only there is “and” both can be done. If it is “or” it can only mean either this or that.

**Shri Karmarkar:** We and the hon. Member accept the position in substance, there is only a little grammatical difficulty. The power of “inspection” is there. The power to take copies is there. The power to put questions is there. Any one or all of these may be done as is relevant to the position.

**Shri V. P. Nayar:** I will make my position more clear. I have some personal experience about this. I was once an officer who had something to do with the Prevention of Hoarding



[Shri V. P. Nayar]

and Profiteering Act. At that time when I was having power to ask any questions and to take copies, I did not have the power to search. I may give one instance where this was absolutely necessary. I entered a premises and asked for and got some papers and also initialled them because I had no power to seize or take copies. Then a week after, I found that my superior officer had gone to the same shop—I forbear to mention the name of the shop and the place—and took away that record which I had initialled. I could not take copy of that also. Subsequently, it turned out that the whole case revolved on this particular document which all my efforts could not produce in the Court. So, sometimes it is necessary. It is not a question of either putting questions or taking a document. Sometimes you have to put questions and also to take documents. That is why I want 'and' should be retained instead of 'or'.

**Shri Karmarkar:** Our officers will surely be more efficient than the officers mentioned. And I think this is the verdict given to us by grammar and law, that when we say "or" it does not alter the meaning. The meaning is either to take any one or all of them. It is quite clear.

**Mr. Chairman:** So far as Amendment No. 24 is concerned, the position is that with the change from "and" to "or" it is accepted. It is more comprehensive.

**Shri Karmarkar:** That strengthens his amendment.

**Mr. Chairman:** So I will put his second amendment in the altered form. The question is:

"In page 3, line 38, after 'may' insert 'inspect or take copies of relevant records or documents or'.

*The motion was adopted.*

**Mr. Chairman:** With respect to amendment No. 22, which has been

moved by Mr. V. P. Nayar, I think that is not accepted.

**Shri Karmarkar:** That is not acceptable.

**Shri V. P. Nayar:** I submit that it is not enough to say that it is not accepted. Let us have the reasons also.

**Shri Karmarkar:** The reason is that the clause already gives power to the statistical authority to have access to any relevant records or documents in possession of any person. It is only to have access that he has been given power to enter any premises. Beyond that we think that this power is unnecessary; it has been found to be unnecessary by previous experience. If it is found to be necessary in the case of any recalcitrant instances, we shall surely come back to the House. At the moment, we are advised—and we think we are properly advised—that the power of search is not necessary. My esteemed colleague has made it clear that we do not want to be penal in this matter.

**Shri V. P. Nayar:** May I explain my position a bit further? This becomes more necessary in view of the subsequent penal clause. There it is stated that if the information is found to be wrong, a particular punishment is prescribed. What is the means of finding out whether the information furnished is wrong? Will mere venture into the realm of astrology be enough? You have to place your hands on the relevant records, and you won't get them unless you make a search.

**Shri Karmarkar:** I think it is better to wait and see whether it is astrology or practical administration. We shall come back to the House if it is necessary.

**Mr. Chairman:** The question is:

In page 3, line 36, for "at" substitute "and search at".

*The motion was negatived.*

**Shri U. M. Trivedi** (Chittor): On a point of order. I would like to know whether Pandit Thakur Das Bhargava has got the right to withdraw the amendment he had moved without the leave of the House?

**Pandit Thakur Das Bhargava**: I only wanted to know the reaction of the hon. Minister, and after hearing him, I said I am not moving my amendment.

**Mr. Chairman**: The position is clear. He did not move the amendment. He wanted to ascertain the views of the hon. Minister in charge before moving, and after his views were ascertained, he chose not to move it. That is the position.

I do not know what is the position of hon. Member, Mr. Ramaswamy, in regard to Amendment No. 43.

**Shri S. V. Ramaswamy**: I am moving so that I may state what I want to say. It is not a question of assurance. It is a question of framing the Act itself. We have got to provide against the abuse of power by officers whenever there is a case. What is the provision?

**Mr. Chairman**: If the hon. Member wants, let him move it. The hon. Member should make up his mind. I take it that the hon. Member does not want to move it.

Then, there is another amendment by Pandit Thakur Das Bhargava. I think he does not want to move it.

The question is:

"That clause 6, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 6, as amended, was added to the Bill.*

*Clause 7.—(Restriction on publication etc.)*

**Shri Nanadas**: I beg to move:

In page 3, line 47, add at the end  
"except in cases when such

publication might be made if, in the view of the appropriate Government, it is so required."

The object of the Bill is to collect statistical data. When the Government collect such data, with regard to any industry or concern, then they become the property of Government, and so the Government need not take the permission of the owner of the firm or his agent to publish such records. Moreover, the public also has got an interest in such statistical data, because it is not a private affair, but it concerns the economic and social conditions of the people and the workers employed or the customers interested in those undertakings. They have all got a right to know these data regarding any particular concern. It is quite essential that the Government should have power to publish such data without the permission of the owner or his agent.

**Shri Karmarkar**: I regret we are not in a position to accept this amendment for the obvious reason that firstly the clause itself limits the action, i.e., any information regarding any particular industry or commercial concern is needed only for the purpose of general conclusions. If general conclusions are reached, based on these data in a cumulative manner, then there is nothing to prevent us from publishing those conclusions, as we have been publishing under the Industrial Statistics Act. Supposing we have a particular concern, and the owner of that concern gives the information in confidence, and we publish those data, in respect of that particular concern, then, we think it will be a deterrent factor in respect of correct information. Nor is it necessary for our purpose, since the information is required only for making general use of it. We have no interest in publishing the information given in confidence in respect of any particular concern. So, we oppose the amendment.

**Shri Nanadas**: I press the amendment because these concerns are commercial and industrial undertakings.

**[Shri Nanadas]**

Collection of data in respect of these concerns is not a personal affair like the census where the individual has got any special interest, and he has to keep to himself some secrets, which he would not like to be published in his own interests. But here it is a business concern; it is not a confidential thing. That being the case, I feel that data regarding such industries must be made available to the public, and the Government must have power to publish the data whenever required. Sir, I press my amendment.

**Mr. Chairman:** The question is:

In page 3, line 47, add at the end

"except in cases when such publication might be made, if in the view of the appropriate Government it is so required."

*The motion was negatived.*

**Mr. Chairman:** The question is:

"That clause 7 stand part of the Bill."

*The motion was adopted.*

*Clause 7 was added to the Bill.*

**Clause 8.—(Penalties).**

**Mr. Chairman:** There is an amendment in the name of Mr. S. V. Ramaswamy.

**Shri S. V. Ramaswamy:** I am not moving it.

**Mr. Chairman:** There is one amendment in the name of Mr. Jhulan Sinha. The hon. Member is absent.

Next, there are the amendments of Pandit Thakur Das Bhargava.

**Pandit Thakur Das Bhargava:** I am not moving the first amendment standing in my name; as for the second amendment, I would like to know the view of the hon. Minister in charge of the Bill.

**Shri U. M. Trivedi:** We are all handicapped by your not moving the amendment.

**Pandit Thakur Das Bhargava:** My second amendment seeks to omit lines 19 to 21 on page 4, which contain the explanation:

"In respect of false information, return or answer the offence shall be deemed to continue within the meaning of this section until true information or a true return or answer has been given or made."

If it is a civil affair, then I shall not object to such an explanation as this.

But in criminal law, when an offence has been committed, then the mere fact that subsequently the man chooses to do better does not condone that offence. When it is determined that an offence has been committed and he chooses to give another return, my humble submission is that, as the offence has already been committed according to the section, there is no reason why a subsequent better return should condone that offence. In practice, it may happen that if a person has been challaned for having...

**Shri T. T. Krishnamachari:** May I interrupt my hon. friend? I am prepared to accept the amendment.

*Amendment made:* In page 4, omit lines 19 to 21.

—[Pandit Thakur Das Bhargava].

**Shri Nanadas:** There is another amendment of mine, Sir, No. 19.

**Mr. Chairman:** Does the hon. Member want to move it?

**Shri Nanadas:** Yes, Sir.

I beg to move:

In page 4, line 16, for "five hundred rupees" substitute "two thousand rupees or imprisonment for a term which may extend to six months or both".

This amendment is regarding the penalty clause. Statistics concerning industry, business and also labour conditions are very important and if anybody gives false information or refuses to give information regarding these things, it will materially alter the statistical data and, subsequently, depending upon these incorrect statisti-

cal data the Government have to formulate certain policies; thereby, ultimately, we will have wrong policies and the people in general will have to suffer because of these wrong policies. So to have adequate and accurate statistical data, it is quite essential that the firms or concerns must give correct information regarding each and everything in that industry or business concern. For this purpose, it is necessary that there must be deterrent punishment and hence I suggest instead of Rs. 500 there must be a fine of Rs. 2,000 and also imprisonment for a term which may extend to six months or both. Otherwise, if there is no provision for imprisonment, it matters very little for a rich man to pay Rs. 500; he can very easily pay off these Rs. 500, thus postponing submission of the required returns.

I also want to refer in this connection to the penalty under clause 10. Simply for disclosing information with regard to these statistics otherwise than in execution of duties the man is made punishable with imprisonment for a term which may extend to six months. So this is also a very important item—collection of statistics. Therefore, I suggest there must be provision for imprisonment and also the fine imposed must be sufficiently high.

**Shri Karmarkar:** Sir, we are not in a position to accept this amendment. Our intention is not to view any violation of the provisions of this Act to be so serious as to warrant imprisonment or such a large fine. As my hon. friend will know, it has been provided that in such cases in the case of a continuing offence, that is in the case of continued recalcitrancy, to submit the correct information, he will be subject to a further fine of Rs. 200 every day. So, if the man continues committing the offence of not supplying the information for 10 days, my hon. friend's intention would have been fulfilled. It does not make any difference and it is not necessary to have an unnecessarily deterrent punishment.

He has also referred to the stringency of clause 10. Because the holding of confidential information is a very important thing, naturally the punishment which has to be imposed on those entrusted with the collection of confidential information in case they part with it has to be a heavy one. So an earlier fine of Rs. 500 and a fine of Rs. 200 per day for a continuing offence is sufficient for the purposes for which it is intended.

[MR. DEPUTY-SPEAKER in the Chair]

**Mr. Deputy-Speaker:** I am putting the amendment standing in the name of H. N. Mukerji and others moved by Shri Nanadas.

The question is—

In page 4, line 16, for "five hundred rupees" substitute "two thousand rupees or imprisonment for a term which may extend to six months or both."

*The motion was negatived.*

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

"That clause 8, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 8, as amended, was added to the Bill.*

*Clause 9 was added to the Bill.*

**Clause 10.**—(Penalty for improper disclosure).

**Shri S. V. Ramaswamy:** I beg to move:

In page 5, line 2, for "six months" substitute "two years".

This is a penalty for improper disclosure of information or returns. These officers are in a great judiciary capacity and, having come to know about the affairs of the Company, if they wilfully disclose it, it is a very serious matter. It might lead to the collapse of the company even if they disclose it. Therefore, my respectful submission is that the penalty that has been thought of it not sufficient. After

[Shri S. V. Ramaswamy]

all, six months would make it only a summons case. I want to make it a first class offence so that it may be triable by a first class magistrate. I suggest that two years should be substituted for six months and one thousand rupees should be raised to two thousand rupees, so that a deterrent punishment may be imposed in case there is divulgence of secret information got at after a search. Otherwise if the fear of deterrent punishment is not there, any statistical officer might nonchalantly disclose very valuable information which will affect the very life of a big firm or company. I think there must be that fear for the statistical officer that if he transgresses the bounds he will meet with severe punishment. I submit it is a very reasonable amendment and I hope the Government will find its way to accept it.

**Shri Karmarkar:** In our opinion six months is sufficiently deterrent, and one thousand rupees fine. So, it is not necessary to make it unnecessarily more deterrent than what it is. If we find it necessary we shall come back to the House.

**Shri S. V. Ramaswamy:** If it is raised to two years and two thousand rupees it does not mean that the magistrate should always impose that punishment.

**Mr. Deputy-Speaker:** The officer will not collect statistics because he will be afraid. I am not competent to speak from the Chair.

**Shri U. M. Trivedi:** He would be afraid of even six months.

**Shri S. V. Ramaswamy:** Then, I do not press my amendment.

1 P.M.

**Mr. Deputy-Speaker:** There are no amendments to clauses 10, 11, 12, and 13.

The question is:

"That clauses 10 to 13 stand part of the Bill."

*The motion was adopted.*

Clauses 10 to 13 were added to the Bill.

**Clause 14.**—(Power to make rules).

**Shri S. V. Ramaswamy:** I, beg to move:

In page 5, after line 31, insert

"(3) Any rules framed under this section shall be submitted to Parliament."

I would not like to include the words "before publication in the official Gazette."

**Shri T. T. Krishnamachari:** I can give an assurance that all rules made under this Act by the Central Government will be placed on the Table of the House. But this clause gives certain powers to the Provincial Governments. I cannot give an assurance on their behalf. I would be grateful if the hon. Member will accept my assurance so far as the Central Government is concerned and drops the idea of putting a statutory obligation on the State Governments. So far as the Central Government is concerned, we have made it a rule to place all rules we make on the Table of the House. As the Chair is aware, there is a Committee which looks after the question of rule making powers of Government. So, we can do nothing without placing them on the Table of the House, whether there is a provision to that effect or not. So far as the Provincial Governments are concerned, I would rather like to leave them alone. That is why I request my hon. friend not to press his amendment.

**Shri S. V. Ramaswamy:** The hon. Minister has given an assurance for the Central Government. But what about the States? Are the persons in the States to suffer simply because the Central Government cannot ask them to place the rules before their legislatures? If it is a statutory provision, it becomes obligatory on the Provincial Governments; we need not leave it to the discretion of the States. What we are doing here must be applicable to all.

**Shri Karmarkar:** How can we say in this Act that the Provincial Government should lay the rules before their legislatures. We shall lay it on the Table of Parliament. For the rest he will have to take the trouble of referring to the Gazette.

**Pandit Thakur Das Bhargava:** I do not see any reason why we cannot make a provision to that effect.

**Mr. Deputy-Speaker:** When we clothe the Provincial Governments with these powers, we can equally lay some obligations on them. So, the question is:

In page 5, after line 31 insert

"(3) All rules made under this section shall be laid, as soon as may be, before Parliament, or, as the case may be, before the appropriate State legislatures."

*The motion was adopted.*

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

"That clause 14, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 14, as amended, was added to the Bill.*

**Clause 15.— (Repeal).**

**Shri Karmarkar:** I beg to move:

In page 5, for clause 15 substitute

"15. Repeal.—The Industrial Statistics Act, 1942 (XIX of 1942) and the Hyderabad Collection of Statistics Act (No. 17 of 1357 Fasli), are hereby repealed."

Sir, we wanted to make it clear that we are repealing the Hyderabad Act also because under the old Industrial Disputes Act they were authorised.

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

In page 5, for clause 15 substitute

"15. Repeal.—The Industrial Statistics Act, 1942 (XIX of 1942) and the Hyderabad Collection of Statistics Act (No. 17 of 1357 Fasli), are hereby repealed."

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*The motion was adopted.*

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

"That clause 15, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 15, as amended, was added to the Bill.*

**Clause 1.— (Short title etc.)**

*Amendment made:* In page 1, line 3, for "1952" substitute "1953"

—[Shri T. T. Krishnamachari].

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

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

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

**Shri Karmarkar:** I beg to move:

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

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

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

**Shri R. K. Chaudhury:** I hope the hon. Members of the House will excuse me for delaying their lunch by a few minutes. I wanted to congratulate the hon. Minister for the Bill which will be passed almost in accordance with his desire. He went to the length of putting the burden of proof on the accused and the House has without a murmur and without an amendment accepted clause 9 of the Bill.

But what I wanted to say was this. Having this new weapon in the armoury of the Ministry I hope they will not allow it to rust. I hope they will sincerely and seriously work out the provisions of this Bill.

I think it will be appalling for the hon. Ministers to learn that in the

[Shri R. K. Chaudhury]

numerous tea estates in Assam which supply practically sixty per cent. of the tea exported out of India, there are very few employees from Assam itself. If you look into the conditions in the agency houses in Calcutta, if you look into the number of tea testers in Calcutta, you will find that there are only a few Indians—not to speak of people from Assam—among the tea testers. That is practically the preserve of Europeans and Anglo-Indians even now. And then if you see the agency houses you will find that amongst the employees very few are Indians.

As soon as this legislation is enforced I hope the Government will seriously call upon these tea estates to give statistics about the number of employees they have and how many of them actually are Indians or local people. That is all that I have to say

**Shri Raghavachari (Penukonda):** I only wish to observe one point. I confess to a sense of disappointment when I look at the time and energy spent over this enactment only for collecting statistics. We all know that foreign firms have a preference to employ foreigners only with a few Indians. So far the position had been that there was no machinery even to collect such statistics. Through this Bill we are only providing for the collection of statistics. But apart from statistics being collected it is necessary to take some further action to see that foreign firms employ more and more of Indians; otherwise, all this will not be of much help to us. I am sure that there is no difference of opinion on this point, namely that Government should have in its armoury this weapon so that it may collect statistics, but if further steps are not taken, then there is very little purpose served by this sort of enactment. If all the agitation for a number of years has been only to enable the Government to think of having this weapon only to collect statistics, then I should think that a lot of effort has been taken for no purpose. My submission is that steps

should be taken to induce foreign companies to employ more and more Indians.

Then there is another very small point which I wish to urge. We are vesting certain new powers which are liable to be used in a way which might prejudicially affect certain companies. That is another thing on which the Ministry has to take care. Utmost care should be taken to avoid such a use of this enactment. More than that I expect that the hon. Minister will bring a comprehensive enactment next time which will be really of some use.

**Shri Karmarkar:** Though we missed our hon. friend Mr. Rohini Kumar Chaudhury yesterday, I am very glad that he is present today and has invited our attention again to another of his pet subjects, viz., tea. This question of employment of Indian nationals and non-Indians in commercial concerns is one of the many subjects that will be the subject of statistics. As I said earlier we miss the whole purpose of this Bill if we simply imagine that it is meant for one specific purpose. This question is a big one. In the present context of things the real purpose of the collection of statistics is larger than merely dealing with one single problem, however big it may be. If the powers under this Bill are properly exercised, the information that is going to be collected is going to form the foundation of our economic thought. I am very happy to see that both the hon. Members who have spoken during the third reading have stressed this point. My hon. friend and I had many discussions over this Bill and these discussions have proved very helpful in elucidating many points. Statistics are a basic necessity, and, of course, I agree that Government should pursue the question of their collection in regard to every aspect of the industry. In fact, if hon. Members were to find the industrial statistics published already by the Government, they would certainly, I venture to say, congratulate the Government on the proper use that



they have made of the earlier enactment.

**Dr. Suresh Chandra (Aurangabad):**  
But are they reliable?

**Shri Karmarkar:** Yes. In fact, I should humbly say that the industrial statistics published by the Government have been a matter of very good study for me and for many of my hon. friends who have wanted to study. Government will surely make proper use of this measure. I do not want to waste

any more time of the House. I very much appreciate the suggestions made by the two hon. Members.

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

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

*The motion was adopted.*

*The House then adjourned till a Quarter Past Eight of the Clock on Friday, the 7th August, 1953.*

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