

Volume I

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838

Friday

8th August, 1952

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I - Questions and Answers)

**PARLIAMENT SECRETARIAT
NEW DELHI**

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

2457

2458

HOUSE OF THE PEOPLE

Friday, 8th August, 1952

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

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Short Notice Questions and Answers.

SUPPLEMENTARY QUESTIONS TO SHORT
NOTICE QUESTION *re* FAMINE CONDITIONS
IN WEST BENGAL DATED 7TH AUGUST 1952

Mr. Deputy-Speaker: We shall first take up the short notice questions. The answers have already been circulated yesterday, and hon. Members who wish to put supplementaries may do so. We shall first take up Short Notice Question No. 148.

Shri A. C. Guha: May I know when the district cordoning system will be removed?

The Parliamentary Secretary to the Minister of Food and Agriculture (Shri M. V. Krishnappa): There is what is known as the 'Kidwai Plan' which has been very widely welcomed and highly praised in Calcutta. We are going to give effect to that plan in a short time, and then the entire responsibility of feeding Calcutta will be taken over by the Centre. When the area becomes a surplus province, it will be possible for us to remove the inter-district relaxations, the cordoning system etc., and there will be free flow from district to district.

Shri A. C. Guha: Is it the policy of the Government to replace the present procurement system by a levy system, and if so, on what basis will the levy be collected?

The Minister of Food and Agriculture (Shri Kidwai): It is the Bengal Government which takes a decision on such

matters. They have announced that from the next year they will replace the present procurement system by a levy system, and when I was in Calcutta, I had a meeting with the Food Minister. He said that on 1st January 1953, he will remove this inter-district ban.

Shri A. C. Guha: In the Statement I find that certain amounts have been sanctioned to the three North Bengal districts which have been affected by recent floods—Rs. 10,000 for Cooch Behar, and Rs. 15,000 for West Dinajpur for gratuitous relief—may I know whether these amounts are fixed, or if the amounts are found to be inadequate on account of the number of people affected being more, the Bengal Government has got any authority to increase them?

Shri M. V. Krishnappa: According to the needs of the place, they can increase the amounts. Originally 10,000 tons of foodgrains were to be sent, but now it has been increased to 15,000 tons. After the recent discussions, the amount has been further increased to 30,000 tons.

Shri A. C. Guha: I am referring to the amounts sanctioned for gratuitous relief for Cooch-Bihar and West Dinajpur. Considering the large number of people affected, will the Government consider the question of increasing the amount if it is found to be inadequate?

Shri M. V. Krishnappa: If the West Bengal Government thinks fit, they will increase it.

Shri Barman: It is stated in the 1st paragraph of the answer that 'it has not been possible for the Government of West Bengal to obtain from their district officers an estimate of the population likely to have been affected by floods in Jalpaiguri, Cooch-Bihar and West Dinajpur'. In view of the fact that it is now more than a month since the floods came, may I

know the reasons why the district officers could not come to an estimate of the number of people affected?

Shri M. V. Krishnappa: The difficulties of communication as a result of the floods.

The Barman: The District Officers and other officers have been supplied with jeeps. Are we to understand that the officers could not go to the various affected areas, even with the jeeps and other conveyances at their disposal?

Shri M. V. Krishnappa: When there are areas affected by floods, it is not possible to go to those areas by jeeps.

Shri Barman: May I know what was the demand made by the district officers as to the requirements of the foodgrains that are necessary to meet the situation, which the West Bengal Government are not in a position to supply?

Shri Kidwai: When the district magistrates gave the estimates, the sanction was given by the Bengal Government, when they had stocks to feed these people. So we do not come into the picture, except that we have given an assurance that if they require more foodgrains, we shall supply them.

Shri Barman: It has been stated that under the present plan of 'A Class' and 'B Class' of the population, modified rationing facilities will be introduced throughout the whole of West Bengal. May I ask the hon. the Minister as to whether he is aware of the fact that the North Bengal people have not been provided with this modified rationing system, even though that part of Bengal has also been seriously affected by the floods?

Shri Kidwai: It is not true that the modified rationing system has been brought into effect in the whole of West Bengal. It has been brought into effect only in places where the minimum price of rice is above a particular limit; in places where it is more than Rs. 25, the 'A Class' modified system is brought in, and where it is more than Rs. 35 the 'B Class' system has been brought in.

Shri Barman: My point was exactly this. In view of the fact that the price of rice in North Bengal is more than Rs. 35, will the Government enquire as to whether the West Bengal have extended the 'B Class' facilities throughout the areas of North Bengal?

Shri M. V. Krishnappa: We will inquire into the matter.

Shri S. C. Samanta: May I know whether there are any Agricultural

Assistants in the Unions and Sub-divisions in the Districts of Cooch-Bihar, Jalpaiguri and Malda, and if so, may I know why these officers have not provided at least an approximate estimate of the population affected?

Shri Kidwai: As explained by the West Bengal Government, they are at a great disadvantage in going from place to place, because the whole area is flooded and there are hardly any routes. Still they said that they are trying their best to estimate the population affected, with a view to providing them the necessary assistance.

Shri S. C. Samanta: The hon. the Minister has replied that 45 lakhs of people have been affected. May I know whether this figure includes also the figure relating to these areas where the figures have not been ascertained as yet, and whether it includes the number the people affected in the 24-Parganas and Midnapur also?

Shri Kidwai: There is always a difference between the estimate and the actual.

Shri S. C. Samanta: May I know how the air-dropping of food is going on, and how long it will take for the government to make other arrangements?

Shri Kidwai: The air-dropping was done wherever it was considered necessary.

Shri B. K. Das: In reply to my question dated the 26th June, the hon. the Minister stated that the population affected in the 24-Parganas is 4.1 lakhs; in the reply given yesterday it has been stated that the figure is 45 lakhs for the whole area. May I know whether the rest 40 lakhs relate to people belonging to the other parts of the Province?

Shri Kidwai: Of course, it does.

Shri B. K. Das: May I know whether the new estimates have been taken into consideration while considering the requirements and also the arrangements that have been made to meet those requirements?

Shri M. V. Krishnappa: Necessary arrangements have been made to do so.

Shri Barman: May I know from the hon. Minister, whether in view of the fact that transport by railway and other means are in a dislocated condition, the Government have asked the Defence Department to help with military planes in connection with the air-dropping of food?

Shri Kidwai: It is being done, Sir.

Shri A. C. Guha: May I know whether hon. the Minister is satisfied as to whether what is known as 'Kidwai Plan' is being fully implemented by the West Bengal Government?

Shri Kidwai: An announcement has been made in the Press that the arrangements for the next four months have been, made, and what will follow will be considered again.

Shri B. K. Das: Excepting that these 30,000 tons of foodgrains, including rice, are going to be sold at a cheaper rate, may I know whether no other arrangements were made to meet the requirements of these 40 lakhs of people?

Shri Kidwai: The announcement was that what I had stated at Calcutta last month, has been carried out. At that time I had announced that 10,000 tons of rice and 10,000 tons of wheat would be released, and I have given an assurance that if necessary further quantities would be released. 15,000 tons of rice and 15,000 tons of wheat have already been released, and another quota of 15,000 tons of rice and 15,000 tons of wheat will be released, when it is found necessary to do so.

Shri B. K. Das: Sir, my question is, that the recent calculation gave the number of people affected as 45 lakhs and not 4 lakhs as given out by the hon. Minister previously. Now no fresh arrangement has been made for this large number of people except that only 60,000 tons of foodgrains are being sold at cheap rates and no gratuitous relief and other measures are being taken.

Shri Kidwai: Sir, it was announced that 5,000 maunds of wheat and 5,000 maunds of rice would be issued for gratuitous relief. The hon. Member will find in the statement that 15,000 tons of wheat and 15,000 tons of rice have already been released and I have given an assurance that whatever quantity will be required will be released.

Shri K. K. Basu: May I know, Sir, whether Government have any figures as to the different classes of persons within these 45 lakhs—I mean agricultural labour and those who have something to fall back upon? Here it is only given as 45 lakhs of people affected.

Shri Kidwai: We have not got the different categories, but it will be found in the statement that in some places people who have been classified as 'A' class i.e., the lower income

group, are being given this subsidised foodgrains and in some places even 'B' class are given subsidised food.

Shri K. K. Basu: In paragraph 8, it is said the Centre is prepared to supply 1 lakh tons of rice. May I know at what price?

Shri Kidwai: At the imported cost.

Mr. Deputy-Speaker: No profit, no loss.

Shri K. K. Basu: If the imported cost is Rs. 30 per maund, it is meaningless to give any subsidy.

Shri M. V. Krishnappa: It is being sold on what is known as the 'no loss and no profit' basis.

Shri Kidwai: It is meant for people who were buying at Rs. 45 to Rs. 60 per maund.

Shri K. K. Basu: In view of the fact that 45 lakhs of people are affected and the total amount sanctioned by the West Bengal Government works out to Rs. 50 lakhs, i.e., a little over Re. 1 per head, do the Government propose—either the Central Government or through the West Bengal Government—to increase this amount?

Shri Kidwai: I think that is a miscalculation, because these 50 lakhs are over and above what we are subsidising in food and other things.

Shri T. K. Chaudhuri: It appears from the last part of the answer that an additional 2 lakh tons of rice have been promised by the Central Government to be supplied to West Bengal. How far do these 2 lakh tons meet the demands of the West Bengal Government for additional rice as well as the demands of the representatives of public bodies with whom the hon. Minister had certain conferences.

Shri Kidwai: Well, I think this is four times what the West Bengal people were expecting. West Bengal was allotted 35,000 tons of rice for this year, out of which I can't be sure how much they have already got, but they have not got the full quota. When I went there, they said that instead of 35,000 tons they would like to get 1 lakh tons and those who met me also said the same thing. Therefore, the hon. Member will see that I agreed to supply Bengal more than they wanted.

Shri T. K. Chaudhuri: My question was how far does this additional supply which he has undertaken meets the demands.....

Shri Kidwai: I think it is double the demand made.

Shri K. K. Basu: Have the Government got any figure as to the large number of what is known as middle peasantry in the areas of 24-Parganas specially the Diamond Harbour subdivision who will not be able to cultivate their land next season due to want of working capital?

Shri Kidwai: The Government are giving 'taccavi' to enable them to cultivate their lands. Whatever amount will be required for that will be given.

Shri T. K. Chaudhuri: I have just received a letter from the Food Commissioner, West Bengal, about the introduction of the modified rationing scheme in certain districts which are known as 'distressed' areas. He has informed me that the District Magistrates in those areas have been given discretion to introduce this modified rationing scheme for three weeks only. Can he give us any idea as to whether the extension of the operation of this modified rationing scheme is in contemplation?

Shri Kidwai: I am afraid it is not possible for me to anticipate the discretion of the District Magistrates.

SUPPLEMENTARY QUESTIONS TO SHORT NOTICE QUESTION re FOOD SCARCITY IN EASTERN U.P. DATED 7TH AUGUST 1952

Pandit A. R. Shastri: With reference to the extent of the area affected, as given in the first page of the statement. I want to know if similar conditions do not prevail in the districts of Azamgarh and Ballia also.

The Minister of Food and Agriculture (Shri Kidwai): Pockets of Banaras, Deoria and Gorakhpur are affected.

Pandit A. R. Shastri: I want to know whether similar conditions do not prevail in the districts of Azamgarh and Ballia also.

Shri Kidwai: I think Ballia is in Fyzabad Division and Azamgarh in Gorakhpur Division.

Pandit A. R. Shastri: The districts are mentioned here.

Shri Kidwai: The question mentioned Divisions.

Pandit A. R. Shastri: With reference to rainfall, I want to know if the transplantation of paddy crop has taken place up till now or not.

The Parliamentary Secretary to the Minister of Food and Agriculture (Shri M. V. Krishnappa): Three days ago I had the privilege of accompanying our Minister when he paid a surprise visit to these areas. We were happy

to see that the monsoon had set in and there was a downpour of rain on that day. When we reached there, the ryots were busily engaged like bees in their fields in transplanting and weeding.

Pandit A. R. Shastri: Sir, with regard to the food situation, I want to know the basis on which the people are allowed to draw ration or purchase foodgrains from the cheap grain shops and whether this facility is provided to people living in small towns and cities and also in villages or only some selected areas are reserved for this.

Shri M. V. Krishnappa: Firstly, Sir, foodgrains are decontrolled there. The prices in the market are in some places cheaper than the ration price. Secondly, the people whom the hon. Member refers to, people living in towns, they are also being given this ration.

Shri Damodara Menon: The hon. Minister says that cheap grain shops have been opened in the eastern districts of U.P. May I know, Sir, whether there is any truth in the complaint that foodgrains allotted to these cheap grain shops are being sold in open market at higher prices?

Shri Kidwai: Some such allegations have been made and I think the Uttar Pradesh Government inquired into them. The Food Minister there also said that some of the grains supplied to these shops found their way into the 'black market', but that was before decontrol. Now in the eastern districts at least rice is much cheaper in open market than in the Government grain shops.

Shri Damodara Menon: The statement gives the steps taken by the Government to relieve distress. May I know, Sir, if in Deoria and Gorakhpur no relief work has yet been started?

Shri M. V. Krishnappa: Relief works have been started and Rs. 3 lakhs has been granted to Deoria District for the purpose; we witnessed one test work being executed there. We visited a number of places and since it was a surprise visit there were no officials with us and there was no room for any put up show and we saw some of these works in actual execution.

Shri Damodara Menon: May I know how many cheap grain shops have been opened in these two areas?

Shri M. V. Krishnappa: I want notice.

Shri T. N. Singh: May I know what is the position with regard to transport facilities available there these days? May I also know whether after the wagons reach the railway stations

there is sufficient facility for conveying the grain to the distant areas, almost unreachable areas, in Gorakhpur?

Shri Kidwai: The hon. Member himself has said that some areas are unreachable, but Government is managing the movement through buses wherever they can go or through boats or other means of transport so that now sufficient quantities of grain have reached that area and the experience of Gorakhpur, when all the cardholders could not get rations, will not be repeated.

श्री सिंहासन सिंह : सवाल के जवाब में गवर्नमेंट ने बताया है कि "स्टैंड टैकिन ट्रिलीव डिस्टेंस" के सिलसिले में टैस्ट और रिलीफ वर्क्स पर ४१,१८,००० रुपया खर्च किया गया है। क्या मैं जान सकता हूँ कि गोरखपुर और देवरिया के लिए इस में से कितना रुपया खर्च किया गया है ?

Shri Kidwai: Whatever amount has been sanctioned has been mentioned in the reply. If that particular information is not there I can get that for the hon. Member.

श्री सिंहासन सिंह : क्या सरकार यह बता सकती है कि गोरखपुर में जो टैस्ट वर्क शुरू होने को है उस में स्थानीय कलेक्टर ने यह आदेश दिया है कि कोई आदमी अपने गांव पर लगे हुए टैस्ट वर्क में काम नहकर पायेगा ?

श्री किबबई : मुझे ऐसी कोई बात तो नहीं मालूम हुई। यह अलबत्ता मालूम हुआ कि गोरखपुर के डिस्ट्रिक्ट मजिस्ट्रेट ने जो इन्तिजाम किया है वह यह है कि अगर किसी घर में चार काम करने वाले हैं तो उन में से एक को काम जरूर मिल जायगा और उसको जो मजदूरी मिलती है उस से वह गल्ला खरीद सकता है जो चार छटांक फी आदमी के हिसाब से पूरे खानदान के लिए काफी होगा।

Shri B. N. Roy: May I know whether the stock of foodgrains available at present in Deoria District is sufficient for August only?

Shri Kidwai: The hon. Member may have seen in the Press today that a large quantity of foodgrains has been released for those areas. More than half of that quantity, or at least almost half of it, has reached the destinations.

Pandit Munishwar Datt Upadhyay: What is the total number of workers working on these relief works and what is the number who are receiving doles?

Shri Kidwai: I think about fifty each. It was said about 50,000 people are working in these test works. In Deoria four centres have already been opened but in no place was the number more than fifty. However, it is expected that as the existence of these relief works is known to all the areas the number of workers will increase.

Pandit Munishwar Datt Upadhyay: I also wanted to know the number of persons getting doles.

Shri Kidwai: I have not got the figures.

Shri S. N. Das: What is the rate of wages paid to these workers? Are they prevailing rates or lower rates?

Shri Kidwai: The prevailing rates of wages there are also low because there is much unemployment among agricultural labourers. Now, these workers are being paid at the rate of ten annas or eight annas and these wages are sufficient to buy foodgrains for the family which comes to about 4 chhattaks per head per day.

Shri S. N. Das: Have any reports been received by Government about the area lying between the scarcity areas in U.P. and the scarcity areas in West Bengal and, if so, what is the condition of this area?

Shri Kidwai: I have been told that the contiguous area in Bihar is also affected.

Shri A. R. Shastri: With reference to reports of starvation deaths, may I know the names of the M.L.As. who have issued the statement saying that there is no starvation death there? I want to know the names.

Shri Kidwai: Privately or publicity?

Mr. Deputy-Speaker: What is the object?

Shri A. R. Shastri: The object is this. There are various parties working there. I want to know if those gentlemen are from all parties.

Shri Kidwai: They belong to the hon. Member's party.

Shri T. K. Chaudhuri: It appears from the answer that the distress in Eastern Uttar Pradesh is more due to lack of purchasing power. Arising out of that may I know whether this lack of purchasing power is due to non-payment of arrears of the price of sugarcane?

Shri Kidwai: In that area most of the mills closed down before the end of April, and therefore they got ail the payment excepting in the case of two mills where payment was not made because the mills were financially in a difficult position. But arrangements have now been made for immediate payment by these mills also.

श्री आर० एन० सिंह : क्या माननीय मंत्री म्होदय गाजीपुर बलिया में भी कोई टैस्ट वर्क शुरू करने जा रहे हैं ?

श्री किदवाई : गाज़िबन बलिया में शुरू करने जा रहे हैं।

श्री आर० एन० सिंह : कहां पर, किस क्षेत्र में ?

श्री किदवाई : यह तो मुझे मालूम नहीं है।

Shri Damodara Menon: The statement issued by certain Members of the Uttar Pradesh Assembly says that there have been no starvation deaths. May I know whether Government is aware of the fact that an ex-Member of Parliament, Mr. Shibban Lal Sak-sena has stated that there have been starvation deaths, and he has declared his intention to start a fast to invite the attention of Government to this fact?

श्री किदवाई : आज मेरे पास शिब्वन लाल का तार आया है। गालिबन और सहािबान के पास भी आया होगा कि रोज एक सौ भौतें स्टार्वशन से हो रही हैं।

Some Hon. Members: In English please.

Shri Kidwai: Today I received a telegram from Mr. Shibban Lal Sak-sena stating that one hundred people are dying every day on account of starvation. He says that

therefore he has decided to share their hunger and from 15th of this month he will go on hunger-strike. When I was in that part of the State I enquired about the starvation deaths. In one case starvation was reported and immediately after the man died a postmortem examination was conducted. It was discovered that the man had Rs. 50 in his pocket which was given to him as taccari loan two days before his death and some stock of grain was also recovered from his house. However, the doctor who conducted the postmortem examination said the man had not missed a single meal. Mr. Shibban Lal had supplied some names of deaths from another village also. Some of those persons had died six months ago, some two months ago. It was discovered that most of them were on austerity rationing and every one of them had drawn his ration for the week in which he died.

श्री रामजी वर्मा : क्या माननीय मंत्री जी यह बतलाने की कृपा करेंगे, क्योंकि वह अभी देवरिया से हो कर आये हैं, कि जो टैस्ट वर्क देवरिया में अप्रैल के महीने में शुरू हुए थे उन में अब तक एक इंच भी काम नहीं हुआ है ?

श्री किदवाई : मुझे मालूम नहीं कि अप्रैल में देवरिया में कोई टैस्ट वर्क शुरू हुआ था। क्योंकि जहां तक मुझे ख्याल है मैम्बर साहब ने खुद भी मुझ से शिकायत की थी कि वहां टैस्ट वर्क जारी नहीं किया जा रहा है।

Shri Gadgil: May I know whether the distress in the area concerned is due to lack of purchasing power or due to lack of movement of food being made in time?

Shri Kidwai: Food is available locally in plenty, but there was a scarcity of rains in this area for the last two years and therefore the savings of the people have been exhausted and they have no resources left. Therefore, wherever relief works were started, people came in large numbers and whatever they were paid was sufficient to feed them for the whole week. It is true that in one place in Gorakhpur the supply of food at these austerity shops failed for some time and instead of 9,000 maunds a day for which cards had been issued only

4,000 maunds were issued. That was only for a few days and the U.P. Government thereupon rushed the food-grains.

Shri Gadgil: Is it a fact that as a result of decontrol whatever was locally available has been cornered by the merchants?

Shri Kidwai: That is wrong. I enquired in Deoria and Basti and also in Gorakhpur and I was told both by officials and non-officials that whereas before decontrol the Government grain shops used to supply rice at 1 seer and 5 chattaks for a rupee, rice is now available in the open market at 1 seer and 10 or 12 or even 14 chattaks per rupee and it is available in plenty.

Shri Syamnandan Sahaya: Has the hon. Minister considered the fact that a ration of 4 chattaks for two meals a day might prevent immediate starvation deaths, but might lead to delayed starvation, deaths; and if so is there any prospect of raising this average of 4 chattaks per day?

Shri Kidwai: I think the hon. Member has not appreciated the point. This is the minimum quantity that is made available. They can always supplement it from the market.

Shri Syamnandan Sahaya: The trouble is that they have no money.

Mr. Deputy-Speaker: The House will now proceed with the further business.

THE

PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

5923

5924

HOUSE OF THE PEOPLE

Friday, 8th August, 1952

The House met at Nine of the
Clock.

[MR. DEPUTY-SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-32 A.M.

STATEMENT RE RECRUITMENT
OF GURKHA SOLDIERS IN BRITISH
ARMY

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): A number of questions have been put—some short notice—in re- been put—some short notice—in re- soldiers in the British Army. Instead of dealing with these questions separately, it might be desirable for me to make a full statement.

During the debate in the House on the 12th of June, 1952, on the Demands under the Ministry of External Affairs, an hon. Member stated that we had given the British special facilities to recruit Gurkha soldiers on our land. I then said: "That is not true. Nepal is an independent country and they can come to any agreement with any country. We do not come into the picture at all". I greatly regret that the answer I gave then was not correct. It is true that no Gurkhas who are Indian nationals are permitted to be recruited by any other country. But it is also true that, as a result of an agreement between the Government of India, of the U.K. and of Nepal, certain facilities were given to the U.K. Government for the recruitment of Nepali nationals on Indian soil near the Nepal border. I was not aware of certain subsequent developments at the time I spoke in the House. I have now made an enquiry and I place the results of this enquiry before the House.

149 PSD

At the beginning of May 1947, a meeting was held at Kathmandu between representatives of the Government of India, of the U.K., and of Nepal. It was made clear at this meeting that no Indian Nationals, Gurkhas or others, could be recruited by any other country. At that time, there were a large number of Gurkhas in the Indian Army. The numbers had gone up in war time above the normal figure and the question was of the disbandment of some of these regiments. The Nepal Government expressed their willingness to maintain connections with both Armies, namely, the Indian Army and the British Army, provided men of the Gurkha regiments were willing so to serve and the terms and conditions do not prove detrimental to the interests or dignity of the Nepalese Government. It was further stated on behalf of the Government of Nepal that the total number of Gurkha units to be employed by the Government of India and the Government of the United Kingdom should be limited and brought down to the peace time strength of twenty battalions, out of which eight battalions would be allotted to the British Army.

The Government of India informed the Government of Nepal that the reduction of the Gurkha regiments in the Indian Army would be carried out gradually.

As an independent country, the Nepal Government were free to permit the Government of the U.K. to employ Gurkha troops, that is, their nationals. We had nothing to do with this arrangement except in so far as transit facilities were required for these Gurkhas to go across India. It was agreed that these transit facilities will be given provided the Gurkhas went in mufti and as individuals. Certain postal and like facilities were also agreed to. It was also agreed that the recruitment of Gurkhas in Nepal should not in any way interfere with the recruitment to the Gurkha units in the Indian Army.

[Shri Jawaharlal Nehru]

A tripartite agreement was arrived at. This assigned eight Gurkha battalions in the then Indian Army to the U.K. and provided for the personnel of these battalions to be questioned individually whether they desired to transfer their service to the U.K. Government. Those who did not so desire, remained in the Indian Army.

It was also agreed that "for the present" the U. K. Government might continue to use the existing recruiting depots at Gorakhpur and Ghum near Darjeeling. It was felt that this would be more convenient for all parties concerned, as a temporary measure, than if new depots for recruitment were opened, either in Nepal territory or elsewhere. It was then the intention of the U.K. Government to establish recruiting depots in Nepal.

In a statement made by me in Parliament on the 10th of December 1947, I said as follows:

"In connection with the employment of Gurkhas by HMG, the Government of India have agreed to grant HMG certain necessary facilities, such as, the use, as a temporary measure, of the existing depots at Gorakhpur and Ghum and the provision on mutually satisfactory terms of transit facilities, postal and telegraphic facilities, special food stuffs, Indian currency and remittance facilities".

In pursuance of this arrangement, the U. K. Government were allowed, as a temporary measure, to use the existing recruiting depots of the Indian Army at Gorakhpur and Ghum (Darjeeling). Later, in March 1948 a separate depot was established at Jalapahar near Darjeeling and in February 1950 another depot was established at Lehra in Gorakhpur. The latter depot has been leased out to the U.K. Government for a period of ten years.

At both these recruiting depots, the Gurkha recruits are medically examined and formally enrolled. No training is given at these places.

Facilities to use recruiting depots in India were originally asked for and granted by us as a purely temporary measure. These have continued for some years in order to meet the wishes of the Nepal Government in this matter.

As this matter concerns two other Governments, namely, the Govern-

ment of Nepal and the Government of the United Kingdom, it will be taken up with these Governments.

An Hon. Member: May I ask one question?

Mr. Deputy-Speaker: No questions are allowed on statements made by Members of the Government. This has reference to rule 286 which says that a statement may be made by a Minister on a particular matter and no questions shall be asked at the time the statement is made.

Shri Nambiar (Mayuram): Can a clarification be sought?

Mr. Deputy-Speaker: That means asking a question.

MESSAGES FROM THE COUNCIL OF STATES

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

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 6th August, 1952, agreed without any amendment to the Salaries and Allowances of Ministers Bill, 1952, which was passed by the House of the People at its sitting held on the 31st July, 1952."

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to inform the House of the People that the Council of States, at its sitting held on the 7th August, 1952, agreed without any amendment to the Commissions of Inquiry Bill, 1952, which was passed by the House of the People at its sitting held on the 29th July, 1952."

Shri S. S. More (Sholapur): May I ask the hon. the Leader of the House the exact date by which we shall be in a position to disperse, because many of the Members have to make their arrangements for going home?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I cannot give a precise and definite date, but I earnestly hope that we may be able to finish by the 12th evening. The 13th in any event is a

holiday and I think it should be possible to finish by the 12th.

Mr. Deputy-Speaker: 15th is also a holiday.

PAPER LAID ON THE TABLE

STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table a consolidated statement showing the action taken by the Government on various assurances, promises and undertakings given during the First Session of the House of the People, 1952. (See Appendix XII, annexure No. 5.]

RESERVE AND AUXILIARY AIR FORCES BILL

The Minister of Defence (Shri Gopalaswami): I beg to move:

"That the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

I do not think I need say much to commend this motion to the House. The House is aware that the principles of this Bill were discussed on a previous occasion when the Bill was referred to a Joint Committee of the two Houses. This Joint Committee examined the provisions of the Bill and their report has been circulated to hon. Members of the House. The Joint Committee went into the provisions of the Bill in very great detail. As there was practically complete unanimity of opinion as regards the principles of the Bill, the necessity for the constitution of these Reserves and the General considerations on which these Reserves were to be constituted and worked, the Committee only went into the question of what improvements could be made in the details of the measure.

They have made a number of changes, most of them of a minor character. Two or three of them are of some importance. I do not think it is necessary for me to take the House through all the minor improvements that have been effected in the provisions of the Bill. They have been referred to in the Report of the Joint Committee, but I might refer to one or two of them.

We have first of all provided for the competent authority under the Bill consisting not merely of a single air officer designated for the purpose, but consisting also in suitable cases and in suitable areas of a committee of two or more air officers. Another perhaps important change in the measure is that in connection with the regular Air Force Reserve we have provided for the appointment of any member of the Air Defence Reserve or the Air Auxiliary Force to the Regular Air Force Reserve.

There are a few other smaller changes that have been effected, but I would refer only to one or two major points which have been referred to in the minutes of dissent appended to the Bill. The first to which I should like to make a reference is the suggestion that none of these Reserves should be used or allowed to be used in aid of the civil power. We discussed this matter at great length in the Select Committee and we came to the conclusion that the provisions in the Bill should stand as they are so far as this matter is concerned. The calling out of the Armed Forces in aid of the civil power is a principle which we have accepted in other enactments which provide for the maintenance of law and order, and amongst the Armed Forces are included these Reserves and the Auxiliary Force as well. Such an obligation rests also upon the Territorial Army which has been constituted under the previous enactment. It is not that in every case of a disturbance of the public order these reserves would be called out as a matter of course. Naturally in most cases, wherever the civil authorities are unable to deal with the situation, they will try to use such regular Armed Forces as might be available to them. If it became necessary, and only in very exceptional cases are demands likely to be made on the Air Force Reserves or the Auxiliary Air Force. There are situations, there are places in the country where it might not be possible to make demands on other kinds of Armed Forces simply for the reason that they are not easily available in or near the locality. In such places if these Reserves are more easily available, there should be nothing to prevent the use of these forces if it is necessary for the quelling of disturbance or the preservation of law and order. So, the Committee came to the conclusion, and I think it is a right conclusion that this obligation should also rest upon these Reserves.

The second point of some importance is what is now provided for in regard to the Air Defence Reserve. The provisions relating to Air Defence Reserve go through two or three

[Shri Gopalaswami]

stages. First of all persons with certain qualifications connected mostly with the Air Force or aerodromes and the like are called upon to report their names to a designated authority. On receiving these names an enquiry is held and the persons concerned are called up; a medical examination follows and, if the authority considers the case a proper one, the name of the person concerned is entered in a register of persons fit to be enrolled in the Reserve. There is a subsequent step by which the authority concerned could call up the men on this register for service either for training or for other kinds of service and when so called up and the person appears before the prescribed authority, he is deemed to be enrolled as a member of the Air Defence Reserve.

Some objection has been taken to this procedure on the ground that it constitutes conscription. Well, strictly speaking, it does involve a certain amount of conscription. But we have to begin somewhere. We thought that so far as the general question is concerned, we might perhaps leave it over for full consideration in the future, but when we are constituting Reserves of the Air Force and also an Auxiliary Air Force, we thought we might introduce this principle of conscription in a very limited way. Now what I wish to point out to the House is this. This register which is made of persons fit to be enrolled in the Air Defence Reserve is confined to certain classes of persons. Most of these persons have to possess qualifications connected with the Air service or with aerodromes and the like; for instance every citizen of India who has had not less than 200 hours of experience of solo flying or holds or has held a first-class navigator's licence issued under the Aircraft Rules or has had four years aviation experience during which at least 600 hours shall have been spent etc. There is an omnibus clause which the Select Committee added, namely, "is or was at any time employed in connection with any aerodrome or in connection with the control and movement of aircraft in such capacity as may be prescribed". Now persons with these Air qualifications, if I may so describe them, are not very large in number in the country at the present moment and if we do wish to constitute a Reserve, it is necessary that we should draw into these Reserves persons with these qualifications. These qualifications have first to be reported by the persons concerned, a register has to be maintained and out of the register persons' names are taken and they are embodied in the Reserve. I think that

for the purpose intended and within the limitations that are prescribed in this Bill, this very small instalment of conscription is justified and I hope hon. Members will agree with me in that respect.

Another important change and a very important change from the standpoint of the constitution of Reserves in general, has been inserted in the Bill by the Joint Committee and that relates to an obligation which has to be thrown on the employer, the implementation of which, in the opinion of all persons who have anything to do with the recruitment to these Reserves, is very necessary in order to encourage that recruitment. Persons have to be drawn from civil employment. They hold jobs before they are called up for service whether it is for training or for other service. I must tell the House that during the time they are under training or are rendering service in answer to a call, they get from Government the emoluments which attach to an officer of the same rank in the regular Air Force. Often times, it has been found that this remuneration payable by Government is in several cases smaller than the emoluments which a particular person was or is getting in civil private employ. He, therefore, has to suffer a sacrifice and naturally his domestic budget gets upset. I think, I have already told the House on several occasions as to what the Government's policy in regard to this matter is. First of all, there is the question of security of employment, that is to say, if a man is called up for service and that service ends, he has got to go back to his original job. That obligation to reinstate the person was already in the original Bill, but the Committee has gone further and said that the difference between emoluments in private employ and the emoluments which a person gets during the period of service or training, that difference should be made up by the employer, whether that employer is Government or a private person. Now hon. Members might apprehend that this might throw a very heavy liability on private employers. In the first place, I wish to draw their attention to the fact that this payment is restricted to the period only of training. It does not relate to the period of any other kind of service for which the Reserve man

In the second place, that period spent in training annually has been estimated as being not more than a month. So the obligation that is

thrown on the employer is of a minimum character, and already Government in their own employing departments have been instructed to give effect to this policy. Government have also appealed to private employers to follow a similar policy. But the Joint Committee thought that it was time that a statutory obligation of this kind should be thrown upon the employer. That is provided for in clause 29 of the Bill.

For the rest, as I have said, we have made a number of improvements in the language of the Bill. There is one matter which I said I would take into consideration when the Committee was on this Bill and that has been provided for, namely, that the rules framed under this Bill will be laid on the Table of Parliament. I do not think I need say anything more.

10 A.M.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

Shri P. T. Chacko (Meenachil): The purpose of this Bill is to constitute three kinds of Air Forces besides the Regular Forces. They are the Reserve Forces, Air Defence Reserve Forces and the Auxiliary Forces. From a reading of clause 25 as amended by the Joint Select Committee, it is possible to see that as regards the liability to serve, all these three kinds of Forces to be constituted are placed on the same level. Not only that, clause 25 reads:

"Every member of an Air Force Reserve or the Auxiliary Air Force shall, during the period of his service, be liable to be called up—

(a) for training for such period as may be prescribed and for medical examination,

(b) for service in aid of the civil power,

(c) for Air Force service in India or abroad."

It can be seen that practically there is very little difference even regarding the regular Forces and the Auxiliary Forces or the Defence Reserve Forces or Reserve Forces as regards the liability to serve, because the Auxiliary Air Forces also will have to serve not only at home, but abroad, not only in a case of emergency, but at all times. They are also liable to be called up in aid of the civil power. So, practically no distinction is kept as

regards liability to serve even between regular Forces and the Reserve or Auxiliary Forces to be constituted under the provisions of this Bill.

Here, I wish to point out that the Auxiliary Forces are not a part of the Armed Forces because they are after all civilians who are prepared to sacrifice a few of their holidays to get training so that they may be of use in defending their motherland in case of an emergency. They live among the civilians. They may be students, businessmen, lawyers or any body. The conception behind constituting Auxiliary Forces, as a matter of fact, is to give training to the people of the country so that they may defend the country in case of a crisis or an emergency. It may be looked upon as the basis of an expansion of the national Army in the event of war. These citizen soldiers, that is the auxiliary soldiers, as far as I know, are not utilised in any country in aid of civil power or in times of peace. The Auxiliary Air Force is a counterpart, it may be said, of the Territorial Army. The Territorial Army was not liable even in the United Kingdom, till 1939, to be called up to serve abroad. From the Reserve and Auxiliary Air Force Act of 1924 in the U.K. it can be seen that a clear distinction is maintained as regards liability to serve between the Auxiliary Air Forces or Auxiliary Forces and the Reserve and Regular forces.

Under section 2 of the Reserve and Auxiliary Air Force Act of 1924, section 6 of the Territorial and Reserve Forces Act of 1907 is extended to Auxiliary Air Forces. This section makes it a condition that an officer or person entering the Auxiliary Force shall enter into an agreement to accept as an obligation the liability to be called out to serve within the British Islands in defence of the British Islands against actual or apprehended attack. I am drawing the attention of this House to the provisions of the U. K. Reserve and Auxiliary Air Forces Act mainly because I come to understand that this Bill was drawn on the basis of that Act. Then, again, section 5 of that Act provides:

"His Majesty, by Order in Council, may declare an emergency and the Secretary of State may call out the Auxiliary Air Force and Reserve Forces to serve within the British Islands."

I am referring to three cases where the Auxiliary Air Forces to be constituted under the provisions of this Act are to serve: (i) in aid of civil power; (ii) abroad; and (iii) even at a time when there is no war or when

[Shri P. T. Chacko]

there is no emergency. Before the Bill was sent to the Joint Select Committee, clause 24, which is now clause 25, provided in sub-clause (c) that these Forces to be constituted under the provisions of this Bill are liable to be called up only in an emergency. Under the United Kingdom Act, these Forces shall be—I am referring only to the Auxiliary Air Forces, because my objection relates only to the Auxiliary Air Forces—liable to be called up not only in the case of an emergency, but only when a proclamation is issued by the Crown. Then, only the Secretary of State can by Order call out the Auxiliary Air Forces. Then, the proclamation and order of embodiment have to be placed before Parliament within a specified time and Parliament has to approve it. These provisions are there, because the intention is to encourage the people to join the Auxiliary Forces so that they may get trained so that they may be of some use in an emergency or at the time of war. According to clause 25, what I wish to point out is, that these three impediments are there in the way of students, for example, or professionals joining the Auxiliary Air Forces. Supposing a student for a businessman who is prepared to sacrifice, say, one or two days in the week-end for training and 14 to 20 days in a year for specialised training, is recruited. Then, he is making a sacrifice to that extent without taking any remuneration, so that he may be of use to the country, in times of emergency. But, according to the provisions of this Act, anybody who is prepared to make that small sacrifice is compelled to serve in these three ways. Not only as a citizen but as an embodied person of the Auxiliary Air Force he can be called up in aid of the civil power. Here I wish to draw the attention of the House to the provisions of the Criminal Law Amendment Bill which we have recently passed. Under that Bill the Air Force can be called up in aid of the civil power by any magistrate. So what becomes of the young men who join the Auxiliary Air Force? Suppose there is a riot, and a third class magistrate or even an honorary magistrate—who is the magistrate of the highest rank present at the place at the time—takes it into his head that the Auxiliary Air Force should be called in aid of the civil power, these young men who have joined the Auxiliary Air Force will have to take up arms against their own brethren in their own native place.

Shri G. S. Singh (Bharatpur-Sawal Madhopur): It is so for the rest of the Armed Forces.

Shri P. T. Chacko: Yes. It is so for the regular Forces. But these people are civilians. The regular Forces are employed for that purpose. That distinction ought to be kept in mind. These members of the Auxiliary Air Forces are not members of the regular Armed Forces. They are not remunerated. They live among civilians. I may go to the extent of saying that members of the Auxiliary Air Force may also have their petty quarrels with certain people in the locality. This may be misused as an occasion to wreak vengeance against such persons.

I do not want to say anything regarding the provisions in the Criminal Law Amendment Act. But think of the situation. My friend says that even the regular Army can be called up. Yes, and the whole police force can be called up. But the police force is there for that purpose. The Auxiliary Air Force is not there for that purpose. The Auxiliary Air Force is there simply for the purpose of giving training to civilians, and the intention should be to give as much encouragement as possible so that as many people as possible may get themselves enrolled in the Auxiliary Air Forces and get trained, so that they may be of some use at a time of emergency.

My first objection to this is this. I do not object to the Reserve Force being used. I have not gone to that extent, because in the Reserve Force regular Army men who have retired are there, whose period of liability has not expired. I have not gone even to the extent of objecting to the Air Defence Reserve being utilised, because in the Air Defence Reserve we are having people who are actually technicians and trained men. But in the Auxiliary Air Force we are having young men who are being trained, and who are civilians, who are prepared to make some sacrifice for the cause of their country without being remunerated in any way whatsoever, except for the fourteen or fifteen days period of their training every year. They are not entitled to be remunerated otherwise.

So may I ask: are the Government intending to constitute an Auxiliary Air Force where the State should have all the advantages and the personnel all disadvantages? I am referring to the liabilities of the members of the Force. The State can call them up for any use in aid of the civil power, the State can embody them even at a time when there is no war, and the State can ask them to serve abroad. Then, is it the intention of the State to get civilians enrolled in an Auxiliary Air Force who can be utilised in

the same manner as the police force or the regular Army? I have great objection to this. And I do not know of any country where the Auxiliary Force whether it is the Territorial Army or the Auxiliary Naval Force or the Auxiliary Air Force, is used in aid of the civil power. I think that instead of giving an encouragement to our young men to get themselves trained in the techniques of defence this will only place an impediment in their way.

I may refer here to *Halsbury's Laws of England* wherein the provisions regarding the Auxiliary Air Force are given. I am referring to section 1376 in this Book:

"Members of the Auxiliary Air Force are not liable to be called out as a military body in aid of civil power for the preservation of peace."

As in the case of any other country, in India also every citizen is liable to a certain extent to be called up in aid of civil power in certain emergencies. There are provisions to that effect in the Criminal Procedure Code. A magistrate can ask a citizen to render him help in certain cases. I am not referring here to such cases. I am not referring here to the liability or the duty of a citizen to help those who are responsible for the maintenance of peace in certain emergencies. I am here referring only to cases where the Auxiliary Air Force can be called up as a Force in aid of the civil power, that is for the suppression of a riot or for the maintenance of peace and tranquillity.

Mr. Deputy-Speaker: Was not this clause in the original Bill itself before it was referred to the Select Committee?

Shri P. T. Chacko: It was in the original Bill, Sir. What was not in the original Bill is sub-clause (c) of clause 25. In the original Bill these Forces were liable to be called up only in cases of an emergency, and now the word 'emergency' is omitted.

I may also be permitted to refer to certain other provisions regarding the Auxiliary Air Force of the United Kingdom. I am reading again from *Halsbury's Laws of England*.

"Subject to the provisions of any order, the Air Council may make general or special regulations with respect to the same matters.

No order or regulation must affect or extend the term for which or the area within which a man of the Auxiliary Air Force is liable

by statute to serve, or authorise his posting, when not embodied, without his consent, to any unit other than that to which he was posted on enlistment, or his posting, without his consent, to a unit of the regular Air Force.

No man of the Auxiliary Air Force can be appointed, transferred or attached to any Air Force body without his consent under any order or regulation made after his enlistment, if his consent was required for such appointment, transfer or attachment under that order or regulation."

Those are the provisions which govern the Auxiliary Air Force in the United Kingdom. Under section 5 of the Act of U.K. persons who enrol themselves in the Auxiliary Air Force will be attached to a particular unit in a particular area, and the agreement is to serve within that area only, and they can be called up in case of an emergency or war. In the case of an emergency they can be called only by the proclamation of the Crown. Not only that; orders embodying them and the proclamation have to be placed before Parliament whose approval is necessary. All these precautions have been taken because they do not belong to the regular Army; they are only civilians who have joined the Auxiliary Air Forces. The idea behind the Auxiliary Air Force is to give an encouragement to the people and to give them training.

But what are we doing here? Here a competent authority, and even a third class or honorary magistrate can call up these forces for service at any time, to serve anywhere in the country or abroad, and may use them even against their own kith and kin. There is no use in hon. Members lightly treating this provision. My point is that these provisions here are such that they can be used against their own brethren in their own native town in case of a riot or under circumstances of an apprehended breach of the peace.

Kumari Annie Mascarene (Trivandrum): What does the hon. Member mean by an emergency?

Shri P. T. Chacko: I mean by that term an emergency proclaimed under article 352 of the Constitution, either external aggression or internal disturbance or something of that nature. If a few workers take out an illegal procession in the streets, that is no emergency nor even an ordinary riot. To maintain peace and tranquillity we are having the regular Forces, the Police forces and the Reserve Forces

[Shri P. T. Chacko]

and also the Territorial Army. May I ask is it necessary to have a provision here whereby these young men who join the Auxiliary Air Force merely with a view to getting themselves trained, should also be utilised in such cases? I have already referred to the provisions in the parallel legislation in the United Kingdom as regards calling up the Auxiliary Air Force to serve abroad, or to serve when there is no war or emergency. We want to encourage our young men to get themselves enrolled in the Auxiliary Air Force, or the Navy or the Army, so that they may study the technique of the art of defence, and be of use to the country in the event of a war. My submission is that if such an encouragement should be given, the liability of those young men should be as restricted as possible. If they are liable to be called up to serve anywhere by the competent authority and even by an Honorary magistrate then that is a definite impediment, in my opinion, in the way of their getting enrolled in the Auxiliary Air Forces. I would appeal to the hon. Defence Minister to take these things into consideration. I am pleading here only for the Auxiliary Air Force, and I submit that the Auxiliary Air Force should not be called up in aid of civil power and also except in case of an emergency, and even then they should not be asked to serve abroad.

Dr. M. M. Das (Burdwan—Reserved—Sch. Castes): The Joint Select Committee to which the Bill was referred has not been unanimous in its report, and several Members of the Committee have submitted their minutes of dissent. The most important question raised in these minutes of dissent is that of conscription. My hon. friends Shri H. N. Mukerjee and two others have taken serious objection to the conscriptive nature of the Bill and have said that it is wrong in principle to introduce conscription as a general feature when the situation does not warrant it. When the hon. Minister in charge of this Bill was discussing this particular point in the minute of dissent he appeared to be somewhat apologetic in his speech.

Shri Gopalaswami: It is a very wrong impression that my hon. friend has carried from my speech.

Dr. M. M. Das: I am glad to hear that he was not apologetic, because there is nothing to be apologetic about

in this matter, in my opinion. If our country wants to survive as an independent nation in the world today, nothing should be done to place an obstacle before Government or to tie down their hands for imposing this conscription if they find it really necessary for the defence of the country. Peacetime conscription has been the subject matter of great debate and controversy in the United States of America. Today there are only two countries in the world, England and America, which have not adopted conscription during peacetime. With the exception of these two countries, conscription has been adopted universally in practically all the independent countries of the world not only during war, but during peacetime also. England and America do not require conscription during peacetime, because of their natural defence provided by their geographical positions. England is saved by the English Channel and the invincible British Navy, while the United States of America is isolated from the old world by the Atlantic and the Pacific Oceans. The other countries of the world, less fortunate geographically and which have abutting frontiers with their neighbours like the countries of the Continental Europe, must have the necessity to keep the whole nation, the entire population, ready for war, fully prepared and organised so that mobilisation can be effected at short notice. The necessity and importance of conscription not only in times of war, but also in times of peace was first demonstrated by Germany in the year 1870 when Germany defeated France and took possession of Paris. The foundation of German military might was laid in the year 1814 when the famous military law of Boyen was promulgated and enforced in Germany. This military law was passed upon the principle that every citizen is bound to defend his Fatherland. In effect, the promulgation and enforcement of this military law in Germany resulted in the full and complete conscription of the whole German nation both in times of peace and war.

Perhaps, a few words about the present Red Army may please some hon. Members on my right side. The Red Army has passed through three evolutionary stages. At the beginning it was a cent per cent voluntary Army. Then it was partly voluntary and partly conscripted, and now it has become a fully conscripted army.

Shri Nambiar (Mayuram): Not voluntary?

Dr. M. M. Das: Up to the beginning of the last war, able males of 21 years were subject to compulsory military service in Russia, but during the war when there was a greater demand for soldiers to feed the front lines, this draft-age of 21 years was reduced to 19 years.

My hon. friend Mr. Chacko in his speech drew a line of demarcation between civilian and military people. There was a time when the doctrine of Rousseau that war is the relationship of a State to a State and not of man to man, held good, but the time has changed and that doctrine has been discarded now. In its place, a new doctrine has come into existence, and this doctrine is that "every citizen is a soldier and every soldier is a citizen".

There is another important matter to which I would like to draw the attention of the House so far as conscription to our Defence Reserve Forces is concerned. Every year Government spends several crores of rupees for the development of civil aviation in this country. Every year, a number of new aerodromes, a number of new communication centres are being established, costly machinery is being installed in our aerodromes to facilitate civil aviation, and aviation schools are being established and maintained in many parts of the country at a huge cost. Subsidies to the different air companies of this country to the extent of eight annas per gallon of aviation spirit is also given. Last year, we spent Rs. 3,14,57,000 for civil aviation. This year, we have provided in our budget the sum of Rs. 2,79,29,000. If any of my friends here think that the Government is spending this huge amount from our Exchequer only for the sake of having the luxury of a scheduled air service from one part of the country to another, I have no hesitation to say that he is entirely wrong. We are spending this huge amount of money every year, three or four crores of rupees, not for the luxury of having a scheduled service by air from one city to another in this country, but we are spending this money because we know that in times of danger, if these are required for the defence of the country, then the civil aviation will form a second line of air defence of this country. Therefore, there is provision in this Bill to conscript suitable employees who are serving today in our civil aviation companies. I think there is nothing wrong in it.

Another important question that has been raised by my hon. friend

Mr. Chacko and others is whether it will be proper and just to call the Auxiliary Air Force Reserve for service abroad and in aid of the civilian power. It has been declared on the floor of this House on more than one occasion that our fighting Forces are meant for defending the country alone. We have no territorial designs upon any other countries, and there will be no occasion at all to send our forces abroad. But, for the defence of our country, it may be necessary for our Armed Forces to operate just outside our borders in the territory of the enemies. I think the provision of service abroad has been made in this Bill only to meet those occasions.

Regarding service in aid of civil power, we have seen in the floods of Assam and in the drought of Rayalaseema how the Armed Forces could be useful in relieving the distress of the civil population. Nobody can have any objection at all for the rendering of such service by the Armed Forces to the civilian population. The only objection that has been raised is about the use of these forces for quelling civil disturbances. Personally speaking, I do not attach much importance to it. In the Territorial Army Act of 1948, there is a similar provision, as has been mentioned by the hon. Minister in charge of the Bill. This Territorial Army Act was passed in the year 1948 and this particular provision for service in aid of civil power has been in force for the last four years. I do not know if anything untoward or objectionable has happened in these four years. But if some of the hon. Members of this House take this matter very very seriously, as is evident from the speech of my hon. friend Mr. Chacko, I do not see any reason why the Government should not accept their suggestion.

There is another point which the hon. Minister in charge has dealt with rather elaborately in his introductory speech. Some changes, some additions have been made by the Joint Committee to clause 28 of the original Bill. By this addition, the responsibility of compensating an employee for his less pay during the time of training has been placed upon the employer. When an employee has joined the Auxiliary Air Force or the Reserve Air Force, he is serving the nation. It is the Government and the people at large who are benefited. I do not understand why the responsibility of compensation should devolve upon the employer. It should devolve upon the Government.

Shri G. S. Singh: I welcome this Bill and I hope earnestly that the Government will do all they can to implement

[Shri G. S. Singh]

it as soon as possible in spite of the fact that in the official memorandum it says that it is only a permissive piece of legislation. There is to some degree, a departure from our usual practice inasmuch as a certain amount of voluntary conscription has been introduced. I welcome this, and I would ask the Defence Minister to introduce it in the Universities so that he can apply it to all branches of our Armed Forces.

I was astonished to find my friends of the Communist Party opposing this conscriptive measure. They are all for regimentation and conscription of all forms. The only objection to this conscriptive measure that I can see, is that it may decrease the desire of our young men to become air minded. The Defence Minister has assured us that this will not be so. So that objection is overruled.

I was surprised to find minutes of dissent to this Bill, especially in regard to clause 25—liability to be called up for service. My hon. friend, Mr. Chacko, has objected to our Air Force Reserves being called up in aid of the civil power.

Shri P. T. Chacko: Auxiliary Air Force.

Shri G. S. Singh: Supposing there is a war and you have an Auxiliary Air Force squadron stationed in Delhi. No regular troops are available because they are at the front and suddenly a civil disturbance takes place, then who is going to be called up in aid of the civil power on that occasion? (An Hon. Member: Police). That is already in the Criminal Procedure Code.

Another point to which Mr. Chacko objected to was the deletion of the words 'in an emergency'. I would like him to think of a situation where you get intelligence that an aggression is about to take place. An emergency may arise; you do not wish to let everybody know that you have this intelligence; you do not wish to let anybody know that you have these secret reports. But you want to be prepared and you want to equip your Air Reserves before that emergency arises so that you will be ready to handle it when it does arise.

The question of serving abroad, I think, can easily be explained. I would like to ask Mr. Chacko how he

is going to fly from Calcutta to Assam. We must consider these small points.

While congratulating the Defence Minister on this piece of legislation, I would like to ask the Government whether it could not see its way to incorporate the Department of Civil Aviation into the Defence Ministry, specially in view of Chapter III and the conscriptive nature of Chapter III, which is contemplated. I do feel that this would make for greater efficiency in the implementation of this measure, if I may say so with all due respect to the D.G.C.A.

I would also congratulate the Defence Minister on clause 29 which provides for compensation during the training period. I would ask him to see if he can amend the Territorial Army Act accordingly. My friend who spoke last, objected to this principle of compensation. But I would ask him to think of an airline Captain who is probably drawing Rs. 2,000 a month who is called up for one month's training. He is given the rank of a Flying Officer who gets Rs. 600. Do you wish for even that one month to disturb his financial and domestic budget to such an extent? Surely for one month's training the employer could quite easily make up the difference.

Shri M. S. Gurupadaswamy (Mysore): The world today is faced with a peculiar situation. It is in a state of 'no war, no peace'. There is neither war, there is neither peace. We are in an unstable and insecure condition. So naturally such a condition demands that we should be adequately equipped for defence. I entirely agree with the Defence Minister as far as the principle and purpose of this measure is concerned. We want our people to become more defence-minded, more air-minded. I feel that there should be more civil cooperation in the defence of the country. I agree that people should participate positively in the defence of the motherland. We must have an adequate second line of defence always in reserve to be used in an emergency.

I agree on all these points. But I disagree with the hon. Minister with regard to the provision of conscription. I say that conscription is not necessary because it will create an impression that our people are not willing to serve voluntarily in the task of defence. Defending one's country is a noble responsibility; it is a responsibility that should be shouldered by every individual citizen. My hon. friend there has told us that every citizen is a soldier

and every soldier is a citizen. That should be the spirit, but that should be voluntary. We cannot compel a man to serve in this Reserve or that Reserve. If we inject the spirit of compulsion, if we make this imperative, then it will alienate the willingness, or shall I say, it will curb down the voluntary spirit, that is needed for such a defence reserve. Conscription today is not necessary because there are people who agree to serve voluntarily. Of course the conscription is limited to the Air Defence Reserve and does not apply to the Auxiliary Air Force Reserve. Even that I feel is not necessary in view of the fact that our people are too willing to defend their country. So, in the first instance let us see whether by making it voluntary we are not getting cooperation from those sections of the community. If we fail to get that cooperation, then we may introduce conscription, not otherwise. So I humbly submit that conscription may be avoided and the door may be thrown open for voluntary service.

Another point is about the use of the Air Force Reserve and the Auxiliary Air Force Reserve in aid of the civil power. My hon. friend there has pointed out that the Reserves should not be employed in helping the civil power in quelling disturbances, in dispersing unlawful assemblies and in quelling riots. I have no objection if the Reserves are employed to aid the civil power in constructive and development projects. In famine conditions—and they are existing today—you may employ these Reserves to carry goods for the famine-stricken people. We may employ these Auxiliary Air Force reserve personnel for building up roads and communications. But it should be restricted only to civilian purposes; by 'civilian purposes' I mean only peaceful purposes. Therefore, I say that these Reserves should not be called up by any magistrate, or anybody for that matter, in quelling disturbances or taking part in establishing law and order in the country. Only a few days back we passed a piece of legislation empowering the magistrate to use all the Armed Forces to quell civil disturbances, to disperse unlawful assemblies and so on. It is there and every one, whether he belongs to Auxiliary Air Force or not, is liable, in his civilian capacity, to be called up by the magistrate to quell disturbances and establish law and order in the country. Though he is a member of the Auxiliary Air Force he is subject to the order of the magistrate and his liability is there to help to establish law and order in the country. By pinning these people to the

Auxiliary Air Force we are not in any way removing this liability. So to make these people again liable to serve in quelling disturbances or establishing law and order is totally unnecessary.

There is another strong reason for my objection. If you say that members of the Auxiliary Air Force are liable to aid the civil power in quelling disturbances or in establishing law and order, then you will be discouraging recruitment. People may feel that if they are taken into this Auxiliary Force they may be called upon to quell disturbances in their own localities and that they may become unpopular. They may feel that they may have to use force against their own brothers in the locality, which feeling may not at all be encouraging or conducive to their joining the Auxiliary Air Force. Therefore, in order to encourage people to join as auxiliaries it is necessary to remove this fear from their minds, otherwise your legislation will become futile, and will not be successful. To make it successful and operative this fear should be removed from the minds of our young men. I submit, therefore, that this part of the Bill should be amended properly. We have mentioned in the minute of dissent also that it is very necessary that the civil power should not be empowered to call on the auxiliaries to aid them in establishing law and order.

Another point which I have to refer to is about using these reserves for purposes which are not at all national, or using them beyond the territorial limits of this country. I emphasise that these reserves should not be normally sent abroad, and they should be sent out only in an emergency. Some hon. Members might say, well, we have to send them abroad for training, therefore, how can we prevent it? But after all, the training that these auxiliaries may require will be a very limited one which could be done in India as well without having to send them abroad. In the Bill as it stood originally the condition of emergency was mentioned but it has been removed in the Select Committee by the Majority Members of the Committee. I wish that that word "emergency" should be added so that only in a case of emergency should the Government use these forces inside India or outside, not otherwise. If you say these forces can be used even in peace time you will be creating a sort of a suspicion that you may like to help other countries in their war efforts, or even that you may want to conquer some other country. I know you do not intend to do this; you are honest people, you are not aggressors, you do not want any

[Shri M. S. Gurupadaswamy]

other territories outside India, but still the present provision of the Bill will apparently cover that idea. Therefore, it is better that to clear up that suspicion and doubt from the minds of people we should add the proviso of "emergency". Only during an emergency should these Reserves be called up and employed, not otherwise.

Shri T. S. A. Chettiar (Tiruppur): So many hon. Members have covered several points and it is not my purpose to repeat them over again. This is a permissive legislation, and the success or otherwise of it will mainly depend upon the quality of people that you are able to attract to these Auxiliary Forces. Any provision in the Bill which will be a deterrent to the recruitment of such fine personnel will be against the success of the scheme. So, the main point of view from which this Bill should be examined should be from the point of view of whether we will attract the proper kind of personnel for these auxiliary and reserve forces.

In this connection I want to refer to one point which was mentioned in the opening speech of the hon. Minister of Defence. I do not know whether that point has been sufficiently appreciated or not. It may look strange but it is true that the kind of people whom you want to recruit to these forces get, in civilian employment, much more pay than what they would get in the regular Forces. There is a clause of the Bill which says that the pay given to these auxiliaries should be the same as that given to the regulars. That is perfectly correct; Government cannot maintain two scales of pay, one for the regular officers and another for the auxiliaries. But we have to consider the other question. They have to leave their civilian employment to join these forces; it is a continuous employment, an employment for life time. These people have to leave that employment and join the auxiliaries almost as regulars. When these auxiliaries are formed they go into action along with the regular Forces. And the fun is that we offer them less pay! The original clause in the Bill was the very same thing as the amendment which was introduced to the Indian Territorial Army Act and on that we heard from the hon. Minister a few weeks ago that they are not able to attract as many good men for the Territorial Army as they wanted. The reason mentioned was that the pay offered by the Territorial Army was in many cases less than that offered by private management in industries, etc. To circumvent that difficulty an amendment has been introduced in

this Bill in the Select Committee. And I think that amendment is about the most important amendment made in the whole Bill. That amendment is to clause 29. Now clause 29 provides that during the period of training any difference of pay existing between what he was receiving previously and what he will actually be paid by Government ought to be made good by the previous employer. We must remember that the various categories of officers mentioned here include not only pilots but also include ground engineers. Many people of these categories will have to be drawn from industries or workshops. Well, it has been laid down that this difference in pay should be paid by the former employer. The question is how far we will get the co-operation of the employers in this matter. To the extent to which we get that co-operation we will be successful, but to the extent to which those employers discourage their men going and joining the auxiliaries this measure will be a failure, and I think Government should address themselves to this important question. Now the question of payment of difference in pay refers only to the period of training which is expected to be one or two months. For instance, there are pilots in the air services who already know their job, but, if I may use a civilian term, an orientation has to be given to them, a special training given so that they may fit into the Air Force set-up. At the most such training may take just one or two months and we have laid it down that for that period the difference in pay should be paid by the employer. The question that still remains is: When these men are absorbed in the Air Force what will happen to them? Of course, I do believe that our employers will be patriotic enough to provide for the difference in pay because it is a matter of just one or two months—and that is what we were given to understand by the Air Force authorities who came to the Select Committee. But the question that has to be answered is what happens to these men when they are drafted into the regular service. That also is a matter over which Government should come to an understanding. They cannot come to an understanding unilaterally unless the employers come forward to pay, and if they want the responsibility to be taken by the employers it is necessary that they must take the employers into confidence.

11 A.M.

Before going into the question of the advisory committee which provides for civil co-operation, I would

like to refer to one other matter. Clause 29 (3) envisages a case where certain employers may refuse to pay the difference. There may be some misunderstanding or they may adjust the amount they have to pay against some other loan which the employee may have taken from the employer. If such adjustments take place and the difference is not paid to the employee, what is going to happen? We discussed this for quite a long time and found that the matter did not lend itself to an easy solution. It required thought and consultation. Clause 29(2) reads:

"(2) Where any such member was in any employment immediately before he is called up for training under section 25, the employer shall, during the period of the training, be liable to pay to him the difference, if any, between the pay and allowances which he would have received from the employer if he had not been called up for such training and the pay and allowances which he receives as such member while under training."

And then follows 29(3):

"(3) If any employer refuses or fails to pay to any such member the difference in pay and allowances as provided in subsection (2), such difference in pay and allowances may, on application by the member to the prescribed authority, be recovered from the employer in such manner as may be prescribed."

The provision is that if the employer refuses to pay, the difference would be recovered from him, but the point as to whether the man who joins the Auxiliary Force will get his money or not is not made clear. It may be that the prescribed authority will tell him, "Rs. 500 are due to you. We shall recover it from the employer and give the amount". No time or date is specified. It may take months and we know what a civil action means. Unless, therefore, we specify the time by which the money should be paid to the employee, it would create difficulties. If the intending participants in the Auxiliary Force were to know that they are not going to get the difference easily, then I am afraid it would act as a deterrent, whereas our chief objective in introducing this Bill is to give a real encouragement for these young men to come and join these Forces. We really depend upon the patriotic urge and love of the motherland of these young men who are prepared to come

forward and risk their lives. These the young men are prepared to do, but to expect them further after joining the Auxiliary Force to wait for months on end for the payment of the difference is too much. These are two very important matters which should be looked into and which have been left vague.

What will happen to these people when they are drafted to the regular service? That is a matter which has not been considered at all under this Bill. What will happen during the period of training? You have no doubt said that if the employer does not pay you will recover the money from him, but should the candidate wait for the recovery, or will somebody advance the money and then recover it? This has to be made clear, and it is a very important matter from the point of view of the individual participants in this scheme.

If this particular clause is to come into effect, we must get the abundant co-operation of the various employers who are in this case the various airlines and flying clubs. They are heavily subsidised by the Government and we may expect....

Shri U. C. Patnaik (Ghumsur): On a point of order, Sir. Is a Member of the Select Committee, who has not given a minute of dissent, entitled to criticise the report of the Select Committee?

Mr. Deputy-Speaker: I do not think there is anything objectionable. He did not perhaps think of these points then and he is now placing them before the House and trying to persuade it.

Shri T. S. A. Chettiar: I am rather surprised at the point of order. These things were considered by the Select Committee. It is not necessary to give a minute of dissent in order to discuss these points here.

I was on the point of the co-operation of the public. It is abundantly clear that public co-operation will be necessary to make the proper type of candidates to come forward and join the Auxiliary Forces.

Mr. Deputy-Speaker: But with respect to important matters, is it right for hon. Members, long after the Select Committee has concluded its deliberations, to come before the House and put forward new points?

Shri T. S. A. Chettiar: These things were considered in the Select Committee.

Mr. Deputy-Speaker: They do not find a place in the report. That is what the hon. Member points out.

Shri T. S. A. Chettiar: This particular clause which I quote is a new one which has been added. Clause 29(2) and (3) deal with the two questions which I have raised.

I was on the machinery of public co-operation. This matter was also discussed in the Select Committee and I am personally anxious that the composition of the advisory board should be made clear. Whose co-operation do we need? The two agencies who have to do with the training of pilots are the flying clubs and the airlines. Since they receive heavy subsidies from the Government, it can reasonably be expected that they will co-operate with Government in this matter, but how about the personnel who have to be drawn from various factories, workshops and other places? It is essential that we should get the co-operation of those industrialists and workshop magnates also and they should certainly find a proper place in this advisory committee. Apart from them, there are ex-servicemen, ex-officers of the Air Force and similar people. They should also be in the advisory committee. I am anxious that any decision taken by Government in these important matters, which are left to the rules, should be taken after the consent and persuasion of the various employers and there is a large body of employers who will co-operate with Government in this respect. Under sub-clause (4) of clause 34, the rules that will be made will be laid before the House, so that it will be open to the House to make any suggestions in this regard.

There is one other matter which I would like to deal with before I sit down. Something has been said about conscription. I am afraid that that word has not been used in the proper sense. Here there is no real conscription. I shall tell you the reason why. I understand that these people who are undergoing training in the flying clubs for flying etc. sign an agreement. I have got a copy of the agreement and shall read the relevant portion. But the substance is that they have, under the agreement which they have executed with the flying clubs, agreed to serve Government, because of the heavy subsidies which Government is paying to the flying clubs. I am not referring to the ground engineering personnel, but most of the people whom we are going to take will be from among these people. Therefore, I

do not see anything like conscription there, because under an agreement they receive training. There may be a few cases of people trained before the agreement came into force two years ago, but I believe that a large number of people who may join these Auxiliary Forces will be people who have been trained under this agreement. So, there is no question of conscription in this matter. It is only a question of agreement and I do not think we should create scare which does not exist.

One objection has been raised and that is that these auxiliaries should not be used in support of the civil power. I do not want to go into that question in detail. I would only like to draw the attention of the House to section 42 of the Criminal Procedure Code where it is said that officers of Government already have power to requisition the help of all civilians in the maintenance of law and order.

Shri A. K. Gopalan (Cannanore): I rise to raise my voice of protest against this Bill. I do not want to take much time of the House. I will try to be as brief as possible.

The way in which this House has been passing Bills, will I am sure cause alarm in the minds of the people. The other day we passed a measure which gave power not only for the police and the Army, but also for the Air Force and the Navy to go to the aid of the executive to quell disorders. There were discussions for over two days and it was then argued by the Government that that power was essential in view of the existing situation in the country. Today, by this measure, as my hon. friend Mr. Chacko said, you are asking for power for the use of not only the ordinary Force, but also the Auxiliary Force to quell disturbances, not when there is an emergency, but even when there is no emergency in the country.

One of the objects of this Bill, it was pointed out, was to give training to our young men, to encourage them to take to military training. I do not know how this will be an encouragement, particularly when they know that there is no danger facing the country, that there is no emergency existing in the country, that there is no threat of external aggression, and that they will be called upon to quell civil disturbances. Even as far as the last Bill, the Criminal Law Amendment Bill, was concerned, there was a departure, for the reason that the executive wants the use of regular Navy as well as the Air Force. There is a convention, I suppose that the

Army, the Navy and the Air Force are not meant to be used against the people of this country, whatever may be the nature of the disturbances, but only against external aggression when there is a war.

When the Criminal Law Amendment Bill was under debate we brought it to the notice of Government that if Government were to be afraid that there would be frequent disturbances, there would be such disturbances and if Government were afraid that the regular police and Army could not handle it, the proper course for them would be to recruit a special new force to deal with such disturbances. Even today, besides the ordinary and reserve police, there is a special armed constabulary. In the same way you can say there may be a new force to deal with civil disturbances.

Whenever such Bills, for example, the Preventive Detention Bill, or the Criminal Law Amendment Bill, are brought before the House, we are told that the situation in the country is very bad. If that is so, it would be better to bring forward a Bill saying that there must be another force added to the police force or the reserve police which will be used to quell disturbances in the country. We have no objection to Government doing that. But when you say that the Navy and the Air Force will be used for quelling civil disturbances, and in addition to all that the Auxiliary Forces too, then, certainly it looks as though there is something very very alarming in the country. We would, therefore, naturally like to know what is that situation which necessitates the Government resorting to such legislation.

What is the incentive or encouragement which this Force offers to the youngmen, as was pointed out by an hon. Member? Of course, when there is a war, when our country is attacked, there is necessity for conscription. In times of danger, there will not even be the necessity for conscription, because the young men out of their patriotism and love of the country are sure to volunteer themselves for the defence of the country. Now in peacetime, when there is no danger facing the country, you call them, you give them training. You will naturally take only those persons who have some job, persons like students, clerks and others. When they know that they are meant to be used for quelling civil disturbances, they will not be much interested in it.

Even the other day about 120 young men, who had undergone training as pilots and who are still unemployed

came to me. They said that in the near future—within the next six months or one year—they saw no prospect of their getting any jobs. On their behalf I represented their case to the hon. Minister concerned.

A provision in this Bill says that their services are likely to be utilised not only within the country, but they are also likely to be sent abroad. We do not know where they will be used and how they will be used. It must be specifically mentioned where they will be sent and how they will be used.

If the real object of the Bill is to give encouragement to your youngmen and to foster and develop a patriotic Auxiliary Air Force in the country, I am afraid that laudable object would be defeated by the very provisions you are putting.

I object to this Bill and request that clause 25(b) and (c) may be deleted.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): I have great pleasure in supporting in toto this Bill as it has emerged from the Joint Select Committee. The Government is to be congratulated for bringing forward this measure, and it has been brought forward none too early. And I do hope the hon. Defence Minister will during the next session be able to bring the Naval Reserve Bill also so that we shall have Reserves in all the three arms of the Defence Forces.

I would like to begin with some of the comments and criticisms that have been made by the previous speakers. I am surprised that even Members of the Joint Select Committee seem to have so quickly forgotten the points and the arguments that were thrashed out in the Committee itself. One hon. Member does not seem to have an adequate appreciation of the scope of this Bill. My friend, Mr. Chacko, does not object to the Reserves being called out in aid of civil power. His objection is only to the Auxiliary Air Force being called out in aid of civil power. The argument he put forward was a very strange one. He said: here are these young men who will be living with their wives, daughters, sisters and friends, and they will be called out, they will be shooting their own kith and kin! I would ask him to consider whether the personnel that will be in the Air Defence Reserve will also not be living with their own people. What is the difference? The Air Defence Reserve will be made up largely of personnel who are today working in the scheduled and non-scheduled airlines. Will they be living in barracks or in their own homes? How is it that he comes to draw this distinction? He feels for the person

[Shri Jaipal Singh]

who is going to be in the Auxiliary Air Force because he may have to shoot his own brother. He does not feel so in respect of the personnel of the Air Defence Reserve at all. I do not understand this kind of dichotomy that is drawn by my friend, Mr. Chacko. His objection, and for the matter of that the objection of any one in this House, is already ruled out by the fact that this Parliament has already agreed that people who come under the Armed Forces can be called to the aid of civil power. (*Inter-ruption*). As a matter of fact, that particular clause need not be there. It need not be there because Parliament has already legislated and has already enabled the appropriate authority to call out anybody who comes under the Armed Forces Act. Actually, as we discussed it in the Select Committee also, my own view was that that particular clause was unnecessary because only during this session we have passed an amendment to the Code of Criminal Procedure whereby the authority already exists. But this makes it explicit, so that personnel who will be joining the Reserve and the Auxiliary Air Force will know what they are in for and will be in no doubt about it.

Something has been said about conscription. Personally I feel it is high time that the country understood the meaning of conscription. It is the duty of every citizen to come to the aid of the country when the citizen is required to do so, whether it is an emergency of a countrywide nature or some local emergency. Already for several years every B-licence trainee has undertaken in the agreement that he makes with the Government—this is the agreement—that “he would enrol, if required by Government, in a Reserve of Auxiliary Service of the Indian Air Force.” So this thin end of conscription is nothing new. Government has a right to have a return of service for the vast sums that are spent on trainees. My hon. friend Mr. Gopalan mentioned the fact of 120 pilots, B-licences I suppose, who went to him about their being unemployed, and perhaps unemployable. On that account alone I would have thought that Mr. Gopalan would have welcomed the formation of the Air Defence Reserve, because the Air Defence Reserve, the Government plan, would enable these B-licence pilots to maintain their flying qualifications. Otherwise, if they are unemployed, they will not be able to get their licence endorsed every year. Here is a plan whereby Government is going to enable these young men—they are not only 120, the

present figure is over 200, men who have spent well over Rs. 14,000 in getting their B-licence, part of which amount has been contributed by the Public Exchequer—here is this Bill which is going to enable them to keep up their qualifications so that when they are not required in the Reserve they will be still eligible, still qualified to come back to any employment for which they may find an avenue.

Shri A. K. Gopalan: Not only qualification but food also they want.

Shri Jaipal Singh: Anyway, none of us want that people who have spent vast sums of money and on whom Government has also spent vast sums of money should remain idle. I think on that we are all in accord. So the first objection that they should not be called out in aid of civil power is ruled out of court. In any case, it is an optional thing for an individual who is not a B-licence pilot to join the Auxiliary Air Force, because the Auxiliary Air Force exists only for people who are below the level of B-licence and other technical qualifications under the Air Defence Reserve. It is optional.

Now, the question has been raised that this will act as a deterrent and that young men will not be coming forward. I am afraid that people who are using that language just do not know what the position of civil aviation at the present moment is, how all our flying clubs are congested, where people have to queue up to get their training. I, personally, with the experience I have not only of one flying club but of several over a long period of years, can say this: this Bill will in no way deter our young men wanting to get training in flying.

There has been the question of compensation. That point has already been met by my friend from West Bengal. Yes, it is met only in so far as the personnel is drawn from services that receive Government subvention. Now, it is quite likely that a person may be called up who is not employed either by any scheduled or non-scheduled airlines. The person may be employed by a firm that receives no Government aid whatever. If a person is called up who is in the employ of a Government beneficiary, a concern receiving large subventions from Government, I can well understand that we have a right to expect of that employer to bear the brunt of the difference for the fortnight or three weeks or at the most one month of the training for which the person will

be called up. I do suggest that Government should by some executive action find out ways and means of how the case can be met of people who would be employed where the employer does not receive any Government subvention. Otherwise, there will be discrimination. For in one case one employer receives aid from the Government and the other employer does not receive aid from Government. I think, certainly in regard to the engineering staff, it would be very necessary for Government to consider ways and means of coming to the assistance of the employer if necessary. As I have already said in the case of personnel who are employed by concerns, that receive aid from Government, Government has a very easy way of meeting it.

I do not know why, in season and out of season, some of our friends on our side in this House seem to think that men in uniform to whatever wing they may belong are only meant for shooting the people. They do not seem to have faith in themselves or in their fellow countrymen and that the Armed Forces are disciplined people. Personally I will be quite frank with the House. It was the Armed Forces that dealt with disaster or any commotion better than the policemen. This is so because the Armed Forces are men of discipline. They are always under control. They do not go out of control. It is very unfortunate that we have so little respect for our Armed Forces. They are our countrymen just as patriotic as the rest of us. They also are citizens. At the same time they are subject to laws just as much as the ordinary citizen and further than that, they are also subject to the military discipline. I do deprecate this decrying of the Armed Forces, as if they had no sense of honour and no sense of feeling for their fellow countrymen.

The regular Air Reserve, the Air Defence Reserve and the Auxiliary Air Force can be used for so many other very useful things. Mention has already been made of their magnificent work. They have done it only recently and they are still doing it in the tea gardens in Alipore and Dooars. When the new railway link bridges had been completely washed away by the rains, it was the Indian Air Force that had to go to the rescue as my hon. friend said in his introductory speech. If we build up our reserves we could certainly utilize them for similar purposes.

People have very soon forgotten what happened when the emergency arose in regard to Kashmir. It was the Indian Air Force supplemented very

magnificently by the civil air lines that enabled us to get our troops there in time and thus saved Kashmir for us. There are so many different ways in which we can make use of the reserves and the Auxiliary Air Force, that I do congratulate the hon. Defence Minister for bringing this Bill forward. I have no mental reservations whatever.

I am not worried as to whether an emergency should be proclaimed by the President or not. Anybody who is connected with civil aviation will realize that you will have to have months and months of training before a man can be made useful to you. It is not like driving a bullock cart. You can do it then and there. This needs a highly technical training. You cannot fly as you can drive a motor car. Then for driving a motor car you require a licence. Here is a matter of flying up in the air and there are no garages up in the air, and as my hon. friend from Bharatpur said: Are you going to let the whole world know that there is a potential emergency? Is that how you are going to protect the country? You are sadly mistaken if in this aviation age, you think that at the last minute you can have a first-rate Air Force, either to do your own internal rescue work, or for dropping food supplies or for the matter of that, defending the country.

I support this Bill wholeheartedly and will end by saying that I do hope this is the beginning of my hope expressed earlier in the Budget session that civil aviation will go to my hon. friend there, so that he will be able to implement this Bill. It should not be a merely permissive Bill. If it is merely a permissive Bill, I would have very little use for it. I want something to happen. I want to see the 200 pilots, who have spent thousands of rupees and on whom Government have spent such vast sums of money employed. Government have been giving literally crores of rupees in subventions to the various air lines and I want that this money should come back by way of dividends in the shape of strengthening our defences and our aggressive power in this country.

Mr. Deputy-Speaker: So many hon. Members have taken part in the debate so far. There are amendments to various clauses and hon. Members will have an occasion to speak when the clauses come up for discussion. I, therefore, propose to call upon the hon. Minister immediately.

Shri Gopalaswamy: We have had an interesting debate on this motion, but the points that were raised in the course of this debate were only too familiar. Some of them were raised

[Shri Gopalaswami]

during the debate at the time the Bill was referred to a Committee of the two Houses. Others were discussed, I think, in all fullness at the sittings of the Committee itself. Yet, I do not wish to go into too much detail over the criticisms that have been launched here.

There is one very fundamental point about which I should like to say something, especially from the standpoint of the future of the country and the role that the regular Armed Forces and the Armed Reserves have to play. It has been taken too easily for granted that if we are to attract the proper kind of personnel to these Reserves, we must not throw any impediments in their path and one of the impediments which these critics think is that the Bill as posed before them is their liability for service in aid of the civil power. A question has been asked that if young men are drawn into these Reserves freely of their own will and so forth, should you subject them to the scare of having to serve in aid of the civil power? This is a service in which lives, property or other belongings of their kith and kin might be involved.

Now, in regard to questions which arose in connection with the maintenance of law and order, the quelling of disturbances etc., I hope the House will concede the position that those duties are public patriotic duties. If that is so, if you are prepared to create regular Forces, whether of the Armed Services type or even of the police type, for the purpose of discharging those obligations, the same kind of people are involved in getting such men into the regular Forces also. Does the House suggest that a man who goes either into the regular Armed Forces or goes into the regular police is not to be actuated by the same humane considerations that they think will stand in the way of a man going into the Reserves? *Per contra*, if you have to attract men into the regular Armed Forces, or the regular police for the purpose of discharging these public obligations, patriotic obligations, what is there wrong in asking people to get qualified for rendering this patriotic service and go into these Reserves for that purpose? I can see no distinction between regular Forces and reserve Forces in this respect. It may be that, when you are thinking of Reserves, you are very wrongly thinking of different grades of society from which regular Forces are drawn and the Reserves are drawn. You think in terms of a better type of people being persuaded to come into the Reserves and perhaps a somewhat lower type of people who are ready

to go into the regular Forces. I think this distinction is unsustainable from the standpoint of the ideology for which Mr. Gopalan must stand. Therefore, I do not think that the fact that they will be liable to be called in aid of the civil power even for quelling local disturbances is anything that could so deter young men from coming into these Reserves. As my hon. friend Mr. Jaipal Singh has pointed out, the trouble is not so much want of applicants; the trouble in regard to flying clubs and the institutions that exist for the purpose of training is congestion. We have not been able to provide the number of institutions that are necessary for training all the young men who are prepared to offer themselves for service in this arm. I think it is a very exaggerated impression that any such liability is going to deter young men from coming into these Reserves.

There are some other suggestions which were put forward. On the question of conscription, I think the critics have been sufficiently answered by the speeches of other Members in this House. A suggestion was made that in setting up these advisory committees, we should enlist the co-operation of the kind of people who are likely to be affected by giving effect to this Bill. Certainly Government will keep that in mind in the constitution of these committees. In the framing of the rules for the constitution of these committees, we shall certainly take care to see that the employers also are consulted and are brought into these committees and I hope that every effort will be made to persuade them to fall in with the policy of this Bill and the manner in which it should be implemented.

As I have already said, it is my intention that, after this Bill is passed into law, fairly quick action should be taken for giving effect to its provisions. Hon. Members are aware that the Bill itself provides for different portions of the Bill being brought into force at different times, and perhaps also at different times in different areas. These provisions will be kept in view and certainly a beginning will be made in this direction as soon as practicable. My own hope is that, before the House meets at its next session, we shall be in a position to place on the Table of Parliament the more important rules that will have to be made under this Bill. The rule-making power has to be exercised as fully as possible before we can begin with implementing the legislation,

though I do not think we can exhaust all the rule-making that is necessary before the next Session.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 24 were added to the Bill.

Clause 25.—(Liability to be called up for service)

Shri P. T. Chacko: I beg to move:

In page 14, line 29, omit "or the Auxiliary Air Force".

I do not want to take the time of the House in explaining the amendment. Clause 25 deals with the liability of all the three kinds of Forces to be constituted under the provisions of this Bill. As I have submitted earlier, I do not want the Auxiliary Air Force to be liable to be called up for service in aid of the civil power or for Air Force service abroad. A separate clause may be therefore added regarding the liabilities of the Auxiliary Forces. I have also given notice of an amendment to that effect.

I am amazed at some of the remarks made by Mr. Jaipal Singh. He has been, as he said, for a long time acquainted with the working of flying clubs. He was pointing out to the agreement signed by persons who are trainees in these clubs.

Mr. Deputy-Speaker: May I suggest that the hon. Members may move all the amendments standing in their names to this clause and then speak. Practically, the hon. Member has spoken about the clause *in extenso*. If he has to add one or two observations, I have no objection. But let all the amendments to this clause be moved together, first with respect to the Auxiliary Air Force, and then with respect to the emergency and so on.

Shri P. T. Chacko: I beg to move:

(1) In page 14, line 34, after "abroad", add "in an emergency proclaimed under article 352 of the Constitution".

(2) In page 14, after line 34, insert:

"(2) Every member of the Auxiliary Air Force shall during

the period of his service be liable to be called up—

(a) for periodical training and medical examination,

(b) for air force service in India in an emergency proclaimed under article 352 of the Constitution."

I was astonished that Mr. Jaipal Singh did not actually, with all his experience, understand the difference between the Air Defence Reserve and the Auxiliary Air Force. He tried to read a portion of the agreement which the trainees have executed. The agreement says that the trainee undertakes to serve in a Reserve Auxiliary Force. What was the meaning of the words "Reserve Auxiliary Force" at the time when the undertaking was given? Then we did not have any Auxiliary Air Force. So, the meaning can only be of the words as they are used in the parallel legislation in the United Kingdom; and there, they are having Reserves to the Auxiliary Air Force. And the Reserves of the Auxiliary Air Force are not compelled, are not liable to be called up in aid of the civil power, and they are not liable to be called up except in an emergency. So, what is the meaning of that agreement? The agreement only means that the trainee has undertaken at the time of the training to serve in the Reserve of the Auxiliary Air Force which was liable to be called up only to serve in an emergency, and only at home. My friend wants to put something else than this. He wants to interpret it as meaning an Auxiliary Air Force under the Bill before the House now. I only wish to point out that it is putting the cart before the horse. Nothing less than that.

Then, Mr. Jaipal Singh was also saying: "Why should some friends want to make a difference between the Air Defence Reserve and the Auxiliary Air Force as regards the liability to be called up in aid of the civil power." I am sorry to say that in his enthusiasm he has forgotten the purpose of the legislation itself. The purpose of the legislation, I wish again to point out, is to encourage our young men to get themselves trained so that they may be of use to the country in an emergency. In the case of the Air Defence Reserve there are already provisions in the Bill to compel anyone who has certain minimum qualifications to serve—I am referring to clauses 10 to 15. So there is no question of giving any encouragement to them. Any person with the prescribed qualifications can be enrolled in the Air Defence Reserve, and any person can be compelled under the provisions

[Shri P. T. Chacko]

of this Bill to do so, and therefore no question of encouragement arises in the case of the Air Defence Reserve. The question of encouragement arises only in the case of the Auxiliary Air Force.

My friend Mr. Patnaik was telling me about their feeling when Mr. Patnaik and some of his friends joined the Territorial Army. They were actually doubting whether they should join the Territorial Force, simply because of the provision that they were liable to be called up in aid of the civil power. This is his experience. So, that is the mentality—I do not want to go further—with which young people look upon this provision.

Some of my friends were asking: "What about the regular Army?" They are paid for it. I am not wanting in respect for them. They are serving the country. They are patriots. I agree. But you should not put a student or a businessman or one who has voluntarily enrolled in an Auxiliary Air Force in the same level as a member of the armed police or the regular Armed Forces. Supposing there is a disturbance of the peace, and innumerable instance I can quote where....

Mr. Deputy-Speaker: Is it not open to him not to enrol himself?

Shri P. T. Chacko: Yes, Sir. That is exactly why I object. It is open to him not to enrol. That means it is a discouragement. That is exactly my point.

Mr. Deputy-Speaker: He must be enrolled but not do the act in the Air Force?

Shri P. T. Chacko: I may be willing to get myself trained, and I may be willing to serve in case of an emergency to save my country from external aggression or an internal disturbance.

Mr. Deputy-Speaker: The hon. Member wants that the Air Force must be constituted on his own terms.

Shri P. T. Chacko: I am pointing out that there is no country in the world, as far as I know—there are ever so many countries where Auxiliary Air Forces are constituted—where members of the Auxiliary Air Forces are liable to be called up in aid of civil power. Are they not having the considerations which weighed with our Government? I never wanted to compare this with the legislation in other countries. Because this reference was made, I was forced to say that.

It is not on my condition that I want to get trained. What I say is that

people who do not want to serve in aid of the civil power may be prepared to serve the country in the Armed Forces in the event of external aggression. They should also be given training. That is my submission.

There may be a property dispute between two individuals. It may develop into a riot in a village. I can quote innumerable instances where the interference of petty officers has caused property disputes between individuals to develop into actual riots in villages. My question is: Do you want our young men from the same village who are prepared to get themselves enrolled in the Auxiliary Air Force, who are prepared to serve the country in the event of an emergency—an external aggression or an internal rebellion—to go out and quell the riot there? It arose, after all, from a property dispute between two individuals. My point is that the purpose of the Bill is to give encouragement to our young men to get themselves enrolled and get themselves trained, so that they may be of use to the country. If you want to give encouragement, my proposition is that they should not be asked to go and serve in aid of the civil power. There is no necessity also.

May I ask the Defence Minister how many times he has used the Territorial Force for quelling riots in this country? Probably not even once. So, there is absolutely no need to call up the Auxiliary Air Forces as such to quell disturbances or riots. And, why should this power be given to the magistrates?

Somebody was pointing out that we have already accepted this principle in the Criminal Law Amendment Act. We have not accepted it. At that time when the Criminal Law Amendment Bill was passed, what we did was to vest powers in magistrates to call the Armed Forces in aid of the civil power. That is all. At that time, we never contemplated the Auxiliary Air Force. And now we can make in exception of the Auxiliary Air Force. There is nothing illogical in that.

So, my submission is that viewing the purpose of this Bill, the Auxiliary Forces should not be used just like the ordinary Forces or the Police Forces firstly in aid of the civil power, and secondly, they should not be used except in an emergency. That was the intention of the Government when they brought the Bill itself.

12 NOON

I may also point out that there has probably been no instance even for the use of the Territorial Army to quell civil riots or disturbances of peace and

tranquillity in the country. In order not to leave any suspicion in the minds of people who are prepared to make some sacrifice of their time and want to get trained in the Auxiliary Forces, and in order to give them some encouragement to do so, I again appeal to the hon. Defence Minister to accept my amendment.

Mr. Deputy-Speaker: Amendments moved:

(1) In page 14, line 29, omit "or the Auxiliary Air Force".

(2) In page 14, line 34, after "abroad": add "in an emergency proclaimed under article 352 of the Constitution".

(3) In page 14, after line 34, insert:

"(2) Every member of the Auxiliary Air Force shall during the period of his service be liable to be called up—

(a) for periodical training and medical examination,

(b) for air force service in India in an emergency proclaimed under article 352 of the Constitution."

Shri K. K. Basu (Diamond Harbour): I beg to move:

(1) In page 14, line 33, after "civil power" add "provided that such aids shall not be called for quelling civil disturbance and/or anything connected with the maintenance of law and order".

(2) In page 14, line 34, omit "or abroad".

Mr. Deputy-Speaker: Amendments moved:

(1) In page 14, line 33, after "civil power" add "provided that such aids shall not be called for quelling civil disturbance and/or anything connected with the maintenance of law and order".

(2) In page 14, line 34, omit "or abroad".

Pandit Thakur Das Bhargava (Gurgaon): Arguments were taking place before you as to what should be the proper province of obligations of the Auxiliary Air Force. In regard to these, two points of view have been put forward. The first is that in an emergency they can be called up, but should not be asked to serve abroad and in aid of the civil power. The reply was given to this by some hon. Members and also the hon. Minister in charge of the Bill, that this objection of Mr. Chacko has no force. One of

the arguments advanced by my hon. friends is that we have just passed another Bill some days ago, the Criminal Law Amendment Bill, which is alleged to have laid such an obligation on the Armed Forces. My humble submission in regard to that is that it is absolutely wrong to refer to that Bill and call it to aid to enforce such an argument, and to declare on that basis that there is no substance in the argument of my hon. friend Mr. Chacko. In the first instance, we are now bringing into existence a new Force called the Auxiliary Force, and to say that in regard to that we have already passed a Bill by virtue of which we have put certain obligations upon that Force is not fair. So I would submit that so far as that Criminal Law Amendment Bill is concerned, it has got nothing to do with the present Bill, wherein we are enacting today what will be the position of the Auxiliary Air Force.

As regards the argument that the obligation on the Auxiliary Force should be as restricted as possible, my submission is that it should be examined on merits. Even in the Police Act I know that in certain cases the magistrate can call upon any citizen to become a special volunteer. Therefore, as far as the principle is concerned, there is no point in saying that any person who voluntarily takes up such an obligation upon himself should not be asked to serve in aid of the civil power.

But the question here is whether you should impose such an obligation on every person who wants to get himself enrolled in this Auxiliary Force or not. In my opinion, I do not visualise many occasions when such persons shall be called upon to aid civil power or to serve abroad. Ordinarily, even when we passed the Criminal Law Amendment Bill, the hon. Home Minister gave an assurance that if any such Forces are used, they will be such forces only as will be serving on the land only. So I do not visualise even with regard to this Bill, that such a contingency will arise when we will have to use this Auxiliary Force. Nobody in this House has contended that the obligation should not be enforced when there arises an emergency or internal aggression or disturbance. When the Kashmir conflict arose, we know that persons who were only civilian pilots went to Kashmir and did their duty splendidly at the time of emergency. Nobody wants that any Indian should shirk his duty. But the question here is whether you are going to encourage these people who want to enrol themselves in the Auxiliary Air Force, or not. If you lay down this

[Pandit Thakur Das Bhargava]

obligation on them, then to a certain extent, an obstacle is placed before them, because they would not like to take up obligations of which they do not approve.

Therefore, my submission is that because these emergencies are not likely to arise, we should make the conditions of service in the Auxiliary Air Force as attractive as possible, and see that many persons come forward. So I would rather like that my hon. friend Mr. Chacko's amendment is accepted, so that this obligation to serve abroad or in aid of civil power does not act as a deterrent towards persons enrolling themselves in the Auxiliary Force. If there is any emergency involving the security of India, then a person who joins this Force will definitely go abroad in defence of his country, and will take up that duty voluntarily on himself. In other countries also, the Auxiliary Air Force is not called upon to come in aid of civil power. Similarly, we should also see that there is no such obligation in our country also, and see that many people are attracted to this Auxiliary Air Force, and voluntarily accept the duties which are imposed on them. Therefore, I feel that this amendment of my hon. friend Mr. Chacko should be accepted.

Shri Dhulekar (Jhansi Distt.—South): I cannot say that my hon. friend Mr. Chacko's arguments are without any force at all. The whole object of the Bill may be one, namely that we are going to have an Air Force of which there will be three classes, as defined in this Bill. It might be said that whoever joins any of these, he should be prepared to serve in all contingencies. As there are three classes of Air Forces, I believe the hon. Defence Minister has in his mind the view that these three classes will be used in three different circumstances. First, there is the regular Air Force which is to be used daily. Secondly, we have the Air Defence Reserve defined in Chapter III which may be used to supplement the regular Air Force whenever necessary, and to aid them in their duties. Thirdly, we have the Auxiliary Air Force which can be called at a later stage.

I cannot agree with my hon. friend Mr. Jaipal Singh who said that all persons belong to the same category whether they live in barracks or in civilian houses. I submit that they do not belong to the same category. I may get training in the Air Force in order that I may serve my country

whenever there is any aggression from another country or when there is any internal commotion of a nature that the Government will be compelled to call upon me from my ordinary course of daily duties. I am a Member of Parliament and if I belong to the Auxiliary Air Force, I will not be called up to quell a small civil commotion, a storm in a tea-cup in a village or a factory. But under the rules, as they appear here, when there is an emergency, I can be called by any magistrate or any person who may be commanding my area. So, I submit that we should look at it from another point of view. My hon. friend, Mr. Ayyangar, said that we are looking at it from a different point of view, that is, those persons who join the regular Air Force are of a lower stature than those persons who are in the Auxiliary Force. I submit that that argument does not fit in here. Why? The point is this. One person takes up the profession of becoming a soldier. Another person takes up the profession of a lawyer. That person who takes up the profession of soldier is certainly a very good citizen, very great patriot; he must be respected. I respect him, but I place him certainly in another category because he is a kind of *Kshatriya* who is prepared to fight every day. Another person who enters another profession makes reservation in his mind that "if my country is in danger, I shall run." It can be very plainly seen. Suppose in my village there is a house on fire, I shall certainly run bare-footed, bare-headed and without anything on my person, but nobody can say that because I ran on that day in that fashion I shall run everyday bare-footed, bare-headed and without any *kurta* on me. That does not mean that one is lower and another is higher. There are two classes. So my submission is this, as my hon. friend, Pandit Thakur Das Bhargava has said, that there is much force in what the hon. Minister says, but there is also force in this that there may be discouragement by putting this, that all persons who may be prepared in times of danger to die and sacrifice themselves, will in ordinary times be asked to go out of their way and to serve at a time when they have only to put down a certain *hartal* or some small rising, burning of houses and things like that. So, I would submit that we have to look at this matter from that point of view.

Reference was made to the Territorial Army. I submit that I am voicing the feelings of those young men who do not enter the Territorial Army,

and I may give this information to the hon. Minister of Defence that this Territorial Army Act is not very popular. Why? Because the University students think that they may be called upon to aid the civil power at any time. Therefore, they are afraid of it. So, I may tell the hon. Minister that this thing works in the minds of University students and they generally do not join it. In British times, there were University students who used to go. Why? Only to get training. They said that at the time they were called upon to serve in aid of the civil power, they would disobey or would join the revolutionary forces and liberate the country when the time came. They joined the Territorial Army with the object of getting military training so that when the country required it, they would rebel against the British. That was the one motive that actuated them to enter the Territorial Army. Now that motive is not there. Now, I may be allowed to say that that small section in the Territorial Army Act is a deterrent section, if you put that clearly 'for service in aid of the civil power' without the words 'in an emergency'. I agree with Pandit Thakur Das Bhargava that it will be certainly deterrent to some extent and our young men will not be attracted.

I do not agree with Mr. Chacko that the word 'abroad' should not be there. I would say that an aeroplane just flies at 400 to 500 miles an hour and gets out of India in two or three hours. It is not a railway train or a motor car. When you are in the sky, how can you limit that?

Shri P. T. Chacko: That is not service abroad.

Shri Dhulekar: Why, you fly from Bombay a thousand miles you enter another territory. (Interruption) I say the words 'India or abroad' should be there.

Pandit Thakur Das Bhargava: Abroad in an emergency.

Shri Dhulekar: Everywhere they have to go. With these words, I submit to the hon. Minister to consider these points and agree to some of the suggestions so that these people may not incur the penalties that are given in this.

Shri Raghavaiah (Ongole): I have got only one doubt and that is that our Defence Minister is not satisfied with calling the Army, Navy and other forces to quell civil disturbances. Of course, as he commands them today, he can call for the services of any type of Forces in this country—the

Auxiliary Air Force that is going to be formed under this piece of legislation or any other Force that is likely to be formed under any other piece of legislation that he may like to bring before this House. He is entitled to do that and he may do that. But before doing that I would like just to make an appeal to him to see as to who is disobeying law and order in this country and why a piece of legislation that demands the services of these Forces also should be enacted. Now the question is this. As things stand today, who is disobeying law and order in this country? I would like to substantiate this because reference has been made to this.....

Mr. Deputy-Speaker: I am afraid all that is irrelevant.

Shri Raghavaiah: Mr. Jaipal Singh...

Mr. Deputy-Speaker: No, no. Whoever he may be, I cannot go on allowing that. Whatever an hon. Member raises here cannot be made an issue here. The question is of raising some kinds of Reserves, the regular Air Force Reserve, Air Defence Reserve, and Air Force Auxiliary Reserve. Among the various functions given to the Auxiliary Air Force Reserve, this is one, that is, quelling civil disturbances. If an hon. Member so desires, he may say 'they ought not to be so used'. That is another point. But if we come to who are all the persons etc. then we will be going into the Communist Party, the Socialist Party, Communist party etc. and once again a general discussion will start. I think that ought not to be touched.

Shri Raghavaiah: I am not going into that. It is unfortunate that the Deputy-Speaker should anticipate such an argument from me.

Mr. Deputy-Speaker: That is the trend. I am not able to follow. If he starts referring to persons, then it may fall upon certain men, women or children.

Shri Gopalaswami: I may add that we are not concerned with who is breaking law and order. Supposing the breakers of law and order were all from this side of the House, I still say that these Forces should be used.

Shri Raghavaiah: I really congratulate the hon. Minister for having said this at least now because the incident to which I was going to refer is one that involves a gentleman who occupies the highest position in the administrative machinery of a State.

[Shri Raghavaiah]

I will only mention his designation, not his name because that may be taken as casting an aspersion on a person who holds such a high position officially and in the State branch of the Congress. I hope our hon. Minister will certainly use this Force against that gentleman also who deliberately violates law and order, who does not sell his paddy at controlled rates, who asks his own brother who is a post-graduate to part with him just because he sold paddy at controlled rate.

Mr. Deputy-Speaker: No, no. All this is irrelevant. The hon. Member loses no occasion for making such references—I have been noticing it. If he gets the proper opportunity to ventilate his grievances let him do so, I have no objection. But on every occasion he should not do that. Here we are concerned with the Air Force Reserves Bill. We are neither concerned with the question of blackmarketing nor with the question as to who will be affected by this Bill or against whom it will be used. Wherever there is a disturbance the Reserves formed under this Bill will be used. It is open to him to say that they may not be used in certain cases.

Shri Raghavaiah: I would be extremely glad if the hon. Defence Minister uses these Forces also against such gentlemen who disobey law and order.

One thing is rather surprising. While our State is wedded to the philosophy of non-violence, it is rather surprising that our Defence Minister should form such Armed Forces as these besides the ones that are already in existence both for defence of the country and for quelling any internal disturbances. I do believe that the hon. Minister will make this point clear in his reply as to how this wonderful contradiction can be explained, namely that a State built on the philosophy of non-violence should go on forming Armed Forces *ad infinitum*.

An Hon. Member: Do you agree with the philosophy?

Shri Raghavaiah: A question is put.....

Mr. Deputy-Speaker: All this also is not relevant. The House has accepted the principle of the Bill, namely raising of certain kinds of Forces. It is open to the hon. Member to say this chapter or clause or that may be omitted. Now we are on clause 25 which deals with the functions of the

Forces. He may say there ought not to be this function or that another function may be provided. But he must try to be relevant.

Shri Raghavaiah: Just by way of submission to the Deputy-Speaker, may I say.....

Mr. Deputy-Speaker: No more submission is necessary.

Shri Raghavaiah: In my trying to explain my amendment I should be sorry if a hard and fast rule is adopted.....

Mr. Deputy-Speaker: I cannot avoid it. I will not allow any irrelevant matter to be referred to either in advance or later.

Shri Raghavaiah: Referring to this clause it says these Forces can be called up for Air Force service in India or abroad. The hon. Member Mr. Chacko has moved an amendment to the effect that after 'abroad' the words 'in an emergency proclaimed under article 352 of the Constitution' be added. This amendment along with my amendment goes to prove that the calling up of these Forces that are going to be formed under this measure will become necessary only when there is an extraordinary situation, a situation that cannot be controlled with the employment of Forces that are already in existence. Only under such extraordinary conditions does the necessity for the employment of these Forces come into being. And when such conditions do come into existence, under article 352 of the Constitution a situation of emergency may be proclaimed by the President of the Republic and the services of these Forces may be called in. But when such extraordinary conditions do not exist the idea of calling up these Forces for the quelling of any civil disturbances appears on the very face of it to be a useless idea and also very shameful to a Government that wants to maintain law and order in a normal situation. In fact, the employment of these Forces when such extraordinary conditions do not prevail may be construed by the people of this country as a situation of civil war created by the party in power.

Pandit A.R. Shastri (Azamgarh Distt.—East cum Ballia Distt.—West): Nobody will believe that!

Shri Raghavaiah: There is some meaning if some anti-social elements were responsible for such an extraordinary situation leading to the

necessity of using these Forces, but when the party in power wants to maintain peace and tranquillity through the employment of these Forces it will be construed by the people as a situation of civil war towards which the Government is driving the country. I do not know whether the hon. Minister can say 'No' to this. He cannot say 'No' because he will be using the services of certain Forces who should not be used in a normal period. This legislation is being enacted now which is a normal period. This period is a period of reconstruction. We have achieved independence and we have launched on reconstruction programmes. We are building huge dams and river valley projects like the Bhakra-Nangal project. These projects demand the services not only of our people but also of our soldiers. There has been a famine in Rayalaseema and the Army was sent there. In fact, this is a period when we should demobilise the Army or divert the services of our soldiers towards the fulfilment of our reconstruction plans. As the hon. Member there said a few minutes earlier, a soldier is a citizen in a period of reconstruction and is a soldier in time of war. And if a citizen has to do these two things—that is, discharge the duty of a citizen and also that of a soldier—I do not think that as things stand at present there is any meaning in calling up the citizens to discharge the duties of a soldier in peace time. The soldier is a citizen in time of peace and a soldier in time of war. Here you are making a citizen a soldier in time of peace, at a time of reconstruction. To transform a citizen into a soldier at a time of reconstruction is against the very principles of reconstruction, and hence the period through which we are passing has got to be understood as not a period of peace and reconstruction but as a period of civil war or actual war when alone the citizen is expected to discharge military duties. I can understand conscription—certainly I will support the Bill if it aims at conscription of the entire people of the country for working for the reconstruction of the country, for fulfilment of our development plans. But if this piece of legislation is not one for mobilising the services of the entire people in the country for fulfilling existing programmes but for fighting abroad—and in this connection I cannot understand the word "abroad"...

Mr. Deputy-Speaker: He may continue after lunch.

Pandit Thakur Das Bhargava: Is it all relevant to this Bill? We are con-

sidering the constitution of an Auxiliary Air Force and my hon. friend is going into the broad question whether there should be any soldier at all and any Army at all.

Mr. Deputy-Speaker: He does not want these Forces to be used except in an emergency and he suggests that during normal times no emergency would arise. So, he is in order. Has he concluded, or will he take some more time?

Shri Raghavaiah: I shall take two or three minutes more.

Mr. Deputy-Speaker: Then he may continue after lunch.

INDIAN TEA

Shri Sarmah (Golaghat-Jorhat): May I invite your attention to the Order Paper of the day, Sir.

Mr. Deputy-Speaker: I know it is 12-30 now and there is a half-an-hour discussion.

Shri Sarmah: This discussion arises out of the replies given to starred questions 1886, 1887 and 1888 on the 21st July last and relates to an industry which is one of the biggest organised industries in India, namely, the tea industry. India produces about 60 per cent. of the total world production of tea. In 1951 the tea industry in India produced 620 million lbs. of tea and if we assess the price of a tea estate producing on an average 80,000 lbs. of tea annually at Rs. three lakhs and 25 thousand, the total value of the tea industry in India will be of an order of Rs. 250 crores. India earns about Rs. 80 crores of foreign exchange from tea and the Government of India gets round about Rs. 15 crores by way of excise duty, import duty, income-tax and super-tax, besides substantial amounts earned by the State Governments by way of agricultural income-tax. This industry employs 6½ lakhs of labourers and if we take into account the dependents of these labourers the total population maintained by the tea industry in India will come to round about 18 lakhs of souls. Thus, it appears that the tea industry in India perhaps comes next only to jute and coal.

Undoubtedly, this industry is facing difficulties at present due to the sharp recession in prices since April 1951. If this recession was in alignment with the general world recession of prices, due to the cessation of stockpiling in America and the truce talks

[Shri Sarmah]

in Korean war etc., then perhaps our Government and the tea industrialists would be looking round to other causes and remedies for ameliorating the conditions. But unfortunately the sharp recession in tea prices came not along with the world recession of prices but earlier—with the opening of the tea market in London. That leads us to think furiously as to what may be the causes of the sharp recession in the price of Indian tea.

The vital question that is posed in this discussion is: What are the factors which have led to this undue recession in the price of tea and how can the Government give relief to the industry? The industry is perhaps approaching Government for help. We think that our Government cannot afford to let down an industry which plays such a vital part in the economy of India and we hope Government will give such relief and help as is reasonably due and as our Government are capable of giving. But before giving relief to this industry in any shape, Government are bound to analyse the situation, examine the causes leading to present distress and to see how best relief could be given to the industry.

It may be recalled that during the war period, the London tea market was not operating and the United Kingdom purchased tea from India on a long-term contract system, or what was called 'bulk purchase system'. Matters relating to tea industry were considerably different during the British regime in India, but they assumed rather a different shape, or might I say different turn, after India became independent in 1947. As is well known, before the war the London tea market controlled tea prices all over the world. When war came the London tea market was closed and they purchased tea from India. In 1947 India became independent, India gets a lot of money out of tea by way of export duty, excise duty, taxes and other things. Now after the war, the economy of Britain was hard hit and the United Kingdom naturally was looking round as to how best to help herself. She naturally could not bear with equanimity the fact that Indian Exchequer should get so much money out of tea and tried to get a share of the profits indirectly. When the London tea market opened on the 16th of April 1951, the Government of India allowed the tea produced in India to be sold in London market because our Government presumably wanted that there should be free and fair trade in tea so that

Indian tea will compete and get a fair price but with a condition that the value of tea produced in India and sold in London would be repatriated after some time.

Now, the points on which information was sought are: Have we got a free and fair trade in the London tea market, or is the London tea market manipulated so as to deprive the tea industry in India of a fair and normal price? Or in other words, has United Kingdom manipulated the operations by controls and restrictions in such a way that the £19 million subsidy annually by the Ministry of Food on tea is passed on to the shoulder of tea industry in India?

The tea market opened in London on 16th April, 1951. On 30th May, the U.K. Ministry of Food withdrew four out of 12d. subsidy they gave on tea. But the sale of tea in the London market was not free. In respect of price, ceiling was fixed for retail sale, and in respect of quantity, tea was rationed. Thus the buyers had not the option to buy as much as they wanted to and at the price they wanted to pay, because there were these restrictions both in respect of quantity and in respect of price. If I quoted a few figures it will be clear to the House.

Mr. Deputy-Speaker: There are two hon. Members who have supported this notice. I have also received notice from four hon. Members. So there are six. And then the hon. Minister has to reply. I would therefore ask the hon. Member not to make a long speech.

Shri Sarmah: Sir, I shall try to finish soon. I shall be brief. As one of my friends said the other day, I shall put what I have to say in telegraphic language.

Mr. Deputy-Speaker: This is not a speech on a resolution. He is only asking for further elucidation. He may ask more questions instead of giving information himself.

Shri Sarmah: I am seeking information, but if I do not elaborate my question how will the Minister be able to give the information?

Mr. Deputy-Speaker: The maximum time allowed for him is fifteen minutes. He has already taken twelve minutes. There is no option so far as I am concerned. Just as the clock strikes quarter to one I will stop him.

Shri Sarmah: I crave your indulgence for a few minutes, Sir.

There is a big gap between the wholesale price and the retail price

in London. The gap or the difference between the wholesale price and the retail price in London is the profit which British concerns make and that is also how British concerns have been transferring a portion of their capital from India to England. With some variations the same sets of people control production here as also deal in tea in India and in London. I mean the British Agency Houses in Calcutta exercise control over tea production most of them deal in tea and thus control sale in Calcutta as well as in London. And the difference between the price of Calcutta sale and London sale and between the wholesale price and the retail price in London goes to the benefit of the people in U.K. On June 16, 1952 the balance of 8d. subsidy on tea was withdrawn by the U.K. Ministry of Food. By artful manipulation the consumers in U.K. had not to pay more but the price of Indian tea fell by about a rupee per lb. since April 1952. Thus £19 million subsidy on tea was shifted on to be borne by Tea Industry here in India. The Indian exchequer loses by way of foreign exchange and also by way of income-tax, because we get less income-tax. (An Hon. Member: What is the solution?) I seek information.

Then again, there is another point which requires examination. The same British Agency Houses or Brokers purchase tea for the London market both in the Calcutta and Chittagong tea auction markets. The Chittagong market handles tea from Sylhet and Chittagong areas. The adjoining district to Chittagong is Cachar. And Cachar tea is if any thing, slightly better in quality. Let us look at the comparative prices in the Chittagong market vis-a-vis Calcutta market. I am quoting from Calcutta sales of the 12th and 13th May 1952. The average price was nine annas and eleven pies per lb. for export and six annas and seven pies for internal market of Cachar tea. As against this the same Agency Houses purchased in Chittagong market at an average of 15 annas and nine pies in the sale on 8th May, 1952. For Cachar tea in Calcutta they offered nine annas and eleven pies and for East Pakistan tea in Chittagong they offered 15 annas and nine pies. Remember the difference between the Pakistan rupee and our rupee—Pakistan Rs. 100 are equal to Indian Rs. 144. Now, one can easily guess the sinister forces at action. One cannot afford to overlook British tea expansion efforts in East Africa either.

Then, the question of the cost structure, also, of production of tea in India requires scrutiny. The British

sector of tea industry in India is seen to be increasingly importing, of late, raw men from England. They are given high salary and all sorts of added amenities. A cry is being raised against the Minimum Wages Act, which only gives Rs. 1-2-0 to the male and Re one to the female labourer. In respect of this cost of production structure, there is much to be looked into. When I was a member of the Tea Inquiry Committee appointed by the Government of Assam, I wanted to see the expenditure incurred in England and that incurred in India. The Committee was stopped from proceeding further by the Chairman when an European planter drew out a balance sheet. I need not go into those details because that was under British regime.

The British own about 80 per cent. of tea interests in India and almost the same group of people also trade or deal in tea. The British concerns had built up their financial strength during the boom periods, but the Indians have not the same strength and staying however and those are going to be ruined before long if present unhappy situation continues.

The British interests are very keen about the despatching of tea to England but in Indian market there is no good tea available. It will be news to hon. Members that although Assam produces 60 per cent. of the total Indian tea, the people of Assam do not get one ounce of good tea to buy. They can get some tea stolen out of the tea gardens by back-door methods and put on the market. The entire tea is packed and sent abroad. To sum up I suggest that these questions are to be posed in the present context. One: Whether there are manipulations to down Indian tea? Two: Is the cost structure of tea regulated in a rational and economic manner? and Three: Has the Indian tea industry exploited the Indian; that is, the home market properly? This House will have to be satisfied on those three counts before any relief can be extended to the tea industry.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The hon. Member who spoke raised a number of questions about the tea industry. It is very difficult to answer it all in ten minutes. It must be understood that the control over tea industry, so far as Government is concerned, is certainly not extensive or continuous. All that we do is possibly to maintain the touch with the industry by means of the Tea Control

[Shri T. T. Krishnamachari]

Board. Therefore, I am rather handicapped in this matter and I am not able to give categorical answers to the questions raised by the hon. Member.

The first point raised by the hon. Member was in regard to auctions in Calcutta. I think he did not press this point that was raised the other day when the original questions were put, namely, whether there was collusive bidding or not.

Shri Sarmah: That was the point I sought to make out.

Shri T. T. Krishnamachari: He now says that that is the main point.

An Hon. Member: One of the main points.

Shri Sarmah: That is the main point.

Shri T. T. Krishnamachari: It is alleged by inference that this collusive bidding amongst interested parties brings down the price obtained by tea in these auctions. Whether this control is exercised from elsewhere from out of the country or not, is another question. On a question like this, I am not able to hazard an opinion, because I do not know what it is one way or the other. So far as auctions are concerned, some of us know what auctions are. Probably we are only familiar with the auction of furniture, books, personal effects, etc. We do not know what these tea auctions are like. But, a certain amount of collusion is always possible. The crier and the buyer, if they come together, very possibly the crier will say one, two, three quickly and knock it down to somebody in whom he is interested. It is quite possible there is collusion of this type even in tea auctions.

To go to the root of the problem, taking the averages obtained in Calcutta auctions during 21st, 22nd and 23rd July of this year for the purpose of export, the average price of the various lots are as follows:

For one lot of 1952-53 crop, the price was Rs. 1-9-11 per pound. For a larger lot of roughly about 1,66,000 packages, the price was Rs. 1-8-4. Apparently, a better quality tea of the same season vintage of 42,000 packages fetched Rs. 1-9-11 again. At the same time, for 1951-52 crop, 160,000 packages fetched Rs. 2-1-11. Another group of about 2,101,000 packages fetched Rs. 1-11-8. These are a little confusing because there are various qualities of tea involved.

For about the same period, namely 24th July, the price fetched in London for 43,202 packages, from North India, was two shillings 5-22d. On the same day, for South Indian tea, the price fetched was two shillings 7-95d. For Pakistan tea, the price was one shilling 10-74d; for Ceylon tea, three shillings 8-21d; Indonesian tea two shillings 6-75d; for African tea one shilling 7-74d.

The approximation of the prices of North Indian tea between the prices fetched in Calcutta and London would not confirm the suspicion that the hon. Member has in mind that Calcutta auctions were conducted by some kind of collusion between the parties concerned. The different prices offered for tea from different areas would also indicate a qualitative preference on the part of the buyers rather than a preference of the area from which the tea had come.

It would be interesting to note that while the price of Ceylon tea during the corresponding week during 1951 has been in the region of three shillings 8-24d., the price of Indian tea, both Northern and Southern India, has declined from three shillings 6d. to its present level, and the African tea which was about this time three shillings 3d. had also declined more steeply than Indian tea. This would show that to a very large extent market conditions were operating undoubtedly adversely to us. Taking the average sale price for all teas in London auctions up to July 31, the price has been two shillings 11d. as compared to three shillings 9d. on the corresponding date last year. I was perusing an article in the *Financial Times* of the 1st of August by a person well-known in Indian Tea circles, which indicated that as against the total quantity of tea available to the world during the quinquennium before the war, which was about 981 million lbs. per annum, the quantity now available, or rather, in 1951, was about 1,212 million lbs., roughly an increase of about 231 million lbs. According to the author of this article, allowing for excess consumption of the world generally, the excess surplus over absorption is estimated to be only 37 million lbs. But even so, it had a depressing effect for several reasons. The hon. Member himself mentioned the fact that there was rationing which made the demand inelastic, and very possibly there are other factors like contraction of credit ruling in the consuming countries.

My hon. friend mentioned that with the abolition of subsidy of £19 million

which works out to about 8d. per lb., in the United Kingdom, the retail price of low-priced tea would increase. Actually it is estimated that the increase would be from three shillings 4d. to three shillings 8d. for low-priced tea, and the high-priced tea from three shillings 10d. to four shillings 8d. It is also said that there is an informal contract between the British Government and the retail trade and they would not increase the price beyond a certain figure, I think, somewhere from three shillings 8d. to three shillings 10d. in the immediate future. The hon. Member says that by some curious process this increase is attempted to be offset by depression of the price of Indian teas. In fact, it may be, or it may not be, but I cannot figure out how it can be managed.

Another point that the hon. Member raised was that after the British contract for bulk purchase in India lapsed auctions in London were revived. It is no doubt true. Auctions in London are held for tea purchased in various centres. And if, as the hon. Member says, we can compel Indian producers to auction all their teas in Calcutta instead of sending them to London, there are certain factors which I think the hon. Member has not taken care to explore, which might operate even more adversely than the conditions that are now in operation against India. There would not be enough buyers for all the tea so auctioned at Calcutta. And secondly, the position of warehousing of tea stocks in Calcutta would become almost impossible. It is said that Calcutta already feels that having more days for auctioning tea than in the past, auctions being spread over all the year, because of the lack of capacity of the market to absorb the tea offered, the position of providing additional warehousing facilities which are practically non-existent or at least very little now, is a big problem. So, if Government do compel these people to auction tea centrally in India, we will only help to depress prices further than what they are today.

There are other points which he mentioned about which I have no time to go into, regarding the question of ownership and control of tea gardens and increase of overhead costs by larger salaries paid to managements. Then, it is very difficult in the circumstances for the Government to frame a suitable policy to help to increase the price or do any of the other things that he has suggested unless Government themselves come forward with a proposal to support the price for a commodity, the consumption of which

is dependent on factors totally outside the control of the Government of India. One fact which we cannot forget now. The hon. Member may know that we produced about 622 million lbs. in 1951, I believe, and in the same year we exported somewhere about 445 million lbs. to U.K. We are the largest exporters to U.K. The figure of 445 millions I just now mentioned is in respect of export to the U.K. We cannot forget Ceylon runs a close second, with about 303 million lbs., because she does not consume any appreciable portion of her production, and as the House will see from the figures that I have given, Ceylon tea continues to command the highest price and the prices have been sustained all through 1951 and 1952. If anything could possibly be done by which we could obtain higher prices for our tea, I can assure the hon. Member and the House that we are prepared to investigate into all possibilities, but short of making tea a Government monopoly with all the attendant risks which will ensue from such action, particularly where the demand is from a country over which we have no control, I cannot see how the Government can materially alter the present course of prices.

Before I finish I may tell the House and the hon. Member that I am trying to do what I can within the limited powers and my limited capacity to absorb the situation to see if we cannot do something to better the position, but this is all I am able to say at the moment.

11 P.M.

Mr. Deputy-Speaker: It is now one o'clock, and there is no time for any of the other hon. Members to put any questions.

Shri K. K. Basu (Diamond Harbour): May I put just one question, Sir? In view of the fact that so much doubt has been expressed here about the working of the industry under British Dominion, would the hon. Minister consider the desirability of having a real enquiry and to take steps thereon so that we may have real fiscal independence and not autonomy?

Shri T. T. Krishnamachari: I recognise the hon. Member's point. We have now a sort of *ad hoc* inquiry being conducted in regard to certain aspects of the tea industry. But in regard to world markets I must confess that none of the inquiries that we may institute and the knowledge that we may obtain therefrom would help us so long as the buyers in the United Kingdom have a dominant position, because they buy about 66 per cent. of our produce, while there

[Shri T. T. Krishnamachari]

are other countries like Indonesia, Pakistan and Ceylon waiting to capture the market. So we are not in what may be called a "seller's market", but we are in a "buyer's market". That will be the chief impediment, but I am quite prepared to investigate into the whole thing.

Shri K. P. Tripathi (Darrang) rose—

Mr. Deputy-Speaker: It is now more than one o'clock. There will be no more questions.

The House then adjourned till Half Past Three of the Clock.

The House re-assembled at Half Past Three of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

RESERVE AND AUXILIARY AIR FORCES BILL—Contd.

Shri Raghavaiah: I have to make only two points in this connection. These Forces should not be called in for such aids as quelling civil disturbances and like situations. The second thing is that whenever we form Armed Forces we always expect that they will be one with the people and to be one with the people is the only way of defending the country in a non-violent way.

Shri Dhulekar: Non-violent way?

Shri Raghavaiah: That is how I understand the ethics of non-violent defence. Those who vote Rs. 200 crores for defence may not have confidence in this type and conception of non-violent defence, the ideals on which this conception is based. I hope the hon. Minister of Defence will agree with me. Unless the Armed Forces were to serve the peace-time needs of the country, unless they are going to be one with the people of our country, they will not be able to defend the country in a non-violent way and on a non-violent basis, as our rulers expect them to do. Of course, if you discard this conception and say that it is only for theory and the question of State organisation is a different thing, I do agree with you, but till now such a declaration has not come out. So, I hope that these two things will be borne in mind when this legislation is considered.

Finally, let there not be any misunderstanding, let there not be any misinterpretation of what we have said. We are not against conscription. We are also for conscription provided

this conscription means the inclusion, the summoning of the services of these Forces for peace-time needs as for war-time needs. That is exactly the principle on which conscription is going on in the two varieties of countries, in the two blocs of countries, into which the entire world is sharply divided today. If I have correctly understood it, both the Communist Governments and the Governments diametrically opposite to them in their ideology have had conscription and they always mean that it is conscription for war-time needs if such a situation arose as much as for peace-time, if there exists such a situation. Unless this simple, elementary fact is borne in mind, I think we will be doing great injustice to the people of our country and to the defence of our country. I hope that with this simple fact in mind our hon. Minister will certainly look to the organisation of the Armed Forces. Coming as it does not only from me but also from my friend, Mr. Chacko, and to some extent from Pandit Bhargava also, I hope he will certainly have it in his mind when he deals with this question that unless such an extraordinary situation arises, say under article 352, and there arises a need for the employment of these Forces in quelling internal disturbances etc., these Forces should not be used for such situations as have been referred to by the hon. Minister in his speech, in the name of aiding the civil power. I hope this simple fact will be borne in mind when this legislation is going to be voted.

Shri U. C. Patnaik: The proposed amendments have given a sort of controversial turn to a Bill which ought to have been passed as a non-controversial measure, especially because it is in the interest of the country to pass it urgently and to get it implemented soon. These amendments have taken only a one-sided view of certain questions at issue.

There is no doubt that the Bill is an urgent measure. Moreover, certain amendments have been accepted in the Joint Select Committee which have done away with some of the weaknesses of the Bill and have considerably improved upon the original Bill. But apart from the question relating to conscription for the Air Defence Reserve, the question which is now the subject-matter of discussion here, namely, the Auxiliary Air Force being used in aid of the civil power and used in India and abroad are the two questions that have taken a controversial turn. My hon. friend

from Travancore-Cochin moved it with the best of intentions, with a view to enthuse people about the proposed Auxiliary Air Force. He has taken into account the military history in other countries during a particular stage, namely, when they were trying experiments mainly with auxiliaries and territorials. But he has, unfortunately, ignored later developments in those countries which have brought in the principles of conscription into defence organisations. He referred to the United Kingdom Territorial Forces Act, 1907 and the Auxiliary Air Force and Air Force Reserve Act of 1924. But subsequently several changes have taken place even in those very countries where voluntary methods for recruitment were being adopted. Of course, in other countries of which we have got many admirers on this side of the House, it has been the practice to conscript personnel for defence organisations. In most of the totalitarian countries, at a particular age people are conscripted into the Armed Forces and they are bound by the rules and regulations governing the Armed Forces during the period of service or whenever they are called up. That was not the case for some time in the United Kingdom and America. My hon. friend Shri Chacko was referring to those earlier laws, but since about 1939, changes have taken place in those countries also by having the spirit of conscription in defence organisations. You have got the National Service Organisation in one country and the National Security Organisation in the other country which force people to get into the Armed Forces and serve whole-time for a certain period and after that on a part-time basis for a further period. During the time that they serve whole-time in the Armed Forces, as also during the period they serve part-time in those Forces, they come under the Armed Forces laws; more or less the rules that regulate the regular Forces apply to them also. So, all these objections that have now been taken, do not arise there to the same extent as in prior times. For instance, in 1939 or so, in the very country to which my hon. friend was making a reference, there has been another Act passed relating to the Auxiliary and Reserve Forces declaring that they could be taken abroad. Even before that Act was put into operation members of the Auxiliary and Territorial Forces were volunteering in large numbers to go abroad. So, a change has taken place since about 1939 in those countries also and, therefore, my hon. friend's arguments based upon the previous laws and regulations of those countries do not apply.

Shri P. T. Chacko: Since 1939 they cannot be called in aid of the civil power.

Shri U. C. Patnaik: The Armed Forces (Conditions of Service) Act of 1939 laid down that they could be embodied for service outside; and some years later the Air Force Reserve Act of 1950 has laid down both: That they can be called in aid of the civil power and that they can also be taken outside the country.

Apart from whatever may have been the previous state of affairs regarding the Territorial Army—which has in the mean time changed—the position regarding the Auxiliary Air Forces is different because such Forces cannot but be taken outside, and even England has passed the law that Reserves could be taken outside the country. There was a very interesting discussion in the House of Commons in 1950 where it was pointed out by ex-members of the Air Force that it was no good making a law that they could not go beyond the territorial jurisdiction of England or the territorial waters, because when one flies one is bound to go outside. And that argument holds good probably with greater force in India where you cannot go from one area to another unless you pass through an alien land—at least you have to cross Pakistan at more than one place if you want to go from certain places in India to certain other places. Then there is also the need for goodwill missions going outside the country. There is also another factor involved, namely, that it is not of any interest to those who fly unless they can transcend the limits of their own country and their national waters. Therefore, the arguments against Reserves being taken outside the country do not hold good.

But there is some point in Mr. Chacko's argument, which was supported by other hon. Members on both sides of the House, about calling these forces in aid of the civil power. That is, however, merely a question of academic interest now, because in every country there has been conscription—both in countries about which my hon. friends here talk so much, that is China and Russia,—and in Germany and other countries which were referred to by another hon. Member. In all these countries there is conscription and it has been there for a long time. People of a particular age—in some countries 17, in some 18, in some others 19—have got to go into the Armed Forces for two or three years and serve their period as regulars. There, there is no question of their being called or not being

[Shri U. C. Patnaik]

called in support of the civil power because the rules and regulations relating to the regular Forces apply to these people also, as I have just now stated, and my hon. friend was not correct in saying that that is not the position in England and America. It has happened in England and America also since 1947.....

Shri P. T. Chacko: No, Sir.

Shri U. C. Patnaik: Since about 1947, and even before, people, there, are forced to serve in one of the three regular services for at least two years after attaining their 18th age, and during that period the laws, rules and regulations applicable to the regular Forces also apply to them and therefore they are obliged to do all that they are liable to as members of the regular Forces. In India also since the Territorial Force Act of 1920 you are having the same position; in 1948 the same position was reiterated in the Territorial Army Act and people may be called in aid of the civil power. Whether it is right or wrong to do so is a matter for consideration. Then, under the Criminal Procedure Code (Second Amendment) Act we have accepted the position that all the Armed Forces of the State are liable to be called in aid of the civil power. Here in the present Bill, too, clause 26 lays down that when people are embodied for service or for training they come under the rules and regulations applying to the regular Indian Air Force which lay down the same provision in regard to aid to civil power.

Therefore, applying the test of any of these three Indian Acts we find that the provision for aid to the civil power is already in existence. The question is whether it is absolutely necessary to put it in here or not because this clause 25 is a sort of an enabling clause laying down the purposes for which the reserves could be embodied, but once they are embodied the rules relating to the regular Air Force apply to them also. Therefore, that question is one of mere academic interest. I for one would have wished for the deletion of this clause, as Mr. Chacko has put it, from one point of view, namely that it may be used by some people who do not want the organisation of the strong Defence Forces in India or who, in order to dissuade people from joining such Forces might throw cold water on their enthusiasm by telling them that this is an Act intended to put down civil liberties and to fight against the country. That is a use that could be made of this clause as it stands.

Shrimati Renu Chakravartty (Basirhat): What about your reactions to the Territorial Army?

Shri U. C. Patnaik: This morning my hon. friend Shri Chacko was making a reference to my personal reactions to the Territorial Army when it was formed about thirty years and odd ago. Well, I was narrating my reactions from another point of view, not from the point of view that my hon. friend has referred to. I was pointing out that at a time when the country was under foreign domination, when India was launching a struggle for independence, we thought, when that Territorial Force Act was passed, that probably we will be called upon to fight our own people. Then we discussed it among ourselves and we thought that in spite of that clause, and in spite of the incidence that we would be called upon to go abroad, it was better to volunteer, partly to get the training and partly to get its disciplined outlook. As the results have shown, we were not in any way influenced by those rules and regulations and therefore it did not make any difference to our volunteering or not, or to our subsequently joining in the freedom struggle. My reactions even now are the same, that it would have been better if this clause had been omitted because I think it is unnecessary. But the insertion of the clause does not necessitate our trying to make out that this is a very reactionary law, that it should not be supported, or that we should go against it. I am personally of the opinion that due to the change in the times, due to the fact that all countries have had to resort to conscription in one form or another, these questions have become merely questions of academic interest.

It has also been said that there should be a declaration of emergency. This question was discussed in the Joint Select Committee, and it was dropped, and rightly so. In a modern war, you cannot wait till another country attacks you. You cannot wait for a formal and official declaration of emergency in order to prepare your country for defence. You must be ready and whenever the call comes, the people who volunteer for the Auxiliary Forces or those who are taken into the Reserves must be prepared to be embodied in the defence of the country, and therefore it was considered desirable to drop that "emergency" clause which would have impeded our mobility and swiftness of movement. Therefore, taking into consideration the Criminal Procedure Code (Second Amendment) Bill which

has already been passed, taking into consideration clause 26 of the present Bill to which there are no amendments, and taking into consideration the fact that in the modern set-up those who volunteer for the Auxiliary and Reserve Forces should be made liable for coming up if and when demanded in the national interests, this discussion is only of academic interest. Apart from that, there is a positive danger in it, particularly with regard to this clause, because it tends to give the people an idea that this is a reactionary measure. This may deter people from volunteering, unless they think the matter over well. From that point of view, it would have been better if we had avoided giving undue importance to this particular aspect. All that we want is that the Bill should be passed into law and implemented urgently and properly. Secondly, we want the rules that are to be framed to be placed before the House so that hon. Members will have an opportunity to have their say. That also has been accepted and thereby it eliminates, to a great extent, the deficiencies in the Territorial Army Act and other Acts.

A reference has been made by some hon. Members in this connection to the Territorial Army which has not been functioning properly, and the reason attributed is that there is a clause which says that people will have to volunteer to aid the civil power. I humbly beg to differ. That is not the reason why the Territorial Army is not successful; the rules framed under that Act framed by a Brigadier of the Territorial Army have not made the Territorial Army sufficiently interesting or attractive. I hope that the present Bill will be a better one as the rules framed thereunder would be placed before the House. If we had insisted upon the rules being framed right now, the Bill might have been delayed. Therefore, the hon. Minister and we have agreed that the rules may be laid on the Table of the House and we shall have an opportunity then to discuss the questions that may come up.

Shri Gopalaswami: I do not think I need reply at length to the debate on this particular amendment. Only two or three points were raised, two of which have been sufficiently answered by speeches made by other hon. Members. On the question of conscription which does not directly arise out of this particular amendment, I have said what I had to say and I do not wish to take up more time of the House in repeating what I have said.

149 PSD

On the question of the liability of the Auxiliary Force to assist in aid of the civil power, a lot has been said, but there was one point which I think was made clear by my hon. friend Mr. Patnaik. The use of these Reserves in aid of the civil power is a matter which arises only on the requisition of the authority in charge of law and order. There are other enactments on the statute book which give such authority the power to requisition the services of these Reserves. Now, everybody who talked of quelling internal disturbances should remember that some local authority is responsible for such quelling. In discharging those responsibilities, he has got several weapons in his charge. First of all, there are legal orders which he could pass, preventing a continuance of the disturbance on pain of penalties which may be imposed for defiance of such orders. If those orders by themselves have no effect, he has got the ordinary police to requisition for the purpose of quelling those disturbances. If the use of the police is not sufficient for effecting this purpose, he has got to indent upon the Armed Forces and amongst the Armed Forces he could requisition broadly speaking the two types of Forces which we have. The first is the regular Forces of the three descriptions. The second are the Reserves and we may take it for granted that no magistrate or other authority in charge of quelling disturbances will call up the Reserves before he has exhausted such Forces as he can indent on in the shape of the regular Forces. It is not as if the Reserves would be called up on every occasion when there is need for using force for quelling disturbances.

There is the other point of view also. Take, for instance, the question of aiding the civil power in connection with demands made on the Armed Forces on occasions when there is no need to face a mob or quell a riot and so on. I think some of the hon. Members have referred to peace-time help rendered by the Armed Forces in different ways. Rayalaseema is one. The Assam flood-stricken areas were another. The recent lifting of food by air to the flood-affected areas of North Bengal is another instance. Those are all cases which you might consider to be peace-time activities and, of course, we used the regular Forces in these cases; but if regular Forces were not adequate or were not available at the time or in the locality concerned and if the Reserves were available, I do not see why they should be prevented from being used even for that purpose. Now, let us proceed a step further and think of occasions when beneficent

[Shri Gopalaswami]

activities of this kind are not involved. Take, for instance, the case of tracking a gang of dacoits in Rajasthan, let us say, or perhaps pursuing a number of anti-social elements into the wilds of Telengana in Hyderabad. Well, the 4 P.M.

police take the primary action in these matters. The police, however, require a certain amount of help. You want, for instance, to pursue a swift-moving gang of dacoits in Rajasthan and to locate the places where they hide themselves, or as happened so frequently in Telengana you have to fly over heavily wooded jungles and spot the particular points at which you could find some of these anti-social men lurking in their lairs, or places where they dump their munitions and draw upon them whenever necessary for their purpose. These are things which the ordinary police could not manage by themselves. It is necessary to give air help even for peace-time maintenance of law and order. No objection could really be raised to using the Reserves which may be available for the purpose of doing these things in aid of the civil police, if regular Forces are not available. I see nothing intrinsically wrong in having this fairly comprehensive definition of the responsibilities of these Reserves in aid of the civil power.

The other point that was discussed was the dropping of the words "in an emergency". I have given you instances where there need not be an emergency which threatens the security of India as a whole. There are emergent occasions like floods; there are emergent occasions like the tracking of organised criminals for which we may have to use these Reserves in given circumstances and that is why we thought that these words would unduly limit the capacity of these Reserves in being useful to the State.

Article 352 was mentioned. Article 352 empowers the President to take action whenever he is satisfied that the security of India is threatened on account of war, external aggression and—mark you—internal disturbance. Well, there may be several kinds of internal disturbances which might not threaten the security of India as a whole. Those disturbances might be grave enough for our being obliged to indent upon such Armed Forces as we could get for the purpose of dealing with them. That is why we said that we should not confine it to emergencies under article 352.

Shri R. K. Chaudhury (Gauhati): Could these Auxiliary Forces be sent abroad to help the civil authority?

Shri Gopalaswami: Well, I was coming to that. Some objection was taken to the retention of the word 'abroad'. Now, so far as we are concerned, it is practically unthinkable at the present moment that we would invade another country for the purpose of conquest or aggression. What hon. Members are afraid of is that we might put our regular Air Force or the Air Reserves to uses which would be objectionable from the stand-point of our own policy. There is no likelihood of our policy tending in that direction at all. But there are occasions when, as I said, I believe, in the course of one of these speeches, it is necessary and becomes almost inevitable that we should step across our boundary the more effectively to defend ourselves. In such cases we should not tie up the activities of our Air Forces and say on every such occasion—such occasions might occur in hundreds, situated as we are with a land border which runs into thousands of miles all across the country—when any little encroachment on other territory becomes inevitable we should seek the sanction of the highest authority in the land before we can allow those Forces to commit such acts of what might be, technically, encroachments. There is a difference between the Air Force and the Territorial Army in this respect. Territorial Armies may submit to a certain amount of leisuredness compared to the movements of the Air Force and it is possible to get orders from above before they move out of our own territory. But in the case of the Air Reserves this is not possible, nor is it at all in our interest that we should put this impediment in the way of their working effectively in order to defend our own country. That is why the word "abroad" is retained in this particular Bill, while it has been taken out of the Indian Territorial Army Act. I am afraid that in the light of what several hon. Members have drawn attention to and in the light of what I myself have said, I am unable to accept any of the amendments of my hon. friend from Travancore-Cochin.

Shri P. T. Chacko: If it is not possible for the hon. Defence Minister to accept any of my amendments, there is no purpose in my pressing them. I crave the indulgence of the House to give me leave to withdraw the amendments.

The amendments were, by leave, withdrawn.

Shri Nambiar: I want a clarification. When the Code of Criminal Procedure (Second Amendment) Bill was passed, we got an assurance from the hon. Home Minister that the Air Forces would be used only on ground duties. May I take it that the same thing would hold good here also and that they would not resort to bombing?

Shri Gopalaswami: So far as the Air Reserves are concerned, I am here to give you the assurance that the assurances given to the House will be fully implemented. Under the Criminal Law Amendment Act it has been provided, I think as a result of an amendment passed by this House, that the Air Reserves should be used only as ground units for the purpose of dealing with breaches of law and order and so forth. That is a statutory direction given in an enactment of Parliament and it will certainly be complied with whenever our Reserves are called up for help in such situations.

Kumari Annie Mascarene: May I know whether in the conscription to the Auxiliary Air Force you make any sex discrimination?

Shri Feroze Gandhi (Pratapgarh Dist.—West cum Rae Bareilly Dist.—East): You can join.

Shri Gopalaswami: Well, the first point is that we resort to no conscription in regard to the Auxiliary Air Force. In the second place, I may say that the high ideals of modern day Indian womanhood will be taken full note of in deciding whether they will be given the privilege of submitting to conscription.

Mr. Deputy-Speaker: The hon. Member evidently feels that otherwise there will be discrimination. But I think it does not apply to the military.

The question is:

In page 14, line 33, after "civil power" add "provided that such aids shall not be called for quelling civil disturbance and/or anything connected with the maintenance of law and order".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 14, line 34, omit "or abroad".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 25 stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

Clause 26 was added to the Bill.

Clause 27.—(Reinstatement in civil employ etc.)

Shri K. K. Basu: I beg to move:

(1) In page 15, lines 11 and 12, omit:

"if the employer refuses to reinstate such person or denies his liability to reinstate such person, or"

(2) In page 15, line 18, after "this section" insert "provided that in such cases the Government shall give reasonable and adequate compensation to the person concerned".

(3) In page 15, line 24, for "six months" substitute "eighteen months".

(4) In page 15, line 28, for "one thousand rupees" substitute "ten thousand rupees".

(5) In page 15, line 31, for "six months" substitute "eighteen months".

Mr. Deputy-Speaker: Amendments moved:

(1) In page 15, lines 11 and 12, omit:

"if the employer refuses to reinstate such person or denies his liability to reinstate such person, or"

(2) In page 15, line 18, after "this section" insert "provided that in such cases the Government shall give reasonable and adequate compensation to the person concerned".

(3) In page 15, line 24, for "six months" substitute "eighteen months".

(4) In page 15, line 28, for "one thousand rupees" substitute "ten thousand rupees".

(5) In page 15, line 31, for "six months" substitute "eighteen months".

Shri K. K. Basu: This morning we have had enough discussion about the conscription clause of this Bill. I would therefore like to take the House and especially the mover of

[Shri K. K. Basu]

the Bill to the historical background of our Army personnel and the Army organisation in India. We know that in our country the Army was organised by the imperialist power and they developed it.....

Shri Gopalaswami: We are dealing with the Air Force.

Mr. Deputy-Speaker: And the limited question of reinstatement in civil employ of these persons.

Shri K. K. Basu: If you allow me for a few minutes you will see, Sir, that it is relevant. The background of conscription is important.

Mr. Deputy-Speaker: I am not very ambitious! At least it must be fifty per cent. relevant.

Shri K. K. Basu: I shall be able to convince you and the House of the relevancy. We have seen in this country that the Air Force was organised by an alien rule and therefore they had developed many classes and castes in these organisations with the result that the personnel was not drawn from the people generally. People joined these organisations only from a vocational point of view and did not feel that they were part and parcel of the national organisation. So the ideal of these organisations getting into the common life of our people is necessary before indulging in conscription that we intend to do in the proposed legislation. We want—as we all wish—the security of India. If there is danger to India all of us irrespective of caste, creed or political opinion must unite and come forward to defend India and her people. Therefore, conceding that point, if we want the people of India to be conscripted and we want to have organisations like this Auxiliary Air Force and others, we must create a condition in which the conscription will not be considered as the conscription under an alien rule but where the people themselves might feel that it is their bounden duty to join this organisation.

Therefore, when dealing with this class of persons who are normally employed in different civil vocations and when they volunteer themselves to join this Air Force, they must be sure that their position in civil life is not jeopardized or prejudiced in any event. Unless that protection is given I am afraid it will not inspire that amount of enthusiasm in them which is absolutely necessary if they are to volunteer their services for the sake of national defence. I have therefore

put forward these amendments so that these people may have a guarantee of their terms and conditions of service when they go back after their training in this Air Force to join their former vocations.

Here in the proviso to sub-clause (1) of this clause it is said “if the employer refuses to reinstate such person or denies his liability to reinstate such person”. I visualize certain conditions. Our country is still not economically free and independent. Still there are British employers. Suppose an employee in a British concern volunteers himself for this service. When he goes back, these British employers will deliberately refuse to reinstate him because they do not want the national defence of India to be strengthened. In those cases we have no power under this clause to compulsorily enforce it upon them that these persons may be taken back. I have therefore suggested that the refusal or the denial of liability should not be left to the employers themselves, and I have suggested the deletion of these words.

If for any reason the reinstatement of such persons is represented by the employer to be impracticable, that means we visualize a situation where-in the employer may not be in a position economically to reinstate that particular person and in that case the Government should make a concession. Suppose the concern is running at a loss when the person returns to his employment, and it is not in the same affluent position as it was. In that case certainly the Government will not make it incumbent upon that employer to reinstate the person concerned. I have therefore suggested the deletion only of the first two lines.

When the members of the Auxiliary Air Force return to civil employment and do not find employment because of the inability of the employer to reinstate them, the Government must make certain provisions for their compensation. There is no denying the fact. We have got to face the realities in the country. An overwhelmingly large proportion of our population are not in a condition which might be called affluent. Most of us live from hand to mouth. Therefore, the boys who join this organisation and who volunteer themselves for service for the cause of the national defence must have their future guaranteed. So this provision is absolutely necessary. Otherwise, we will not be able to create that psychological condition in the country where conscription will be merely a part of

the statute and the persons will come up of their own accord.

Then, it is said in part (c) that in case the employer refuses to pay compensation, such person can go to the tribunal set up under that clause and that tribunal has the authority to allow compensation. Here it is limited only to six months' remuneration at the rate at which his last remuneration was payable to him by the employer. Supposing a person who is earning Rs. 600 a month goes and joins active service and works there for four or five years and comes back to civil employment. He goes to the competent authority and they feel completely convinced of the justice of the case, but in spite of that they cannot grant anything more than six months' remuneration. I beg of the House to consider of what value it would be to the person in the present economic set-up of the country. Hence I have suggested that it should not be for six months but it should be at least for 18 months. I feel that the compensation to be paid should be substantial so that the person concerned may choose another vocation in life and settle down satisfactorily.

Then in sub-clause (2) there is a provision for the levy of a fine on the employer. It reads thus:

"If any employer fails to obey the order of any such authority as is referred to in the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees....."

You can well imagine what effect this fine of rupees one thousand will have on a big business firm like Andrew Yule & Co. The same will be the case with other Indian employers. I am not casting any aspersions on any particular person or any particular community. There are Indian concerns who indulge in anti-social activities and for them the interest of the nation has no meaning. They would rather wish to remove a person who is getting, say Rs. 800 and get a substitute on a salary of Rs. 300 and thus save Rs. 500. I consider that the employers in such cases should be made to pay Rs. 10,000 instead of Rs. 1,000 as set out in the Bill. I hope the hon. Defence Minister with his vast experience in administration will accept my amendment.

Then in sub-clause (2) it is stated:

".....to pay to the person whom he has failed to re-employ a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him by

the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court."

Here also I suggest that for the words "six months" the words "18 months" may be substituted.

In conclusion, I beg of the hon. Minister to make conscription a thing of the statute and enthrone the people and create that psychological condition in our country, when there is no doubt, that our young men would come in greater numbers to join our national defence services. I consider that all these changes in the Bill are absolutely necessary and I beg of the hon. Minister to accept my amendments in the interests of the nation.

Shri Namdhari (Fazilka-Sirsa): I congratulate the hon. Defence Minister for having introduced this Bill. Yesterday evening several people were standing by my side who said: This measure will certainly enthrone the people and create a national and patriotic spirit among the youth of the country. I have been hearing quite a lot about conscription and I am rather surprised to hear about it. There are very big personalities like our Prime Minister in our country and if they utter one word, I am quite sure that crores of people would be prepared to come forward for national services. There is no necessity for conscripting men for the Army. It is not a foreign rule. This is our own country. The Government that rules the country is our Indian National Government now and not the Government of the British. They have been elected by crores of Indian voters. We are part and parcel of the Government. Hence the question of conscription does not arise in these circumstances. Hon. Members will remember that last time when there was a danger of attack on India, not only the Government of the Congress Party but all the parties belonging to the Opposition wholeheartedly supported the defence measures and they were unanimous in their voice about safeguarding the frontiers of India. It is only those people who have not got the national outlook but an international outlook and who have got some designs to create some trouble or other who, will oppose this measure.

It will be agreed by all that it should not be our desire to put obstacles in improving our security measures or increasing our defensive strength. The public opinion is in favour of Air

[Shri Namdhari]

development. India, when it becomes stronger, would ultimately be a blessing to the world for maintaining peace. At the same time I must say that we have no designs to attack any other nation. We are always 'a religious police'. In those war days Mussolini and Hitler were telling in their speeches "There is no relation; the best relation is that if you are powerful, everybody is your friend, relation and brother". We must be prepared for war to avoid it.

This move to expand the Air Force is very useful whenever we are attacked by an enemy. First of all, every military would like to get air superiority over the enemy and if it failed, then the ground forces cannot do anything. We have got a frontier of at least 2,000 miles which we have to manage now. I think we are already late and very late. We have wasted five years and we have not so far improved our military strength. I am confident the hon. Minister can give us best performance being most experienced personality. Everybody would like to have a fine motor car of the latest model and you can always expect the best performance on the latest modern machine. We are fortunate enough in having our Defence Minister with all his experience and courage and is of the latest model. I am glad that we are now moving fast.

Shri K. K. Basu: Is the hon. Member supporting the Bill or opposing it.

Shri Namdhari: I am supporting the Bill and smashing the amendments of my hon. friend. I submit that there is no use in wasting the time. These military people are your national heroes. I feel that they deserve to be worshipped. I ask any of the Opposition Members: I give you Rs. 50,000 and I want you to sacrifice your son. You will not accept that even for Rs. 500,000. The people who come for military service are our national heroes and living martyrs of the nation. They do not come for pay only. So, in military matters, I appeal to you all to unanimously support the Government. One gentleman asked me, why do you want to train pilots when we have no planes. I said, this is military secret. How do I know what you have got and what you have not got? I will tell you one thing. Suppose I have got 1,000 planes and 10,000 men. If I am the General I will go with one hundred planes, drop pilots by para-troops on the enemy's aerodrome and bring 500 of their planes and come back. That is the spirit.

We are never aggressive; we want peace in the world. Our Prime Minister stands for peace. As I said, the best way to avoid is to be prepared for war. If we are powerful, if our police is strong—I mean the religious police—if our military position is strong, only then will we be heard by other people; otherwise nobody will hear us. I submit with all respect that in military matters, my friends should change their attitude. Anybody who wants to indulge in sabotage cannot have a place in our country. I may tell my hon. friends: I want to see you all for five years sitting with us. If, as the hon. the Defence Minister has already said, if they start going into the jungles, in their hide-outs, and collecting armaments, then we have to hunt for them. They better change their mentality. I was very pleased yesterday to see that they supported the proposition of Kashmir. They supported it because the Kashmir Government have done several good things to the common man. We also do want to do good things to the common man in a satisfactory way, but not at the point of the revolver. We are all for doing good to the common man.

If anybody starts trouble internally or externally, it will be the honest duty of every Government to see that that trouble is quelled. I was surprised to hear again and again it being said that this force will be used against the civil population. Who is the civilian population? We ourselves are their representatives to serve them and are their brothers. We are their true representatives. Do you think we are going to use this Force against our own kith and kin, daughters and sisters, who are our own? We will use, as I said, this Preventive Detention and other Acts and force only against those who are the enemies of the civil population, and who disturb the peace of the civilian population. I request hon. Members to pass this Bill quickly, without wasting the time of the House unnecessarily. Let us go ahead with our military programme.

Shri Gopalaswami: I would like to say only a few words in answer to the points raised by the hon. mover of these amendments. The first amendment suggests the omission of the first conditional clause in the proviso to clause 27. This conditional clause says:

"... if the employer refuses to reinstate such person or denies his liability to reinstate such person....."

The hon. Member's argument was that these words are altogether unnecessary. The only question to consider was according to him whether there were any reasons on account of which the employer could urge that it was impracticable for him to reinstate such person. That is provided for by a later conditional clause. Supposing, when this man goes back from service, either for training or for other purposes, the employer folds up his hands and says, I will not take you back, or he says, I am not liable to reinstate you, what happens? We have to provide for such a contingency also. Some authority has to say that the employer's attitude is unreasonable when he says that he will not take him back or that his denial of the liability cannot be accepted. In such cases also, some orders have to be passed. Unless these orders are passed, the defiance of the provision of the law cannot be met. That is why this conditional clause has also been inserted in this proviso.

The next amendment that he has suggested is that at the end of line 18, the following words be inserted:

"provided that in such cases the Government shall give reasonable and adequate compensation to the person concerned".

If we read this item (a) in this proviso, it simply says that an order could be passed exempting the employer from the provision of this clause and the words suggested by my hon. friend are to come at the end of it. The operative portion of the order is to grant exemption to the employer. The proviso suggested by my hon. friend provides for a benefit which the employee is to get in case the employer is exempted from this obligation. So far as that is concerned, if that was the suitable thing to do, in such cases, the order could be passed under item (c) of this proviso. It says:

"requiring him to pay to such person by way of compensation for failure or inability to re-employ a sum not exceeding an amount equal to six months' remuneration..."

So far as indemnifying the injured employee is concerned, there is adequate provision in the clause as it stands.

Then, there was the suggestion that the compensation should be increased from six months' remuneration to 18 months. This is the first dose of liability that we are throwing on the employer in a matter of this sort. It was considered that six months was fairly

adequate. In fact, the period is mentioned, I believe, in the Territorial Army Act also in a similar situation. Six months in a contract of employment might be considered to be a fairly adequate notice for termination of the contract between an employer and employee. It is a fairly satisfactory interval for which provision should be made for reimbursing the employee for being out of work. That is why six months was decided on.

Then, he suggested that the penalty of Rs. 1,000 should be raised to Rs. 10,000. He had, of course, in his mind, those bloated capitalists who employ large numbers of workers and that the capitalists who deal with crores of rupees may not think anything of a penalty of Rs. 1,000. The actual conviction and a penalty have still, I think, a certain deterring influence upon people of that class, whatever the amount of the fine may be. And apart from that, on conviction and a fine, say not exceeding Rs. 1,000, the court is empowered under this particular clause to direct that the employer shall pay to the person whom he has failed to re-employ, a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him. That also he has got to pay without having the liberty of exacting work from him, so that really, the fine amounts to Rs. 1,000 plus six months' emoluments of the particular employee, if the court chooses to impose the maximum penalty, I think, in the circumstances, these are quite adequate. I am so sorry that I am unable to accept the amendments.

Shri K. K. Easu: Part (c) of the proviso only refers to the employer's liability. My proviso says that in cases where employers refuse to pay, Government should shoulder the burden. That is my point.

Shri Gopalaswami: About that, the Government must undertake, in discharge of its obligation, to do their duty by the unemployed generally, but we could not really impose a specific liability in each individual case that might arise under this particular Act.

Shri Thanu Pillai (Tirunelveli): Part (a) reads:

"exempting the employer from the provisions of this section, or"

That means if the authority exempts, it is final and the other two parts (b) and (c) are only alternative in place of this, as was explained by the hon. Minister. Then, it should be:

"exempting the employer from the provisions of this section, and"

[Shri Thanu Pillai]

If it is "and", it will solve the problem.

Shri Gopalaswami: I think that courts are very various in their ways of interpretation of this particular word "or". As you, Sir, as a lawyer, will confirm me, oftentimes courts have held that "or" in certain contexts means "and". Assuming that in this particular case, the courts do hold "or" means "or", and not "and", it is open to the authority not to pass an order under part (a), but pass an order under part (b). The effect will be the same.

Shri C. S. Bhatt (Broach): Supposing there is an organisation or society which is the employer, will that society or organisation have to pay the fine of Rs. 1,000?

Shri Gopalaswami: Of course, you will find there is an omnibus clause in this Bill which gives Government the power, for special reasons and especially under such circumstances as may be prescribed, to exempt any person from any obligation or liability under this Act. So, if a particular party is able to convince Government that his case is special, he might get an exemption from Government.

Mr. Deputy-Speaker: The question is:

In page 15, lines 11 and 12, omit:

"if the employer refuses to reinstate such person or denies his liability to reinstate such person, or"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 15, line 18, after "this section" insert "provided that in such cases the Government shall give reasonable and adequate compensation to the person concerned."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 15, line 24, for "six months" substitute "eighteen months".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 15, line 28, for "one thousand rupees" substitute "ten thousand rupees".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 15, line 31, for "six months" substitute "eighteen months".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 27 stand part of the Bill".

The motion was adopted.

Clause 27 was added to the Bill.

Clause 28 was added to the Bill.

Clause 29.—(Pay and allowances).

Dr. M. M. Das: I beg to move:

In page 16, line 15, for "employer" substitute "Government".

Sub-clause (2) of clause 29 to which my amendment refers, is an addition which has been made by the Joint Select Committee. By this addition, the responsibility of compensating an employee who has joined the Reserve or the Auxiliary Air Force for his less pay from Government than his usual pay from the employer, has been placed upon the employer. When a man joins either the Reserve Air Force, or the Auxiliary Air Force, he serves the nation. So, if compensation has to be paid, it should be paid by Government which represents the country and the people. It is unfair and unjust to compel an employer in such a case by law to pay compensation for the loss suffered by his employee for no fault of the employer.

Shri B. Das (Jajpur-Keonjhar): How long have you been an industrialist and capitalist?

Dr. M. M. Das: I will come to your point. Wait for a few minutes only.

To be an employer has not yet been made an offence or a crime in this country. Why then should an employer be punished or compelled to pay compensation for the financial loss suffered by his employee for which he has got no responsibility at all? The word "employer" generally brings to our mind the picture of a millionaire or a multi-millionaire. We forget that there are small employers, owners of small firms with half a dozen employees. I ask the House to consider the cases of such small employers. Why should we punish these small employers and compel them to bear this unfair and unjust burden of compensating the financial loss of their employees?

My hon. friend from Jharkhand, Shri Jaipal Singh, has said that he has no objection if the employers who get a subsidy or a subvention from the Government are required by law to pay such compensation to their employees. For example, he cited the big airways companies who receive large

subsidies every year from Government. I fully share his view, but what I do not understand is why the employers who do not get any subvention from Government at all should be forced by law to pay compensation for the financial loss suffered by their employees.

If this clause as it stands in the report of the Select Committee is retained and passed, then every employer will try to exact a guarantee, if not in black and white, at least by word of mouth from his prospective employees that they will not join the Auxiliary Air Force. The result will be either recruitment will suffer or there will be strained relationship between the employer and the employee from the very beginning. By force of law, we can compel the employer to pay the compensation for the financial loss suffered by his employees for which he is not responsible, but by force of law we cannot establish cordial relations, relations of mutual amity and good will between the employer and employee.

As regards the interruption by my hon. friend Shri B. Das, I beg to state that I am a poor man not only economically but socially also, and I have got very little to do with employers. So I do not hold any brief for employers. But I honestly and sincerely feel that the proposition which has been made in clause 29 (2) is unjust and unfair. Therefore, I appeal to this House and to the hon. Minister in charge of this Bill, who has the reputation of being one of the most considerate men in our Government, to accept my amendment, and place this responsibility of compensating the employees on the Government and not on the employer.

Mr. Deputy-Speaker: Is the hon. Member moving the other amendment also standing in his name?

Dr. M. M. Das: The other amendment, being a consequential one, will follow if this amendment is accepted.

Mr. Deputy-Speaker: Amendment moved:

In page 16, line 15, for "employer" substitute "Government".

Shri Gopalaswami: This matter was given very careful consideration during the discussions in the Joint Select Committee. We are anxious that we should get as many recruits to these three different kinds of Air Reserve Forces as we possibly could. But the main thing which has stood in the way, in the case of the Territorial Army for instance, of getting more recruits than we have had is this difficulty of bridging the gulf between the emoluments of the recruit in civil employ

and his emoluments in the Air Reserves. The Government have considered this matter on several occasions and they thought that the proper shoulders on which to throw these burdens were those of the employer and they themselves set an example by directing their own employing departments to find this difference. They have appealed to private employers to do the same. Let us look at the Government's liability in this connection. A particular person getting a particular rate of emoluments in private service does his part of the duty by the country by joining these Reserves, undergoing the training necessary keeping himself qualified up-to-date and being ready at any moment to be called up for service under the provisions of these Acts. He discharges his obligation that way. The Government discharges its obligation by paying him the salary on the terms on which such salary is paid to our regular Air Force officers for the period for which he is called up. The difference has got to be footed by somebody or other. It is not fair nor would it conduce to the popularity of Reserves of this kind, if we try to throw the obligation on the employee himself. In the first place he finds that he cannot make both ends meet and somebody has got to make good the deficit. Therefore, we should not prejudice his domestic economy by having to come up for service whenever there is a call for this purpose. The only other party left, which does not now bear any share of this burden is the employer.

Now, you may ask why should the employer be asked to pay when he does not obtain the services of this man for the period for which he is asked to pay? I say that it is a liability thrown on the employer in order to make him discharge his duty by the country in bringing these Reserves into existence and seeing that they are popular amongst his own workers apart from the whole system being popular throughout the country. And what does he really do? First of all, you will see in one of the clauses an obligation is thrown on the employer to give the employee leave of absence for the period for which he is called upon. It may be that that leave has been earned, it may be that under the conditions of service a leave of three or four weeks *per annum* is just the amount of leave which the worker will be entitled on full pay according to the conditions of that service. But I do not wish to suggest that an employee should lose all rights to leave on full pay merely because he is called up for service for three weeks in an Air Reserve. That would be a matter for adjustment between the employer and

[Shri Gopalaswami]

the employee taking into full account the statutory obligation which is proposed to be thrown upon the employer. I think that while it is a new liability that is being thrown by the employer it is by no means an unfair liability if we have regard also to the contribution to public service which we expect employers to give in connection with a national service of this sort. That is all that I have to say. This matter was very fully discussed, and the Joint Select Committee almost unanimously agreed to this provision. I hope that though it is a new thing, the House will set its seal on the matter and thus approve of the initiation of a new policy in this respect.

Shri A. C. Guha (Santipur): Would the hon. Minister clarify whether a similar provision will be made in the case of the Territorial Forces also?

Shri Gopalaswami: Wait and see when the problem arises for consideration.

Shri A. C. Guha: I would like it to be done quickly.

Shri N. R. M. Swamy (Wandiwash): I would like the hon. Minister to clarify a doubt of mine. Supposing an employee draws a salary in the Air Force in excess of what he gets from the private employer, what would be the meaning of this clause? Supposing the employee gets Rs. 100 from the private employer and while in the Air Force gets Rs. 150, there is an excess, and not a deficit...

Shri Gopalaswami: Then he will put the excess into his own pocket.

Shri N. R. M. Swamy: Only if the employee gets something less in the Air Force, the clause would be of use. The question of deficit will arise if he gets less in the Air Force.

Mr. Deputy-Speaker: What does the hon. Member suggest? He wants to have this and also that?

Shri N. R. M. Swamy: I want the clause to be operative always.

Shri Gopalaswami: How can it be operative? Whenever there is a difficulty, it is mitigated.

Shri N. R. M. Swamy: In case a trainee gets less, only then it will be operative. It is not very specific in that sub-clause, to the effect that if it is less, it would be applicable.

Shri Dhulekar: On a point of order, Sir, I have got a feeling that in a court of law this provision cannot be declared to be *legak*, because the thing is this. An employer is employing a

particular person who is quite efficient for his purpose; now the Government wants him for training in some additional manner. So that addition is required by the Government. Therefore, I submit that the courts of law may say that this portion is *ultra vires*.

5 P.M.

Shri Gopalaswami: The only thing that I need say is that I asked our legal advisers to examine this point before I myself agreed to the insertion of this liability in this Bill. The legal advice on which I have acted is that it is quite competent for Parliament to throw the obligation that we are doing on the employer in this case.

Mr. Deputy-Speaker: Whatever it might be, the Chair does not take the responsibility of deciding whether it is *ultra vires* or not. It leaves it to the House to accept or reject the amendments.

Dr. M. M. Das: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is: "That clause 29 stand part of the Bill".

The motion was adopted.

Clause 29 was added to the Bill.
Clauses 30 to 36 were added to the Bill.

Clause 1 was added to the Bill.

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

Shri Gopalaswami: I beg to move:

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

Mr. Deputy-Speaker: Motion moved: "That the Bill, as amended, be passed."

Shri Jochim Alva (Kanara): Sir, I am grateful to you for having given me this opportunity to speak, as I was ill on the day the Bill was moved. When I looked up my papers this morning, I remembered a few facts which I thought I would convey to my hon. friends. I support the Bill. I have to make one observation, that we seem to be more concerned with the human material than with machines, though it is most important to consider the former aspect. Wherein aviation is concerned machines are going to be more important than the human material in the next ten or fifteen years of our history. We have got excellent human material in the sense that when applications were called for Air Force

vacancies, hundreds of applications were received and many refused. We have now practically introduced the principle of conscription to which my hon. friends from the other side are objecting. But they forget what is happening in their own countries—I beg your pardon, Sir, in the countries which have the totalitarian system of Government there need be no call for conscription but whenever they are called even in ordinary times, no one can resist and everyone will have to take to colours and be ready to serve the State. But here in this land we are an infant State and we have introduced this principle of conscription in the Air Force. The Air Force is the most important weapon, the most formidable weapon which shall either be our destroyer or saviour.

I will give a brief survey, as quickly as possible, and resume my seat. India today is within striking distance of a number of powers. We have potential enemies and there are real enemies. There are also some lukewarm enemies and imaginary enemies. We cannot afford to be quiet; we have got to be up in arms. If I may read what Mr. Churchill said in the House of Commons as long ago as 1934:

"Any Government in this country—a National Government more than any, and this Government—will see to it that in air strength and air power this country shall no longer be in a position of inferiority to any country within striking distance of its shores".

To use Mr. Churchill's phrase, we shall not be inferior in air power to any country within striking distance of our borders. We have about seven or eight countries around us. If we perhaps build up an Air Force and establish armament factories working at a high pitch, we would be the granary of aeroplanes. We have got Afghanistan, we have got Egypt, we have got Burma, Indo-China, Thailand, Indonesia and we have so many other countries who will not only repair aeroplanes here, but we will be able to supply ordinary planes to them. To-day we have got only one aircraft factory, the Hindustan Aircraft Factory. It has not got its full complement of strength and is not working to its full capacity. Perhaps when offers were made by some western countries four or five years ago, we did not avail ourselves of them. It is time that we looked into this matter. The hon. the Defence Minister who has an open mind in this matter, will, I hope, at the end of his talks with Dr. Graham in Geneva on Kashmir visit the countries which are engaged in aircraft production and make some arrange-

ments by which we can have some more aircraft factories in different parts of the country.

France was laid to dust by 1940. France at the end of the first world war had 5,000 planes. I will not dare to ask the number of planes that we possess. By the end of 1945 the French started their production of aircraft and started Flying Clubs etc. Take the case of Germany. By 1933 Hitler had ascended the Chancellery. In 1938 when Lord Simon and Mr. Eden went there to see Hitler, they were aghast at being told by Hitler that he had achieved air parity! Germany was able to achieve air parity in five years. Here we have been going about it for 20 years. We were no doubt under the aegis of a foreign Government, but we have taken power in our hands and sooner or later we shall have to do it. At present, today the position of the world is such that the day when even a thousand bombers dropped bombs from the air is past and finished. In future we shall have to have missiles, guided missiles and bombers thrice as fast as those used in the last war. But what is the state of our defence? I wish to draw the attention of the House to the fact that today in this debate very few Members are present. This debate has come the next day after the Kashmir debate. The Kashmir operations were sustained by our bombers and the civil air arm. The Kashmir operations were successfully concluded by the successful cooperation of the civil air authorities or the civil air arm which was used as transport. But today we find the attendance is so thin that it looks like the attendance in the House of Commons during the old India debates, say about 30 Members. Within a period of five years, Germany was able to achieve air parity. France which was laid to dust in 1940 was able to develop her air power quickly and France is today able to fly its bombers into Indo-China much against our moral will, a will which should be expressed by force, that we shall not allow them to fly over our territory to bomb people in other countries. Even Japan is trying to build factories. It has produced so many aeroplanes. It may be under American aegis, but whatever it is, I am not concerned with it. We are in a most central place. I would say India is a kind of island. As I said, we have human material, we have plenty of young men who are ready to die for the sake of their country as was demonstrated in the Kashmir operations. But we have to provide them with machines. We have to stress this aspect in such a way that the Government will find more money for the air arm. What did

[Shri Joachim Alva]

Lord Trenchard once say in regard to supplies for the Air Force in United Kingdom.....

Jonab Amjad Ali (Goalpara—Garó Hills): On a point of order Sir. I think my hon. friend is talking of production when the Production Minister is not here.

Shri Joachim Alva: Well, I will come to that point.

Shri Velayudhan (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): Another point of order, Sir. Has he any right to speak from another seat?

Shri Joachim Alva: This is what Air Marshall Trenchard said:

"Whatever the difficulties, the need is such that the most urgent requirements of the RAF will have first call on the national resources".

We have given only 22 crores; we shall need more money so that more machines and equipment may be provided to our young men.

In the matter of gliders which are the foundation stone of air superiority, France and Germany achieved very high superiority. We shall have to have Flying Clubs in every 300 mile-area of the land so that our young men may learn gliding and thereby unconsciously glide into the Air Force.

I shall not take more time of the House, but I want to emphasise this fact that we are allowed only one day for the defence debate. We have to cover three important branches of the Defence Services and sooner or later a separate, whole day will have to be allotted to discuss the Air estimates so that this arm of ours may be strong and it will not be found wanting and helpless in a time of emergency and peril.

Shri R. K. Chaudhury: Sir,.....

Hon. Members: Come to a front bench.

Shri R. K. Chaudhury: I can sit here singly without sharing it with anybody, young or old. This Bill is going to be passed without being amended by the House as was desired by the hon. Minister himself. I congratulate him for that. But I have certain apprehensions which I want to state before the House.

Firstly, the very object of this Bill, in my opinion, may be frustrated by the fact that the members of the Air Auxiliary Force may be called upon to quell civil disturbances. I am afraid that this provision may stand in the

way of voluntary enrolment. Secondly, I also fear that as an employer may at some time or other become averse to pay for the training of his employees, that also may act as a check against recruitment or enlistment of civil employees as members of the Auxiliary Force. Thirdly, an apprehension has been raised in my mind by a statement which the hon. Minister in a moment of weakness gave expression to, namely that in this matter of enlistment of members of the Air Auxiliary Force he will give due consideration to the rights and claims of the modern woman.

I shall dispose of the third point quickly because fortunately at this moment there is no woman Member in this House. I want to finish this point quickly. It must have been noticed by everybody that nowadays a large number of women have taken to driving motor vehicles and we know that those who can drive motor vehicles successfully can very easily become pilots in the air. In the last war we found that in Japanese planes there were a number of girl pilots employed. I must say to the credit of women that very few motor accidents occur when they themselves drive—excepting in the case of those persons who forget themselves and stare at the driver. So, my apprehension is that a large number of women will volunteer for the Air Auxiliary Force. But when these members of the Air Auxiliary Force are called upon to quell civil disturbances, there the complications will arise. I am speaking from my personal experience. I am an opponent of the Hindu Code.....

Mr. Deputy-Speaker: What is the relevancy between the Hindu Code and this Bill?

Shri R. K. Chaudhury: Sir, I am speaking on the Bill from one point of view, another Member may speak from another point of view. Now, supposing, Sir,—not supposing, I am actually an opponent of the Hindu Code in whatever form it may come. I know some of my female relations—I do not wish to specify the particular relationship—are in favour of the Hindu Code. Supposing one of those female relations is ultimately made a member of the Air Auxiliary Force and is called upon to put down civil disturbances, and supposing I am one of the members among the demonstrators, what will be the position? The first opportunity will be taken by my female relation to thrash me openly, publicly. So, that is a grave apprehension on my part and I submit that my hon. friend, the Minister proceed cautiously in this matter. Let

us see how the women behave in driving the motor vehicles and how they are behaving in other spheres of activity and only afterwards let us bring them into the Air Auxiliary Force. That is a suggestion, a humble suggestion which I would make and I believe he agrees with me. I believe so because he is as old as myself—not a very staunch reformist so far as social matters are concerned. He will agree with me that without disturbing any of the provisions of the Bill he may safely keep women out of the purview of this measure. I suppose he will do it without any fear or favour, because the bravest man today is the man who can defy his wife or his other female relations. Bravery does not consist in getting oneself killed in the battlefield or in the air—bravery consists today in being able to express openly what we feel about our female relations. A large amount of courage is necessary for this and this has become more difficult nowadays. Owing to the desire and wish of the hon. Prime Minister, we are getting a larger number of women Members in this House as also in the Upper House. This danger is going to increase.....

Mr. Deputy-Speaker: The hon. Member is not speaking to the point. This has nothing to do with the Bill.

Shri R. K. Chaudhury: I will come to it.

Mr. Deputy-Speaker: He has said enough on women. I will now call on the hon. Minister.

Shri R. K. Chaudhury: Sir, I have listened to your advice and I think I must not let this continue because there is danger in letting it continue.

As regards the amendments moved for the deletion of the word "abroad", I submit that it is wiser to keep the word "abroad" because circumstances may arise in the future when in a particular neighbouring State it may so happen that one particular community may be oppressed by another community and it may become necessary to bring away some portion of the civil population from that State. In those cases, if the Government of that particular State desires, it should be possible for our Government to send out our Auxiliary Air Force for no other purpose than merely to transport those persons who are exposed to danger. From that point of view I submit that the word "abroad" has been wisely allowed to remain in this Bill.

As regards requisitioning the Auxiliary Force to aid the civil power, there, I submit, there is no purpose in objecting to it because anybody can be called upon by any magistrate to quell

a particular civil disturbance, under the Criminal Procedure Code. Any person may be called upon by a magistrate to help in putting down any disturbance. On the same grounds, any man in the Auxiliary Force would also be called upon. The only difference is that whereas in the case of the ordinary civilian population you cannot call women, here you can call females also. So far as calling of the Auxiliary Force is concerned, I would not so much mind it, because just like the Home Minister the Minister of Defence has also given an assurance that this Auxiliary Force will not be used as an Air Force but would be used only as a ground Force when dealing with a civilian mob. So, there is no fear on that account. A crocodile or an alligator when it is on the shore is quite harmless. Similarly, these people when they are used as ground Forces would be completely useless and the mob need fear nothing from them...

Mr. Deputy-Speaker: I think he has said enough. I shall call upon the hon. Minister.

Shri Gopalaswami: I have listened to two interesting speeches.

Shri P. N. Rajabhoj (Sholapur—Reserved—Sch. Castes): I want to make some suggestion.

Mr. Deputy-Speaker: It is too late. I have called the hon. Minister.

Shri P. N. Rajabhoj: I have been trying to speak for the last two or three hours.

Mr. Deputy-Speaker: What can I do? It may be that in matters of this type all hon. Members may not get a chance. I am trying to distribute the chances. It is possible one or two may not get a chance.

Shri P. N. Rajabhoj: I just want to ask one question.

Mr. Deputy-Speaker: If it is a question, let him ask it.

श्री पी० एन० राजबोस : मैं आप की आज्ञा से सरकार से यह प्रश्न पूछना चाहता हूँ कि आजकल जो सेन्य भरती और रिक्रूटमेंट (Recruitment) वगैरह में शोड्यूल्ड कास्ट वालों के साथ एक बिषयता और भेद भाव की नीति बरती जाती है, उस की तरफ क्या सरकार का ध्यान गया है . . .

Shri Gopalaswami: Please speak in English.

श्री श्री एन० राजभोज : मैं हिन्दू में बोल रहा हूँ, आप उस का इंगलिश में अनुवाद कर दीजिये। मुझे दुख है कि मुझे इस बिल पर बोलने का समय नहीं दिया गया, हालाँकि मुझे इस सैनिक कार्य का काफी अनुभव है। मैं अपने स्टेट में सेना की भरती के लिए रिक्रूटिंग अफसर (Recruiting officer) था और उस सिलसिले में मैंने बहुत काम भी किया, लेकिन मुझे यह दुख के साथ कहना पड़ता है कि सेना में शेड्यूल कास्ट वालों के साथ उन की भरती और रिक्रूटमेंट आदि में प्रमोशन (promotion) देने में विषमता और भेद भाव की नीति बरती जाती है। डिफेंस डिपार्टमेंट में उन का कोटा (quota) पूरा नहीं किया जाता है हम लोगों की जो महार बटालियन है, उसके साथ बेइन्साफी होती है, उनको प्रमोशन देने में बेइन्साफी की जाती है, मैं सरकार से प्रार्थना करना चाहता हूँ कि वह इस ओर ध्यान दे और इस भेद-भाव और विषमता की नीति को, जो हमारे प्रति बरती जा रही है, दूर करने का प्रयत्न करना चाहिये और हम लोगों को आगे बढ़ाने की कोशिश की जानी चाहिये।

Mr. Deputy-Speaker: The hon. Member's point is that in the matter of recruitment, according to him, there is a certain amount of indifference shown to his community and he wants that they should be encouraged as much as possible.

Shri Gopalaswami: Certainly, Sir. I will enquire into the matter and see what can be done.

With regard to the two speeches which have been delivered, I need not say much. Mr. Alva gave us a historic account of the development of the Air Force in other countries and he wanted us to take active steps in our country. I promise to look into the matter and see what can be done.

As regards my hon. friend Mr. Rohini Kumar Chaudhuri, I believe his main grievance was that in case some internal disturbance occurred in which

he got himself involved his womenfolk who might have been enrolled in these reserves should not be obliged to come and push him out or "womanhandle" him. He wanted me to keep women out of this thing altogether, but I can give him this assurance that, so far as he personally is concerned, I have put into this Bill a clause which enables me for special reasons and subject to the special conditions I might impose to exempt people in the Reserve Forces from any one or other of the obligations imposed by this Bill. If he will make an application at the proper time, I shall certainly grant an exemption to his womenfolk who might be in the Reserve Force and exempt them from being obliged to participate in the quelling of disturbance in which they might be put to the risk of having to "womanhandle" him.

Shri R. K. Chaudhury: The trouble is that I will not be permitted to put in an application.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

NATIONAL CADET CORPS (AMENDMENT) BILL

The Minister of Defence (Shri Gopalaswami): I beg to move:

"That the Bill further to amend the National Cadet Corps Act, 1948, as passed by the Council of States, be taken into consideration."

Under section 12 of the existing National Cadet Corps Act, there is provision for the appointment of a Committee to advise Government on all questions that may arise in the administration of the Act. In the constitution of this committee there is provision for two members elected by the Central Legislature. This Act was passed in 1948 and at the time the Constituent Assembly was also functioning as the Legislature and it was a single House. Now that we have two Houses, the proposal has been made in this Bill that instead of two members elected by the Central Legislature two members may be elected by the House of the People and one member by the Council of States annually. It is a very simple, routine kind of thing. I hope that this amendment will be passed.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the National Cadet Corps Act, 1948, as passed by the Council of States, be taken into consideration."

Shri A. C. Guha (Santipur): I just want to say a few words. When this House is asked to send its representatives to a certain committee, I think it is open to it to enquire what authority this House can exercise over this committee or the National Cadet Corps.

Mr. Deputy-Speaker: The hon. Member will see that this is entry I. There must be other entries also. Therefore, whatever may be the powers of the National Cadet Corps, they are regulated by the National Cadet Corps Act and not by this Bill. The immediate question is, either we may send some people or we may not send anybody. Otherwise, we have no jurisdiction over the powers of the National Cadet Corps. This amending Bill seeks to amend only a particular portion. Either we accept the representation or we reject it. We have no right to go into the other clauses of the National Cadet Corps Act.

Shri A. C. Guha: I am not doing that, Sir. When this House is asked to send representatives to the committee, I want to know what right this House has over that advisory committee or over this body called the National Cadet Corps.

Mr. Deputy-Speaker: That matter is regulated by the National Cadet Corps Act.

Shri A. C. Guha: It may be so, but we are now asked to confirm that. During the last session, I brought a case before the Government. One officer of the National Cadet Corps behaved very rudely as regards our national flag on the occasion of the Independence Day celebrations. I was told that this Parliament had no authority as regards the discipline of officers in the National Cadet Corps and I was referred to the local Government. If that is the position, and if this House cannot even allow a question of this kind of thing, then I want to know how Parliament comes in. I had a lot of correspondence with the Department concerned and the Parliament Secretariat. I was simply referred back to the province and the Defence Ministry also informed me that the Central Government had nothing to do with this and only the Education Department of the province concerned would have to deal with the delinquent officer. I do not think anything has been done as yet about that officer. If that is the position, I would ask this House, what is the purpose of sending our representatives to serve on that body. I hope the hon. Minister will throw some light as to whether this House or this Government is so impotent in this matter.

Shri Gopalaswami: I may answer this point at once. So far as the parti-

cular case of an individual officer is concerned, I am myself ignorant of the circumstances in which that officer is alleged to have misbehaved and the circumstances in which my hon. friend brought those matters to notice and so on.

Shri A. C. Guha: You were not in charge of the Ministry then.

Shri Gopalaswami: I am only saying I am not aware of it.

If my hon. friend has not obtained satisfaction in respect of this matter, I invite him to let me know what the facts according to him are of the particular case and if there is any jurisdiction vested in me to intervene, I shall certainly do so. This particular committee—the Central Advisory Committee—is for the purpose of advising the Central Government on all matters of policy connected with the constitution and administration of the Corps. The committee itself has no executive powers. We cannot, blame the committee if any individual officer has not performed his duties according to the rules framed under this Act, and I do not see why he should stand in the way of a better constitution of this committee because of the particular instance referred to by him. I think it does not seem to be relevant to this Bill.

Shri K. K. Basu (Diamond Harbour): May I know what are the functions of the committee?

Mr. Deputy-Speaker: The hon. Member will look to page 3 of the Bill where there is an extract:

“The Central Government may for the purpose of advising it on all matters of policy connected with the constitution and administration.....appoint a Central Advisory Committee.....”

Regarding the powers and functions of the Committee the original Act should be looked into.

Shri K. K. Basu: The original Act says:

“The Central Government may for the purpose of advising it on matters of policy connected with the constitution and administration of the Board, appoint a Central Advisory Committee, consisting of the following persons:

Minister of Defence;

Secretary of the Ministry of Defence,

Education Adviser, etc.”

May I know what are the functions of the Committee?

Shri A. C. Guha: As I was told last time, in case of delinquency, it is only the Education Department of the State concerned which can take action against that officer. Has the Defence Department got any authority in that matter?

Mr. Deputy-Speaker: The question is:

The motion was adopted.

Shri Nambiar (Mayuram): We thought that this Bill would not come up today. I have tabled an amendment today.

Shri Gopalaswami: No. Sir.

Shri A. C. Guha: On a previous occasion a motion for increase in the number of representatives of this House to three was accepted.

Clauses 1 and 2 were added to the Bill.
The Title and the Enacting Formula
were added to the Bill

"That the Bill be passed."

"That the Bill be passed."

The motion was adopted.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari):
I beg to move:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, as passed by the Council of States, be taken into consideration."

The motion is one that is familiar to most Members of this House who were in the provisional Parliament. The Essential Supplies (Temporary Powers) Act was passed under article 369—Temporary and Transitional Provisions—of the Constitution. The Act was extended on the last occasion for one year. What is now sought to be done is that the Act should be extended to the full period permitted by the Constitution, namely, upto the 26th day of January 1955.

The Ministry of Commerce and Industry have circulated to hon. Members of this House a note containing a brief summary of working of this Act. Taking into account all factors relating to production, supply and distribution of commodities listed in the Act, it is felt that it is necessary to continue to have the powers of control to enable Government to exercise them in respect of those commodities which might continue to be in short supply.

[PANDIT THAKUR DAS BHARGAVA in the
Chair]

As a matter of fact, some of the commodities like iron and steel would be in short supply not only till 25th January 1955 but even thereafter. My colleague who introduced this measure in the other House made it clear that there is no desire on the part of Government to keep controls on any of the items included in the list for a

period longer than is absolutely necessary. While the Government is not committed to any policy of decontrol as such, hon. Members in this House and the public at large would have found that wherever it is possible to make relaxations in respect of the goods covered by this measure the Government have been adopting that policy and relaxing controls. For instance, the control on paper has been lifted. There is no control on mica, wollen textiles, petroleum and petroleum products, and spare parts of mechanically propelled vehicles. Similarly, considerable relaxation has been made in regard to foodstuffs, cotton textiles and sugar.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East): There is control on newsprint. You said the control on paper has been lifted.

Shri T. T. Krishnamachari: By and large, Newsprint happens to be only one item covered by the category classified as paper and I will come to that later, though I know I have brought a veritable hornets' nest about my head by speaking about newsprint because nobody realizes more than a Minister how powerful the Press is, and even treading on their corns when one is unwary brings a lot of trouble not only for the Government but for the Minister concerned.

Generally in regard to production of many of the materials covered by the Essential Supplies Act I must say the industries concerned are giving a fairly good account of themselves. If the progress in production is maintained, I think one might safely say that the Government might be able to secure stability of prices and supplies in regard to several of the items included in the Act in the very near future.

The one subject that might be raised is: why impinge on the sphere of the State Governments? In fact, if it is necessary for the Central Government to act after the expiry of the powers vested in them by the Constitution, say, after the 26th January 1955, it is possible that the Central Government would be able to exercise control over manufactured articles like iron and steel and the rest. But where they would not have any power would be in regard to primary products like foodstuffs, cotton, jute and so on, then it would be time to consider whether it would be in the interests of the economic stability of the country to allow the various State Governments to legislate in regard to these products, or for the purposes of co-ordination we should have to invoke the provisions of article 249 and, with the consent of the State Governments enact a

legislation similar to the Supply of Goods and Prices Act which is now in force. But it is not with any desire to trench into the sphere of the State Governments that we are asking for an extension of the life of this Act. By and large, the State Governments do approve of this policy. We have had to write to them in regard to the Supply of Goods and Prices Act and the House knows that practically without any exception, even from a Government which is, what might be called technically, not a Congress Government, the State Governments have responded uniformly well to the Government of India's move. We have no doubt in our minds, keeping in close touch as we do with the State Governments, that the policy of the State Governments is that these powers should continue to be vested in the Centre and delegated to them. And we cannot—neither we nor the State Governments can—do now without the Essential Supplies Act.

I would only like to mention here, speaking on behalf of the Government, that they do not find any particular pleasure in exercising these controls. And so far as I am concerned, if the control on any of these articles would fall in desuetude because it is not being used, nobody would be more pleased than myself.

The other question which will be raised, which has been generally raised on all such occasions in the past and which, human nature being what it is, will, I think, continue to be raised now and on any future occasion when Government may come before this House with a Bill of this nature, is that the administration of controls is all wrong, there is corruption, there is laxity, black-marketeers exist, controls sometimes offend individual propensities and individual comfort and so on. It would also be represented that many industries suffer because of these controls. Hon. Members in this House whose knowledge about particular trades is profound would also say: well, Government might very well remove the control in regard to this particular commodity. Every suggestion or every accusation made by every hon. Member in this regard would, I have no doubt, be true in their proper context. But unfortunately the Government happens to be in a position where they have to take a fairly broad and general view of the whole question and they have to bring in a legislation which will cover practically all aspects of the case instead of a narrow aspect or what is obtaining in any one particular area. So, if these suggestions are made, all that I can tell the hon. Members in advance is that I shall make a very careful note of whatever they

[Shri T. T. Krishnamachari]

might say. I shall have the charges and suggestions analysed and also see how we can better the working of these controls within the limits of our understandings and capacity, and our resources both of men and money.

But at the same time I would like to say this in anticipation of what hon. Members may say, that all that they may say against the working of these control measures would not amount to a definite condemnation of the fact that the Government have had to resort to these controls. Bad administration of controls does not mean that the controls were not a necessity, because controls are definitely a result of goods being in short supply. If that fact is recognized, you have to concede that controls are necessary. Your telling me that controls are not working well is a thing which you have a perfect right to say. You can point your accusing finger at the Government as a whole that the administration is not being properly conducted. But that would not mean that the life of this Act should not be extended.

Only one other question that might be raised by hon. Members I would like to anticipate, not so much because I have an intuitive capacity to feel their pulse but because I have gone through a rehearsal in the other House, and that is: Why should we extend it for two years and twenty-five days? Why should not Government come back to us again next year? That would be an argument that will be put forward. All that I can say is this: It is not as if the House has no control over Government, that they could not review the working of this measure along with other measures for the administration of which the Government is responsible. It is not as if you can get hold of the Members of the Treasury Benches and the Minister of Commerce and Industry, in particular only when he brings forward a measure like this and point out your accusing finger on what his Ministry has been doing. That opportunity, Sir, exists all the time. So if we realize that during the next two years the necessity for continuance of controls over some of the commodities, at any rate, under this Act is there, then the question of the duration of this Act is not of material consequence. It is not so much like the measure which we were discussing for weeks on end in this House wherein Government takes powers to detain persons, which are extraordinary, but here the powers that you vest in this Government and this Government vests in the State Governments are there constantly under review and there is no question of the

Government getting away from their responsibility. The responsibility could be brought home to the Government in various ways, such as questions, half-an-hour discussions, resolutions and discussions in a number of other Bills of this nature. Very possibly, I would be coming before the House in connection with the Tariff Amending Bills or something else, which relate to some of these commodities. I realize very well that I cannot be ostrich headed and feel that once I get through this Bill, my responsibility so far as the administration of the controls are concerned vanishes. It is not only my responsibility: It is the responsibility of my colleague in the Food and Agriculture Ministry and several other Ministries as well. Therefore, the argument that this can be extended only for one year and we can come back next year is not very vital in this case.

I do feel that we may have to come back even after January 1955 with some measures for control in regard to those products over which we can exercise control and perhaps a continuation or enlargement of the Supply of Goods Act about which I will be moving a motion in the other House, under article 249. Therefore, that objection that I should at once anticipate is one which could be perfectly and logically raised and well within the rights of hon. Members, but nevertheless, I think the force behind the objection of that nature is not very great.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, as passed by the Council of States, be taken into consideration."

Shri Tulsidas (Mehsana West): I rise to support this Bill. I am afraid, my hon. friend, the Commerce Minister apprehended perhaps that I was going to oppose this Bill.

Shri T. T. Krishnamachari: No, no.

Shri Tulsidas: But his anticipations are not correct. The reason for my supporting the Bill, is, as the hon. Commerce Minister has just now pointed out, that I do not want that these essential commodities should be interfered with either in trading or in production or in distribution, by the State Governments. It must be a Central subject and as these powers are provided under the Constitution for a limited period, I support this Bill and suggest that these powers should be extended till the period as it is allowed under the Constitution.

I venture to suggest in this respect that during the three years that these powers are extended, the Commerce and Industry Ministry should look into the various notifications and orders issued under this Act and those notifications and orders which are not now necessary may be discontinued and those which are necessary may be allowed to operate.

I make one more suggestion. This Act is a continuation of the Defence of India Rules and various notifications and orders have been issued since the Defence of India Rules come into operation. The people who are affected by these notifications or orders are sometimes ignorant whether any notification or order is in force or not. Therefore, I feel very strongly that a small committee may be appointed to go into every one of the different control orders and notifications and after investigating or examining each notification and order, a compact, consolidated control order may be made out and from a particular date those orders ought to be enforced and the previous orders should be abolished. I am making this suggestion because I know, and I am sure most of the people here have also the experience, that many people do not know whether there are such orders or not. Even the officials in the Ministries are not often aware of such orders. Therefore, it is high time—it is now nearly 13 or 14 years since this control has been in operation—that these orders are revised in the manner I have suggested. This would simplify the procedure in respect of these control orders. I hope the hon. Minister will accept my suggestion.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): Is it about import and export?

Shri Tulsidas: There are so many orders and many industries. I am referring to all the control orders. The hon. Minister has rightly said—and I am very glad to see that he feels that way—that wherever relaxation of controls is necessary, he will certainly look into them, and wherever it is possible, he will take the necessary

steps. In this connection, the hon. Food Minister has taken a bold step and I am sure that our hon. Commerce Minister will not hesitate to take such steps, wherever it is necessary.

I would like to point out that in accordance with a note which has been circulated there are a number of commodities which are under control, apart from the control orders of the Central Government; there are so many orders which are issued by the State Governments. One does not know where one is in many of these orders. I shall now give an instance from the note which you have supplied. It is about cotton seed. You say that there is no more control on the cotton seed. In the Bombay State the cotton seed control is still there. Up till January 1952 the Bombay Government had frozen the entire cotton seeds wherever they were lying. We were told that these stocks would be taken over by the Government at the control prices. But since then the slump came and the Bombay Government de-frozeed the entire stock and did not consider themselves responsible to take over the stocks. In this case the people concerned were not allowed to sell the cotton seeds and now when the prices dropped their sale was not possible. I am sure the hon. Commerce Minister would naturally like to avoid such administration in controls.

Shri T. T. Krishnamachari: The Cotton Seed Removal of Control Order was only issued on 22nd April 1952.

Mr. Chairman: May I inquire if the hon. Member wishes to continue his speech?

6 P.M.

Shri Tulsidas: I will not be here and I would like to finish in a minute. I am going away day after tomorrow. I have made most of the points. I once again request the hon. Minister to look into the points that I have made and I hope he will take the necessary steps.

The House then adjourned till Nine of the Clock on Monday, the 11th August, 1952.