



Friday,
27th November, 1953

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

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

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HOUSE OF THE PEOPLE
Friday, 27th November, 1953.

*The House met at Half Past One
of the Clock.*

[MR. SPEAKER in the Chair]
ORAL ANSWERS TO QUESTIONS

PRIVY PURSES

*351. **Sardar Hukam Singh:** Will the Prime Minister be pleased to state:

(a) whether the Government of India have communicated with several princes to review the question of Privy Purses and examine the possibilities of scaling them down; and

(b) if so, whether any response has been received from the princes?

The Prime Minister (Shri Jawaharlal Nehru): (a) No official communication from the Government of India has been sent on this subject. But the Prime Minister wrote a personal letter to a number of Princes.

(b) A number of replies have been received by the Prime Minister. Most of them are in the nature of provisional replies stating that the matter is being considered more fully. It will not be desirable to give any further particulars about these replies at this stage.

Sardar Hukam Singh: May I know, Sir, whether any Princes conveyed their refusal of this proposal?

Mr. Speaker: I think in view of what the Prime Minister has stated...

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Sardar Hukam Singh: I am not asking for the name or anything of that kind.

Mr. Speaker: Whatever it may be. As he states, it will not be proper to disclose all that at this stage.

Shri T. K. Chaudhuri: May I make a submission.....

Sardar Hukam Singh: From the answer, I gather that the communication was addressed only to a number of Princes. How was that number selected? Was it sent to those who were getting the highest allowances or were there some other considerations?

Shri Jawaharlal Nehru: It was sent only to Princes who were getting privy purses of Rs. 1 lakh or over.

Sardar Hukam Singh: Is it contemplated that this reduction would be effected by voluntary surrender or would there be.....

Mr. Speaker: I think all these questions are premature. This matter requires to be delicately handled.

Shri H. N. Mukerjee: Is it the intention of Government to follow up officially the implications of this personal letter?

Shri Jawaharlal Nehru: That also will have to be considered later, as to what the best method is to follow it up.

Shri T. K. Chaudhuri rose—

Mr. Speaker: Next question.

CHEAP RADIO SETS

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

(a) whether any Indian concerns have made representations to Government to encourage the production of cheap radio sets and give assistance to Indian concerns which are in a position to produce such sets; and

(b) if so, whether Government have taken any decisions and formulated their policy on this subject?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). No such representations have been received. Recently one firm did inform Government that it had been able to manufacture cheap radio sets, but that firm did not ask for any particular assistance.

Sardar Hukam Singh: May I know, Sir, whether the representation contained a request that the Government should encourage medium wave sets which are cheaper, so that the people might get these receivers?

Shri T. T. Krishnamachari: Sir. I can only say that they did not ask for any particular assistance.

Shri B. S. Murthy: May I know, Sir, whether this firm which had sent a representation also sent a sample of the cheap radio set they had prepared? And is the Government satisfied with the working of it?

Shri T. T. Krishnamachari: I have not seen it. Perhaps the set has been sent to the Development Wing. But it is not Government's province to declare an opinion on the particular set because that would mean that we are giving undue privilege to one particular concern as against other concerns who are competing.

PENCILS (PRODUCTION)

*354. **Shri S. N. Mishra:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there had been a fall in overall actual production of

pencils in 1952 as compared to that in 1951;

(b) if so, the reasons therefor; and

(c) the trends in production till October, 1953?

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

(a) Yes, Sir.

(b) One of the reasons for the fall in production is apparently the lack of demand for indigenous product.

(c) A statement is laid on the Table of the House. [See Appendix II, annexure No. 43.]

Shri S. N. Mishra: May I know, Sir, what was the import figure for the year 1951?

Shri T. T. Krishnamachari: 19,11,510 dozens.

Shri S. N. Mishra: May I know, Sir, whether Government have satisfied themselves that the import policy does not operate to the advantage of imports of pencils?

Shri T. T. Krishnamachari: Sir, the import policy has been changing from time to time. The hon. Member perhaps is not aware that since March this year, the duty has been raised steeply, from 31 $\frac{1}{2}$ per cent. to 66-2/3 per cent. which gives a very effective cover against any advantage the importer may have. On the top of it, we also insist that anybody who wants to import pencils should not import pencils which are cheaper than Rs. 16 per gross. That is intended also to cover the local manufacturers so that only the costly type of pencils will come in. The matter, Sir, is constantly under review and Government is keenly watching the situation.

Shri S. N. Mishra: May I know what steps do Government propose to take to enable the industry to work to full capacity?

Shri T. T. Krishnamachari: Sir, so far as regulation of imports is concerned, any variations in policy

that Government might make from time to time cannot be disclosed ahead, because speculators might make use of it. That is about the only thing that we could do. But in regard to the question of quality improvement question of supplying them with materials—at the moment, they are in a better position than what they used to be, because they are using locally made slates for their pencils. As regards the third stage of improvement which they can make—all that they need in this country. We have not yet reached that stage.

Shri B. S. Murthy: May I know, Sir, whether the pencils used in the Central Government offices and State Government offices are of the indigenous make?

Shri T. T. Krishnamachari: Sir, I think that question must be addressed to the Supply department

Shri S. N. Mishra: It seems the production has gone down by more than half. Do Government think it necessary to take some special steps?

Shri T. T. Krishnamachari: Sir, all steps that we take are special steps in regard to this particular industry. And I have said that the matter is being constantly watched. In fact, this morning I interviewed one of the pencil manufacturers.

Goa

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

(a) whether it is a fact that the main port of Goa (Mormugoa) is now being reconstructed and fortified; and

(b) whether it is also a fact that military aerodromes have recently been built in the port area and on the Barabolim plateau?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). There has been some normal development of Mormugoa port involving construction of a sixth wharf to handle increased traffic in ores. Government have no information about

the building of fortifications or military aerodromes.

Dr. Ram Subhag Singh: May I know, Sir, whether this development which has just been mentioned is being done by Portuguese money, or, is Portugal being aided and assisted by any foreign power with a view to creating military bases there?

Shri Sadath Ali Khan: We have no information on that.

Dr. Ram Subhag Singh: May I know, Sir, whether the Government of India have been informed in advance about the development of this port and whether the Government are also aware of the fact that the Portuguese authorities have from time to time been declaring that the North Atlantic Treaty Organisation extends also to their foreign territories? May I also know whether the Government of India are going to recognise that?

Shri Sadath Ali Khan: As far as we know, NATO does not apply to this Portuguese possession of Goa. As far as fortifications are concerned, we have reports that there are no fortifications and so far nothing has been done in that regard. We have a Consul-General in Goa and a Vice-Consul in Mormugoa and according to their reports, there are no fortifications.

Shri H. N. Mukerjee: What is Government's reaction to the reported disclosure by the President of the Goan National Conference that Goa is being developed into a strong military base with American aid?

Shri Sadath Ali Khan: We have no information about that.

Shrimati Tarkeshwari Sinha: May I know whether the President of the Goan Peoples Party made a statement in Bombay that American bases are being permitted there and scores of Americans are coming into Goa and so many bases are being made by the Japanese firms there?

Shri Sadath Ali Khan: Sir, the report that we have is that some years ago the Portuguese had a plan for the development of their overseas possessions and that is about all we know. We do not know whether the Americans or any one else are going to have bases.

MYSORE IRON AND STEEL WORKS,
BADRAVATHI

*356. **Dr. Ram Subbag Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Mysore Iron and Steel Works, Badravathi, have submitted their steel expansion scheme to the Government of India;

(b) if so, whether that scheme envisages the installation of new plants; and

(c) if so, the estimated expenditure in installing the plants?

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

(c) The scheme submitted by this concern involved an expenditure of 670 lakhs. The loans sanctioned so far amount to 112.48 lakhs.

Dr. Ram Subbag Singh: What would be the capacity of the plant which has been recommended by this scheme?

Shri T. T. Krishnamachari: Sir, there are various types of plants. For instance, 3 electric pig-iron furnaces, each with a capacity of 35,000 tons. They want certain improvements in regard to mining of ores, an aerial ropeway, an extension to the cement plant, an acetic acid plant, improvements to the foundry and a Bessemer Duplex Plant.

/ FRENCH AND PORTUGUESE SETTLEMENTS

*359. **Shri Nageshwar Prasad Singh:** (a) Will the Prime Minister be pleased to state how many families have been uprooted from French and Portuguese Settlements and have come to

India as migrants in 1951, 1952 and up till September, 1953?

(b) Have they settled in India?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) It is difficult to give exact figures, as the refugees from these foreign possessions do not normally register themselves with the Indian authorities and there is a constant movement of population between these settlements and the surrounding Indian territory.

Upto the end of 1952, about 1500 persons were reported to have migrated from the French settlements to India. In July 1953, about 40 persons came out from Pondicherry due to some labour trouble. No figures are available for the Portuguese possessions.

(b) Yes.

Shri Nageshwar Prasad Singh: May I know if the Government of India have made enquiries with regard to the causes of this uprooting and, if so, what steps have they taken to stop it?

Shri Sadath Ali Khan: The causes of this uprooting are various, labour troubles and a certain amount of what may be called political troubles. That is why people have migrated, Sir.

Shri Nageshwar Prasad Singh: May I know what the Government of India proposes to do by negotiations or otherwise to remove these black spots from the map of India?

The Prime Minister (Shri Jawaharlal Nehru): Sir, that is a question dealing with the whole matter of foreign possessions here. It is hardly possible to say in detail what we propose to do except that we try to get them back.

Dr. Ram Subbag Singh: It was just disclosed by the Parliamentary Secretary that there has been constant move of persons from French territories to India. May I know

whether the Government will go on watching this situation or will take any steps to prevent this migration or move?

Shri Jawaharlal Nehru: My colleague said that there was constant movement to and fro, plenty of people coming in and going out. Sometimes some people have come out because of some political or labour trouble there. In so far as we know we have got some figures—we don't know, it may be more—some 1500 in 1952 and about 40 in 1953. So far as the normal movement is concerned there is nothing which has to be checked.

Shri Baghwan Singh: What was the labour trouble there?

Shri Sadath Ali Khan: There were two unions, one some sort of a Socialist union and between them there was some trouble.

Shri Joachim Alva: Is Government aware of any assistance being given to the families of patriots from Goa or Pondicherry, that is, either they have applied for assistance or Government is giving assistance to the families of such persons?

Shri Sadath Ali Khan: Some of these people from French Settlements have been settled in South Arcot district and the Government of India have given employment assistance to these people.

EXPERTS RECRUITED FOR D.V.C.

*360. **Shri K. P. Sinha:** Will the Minister of Irrigation and Power be pleased to state:

(a) the total number of experts recruited till the end of September, 1953 to man the machinery bought from America for the Damodar Valley Project;

(b) the total monthly salary paid to these experts; and

(c) the nationality to which they belong?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (c). The total number of experts Indian

and foreigners recruited from time to time till the end of September 1953 is 57, comprising 34 Americans and 23 Indians. Out of this the number of persons working in November, 1953 is 28, i.e., 7 Americans and 21 Indians.

(b) Salary for the month of September was 9450 dollars and Rs. 26,680.

Shri K. P. Sinha: May I know how long they are to remain here, and is there any understanding that they will train our men to replace them within a certain period?

Shri Hathi: Out of the 7 American experts who are here, 3 will leave by the end of this month and the remaining four in February, 1954. We have 10 engineers who are under training and they will take charge of the station.

Shri G. P. Sinha: May I know whether there is any non-technical non-Indian personnel employed in this project?

Shri Hathi: None to my knowledge.

Shri K. K. Basu: May I know whether these 4 Americans are heads of departments or are they working under Indian experts?

Shri Hathi: They are in charge of turbine section and other things.

COTTON IMPORTS FROM EGYPT

*361. **Shri K. P. Sinha:** (a) Will the Minister of Commerce and Industry be pleased to state the quantity of cotton that India imported from Egypt during the years 1951-52 and 1952-53?

(b) Have the Egyptian Government made efforts to sell more of its cotton to this country this year?

(c) If so, with what result?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) 1951-52 season i.e., from 1st September, 1951 to 31st August, 1952—143,825 bales.

1952-53 season i.e., from 1st September, 1952 to 31st August, 1953—242,243 bales.

(b) and (c). Government have no official report.

Shri K. P. Sinha: Is it a fact, Sir, that instead of Egyptian cotton American cotton is used by our mills?

Shri T. T. Krishnamachari: Sir, as a matter of fact the imported cotton that they use is long-staple cotton. If American cotton is of equal quality and is cheaper, naturally the mills will use that.

Shri M. D. Ramasami: May I know whether any effort has been made to grow cotton just as that imported from Egypt and, if so, what is it?

Shri T. T. Krishnamachari: Sir, I think that question must be addressed to my colleague the Food and Agriculture Minister.

GLAZED KID LEATHER

*364. **Shri S. C. Samanta:** (a) Will the Minister of Commerce and Industry be pleased to state whether import of glazed kid leather is banned?

(b) If so, what is the annual production of the same in India?

(c) Is any amount exported?

(d) If so, how much has been the average annual export?

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

(b) Actual production figures of glazed kid leather are not available, but this type of leather is made from chrome tanned goat skins. The Production of Chrome tanned goat skins in 1952 was 225,341 pieces and in 1953 (Jan-September) 152,427 pieces

(c) Yes, Sir.

(d) Information is not available as this item is not separately shown in the Customs Returns.

Shri S. C. Samanta: May I know, Sir, the number of factories that produce glazed kid leather in India and the location of those factories?

Shri T. T. Krishnamachari: They are all in Madras State and they are three in number.

Shri S. C. Samanta: Is it not a fact that the raw materials needed for substance and grain are all produced in Bengal and Bihar? May I also know whether there is any proposal either from Government or from any industrial source for the establishment of such a factory in Bengal and Bihar?

Shri T. T. Krishnamachari: I am unable to answer the first part of the question in the affirmative because I have no information. As regards the second part, we do not contemplate at the moment the establishment of any such factory.

Shri S. C. Samanta: Will Government inform us how much capital will be required to start such a factory?

Shri T. T. Krishnamachari: I am unable to do so now.

Shri K. K. Basu: May I know whether the three Madras firms are owned by Indians or non-Indians?

Shri T. T. Krishnamachari: The names are these and the hon. Member may draw his own conclusions:—

- (1) Gordon Woodroffe Leather Manufacturing Co. Ltd, Palavaram, Madras.
- (2) Messrs. Chrome Leather Co. Ltd., Chromepet, Madras.
- (3) Messrs. N. Mohammed Mian Rowther & Co, Tiruchirappalli

POWER HOUSES AT GANGUWAL

*365. **Shri S. C. Samanta:** (a) Will the Minister of Irrigation and Power be pleased to state the difficulties that Indian Engineers had to encounter in the construction of Power Houses at Ganguwal under the Nangal Project?

(b) Is it a fact that a new method called "well-point pumping" was applied there?

(c) If so, how and with what results?

(d) What is the cost of the Power Houses at Ganguwal and Kotla?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) (i) Non-availability of required number of experienced supervisory staff;

(ii) Laying the foundation of Power House No. 1, 60 feet below the subsoil water level and 110 feet below the natural surface level.

(iii) Delay in the receipt of vacuumatic pumps required to work the well points.

(iv) Difficulties of boring tubewells through boulder strata to combat the artesian pressure.

(b) Yes. Sir.

(c) The method was successfully employed using improvised pumps and well-points manufactured by the State Irrigation Department with considerable economy in excavation of side slopes.

(d) Estimated cost of Power House at Ganguwal:

(i) Civil works Rs. 3.04 crores.

(ii) Electrical works Rs. 3.85 crores.

Estimated cost of Power House at Kotla:

(i) Civil works Rs. 3.00 crores.

(ii) Electrical works Rs. 3.85 crores.

Shri S. C. Samanta: May I know, Sir, whether the equipment that was used for the "well-point pumping" was manufactured in our own factories or was imported?

Shri Hathi: The equipment was prepared in our workshops here.

Shri S. C. Samanta: May I know, Sir, the length of the Nangal Hydel Canal that supplies water to the Power House?

Shri Hathi: It is about fourteen miles distant from the Nangal Dam itself.

KHADI

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

(a) whether it is a fact that a Charkha on which a spinner can spin 3,000 yards per hour was exhibited at an exhibition organized in Rashtrapati Bhavan on the 29th August, 1953 in connection with a meeting held to consider ways and means of popularizing Khadi; and

(b) if so, whether Government propose to take any steps to popularise this Charkha?

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

(a) Yes.

(b) The Charkha under reference is yet under experiment and observation.

Babu Ramnarayan Singh: What is the price of the charkha?

Shri T. T. Krishnamachari: It is expected to cost somewhere about Rs. 1,000.

Seth Govind Das: Was any experiment on this charkha made by the All-India Spinners Association also?

Shri T. T. Krishnamachari: That is, I think, included in the answer I gave, which is "yet under experiment and observation".

MULTIPURPOSE RIVER VALLEY PROJECTS

*369. **Shri Dabbi:** Will the Minister of Irrigation and Power be pleased to state:

(a) whether the ultimate financial liability of each of the multipurpose river valley projects has been determined;

(b) if so, the extent of the liability of the Centre and the States concerned in the case of each of these projects; and

(c) the total amount of money spent on each of these projects and the source or sources from which the money was spent?*

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) to (c). A statement giving the information is laid on the Table of the House [See Appendix II, annexure No 44.]

Shri Dabbi: What additional amount will be spent on each of these projects during the plan period?

Shri Nanda: It will depend upon the progress of the various projects.

KOYNA PROJECT

*370. **Shrimati Tarkeshwari Sinha:** (a) Will the Minister of Planning be pleased to state whether the Planning Commission are considering the question of taking up the Koyna project in the State of Bombay during the current year?

(b) If so, what will be the estimated expenditure on the said Project?

(c) What amount will the Bombay Government contribute towards this Project?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) The question of taking up the Koyna Project is under consideration but it is unlikely that it will be taken up during the current year.

(b) The estimated expenditure on the project is Rs. 33 crores.

(c) This is under consideration.

Shrimati Tarkeshwari Sinha: May I know, Sir, whether we have an idea of the land that will be irrigated by the project if it is taken up?

Shri Hathi: Koyna is a power project.

Shri V. P. Pawar: Is it not a fact that the Bombay Government, having made a provision of Rs. 1.39,000, have urged on the Central Government for starting a hydro-electric project immediately?

Shri Hathi: Bombay Government has made a provision for preliminary works, etc., but the Government has taken up this question with the

World Bank for a loan. Unless that is decided, this question cannot be finalised.

Shri V. P. Pawar: Is it not a fact, Sir, that one nominee or the Director of the World Bank recently visited the Koyna Project site and favoured the taking up of the Project immediately?

Shri Hathi: He did visit and we are expecting a team of experts to visit the site and survey the whole thing.

Shrimati Tarkeshwari Sinha: What is the amount of electric power that will be generated after the Project is completed?

Shri Hathi: 240,000 K.W.

Shri L. N. Mishra: Has the amount of Rs. 40 crores set apart for the new Projects been distributed project-wise?

Shri Hathi: The amount of Rs. 40 crores that has been mentioned in the Report is not meant for any particular project. It does not mean that the Government of India is going to advance all the Rs. 40 crores. The Rs. 40 crores will be set apart from resources available in the country, that is all.

C.P.W.D. TIMBER CASE

*371. **Shri Ajit Singh:** Will the Minister of Works, Housing and Supply be pleased to refer to the answer given to unstarred question No. 358 on the 8th July, 1952 regarding the Timber case of former Construction Division, Central Public Works Department, and state:

(a) whether Government have taken any decision regarding this case;

(b) whether any action has been taken against any Central Public Works Department Officers involved in it; and

(c) if so, what action has been taken against them?

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

(a) to (c). The report of the Enquiry Officer is awaited and further

action will be taken after the consideration of the report.

Mr. Speaker: Next question.

Shri K. K. Basu: I wish to put a supplementary question, Sir.

Mr. Speaker: The report referred to is not here. Next question.

RAJENDER NAGAR, NEW DELHI

*372. **Shri Ajit Singh:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether it is a fact that there were complaints regarding sub-standard work of the construction of refugees' quarters in Rajender Nagar, Pusa Road, New Delhi;

(b) if so, whether any action has been taken against any Central Public Works Department Contractor or Official; and

(c) what action was taken and against whom?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Yes; Sir, with regard to the work completed in 1949.

(b) and (c). Yes, The Assistant Engineers and Section Officers concerned were warned and the contractors responsible for the sub-standard work were made to pay the expenditure involved in repairs and renovation.

Shri Ajit Singh: May I know whether only section officers were charge-sheeted?

Sardar Swaran Singh: No, Sir. Assistant Engineers also were charge-sheeted and the punishment, as I have already indicated, was awarded.

Shri Ajit Singh: Is it a fact that any of the section officers on this work was man-handled by any of the contractors?

Sardar Swaran Singh: I am afraid, Sir, I would not know the details of something which took place in the year 1949. If a separate question is tabled, I will collect the information

Shri R. S. Murthy: May I know, Sir, who conducted the enquiry?

Sardar Swaran Singh: One of the officers.

HYDERABAD NIRMAL CRAFT

*373. **Shri M. R. Krishna:** Will the Minister of Commerce and Industry be pleased to state whether the Government of India are considering the matter of giving any assistance to revive the four hundred year old Indian Craft of Nirmal in Hyderabad State?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Yes, Sir. The matter is under consideration.

Shri M. R. Krishna: May I know, Sir, whether any of the goods produced by Nirmal Craft was exported to foreign countries?

Shri T. T. Krishnamachari: I am unable to answer that question with any precision. If notice is given, I can try to answer it.

Shri M. R. Krishna: What is the amount that the Government of Hyderabad have requested the Central Government for this particular proposal?

Shri T. T. Krishnamachari: The proposal involves an outlay of Rs. 26,600.

BHAKRA NANGAL PROJECT

*375. **Shri L. N. Mishra:** Will the Minister of Planning be pleased to state:

(a) whether a Technical Committee to look into the question of power generation, phasing and economic system of power distribution, etc., for the Bhakra Nangal Project has been appointed;

(b) if so, the personnel of the committee; and

(c) the time by which it is expected to submit its report?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c). A statement is laid on the Table of

the House. [See Appendix II, annexure No 45.]

Shri L. N. Mishra: May I know the cost of production of power per unit as compared to that of D.V.C. and Hirakud Project?

Shri Hathi: It is too premature yet to say it. It depends on the quantity of power distributed, etc.

Shri L. N. Mishra: May I know whether the revised estimates of the Bhakra Nangal Project have been examined and, if so, what is the amount of this estimate compared to the original estimate?

Shri Hathi: They are under examination.

IMPORT OF RICE

***376. Dr. M. M. Das:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of applications received by Government for licences to import rice since the 13th September 1953;

(b) the total quantity of rice, for the import of which applications have been received;

(c) the foreign countries from which rice is sought to be imported in these applications; and

(d) the average C.I.F. values per maund of the rice to be imported at the Indian ports?

The Minister of Commerce (Shri Karmarkar): (a) 46.

(b) 1,81,820 tons.

(c) Iran, Burma and Thailand.

(d) Information is not available.

Dr. M. M. Das: May I know, Sir, the number of these applications for which licences were issued and the amount of rice to be imported under the licences?

Shri Karmarkar: Applications received 46; applications disposed of 39. The quantity is 1,81,820 tons; value:

Rs. 16,23,28,470. Quantity actually licensed: 48,210 tons; value: Rs. 4,13,35,000.

Dr. M. M. Das: May I know whether any quantity of this rice to be imported has arrived?

Shri Karmarkar: I require notice for that.

Dr. M. M. Das: May I know whether in view of the bumper rice crop in the country and the consequent fall in prices, the Government are going to change this policy very soon?

Shri Karmarkar: I think the Minister of Food and Agriculture will be able to answer it.

FORD FOUNDATION

***378. Shri Radha Raman:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Ford Foundation in India have offered to assist the Government of India in planning a programme for the development of small scale and cottage industries;

(b) if so, what is the nature of that help; and

(c) how Government propose to utilize this help?

The Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) and (c). The Ford Foundation is sending to India a seven-man International Team of experts in cottage and small-scale industries. This team will, after investigation, recommend to the Government of India a programme for the development of small-scale industries in selected areas.

Shri Radha Raman: May I know, Sir, if the Government is aware of the amount which will be involved in this scheme which the Ford Foundation proposes to offer?

Shri Karmarkar: The Ford Foundation have, I understand, approved of a grant of 92,000 dollars to meet the expenditure in connection with the visit of the Team to India.

Shri Radha Raman: May I know if there is a list of industries which would be taken up by that Team under the small-scale industries?

Shri Karmarkar: I could not give the information off-hand.

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): The Commission would be examining the prospects of industries as they are situated in certain community projects—Burdwan, Faridabad, Nilokheri and one near Ranchi. The type of industries that are existing there would be taken into account for their survey.

Shri Karmarkar: I should add, with your permission, the following information which I got in the meantime. The industries for which initial consideration is to be given are: Blacksmithy and small agricultural implements; carpentry, footwear and leather goods, tanning, cycle parts, cutlery, locks, mathematical and drawing instruments, sports goods, etc.

Shri Radha Raman: May I know, Sir, if some location is fixed for starting these industries, in case it is decided?

Shri Karmarkar: My colleague indicated the scope of the enquiry.

Shri H. N. Mukerjee: May I know, Sir, if it is not possible to do without the assistance of foreign agencies for the development of such essentially indigenous operations as small-scale and cottage industries?

Shri T. T. Krishnamachari: Well, Sir, the fact that the foreign experts have been invited is indicative of the Government's view that some help is likely to be forthcoming from these people. I would like to add, Sir, that two of these experts are from Sweden and that country has synthesised to a very large extent the claims of medium-sized and small-scale industries with those of large-scale industries. The experience of these two

people who are coming will be extremely valuable in regard to planning and locating the position of small-scale industries of this country.

Shri Sarangadhar Das: May I know, Sir, if Government have considered the advisability of getting Japanese experts because it is well known that in Japan small-scale industries are prospering more than here?

Shri T. T. Krishnamachari: No, Sir. The Government have made from time to time attempts to get those experts for different purposes and I must confess that we have not had any great success.

बर्मा ने आयात किए गए वस्त्र १८ कर

*३७२. श्री रवनाथ तिहः : (क) क्या बाणिज्य तदा उद्योग मन्त्री यह बताने को कृपा करें कि क्या बर्मा सरकार ने भारतीय वस्त्रों के आयात पर एक नया दर लगाया है ?

(स) यदि हां, तो इस कर की दर क्या है ?

The Minister of Commerce (Shri Karmarkar): (a) and (b). While the official copy of Burma's latest Customs Tariffs is not yet available, Government understand that the Government of Burma have imposed a uniform rate of duty of 25 per cent. *ad valorem* on imports of cotton piecegoods from all sources including India with effect from the 1st October, 1953.

श्री रघुनाथ तिहः : क्या बाणिज्य तदा उद्योग मन्त्री यह बताने की कृपा करें कि बर्मा सरकार ने किस तरह से भारतीय वस्त्रों के आयात दर एक नया कर लगा दी है, उसी प्रकार से क्या भारत सरकार भी वर्द्धा के सामान पर एक एडोशनल ड्यूटी लगायेगी ।

बी छरकारकर : विदेशी कपड़े के सम्बन्ध में भारत सरकार जो नियम बताती

है, वही नियम बर्मा पर भी एप्सीकेबल होगा, हम बर्मा के लिलान कोई रिटेलिंग टरी स्टेप नहीं लेगा चाहते।

Shri K. K. Basu: May I know how these newly imported goods will affect the import of piecegoods in Burma?

Shri Karmakar: It is too early to say anything on it.

Shri G. P. Sinha: May I know whether this 25 per cent. duty charged from India is different from the duty imposed on goods coming to Burma from other countries?

Shri Karmakar: There is no discrimination about it. It is a uniform duty applicable equally to all.

N.E.F.A.

***380. Shri Rishang Keishin:** Will the Prime Minister be pleased to state:

(a) whether there is a system of "Shop subsidy" and under which every shopkeeper is to obtain permission from the N.E.F.A. administrators to open a shop;

(b) if so, how many shops have been opened in the N.E.F.A.;

(c) what terms and conditions have been imposed on shopkeepers by the administrators;

(d) whether shopkeepers are allowed a standard profit of 12½ per cent of the total sales made to the inhabitants of the Agency; and

(e) if so, what conditions are taken into consideration in fixing the percentage of profit stated above?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes. A subsidy of -/2/- per rupee is given to cover the high costs of transportation so that the goods may be available to the tribal people at the same price as at Dibrugarh in the plains of Assam.

(b) 60 shops.

(c) Whenever tribal people are available, they are encouraged and assisted in opening shops. Permission

is granted to non-tribals to open shops only on a purely temporary basis, with the clear understanding that they may be required to withdraw, should any tribal people of the area become subsequently available to run such shops. They are also to give training to the hill people in salesmanship, if and as required, under official supervision.

(d) and (e). The margin of profit is decided in each District by the District Rates Board, after taking into consideration the remoteness of the area, wastage and other incidental charges, willingness of traders to go etc. The usual margin of profit is 10 per cent.

Shri Rishang Keishin: May I know how many of these shops are owned by the tribal people?

Shri Jawaharlal Nehru: I am sorry I have not got the figures.

Shri Amjad Ali: May I know how many were already existing and how many have been opened anew?

Shri Jawaharlal Nehru: I have no information at present.

Shri B. S. Murthy: May I know, Sir, what sort of training is given to those tribal people by the people in charge of the shops?

Shri Jawaharlal Nehru: An opportunity to serve there for a while, when they take charge.

Shri Rishang Keishin: May I know what is the total amount of money given to these shops by way of subsidy?

Shri Jawaharlal Nehru: I am unable to say the total amount now.

EXPORT OF TAPIOCA STARCH

***381. Kamari Annie Mascarenha:** Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of Tapioca Starch exported from the Travancore-Cochin State; and

(b) the value thereof?

The Minister of Commerce (Shri Karmarkar): (a) and (b). There are no restrictions on export of Tapioca Starch from Travancore-Cochin State. Figures of quantity and value of actual export from that State are not available.

Kumari Annie Mascarenha: May I know whether Government have received any complaint from the people of Travancore-Cochin State with regard to the export of tapioca starch from that State and the serious effects it is having on the food problem in that State?

Shri Karmarkar: No. Sir, so far as I am aware.

Kumari Annie Mascarenha: Is Government aware that I myself have sent a complaint?

Shri Karmarkar: I will look into the matter.

SEMINAR ON LOW COST HOUSING

*382. **Shri Bhagwat Jha:** Will the Minister of Works, Housing and Supply be pleased to state which are the countries invited and who have accepted the invitation to participate in the Seminar on Low Cost Housing?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): Invitations for the Seminar have been issued by the United Nations Technical Assistance Administration. A list is placed on the Table of the House giving names of the countries participants from which are likely to attend. (See Appendix II, annexure No. 46.)

जी भगवत ज्ञा : क्या भौतिक स्थानों के लिए ज्ञान सकलता है कि इस प्रदर्शनी में कितने प्रतियोगियों ने भाग लेने की सुनना दी है और कितने प्रकार के नमूने पेश किये जायेंगे?

Sardar Swaran Singh: I think the hon. Member is confusing the Exhibition with the Seminar. The question relates to the Seminar. If he wants information on the Exhibition I can give that information.

SALT

*384. **Dr. Ram Subhag Singh:** Will the Minister of Production be pleased to state:

(a) whether India has got enough markets abroad for its surplus salt; and

(b) the quantity of salt exported so far during 1953?

The Minister of Production (Shri K. C. Reddy): (a) No. The only major importer of Indian salt is Japan.

(b) The quantity exported by sea so far during 1953 is about 82 lakh maunds.

Dr. Ram Subhag Singh: If India has not got enough markets for her salt, are Government trying to find out some more markets elsewhere?

Shri K. C. Reddy: The production of salt in India has gone up in the last two years. The Government of India are exploring through certain Embassies the availability of new markets for salt. The results, I am afraid, have not so far been encouraging. At the same time the Salt Manufacturers' Association and certain enterprising manufacturers also are trying abroad to find new markets for the salt manufactured by them. Anyhow, efforts are being made to increase exports.

NORTH-EAST FRONTIER AGENCY

*386. **Shri Amjad Ali:** (a) Will the Prime Minister be pleased to state how many post and telegraph offices have newly been opened during the years 1951-52 and 1952-53 in North-East Frontier Agency?

(b) How many air-strips are under construction for landing of planes in the North-East Frontier Agency, for regular supply of commodities?

(c) Has the supply position of foodgrains considerably improved during recent months?

The Parliamentary Secretary to the Prime Minister (Shri J. N. Hazarika): (a) One branch post office, without telegraph facilities, was opened at Nizamghat in Mishmi Hills during 1951-52 but was closed after four months working due to floods and was re-opened at Meka in Mishmi Hills during 1952-53. Recently the Posts and Telegraphs Department have been requested to establish post and telegraph offices at 12 different places in the N.E.F. Agency. Two such post offices have already started functioning at Tezu and Kimin and orders have issued for immediate opening of 4 more post offices at Along, Pangin, Karko and Dilli.

(b) One air-strip is under construction at Tuting in Abor Hills and another at Dapo Rijo, in Subansiri area, has just been completed. Special improvements (P.B. Sheet surfacing) to air-strips at Along and Ziro have also been sanctioned and will be carried out shortly. Proposals for the improvement and/or construction of air-strips at eight other places are under consideration.

(c) The supply position of food grains is improving. During recent months about 866 tons of food stuffs have been air-dropped at various places in the Agency.

Shri Amjad Ali: With regard to part (a) of the question may I know what was the number of post and telegraph offices existing before the year under review?

Shri J. N. Hazarika: The post offices at Tezu and Kimin have started functioning.

Shri Amjad Ali: Was there no post office before?

Shri J. N. Hazarika: No, Sir.

Shri Amjad Ali: With regard to part (b) of the question may I know what is the existing number of air-strips?

Shri J. N. Hazarika: I require notice.

Shri Amjad Ali: Notice is already there.

Mr. Speaker: The question is: how many air-strips are under construction for landing of planes, etc. What is the number?

The Prime Minister (Shri Jawaharlal Nehru): We do not know exactly, Sir, except that even now several new air-strips are being constructed. They are rather small, temporary air-strips, not pucca things, air-strips on which a plane can land, but if too many land it is dug up. We are trying to get them all over the place. I could not give the exact number.

Shri Amjad Ali: Is it a fact that air-dropping of food supplies is done only to feed government officers there and not the population?

Shri Jawaharlal Nehru: Air-strip has nothing to do with air-dropping of food. It is only where there is no air-strip that food is dropped. I do not understand.

Shri Amjad Ali: My question was whether food is dropped only for the benefit of government officers there and not for the population.

Shri Jawaharlal Nehru: It is exceedingly difficult to send food by air. That is, there are transport difficulties; we have not got enough planes, and only a small quantity can be carried. And it is carried to various depots that are there both for the population and the government officials who are there. We cannot feed a large area by dropping food from air.

Shri Amjad Ali: Has the food situation in that area after the earthquake improved to such an extent that no air-dropping of food is necessary for the civilian population there?

Shri Jawaharlal Nehru: Air-droppings cannot be done in a large way. There are no facilities, no aeroplanes to do it. We do it to the best of our ability. There is a constant tug-of-war, I may tell the hon. Member, between our officials, our Agency there and the Air Force which cannot do what we ask them to do.

Shri H. N. Mukherjee: Is any effort made to ascertain the food requirements of these areas beyond what they can produce themselves and equitable quantities arranged to be sent from time to time?

Shri Jawaharlal Nehru: Yes. When the hon. Member talks about the area, the area is a large area with various degrees of administration there. An effort is made. Where there is no aircraft available, the effort is obviously difficult.

Shri H. N. Mukherjee: The question was asked whether the foodgrains supplied were only for government officers or also for the local population. I want to find out if the needs of the population, apart from the government officers, are also considered when the despatch of foodgrains is decided upon by air.

Shri Jawaharlal Nehru: Of course. Sir The needs of the area are also considered and food is sent for that area. But so far as the droppings are concerned they are necessarily limited, because the aircraft are limited.

Mr. Speaker: I am calling Shri S. N. Das's question No. 350.

CENTRAL WATER AND POWER COMMISSION

*350. **Shri Radha Raman** (on behalf of Shri S. N. Das): Will the Minister of Irrigation and Power be pleased to state:

(a) whether any changes are contemplated in the constitution, set up, functions, powers and responsibilities of the Central Water and Power Commission as a result of the recommendations of Kasturbhai Lalbhai Committee and Public Accounts Committee;

(b) if so, what; and

(c) whether any rules and regulations have been framed for the proper functioning of this organisation?

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

(b) A statement giving the information is laid on the Table of the House. [See Appendix II, annexure No. 47.]

(c) Rules of procedure for the conduct of business at the meetings of the Central Water and Power Commission have been framed. A manual containing the rules and regulations for the proper functioning of the Organisation has been prepared and is at present under scrutiny by the Commission.

Shri Radha Raman: How much time will be taken before this is completed?

Shri Nanda: What is completed?

Shri Radha Raman: The scrutiny which he mentioned.

Shri Nanda: That is going ahead very briskly.

Shri Mookswamy: I want to put Question No. 366.

Mr. Speaker: I am calling the earlier question No. 353.

JAPANESE CLOTH DEAL

*353. **Shri Radha Raman** (on behalf of Shri S. N. Das): Will the Minister of Commerce and Industry be pleased to refer to the statement laid on the Table of the House on the 11th August, 1953, in connection with the Fourth Report of the Public Accounts Committee on the imports and sale of Japanese cloth and state:

(a) whether the arbitration proceedings referred to therein with regard to settlement of outstanding recovery of Rs. 15 lakhs due to Government from the firm Messrs Bawali Lal and Company relating to the transaction pertaining to the import and sale of Japanese cloth in 1946-47, have been finalised; and

(b) if so, what is the result of the arbitration?

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

(a) and (b) Arbitration proceedings

have not yet commenced. The selection of the sole arbitrator is under discussion with the firm.

Dr. M. M. Das: May I know whether this particular firm M/s. Banwari Lal and Company has been black-listed by the Government on account of their failure to pay Rs. 15 lakhs due to the Government?

Shri T. T. Krishnamachari: I do not know to which type of black-listing the hon. Member refers. There has been no black-listing so far as the Commerce and Industry Ministry is concerned: not to my knowledge. I would not hazard an opinion and: I would like to have notice.

Shri Pataskar: Is this Banwari Lal & Co., a limited company?

Shri T. T. Krishnamachari: I do not know; I must have notice.

Shri S. N. Mishra: May I know whether this company has had any transactions with the Government recently?

Shri T. T. Krishnamachari: Not so far as the Commerce and Industry Ministry is concerned.

Shri K. K. Banerjee: May I know whether this particular company of firm, whatever it is, is still functioning?

Shri T. T. Krishnamachari: Apparently, there are some legal representatives of this firm with whom some negotiations are being carried on in regard to the appointment of an arbitrator.

Shri Saragadhar Das: May I know if this is the firm that bought some Curtis Commandot planes from the Government lately?

Shri T. T. Krishnamachari: I do not deal with the sale of planes. I have no knowledge.

Shri Saragadhar Das: If there is a case for black-listing a firm or if a firm is black-listed, is it circulated to

all the Ministries from the Commerce Ministry?

Shri T. T. Krishnamachari: Naturally, if there is any grave provocation and if we want to black-list firms from having any transaction with the Government, the information is circulated. But, the Commerce Ministry generally black-lists firms who misbehave in regard to import and export transactions.

Dr. M. M. Das: May I know whether Government is aware of the fact that the Public Accounts Committee, in their report to this House, have made very unpleasant remarks about this particular firm.

Shri T. T. Krishnamachari: Precisely the reason for that was mentioned in my statement before the House. We would like to clear of the whole thing and that is why we want to have arbitration proceedings started as quickly as possible. As I said in my reply, the question of the personnel of the arbitration is under discussion.

Shri Pataskar: Is it the information of the Government that this firm has assets out of which 15 lakhs of rupees could be recovered?

The Minister of Commerce (Shri Karmarkar): The question may prejudice our chances.

Shri T. T. Krishnamachari: I would like to hold it up to a time when the arbitration proceedings are complete, and then answer the hon. Member.

Mr. Speaker: We will go to the next question No. 366.

CEYLON CENTRAL OFFICE FOR
VISAS

*366. **Shri Muniswamy:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Ceylon Government have proposed to open a Central Office at Madras for issuing visas;

(b) if so, whether such office has been opened;

(c) whether the offices at Mandapam and Trichinapalli have been abolished; and

(d) if so, what were the reasons?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). The Government of India have agreed to the Government of Ceylon's opening a new Office in Madras for Information and Passport purposes. The office is likely to be opened in December.

(c) and (d). No such proposal has been received. It is unlikely that the Ceylon Government will wish to close either of their offices at Mandapam and Tirchipuralli, the new name of Trichinopoly.

Shri Muniswamy: May I know whether the question of issuing visas is purely at the discretion of that Government or whether our Government have got any say in that matter?

Shri Jawaharlal Nehru: It is at the discretion of the Government that issue visas. No other Government has any say in the matter—they may be consulted.

Shri Muniswamy: May I know whether the attention of the Government has been drawn to the fact that some of the boat workers in the Madras State have been refused visas whereas they were getting visas for the past so many years?

Shri Jawaharlal Nehru: I cannot say whether Government as such have got information; possibly they may have. I have no recollection of it.

Shri Muniswamy: In view of the fact that these boat men, who take goods from Cuddalore to Tuticorin and Ceylon are put to a lot of troubles, may I know whether our Government have got any intention to interfere in this matter and give all possible help to these boat men?

Shri Jawaharlal Nehru: Whenever such a question arises, it is taken up by our High Commissioner. The House will remember that we are dealing with an independent Government. We

deal with them in a friendly way and get relief; sometimes we do not get relief.

Mr. Speaker: The Question-hour is over.

Shri Muniswamy: We have five minutes more, Sir.

Mr. Speaker: Whatever it may be.

WRITTEN ANSWERS TO QUESTIONS

REGISTER OF TECHNICAL PERSONNEL

*357. **Shri V. P. Nayar:** Will the Minister of Irrigation and Power be pleased to refer to para 125, page 59 of the Fifth Report of the Estimates Committee (1951-52) and state:

(a) whether the Register of expert engineers and technical persons referred to therein has been prepared; and

(b) if not, what has been the cause of delay?

The Minister of Planning and Irrigation and Power (Shri Nanda): (a) The Register is under compilation.

(b) Complete information from the State Governments has not yet been received.

NATIONAL BUILDING ORGANISATION

*358. **Shri D. C. Sharma:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether a National Building Organisation has been set up; and

(b) if so, what is its constitution and structure?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). The proposal to set up a National Buildings Organisation has been accepted by Government; and preparatory work towards its establishment as a full-fledged organisation is in hand.

COMMUNITY CENTRES IN HYDERABAD

*362. **Shri Krishnacharya Joshi:** (a) Will the Minister of Planning be pleased to state how many Community Centres have been opened in the Hyderabad State during 1953?

(b) What is the area covered by those Centres?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Six Community Development Blocks were opened in 1953.

(b) The area covered by four blocks is 6.94,488 acres. The area covered by the remaining two Blocks has not yet been finally decided.

RAW FILM INDUSTRY IN MYSORE

*363. **Shri Gopala Rao:** (a) Will the Minister of Commerce and Industry be pleased to refer to starred question No. 44 asked on the 4th August, 1953 and state whether the negotiations for the establishment of a raw film industry in the Mysore State in collaboration with a foreign firm have been finalised?

(b) If so, what are the terms of agreement?

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

(b) Does not arise.

TRADE AGREEMENT WITH RUSSIA

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

(a) whether any decision was arrived at as a result of the negotiations with Soviet Russia to enter into a general trade agreement; and

(b) if not, the reasons therefor?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). Negotiations for the conclusion of a trade agreement with the U.S.S.R. are still in progress.

INCLUSION OF THE FIVE YEAR PLAN IN THE SYLLABUS IN UNIVERSITIES AND SCHOOLS

*374. **Shri Madhao Reddi:** Will the Minister of Planning be pleased to state whether the Planning Commission has suggested to the State Governments the inclusion of the Five Year Plan in the syllabus of Universities and Schools?

The Deputy Minister of Irrigation and Power (Shri Hathi): The question is under consideration.

TANNING INDUSTRY

*377. **Shri Nanadas:** (a) Will the Minister of Commerce and Industry be pleased to state whether the tanning industry is handicapped by the high cost of raw materials?

(b) If so, what are the steps that have been taken to remove the difficulties?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) The cost of raw materials have increased in recent years not only in the case of tanning industry but in the case of all industries generally.

(b) To assist the industry in obtaining its requirements of raw materials at a reasonable price, export of items in short supply has been banned and their imports has been allowed liberally and in many cases under O.G.L. The specific steps taken by the Government in this direction are:

(1) export of raw buffalo and cow hides has been completely banned and that of raw sheep skins drastically restricted;

(2) export of indigenous tanning materials which are in short supply such as, Babool bark (*acacia arabica*), Kormel bark (*cassia fistula*) and Avaran bark (*catesia auriculata*); has been completely banned; and

(3) import of hides and skins and vegetable tanning materials has been allowed under O.G.L. from all soft currency countries.

CLOTH MILLS (PRODUCTION)

*383. **Shri Buchhikotiah:** (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that some cloth mills produced more than the prescribed 60 per cent. of dhoties?

(b) What steps are being proposed to be taken to check this practice?

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

(b) A penal excise duty on slab scale on production of excess dhoties over and above the permissible quotas has been imposed.

C.P.W.D. CONTRACTORS

195 **Shri A. N. Vidyalankar:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether Government have decided to prepare a classified list of C. P. W. D. contractors as on the 1st January 1954; and

(b) if so, when the list would be ready and whether it would be available to the public in printed form?

The Minister of Works, Housing and Supply (Sardar Swarao Singh): (a) The Government have decided to prepare a list of all categories of contractors enlisted upto September 1952 under the revised rules in the C.P.W.D.; and

(b) The list is under print and is expected to be available for sale to the public by about December, 1953.

PETROLEUM

196. **Shri V. B. Navas:** Will the Minister of Works, Housing and Supply be pleased to refer to the answer given to Unstated Question No. 338 on the 19th August 1953 and state:

(a) the sale price realised on the articles imported as referred to in the answer;

(b) the duty realised by Government on the articles; and

(c) what percentage or what quantities of these articles have been imported by Messrs. Burma Shell, Standard Vacuum Oil Company and Caltex?

The Minister of Works, Housing and Supply (Sardar Swarao Singh): (a) The actual total prices realised by the sale of these articles during the period 1952-53 are not available with Government. The quantity of these commodities sold during 1952-53 will not be identical with the quantities imported during that year. The prices of the articles would also have varied from place to place and from time to time. A rough idea of the total sale prices that would have been realised on the articles imported could, however, be obtained from the average retail selling prices that prevailed at the Principal port of Bombay. These were as follows:—

Average retail selling price.
(per gallon).

Motor Spirit	... Rs. 2-4-6
Aviation Spirit	... Rs 2-10-0
Kerosene	... Rs. 1-1-0

Fuel Oils:

High Speed Diesel Oil	... Rs. 1-2-1
Light Diesel Oil	... Rs. 0-15-2
Furnace Oil	... Rs. 0-10-0
Jute Batching Oil	... Rs. 1-2-2

(b) The customs duty realised on these commodities during 1952-53 is as follows:

Commodities	*Duty realised
	Rs.
1. Motor Spirit (including Aviation spirit).	... 27,49,07,000
2. Kerosene	... 5,52,90,000
3. Fuel Oils	... 1,67,58,000
4. Jute Batching oil	... 20,46,000

*Note.—This does not include the sales tax, Octroi, etc., realised by the State Governments and Local Bodies.

(c) The information is not readily available.

कोयला

१९७. श्री शौँ विष्य : क्या उत्पादन मंत्री यह बताने की हुआ करेंगे कि:

(क) १९५२-५३ में कितने टन कोयले का निर्यात हुआ; तथा

(ख) क्या गत दो वर्षों में कोयले का उत्पादन देश की आवश्यकता से अधिक हुआ है या कम?

The Minister of Production (Shri K. C. Reddy): (a) 2,925,524 tons.

(b) No. On the other hand the demand for coal as reported by the various recommending authorities—Central and State—is in excess of the railways. All the coal that is raised and is required by consumers cannot however be transported on account of the inadequacy of transport facilities.

TEA

198. **Shri N. M. Lingam:** Will the Minister of Commerce and Industry be pleased to state:

(a) the permissible acreage of tea in India as on the 31st March, 1948;

(b) the permissible area for extension of tea cultivation in the regulation period 1948-50;

(c) the area for which permits were issued for extension in the period;

(d) the area actually extended;

(e) the permissible acreage of tea in India on the 31st March, 1950;

(f) the permissible area of extension of tea cultivation in the regulation period 1950-55;

(g) the area for which permits have been issued for extension in the period; and

(h) the area actually extended upto the 31st March, 1953?

The Minister of Commerce (Shri Karmarkar): (a) to (h). A statement is attached. [See Appendix II, annexure No. 48.]

ताबून

१९९. सेठ गोविन्द वास : क्या वाचिल्य तथा उद्योग मंत्री यह बताने की हुआ करेंगे:

(क) भारतीय कारखानों में प्रति वर्ष बताने वाले साबून का औतत मूल्य क्या है; तथा

(ख) जनवरी, १९५३ से अक्टूबर, १९५३ के अन्त तक कितने मूल्य का साबून विदेशों से आया?

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

(a) According to the information available with Government, the average value of soap annually manufactured by the organized units of the industry is about Rs. 18 crores.

(b) Goods classified as soap valued at about Rs. 31,000 were imported during the period January to September 1953. Statistics for the month of October 1953 are not available.

HYDROGRAPHIC SURVEY

200. **Shri Amjad Ali:** Will the Prime Minister be pleased to state whether any hydrographic survey was made with regard to the boundary of East Bengal and Assam, particularly in the Districts of Mymensingh and Rangpur?

The Prime Minister (Shri Jawaharlal Nehru): No.

Hydrographic Survey is undertaken to determine the centre line of the deep water channel of a river when its mid-stream forms the boundary. No such question arises in regard to the boundary between Assam and the Rangpur and Mymensingh districts of East Bengal.

EXPORTS

201. Ch. Baghubir Singh: (a) Will the Minister of Commerce and Industry be pleased to state what were the commodities the exports of which were formerly banned but were permitted to be exported in 1952-53?

(b) To what countries were they exported?

(c) What was the total income derived therefrom during 1952-53?

The Minister of Commerce (Shri Karmarkar): (a) to (c). A statement is attached. [See Appendix II, annexure No. 49.]

INDIAN COMMERCIAL OFFICES ABROAD

202. Ch. Baghubir Singh: (a) Will the Minister of Commerce and Industry be pleased to state whether it is a fact that there are some commercial offices abroad?

(b) If so, what are those places?

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

(b) A statement is attached. [See Appendix II, annexure No. 50.]

REGISTRATION OF INDUSTRIAL UNITS AND CO-OPERATIVE SOCIETIES

203. Shri B. K. Das: Will the Minister of Works, Housing and Supply be pleased to state:

(a) how many cottage and small scale industry units and industrial co-operative societies have so far applied to the Director-General of Supplies and Disposals for registration as approved contractors for supply of their products;

(b) how many of them have been registered;

(c) what are the articles offered for supply;

(d) what articles have been chosen and

(e) what is the total value of the purchases made this year out of these articles?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) 16.

(b) 1.

(c) A list of article is placed on the Table of the House. [See Appendix II, annexure No. 51.]

(d) Brass and G.I. Padlocks.

(e) The total value of purchases of items referred to at (c) above from 1st April, 1953 to 30th September, 1953 is about Rs. 444 lakhs.

UN-ATTACHED DISPLACED WOMEN

204. Shri S. C. Samanta: (a) Will the Minister of Rehabilitation be pleased to state how many unattached displaced women have been trained in dairy industry and confectionary manufacture?

(b) How many of them are from Eastern Pakistan?

(c) How much sum has been granted to each of them to carry on the business and earn her livelihood?

(d) Has any attempt been made to rehabilitate any unattached woman on lands with landed property and if so, how many?

The Minister of Rehabilitation (Shri A. P. Jain): The following information is furnished in respect of unattached displaced women from East Pakistan:—

(a) Confectionary ... 149

Dairy Nil

(b) All.

(c) No money has been given to them as they usually find employment in restaurants, cafeterias and in Production Centres started by State Governments.

(d) Yes, 150 families.

Similar information regarding unattached displaced women from West Pakistan is being collected and will be laid on the Table of the House in due course.

SURGICAL INSTRUMENTS

205. Pandit D. N. Tiwary: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of concerns in India manufacturing surgical instruments;

(b) the value of the manufactured products in 1951-52 and 1952-53; and

(c) the value of export in 1951-52 and 1952-53?

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

(a) There are eight organised factories.

(b) Precise information on the value of surgical instruments manufactured in India is not available.

(c) About Rs. 18 lakhs worth of surgical instruments were exported in 1952-53. Export figures for 1951-52 are not available as these instruments were not shown as a separate item in the foreign export trade returns prior to April 1952.

EXPORT TO SOUTH EAST ASIA

206. Shri Bishwa Nath Roy: Will the Minister of Commerce and Industry be pleased to state:

(a) the countries in South East Asia where Indian commodities are exported; and

(b) the important articles of export from India to those countries during the year 1952-53?

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

(a) Burma, Indo China, British Borneo, Philippines, Thailand, Malaya, Singapore, Indonesia.

(b) Cotton piecegoods, Jute manufactures, Coal, Fruit and vegetables, Tobacco, seeds, lac and miscellaneous metal manufactures.

CLOSURE OF TEXTILE MILLS

207. Shri Bhagwat Jha: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of textile mills that have closed their second shifts since September, 1953;

(b) the number of such textile mills which have been completely closed;

(c) the number of workers affected in each case; and

(d) what are the reasons assigned for such closures?

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

(a) to (d). A statement is attached. [See Appendix II, annexure No. 52.]

PARLIAMENTARY DEBATES

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

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922

HOUSE OF THE PEOPLE
Friday, 27th November, 1953.

*The House met at Half Past One
of the Clock*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

2-25 P.M.

BUSINESS OF THE HOUSE

Mr. Speaker: I have to inform the House that in the announcement re: the programme of Legislative Business made by me yesterday, I had mentioned that 'two hours' had been allocated for the Employees' Provident Funds (Amendment) Bill. That was a mistake. It should have been one day. The correct position is that one day has been allotted for the Employees' Provident Funds (Amendment) Bill which has already been mentioned in the Bulletin.

PAPERS LAID ON THE TABLE

- (i) PATIALA AND EAST PUNJAB STATES UNION GENERAL CLAUSES ACT
- (ii) PATIALA AND EAST PUNJAB STATES UNION TENANCY AND AGRICULTURAL LANDS ACT

The Deputy Minister of Home Affairs (Shri Datar): I beg to lay on the Table a copy of each of the following Acts, under sub-section (3) of sec-

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tion 3 of the Patiala and East Punjab States Union Legislature (Delegation of Powers) Act, 1953:—

- (i) The Patiala and East Punjab States Union General Clauses Act, 1953 (President's Act No. 7 of 1953). [Placed in Library. See No. S-171/53].
- (ii) The Patiala and East Punjab States Union Tenancy and Agricultural Lands Act, 1953 (President's Act No. 8 of 1953). [Placed in Library. See No. S-172/53].

INDUSTRIAL DISPUTES (AMENDMENT) BILL--Contd.

Mr. Speaker: Now, the House will proceed with the further consideration of the Bill further to amend the Industrial Disputes Act, 1947.

Clause 2 is over. We will take up clause 3.

Clause 3—(Insertion of new Chapter VA).

Mr. Speaker: Shrimati Subhadra Joshi: Is the hon. Member moving her amendment?

Shrimati Subhadra Joshi (Karnal): Yes.

Mr. Speaker: She may move the amendment. She may read it to the House. She may speak later.

Shrimati Subhadra Joshi: I move amendment No. 75. Shall I read it?

Mr. Speaker: Yes.

Shrimati Subhadra Joshi: I beg to move:

In page 3, for lines 14 and 15 substitute:

"25A. Application of sections 25C to 25E.—The provisions of sections 25C to 25E shall apply to all such cases which are pending before any Industrial Tribunal constituted under the provision of this Act or before any Appellate Court constituted under Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950) but provision of Section 25B to 25E inclusive shall not apply—"

Mr. Speaker: Does she want to say anything in support of her amendment?

Shrimati Subhadra Joshi: No, Sir.

Mr. Speaker: The hon. Minister.

Shri S. S. More (Sholapur): We have a convention that all the amendments of those Members who are present in the House are taken as moved. That facilitate discussion.

Mr. Speaker: I have no objection.

Shri S. S. More: That is the practice. How far it is in compliance with the Rules, I will leave it to you.

Mr. Speaker: I was just considering that, in view of the large number of amendments which are different in nature, perhaps in the discussion it might create a confusion if all are taken together. That is what I thought.

Shri S. S. More: We have been following this practice without any confusion.

Mr. Speaker: Very well. Then each Member can say only "I move".

Shri B. P. Sinha (Monghyr Sadr cum Jamui): I beg to move:

In page 3, lines 17 and 18, for "on an average per working day have

been employed in the preceding calendar month" substitute "are employed".

Shri S. S. More: I beg to move:

(i) In page 3, line 20 omit "or

(ii) In page 3, lines 20 and 21, after "intermittently" add "and which are certified to be entitled to the benefit of this section by the prescribed authority, after such enquiry as may be deemed necessary".

(iii) In page 4, omit lines 11 to 13.

(iv) In page 4, line 32, omit "in the opinion of the employer".

(v) In page 4,—

(a) omit lines 40 and 41; and

(b) line 42, for "(iv)" substitute "(iii)".

(vi) In page 5, line 14, for "in the absence of" substitute "notwithstanding".

(vii) In page 5, lines 17 and 18, for "unless the reasons to be recorded the employer retrenches any other workman" substitute "unless on grounds of inefficiency, physical disability or any other reasonable cause the employer retrenches any other workman".

Shri K. P. Tripathi (Darrang): I beg to move:

(i) In page 3, line 20, for "or" substitute "and".

(ii) In the amendment proposed by Shri V. V. Giri, printed as No. 37, after "(XXXV of 1952)" add:

"and a plantation as defined in clause (f) of section 2 of the Plantation Labour Act, 1951 (LXIX of 1951)".

(iii) In page 3, line 29, omit "and forty".

(iv) In page 3, lines 35 to 37, for "under an agreement or as permitted by standing orders made under the Industrial Employment (Standing

Orders) Act, 1946 (XX of 1946)" substitute "or locked out, or the period for which he has been suspended, or wrongfully discharged or dismissed,".

(v) In page 4, line 32, omit "if, in the opinion of the employer,".

(vi) In page 4, line 36, after "employment also" add:

"and provided further that the alternative employment does not derogate from the status of the worker".

(vii) In page 4, omit lines 37 to 44.

(viii) In page 5, line 5, after "service" add "without option of rans-
wal".

(ix) In page 5, line 25, after "per-
sons" add "as may be prescribed in
rules framed by Government."

(x) That in the amendment pro-
posed by Shri V. V. Giri, printed as
No. 63 in List No. 2, in the proposed
sub-section (2) add at the end:

"unless compensation otherwise
obtainable is higher".

(xi) That in the amendment pro-
posed by Shri V. V. Giri printed as
No. 45 in List No. 2, in the second
proviso after "any compensation" in-
sert "for a period above forty-five
days."

(xii) In page 5, lines 17 and 18,
omit "unless for reasons to be re-
corded the employer retrenches any
other workman."

Shri V. Missir (Gaya North): I beg
to move:

In page 3, line 17, after "work-
men" insert "or to any other estab-
lishment in which less than twenty-
five workmen".

Shri A. N. Vidyalankar (Jullundur):
I beg to move:

(i) In page 3, line 16, for "fifty"
substitute "twenty".

(ii) In page 3, for lines 19 to 21
substitute:

"(b) to industrial establish-
ment which works for less than
six months in a year, or in which
work is performed only intermi-
ttently."

(iii) In page 3, for lines 22 to 25
substitute:

"(2) If a question arises whe-
ther an industrial establishment
comes within the purview of
clause (b) of sub-section (1) of
section 25A, the decision of the
appropriate Government thereon
shall be final."

(iv) In the amendment proposed
by Shri V. V. Giri printed as No. 37
in list No. 2, in the Explanation add
at the end:

"and also includes the follow-
ing establishments run by a State
or Central Government:—

(a) The whole operational area
of an irrigation Project which is
under construction.

(b) The whole operational area
of a hydro-electric project under
construction.

(c) All operational areas where
any construction work or works
under the State or Central Public
Works Department is in progress;
where not less than five hundred
workmen on an average per
working day have been employed
in the preceding calendar month."

(v) In page 5, after line 38 add:

"3A. Any contravention of the
provisions of this Act will make
the employer of an industrial es-
tablishment liable to pay to the
workmen an additional compen-
sation of rupees five per day for
all the days calculated from the
fifth day of the normal pay day
in that industrial establishment,
provided the workman presents
himself for receiving payment at
the time appointed for the pur-
pose during normal working
hours."

Shri K. K. Desai (Halar): I beg to move:

(i) In page 3, line 37, add at the end "or any other Act made by the appropriate Government".

(ii) In page 3,—

(a) in line 39, omit "and";

(b) in line 42, for "weeks" substitute "weeks, and"; and

(c) after line 42 insert:

"(d) he has been unemployed between the date of his dismissal or discharge and re-employment".

(iii) In page 5, line 7, for "gratuity" substitute "compensation".

(iv) In page 5, line 31, after "Act" insert "or in any other Act of the appropriate Government".

(v) In the amendment proposed by Shri V. V. Giri, printed as No. 37, in list No. 2, for "25A to 25E inclusive" substitute "25A, 25C, 25D and 25E".

(vi) In page 3, line 29, for "industrial establishment" substitute "industry".

(vii) In page 3, line 31, for "establishment" substitute "industry".

(viii) In page 3, line 33, for "establishment" substitute "Industry".

(ix) In page 4, line 46, for "workman" substitute "workman employed in any industry".

(x) In the amendment proposed by Shri V. V. Giri printed as No. 63 in List No. 2, in the proposed sub-section (2), for "the provisions of any law" substitute "the provisions of any other law".

Shri T. B. Vittal Rao (Khammam): I beg to move:

(i) In page 3, line 35, omit "under an agreement".

(ii) In page 4, line 19, add at the end:

"or worked in the establishment for not less than three

hundred and sixty days during a period of twenty-four calendar months".

(iii) In page 4, omit lines 42 to 44.

(iv) In page 5, line 7, after "equivalent to" insert "a minimum of".

(v) In page 3, after line 25 add:

"(3) In an industrial establishment, which is of a seasonal character and in that there are departments in which more than five workers are usually employed for more than one hundred and eighty days in a continuous period of twelve months, such departments of the establishment shall not be treated as seasonal."

(vi) In page 4, after line 19, add:

"(2) The provisions of this Chapter shall not operate to the prejudice of any rights to which a workman may be entitled under the terms of any award, agreement or contract of service, where any such award, agreement or contract of service provides for a longer period and for more compensation."

(vii) In page 3, line 30, after "days" insert "or in a mine for not less than one hundred ninety days in the case of underground workers".

(viii) In the amendment proposed by Shri V. V. Giri printed as No. 45 in list No. 2, for the second proviso, substitute:

"Provided further that it shall be lawful for the employer in any case falling within the purview of clause (b) of the first proviso to retrench the workman in accordance with the provisions contained in section 26F, any compensation paid to the workman for the period more than maximum of forty-five days under clause (a) for having been laid-off for more than forty-five days during the preceding twelve months, being set off against

the compensation payable for retrenchment."

(ix) In the amendment proposed by Shri V. V. Giri printed as No. 63 in list No. 2, in the proposed sub-section (2), for "Chapter" occurring at the end substitute "Act".

(x) That in the amendment proposed by Shri V. V. Giri, printed as No. 37 in List No. 2 add at the end :

"and a plantation as defined in clause (f) of section 2 of the Plantation Labour Act, 1951 (LXIX of 1951)."

The Minister of Labour (Shri V. V. Giri): I beg to move:

(i) In page 3, after line 25, add :

"Explanation.—In sections 25A to 25E inclusive, 'industrial establishment' means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (LXIII of 1948) and includes a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (XXXV of 1952)."

(ii) In page 3, line 37, after "(XX of 1946)" insert:

"or under this Act or under any other law applicable to the industrial establishment, the largest number of days during which he has been so laid-off being taken into account for the purposes of this clause."

(iii) In page 3, line 38, before "wages" insert "full".

(iv) In page 4, for lines 11 to 13, substitute :

"Provided that—

(a) the compensation payable to a workman during any period of twelve months shall not be for more than forty-five days except in the case specified in clause (b);

(b) if during any period of twelve months, a workman has been paid compensation for forty-five days and during the same period of twelve

months he is again laid-off for further continuous periods of more than one week at a time, he shall, unless there is any agreement to the contrary between him and the employer, be paid for all the days during such subsequent periods of lay-off compensation at the rate specified in this sub-section:

"Provided further that it shall be lawful for the employer in any case falling within clause (b) of the first proviso to retrench the workman in accordance with the provisions contained in section 25F, any compensation paid to the workman for having been laid-off during the preceding twelve months being set off against the compensation payable for retrenchment."

(v) In page 4, line 31, after "laid-off" insert:

"or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs."

(vi) In page 5, line 7, for "gratuity" substitute "compensation".

(vii) In page 5, lines 12 to 14 for "where any workman, who is a citizen of India, is to be retrenched and he belongs to a particular class of workmen," substitute "where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment".

(viii) In page 5, line 17, for "class" substitute 'category'.

(ix) In page 5, for lines 35 to 38, substitute :

"(2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any law for the time being in force in any State in so far as that law provides for the

[**Shri V. V. GirI**]

settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter."

Shri Bhagwat Jha (Purnea cum Santal Parganas): I beg to move:

(i) In page 3.—

(a) omit lines 16 to 18; and
(b) line 19, omit "(b)".

(ii) In page 4.—

(a) omit lines 37 to 39;
(b) in line 40, for "(iii)" substitute "(ii)"; and
(c) in line 42, for "(iv)" substitute "(iii)".

Shri S. V. L. Narasimham (Guntur): I beg to move:

In page 4, omit lines 42 to 44.

Shri Bansal (Jhajjar-Rewari): I beg to move:

(i) In page 4, after line 44 add:

"25EE. Application of Sections 25F to 25H.—Sections 25F to 25H inclusive shall not apply:

(a) to non-industrial establishments; or

(b) to industrial establishments in which less than fifty workmen on an average per working day have been employed in the preceding month; or

(c) to uneconomic industrial establishments (as may be defined under rules).

Explanation: In Sections 25F to 25H inclusive, 'industrial establishment' means a factory as defined in clause (m) of Section 2 of the Factories Act, 1948 (LXIII of 1948) and includes a mine as defined in clause (j) of Section 2 of the Mines Act, 1952 (XXXV of 1952)."

(ii) In page 5, for lines 35 to 38 substitute:

"(2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any law for the time being in force in any State in so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment and compensation payable therefor shall be determined in accordance with the provisions of this Chapter."

Shri Vallatharaa (Pudukkottai): I beg to move:

(i) In page 4, for lines 49 and 50 substitute:

"(a) the workman has been served with one month's notice in writing by registered letter with a form of acknowledgment of receipt, indicating the reasons for retrenchment and the".

(ii) In page 5, lines 16 and 17, for "the last person to be employed" substitute "the person having the least seniority".

(iii) In page 5, line 11, after "Government" add "and the Union Government".

(iv) In page 5, after line 18 add:

"Provided that—

(a) the contract of employment shall be terminated except on pay day, or the end of a week, month or quarter.

(b) no notice of retrenchment or discharge shall be given—

(i) to a pregnant woman after the fifth month of her pregnancy till the expiry of forty days after confinement;

(ii) to a woman on maternity leave; and

(iii) to any employee during his ordinary holiday or on sick leave;

(c) the employee shall have the right to absent himself from work for not more than two hours a day and one full day in the week during the period of notice for the purpose of seeking employment;

(d) the employee who is served with a notice of termination or discharge shall be entitled to appeal before the expiry of the period of prescription to the Court of Enquiry against the notice, and the Court of Enquiry shall enquire into the existence of the reasons for termination and shall order payment of compensation by the employer to the employee if the employer fails to prove the existence of the reasons for termination."

Mr. Speaker: Then there is an amendment in the name of Shri S. G. Parikh.

Shri S. G. Parikh (Mehsana East): I am not moving it.

Shri Sinhasan Singh (Gorakhpur Distt.--South): Sir, I beg to move:

In page 3. omit lines 19 to 25.

Mr. Speaker: All these amendments may be considered as moved. Now, discussion will proceed on clause 3 and the amendments together.

Dr. Lanka Sundaram (Visakhapatnam): Sir, I rise to intervene in this debate in order to get an elucidation from the Labour Minister as to the interaction of some of the clauses sought to be provided in Chapter VA. and also an assurance that what he has provided for in this Bill will not be rendered nugatory by decisions of employers.

Sir, the other day when I intervened on the first reading of this Bill, I expressed some doubts as to the validity of the wide range of interpretations which may be put on the word 'lay off' for any reason which

the employer for the time being might consider to be handy. I refer, Sir, to the definition in (kkk). Having said this, Sir, I will come right to the point because I notice several Members want to speak on this very important Bill involving the fortunes of millions of workers, and I want to be brief.

Sir, you will notice that under 251, paragraph 2, the following is provided for in this Bill:

"Provided that nothing contained in this Act shall have effect to derogate from any right which a workman has under any award for the time being in operation or any contract with the employer".

I want to know from my hon. friend, the Labour Minister, that he will ensure that this particular provision is adhered to and will not be departed from in any circumstances. Now, if you compare this with the provision 25E(i), you will see how the difficulty arises. It runs as follows:

"if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also;".

He will not be entitled to compensation. I have here before me a very concrete case, a case relating to the public sector of our industry, namely, the shipyards. Even before this House has an opportunity of passing this Bill, which is exactly a reproduction of the Ordinance issued earlier, the management has taken recourse to, or proposes to have recourse to, a certain type of action which would render absolutely illusory the assurance provided for in

[Dr. Lanka Sundaram]

251. Here, Sir, is a letter to me from the Managing Director of the shipyard, dated 3rd November 1953. It runs as follows:

"In the recent Ordinance promulgated by the President regarding compensation for lay-off or retrenchment of workers, it has also been stipulated that the workmen who are laid off, i.e. for whom there is no work in their own category and trade, should not refuse to accept suitable alternative job."

[MR. DEPUTY-SPEAKER in the Chair]

Sir, the House knows that a few months ago there was a strike in the shipyard, and as a result of the strike, there were mediation proceedings, and the mediation proceedings were conducted by no less a person than Mr. Justice Mahajan of the Supreme Court. I have before me the award of Mr. Mahajan, dated 13th July this year, and I will read out three points relevant to the consideration of this question, and from this the manner in which the employer would compel workers will become clear. I will elucidate only the relevant portions. Mr. Deputy Speaker. You would recall that about 800 workers were retrenched from the shipyard. Mr. Justice Mahajan says:

"The management is entitled to retrench 800 workers out of the total strength of roughly 3679 workers and the Union agrees to this retrenchment on the understanding that there will be no further retrenchment during the next two years, *force majeure* excepted".

Then, Sir, clause 2(iii) runs as follows:

"Any of those who voluntarily wish to take the advantage of retrenchment benefits and wish to get discharged will form the third category, subject to the proviso"—

and I want my hon. friend, the Labour Minister, to mark the words:

"that the volunteers in each category of workmen will not exceed the numbers sought to be retrenched in each class by the management".

If you will permit me, Sir, the implication of this is that even those who are willing to go out are compelled to remain in employment under the award of July 13. Thirdly, Sir, clause 2(iv) runs as follows:

"The rest to make up 800 will constitute the fourth category and will be selected on the rule last-come-first-to-go in each category, according to the records of the shipyard".

This is the position, viz., when the workers after a protracted struggle involving a strike agree to retrenchment and agree to retain employment compulsorily, as I have tried to show, in categories prescribed by the management, they must now agree to work which is offered to them, whether it is according to their trades or not. And here is the letter which says that the people involved in this proposition of the management include—I am quoting from the letter of the Managing Director of the shipyard dated the 3rd November—those engaged in "riveting, erection, welding, carpentry and engineering departments". The sum total of the proposition is this, Mr. Deputy Speaker, that even before this honourable House has passed this law, the employer is twisting the Ordinance in order to compel technicians to do manual work. I feel very strongly on this point, and I am sure most of my hon. friends interested in the trade union movement will not disagree with me on this point, that this particular assurance provided for in this Bill under 251, paragraph 2, is already sought to be rendered nugatory even before this House has

passed this Bill. I want an assurance from the Labour Minister that in so far as there are agreements or awards covering the categories of workers in each establishment and employment according to trades, they are not disturbed in terms of 25E, where the employer is given the widest possible power to offer any type of work, and under which when a man does not accept then he is not entitled to compensation.

This is all my case and I request the hon. the Labour Minister to apply his mind to this question. Already, the trouble has started, even before the Bill has become law, and I want to make sure that this particular provision under no circumstances will be transgressed.

3 P.M.

Mr. Deputy-Speaker: I have just to remind hon. Members that one day was allotted to the whole of this Bill, for all stages. We have already spent 5 hours and 44 minutes; that is more than a day and a half.

Dr. Laxmi Sundaram: Sir. only yesterday...

Mr. Deputy-Speaker: No, no.

Shri V. V. Giridharan: From the very beginning.

Mr. Deputy-Speaker: Yes, from the very beginning. That was the understanding come to by the Members who sat on the Advisory Committee. In the Advisory Committee they come and sit and agree to something.

Dr. Laxmi Sundaram: Accepting that Private Members' Bills will be taken up at 4. we will be short of half an hour.

Shri Sinhasan Singh: One day does not mean 4 o'clock.

Mr. Deputy-Speaker: One hour and 52 minutes were spent yesterday. We will assume we have got 2 hours and 8 minutes.

Shri S. S. More: May I remind you, Sir, that when the Business Advisory Committee's recommendation was placed before the House, the Speaker himself admitted that everything will be considered on merits. If a particular measure is of major importance then the time will necessarily be extended to do full justice to that. Otherwise if we go by the rule-of-thumb, we will require a second watch.

Mr. Deputy-Speaker: There are second watches on their hands. I only wanted to remind them just to bear it in mind when they make speeches.

Shri S. S. More: That we always do. We were elected on that basis.

Shri K. P. Tripathi: Mr. Deputy Speaker, the first amendment which I have moved is that in 25A(b), line 2. the 'or' should be replaced by 'and'.

"to industrial establishments which are of a seasonal character and in which work is performed only intermittently."

I want to make it 'and' so that both these criteria may be tried before it is declared a seasonal one. If it is not done, then, in either of these cases an industry might be regarded as seasonal, which will be incorrect. There are industries in which some functions are performed as seasonal functions whereas the industry as a whole is a perennial industry. In that case there is no point in regarding the industry as seasonal for purposes of work. I am trying to put in both these criteria so that if an industry or an establishment or a factory is found to be seasonal entirely then only it will be regarded as seasonal; otherwise not. I think it will be accepted.

Then my amendment No. 38 is. I think, an amendment to the Government amendment. The Government

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amendment is an attempt to interpret an 'industrial establishment'. In the Explanation the Government wants to interpret it in a restricted manner.

"In sections 25A to 25E inclusive, 'industrial establishment' means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (LXIII of 1948) and includes a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (XXXV of 1952)."

The result of this would be that only factories and mines would be regarded as coming within the purview of this Act. But, what I am trying to do by my amendment is to include the plantations. I am trying to include the plantations as defined in the Plantations Act of 1951. I am sorry that the hon. Minister is trying to restrict the definition of industrial establishments. It would have been very good if the hon. Minister had not tried to restrict the definition. Reading the agreement which was arrived at between the parties, on which this Bill is based, I do not find that it should be so restricted.

Now, the Agreement reads as follows:

'It shall not be applied to factories doing intermittent type of work and to seasonal factories.'

This is the only thing proposed in the entire body of this document which was drawn up as an agreement, namely, that it shall apply to all industrial establishments excepting two categories, namely, factories which are of an intermittent type and seasonal factories. Seasonal factory is one thing and seasonal industry is another. There may be an industry which, as a whole, as I was telling you a little while ago, may be a perennial industry and the factory may be only one part of the functions of that industry and that part may be

seasonal. But, looked as a whole, it is a perennial industry. In that case, it was not obviously excluded by the terms of the agreement. Therefore I do not find any authority which the hon. Labour Minister has got not to include a large number of industrial establishments from the provisions of this Bill which is based on this agreement.

It may be said that the plantations which I have tried to include were not represented in this discussion. Referring to the discussion which took place, I find that representatives of all the Governments of the States in which these plantations are, were present therein. For instance, one Mr. Chettiar was representing the Government of Assam and he actually took part and talked of the plantations. When the question of holidays was discussed he stated that only 3 paid holidays were given by the Tea industry in Assam and fixation of minimum 10 holidays would involve a huge expenditure on their part. Therefore he could not agree to the legislation without consulting the representatives of the industry. It is clearly said that so far as plantations are concerned, in the matter of holidays, he could not agree.

But, when we come to this question of compensation for lay-off he does not make any statement. That shows that in the matter of lay-off and retrenchment he has agreed that it should apply to plantations. Then where is the authority obtained by the hon. Minister in order to exclude the plantations? I do not find any. Reading the words of the agreement and understanding them in the ordinary sense in which English is understood, there is nothing to show that these plantations were meant to be excluded by the employers when they made this agreement in that Conference. Therefore, now to come and say that we are to exclude these plantations is very unfortunate and I think the hon. Minister will consider this aspect of the discussion be-

fore he persists in excluding the plantations from the benefit of this Bill.

Now, coming to the merits of the question, whether plantations should be included, I refer to the Rege Committee Report. This report was published in 1946, seven years back. On page 113, it is clearly said that there is generally no problem of unemployment in the plantations. That shows that it is a perennial industry and not a seasonal one. 'Under-employment is, however, a serious problem, though not at present.' So, industry in which there is no unemployment only under-employment, it is very clearly established that this is an industry which practises lay-off. The reason is that at certain seasons they require a larger number of workers than in others. Therefore they maintain a certain strength all through the year and supplement it in the season by some casual workers. In this Bill, there is provision that it shall not apply to casual workers. It shall apply only to permanent workers. The permanent workers in every plantation are permanently employed and not seasonally employed and there is no reason whatsoever why it should not apply to plantations.

Again, coming to page 14 of the Report, it is said:

'In view of the rather high profits and low wages, it is but fair that employers should give a small allowance for the days the work is held up due to inclemencies of the weather'.

This report in this sentence suggests that when labour is laid-off, an allowance should be given to them. This suggestion was made in 1946 by a Committee appointed by the Government. This suggestion was made in 1946 by a report of a committee appointed by the Government. Therefore, Government cannot now argue and say that they did not know this. Government knew that the Rege Committee report had suggested as far

back as 1946 that such and such compensation for lay-off should be given and then we came to this conference in which it was accepted that it should apply to plantations. Then, what can be the reason on this not being applied to plantations?

Coming to the economic condition of this industry, in the same report at page 8, I draw your attention to the chapter called 'Dividend and Value of Shares', from which you will find that this has systematically given dividends—15 per cent, 18 per cent, 25 per cent, 28 per cent etc.

Coming to a later date, at page 330 of the Investors Year Book, I find that there were 23 companies having a share capital of Rs. 1,67,00,000, and they capitalised in three years Rs. 1,36,00,000. This does not represent the profits; this was the profit which was utilised for the purpose of liquifying the shares by giving bonus shares to the employees. This is an industry which in three years gave in bonus shares a sum almost equal to the total invested capital. Do you think that this industry is incapable of payment? Everyone knows that it is capable of payment. I quoted even last year that as much as 15 per cent. to 300 per cent. dividends were being declared and so the paying capacity of this industry is completely established. With regard to the way in which this industry distributes its dividends and profits—I want to invite your special attention to this—this industry has got different types of reserves. It has got a reserve for 'paid back leave home' and the managers are given a paid leave to go home. This is an industry which pays pension to its managers and there is a reserve for this purpose. There is also a dividend equalisation reserve; they keep money in this reserve so that dividends may continue to be declared even during lean years. Tell me how many industries are there here in India—textile, cotton, iron, etc.—which keep such special reserves.

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Can they afford to keep such special reserves? You will admit that there are not many industries. Look at the allowances which this industry gives—dearness allowance of Rs. 200 to 350; car allowance of Rs. 250; house allowance of Rs. 185; servant allowance of Rs. 120; bonus Rs. 1750;—I am talking of one company only—then there are travelling allowance, provident fund, pension, allowance for enjoyment of leave, language allowance, language bonus.

Dr. N. B. Khare (Gwalior): What about marriage allowance?

Shri K. P. Tripathi: Yes, I forgot to tell you about it. If a child is born, an education allowance is given. I do not say that it is bad. I only say that all these are given and therefore this is an industry, the paying capacity of which is completely established. If you look up the share market report from 1933 to 1951, you will find that the share market register of this industry was at the highest as compared to any other industry in India. Is there any reason, therefore, why this industry should be excluded? This is a perennial industry and it employs labour for 12 months in the year and it has a very high percentage of profits and it has so many special reserves. Its capacity to pay is there and finally, it was agreed by the employers in that conference that it shall be included. Therefore, what right has the Minister now to say "No, this industry shall not be included"? I don't find any reason and therefore I have moved this amendment.

Amendment No. 40 says that in page 3, line 29, omit "and forty", so that it reads 200 days instead of 240 days. On this question I wish only to recall my arguments given yesterday on 'continuous service'. We feel that this has been provided in order to enable payment being made. As far as lay-off is concerned, this payment is like a subsistence allow-

ance and therefore, the smaller the number of days the better. Calculating the number of days available for employment; I find that 200 will be more correct and 240 will be too much. If it is 240, it will exclude nearly all or a very large percentage of workers. Therefore, I think it should be 200 days.

Regarding amendment No. 41.

I want to introduce the period of suspension and the period of wrongful discharge or dismissal. When this happens in an industry, the cases often go to a tribunal and they are kept pending for a long time and when the employees are restored to their employment, they are to be paid back. Sometimes they are not paid back. In such cases this should be applied.

Then, I take amendment No. 45 moved by the hon. Minister. The proviso under this Government's amendment reads as follows:

"Provided further that it shall be lawful for the employer in any case falling within clause (b) of the first proviso to retrench the workman in accordance with the provisions contained in section 25F, any compensation paid to the workman for having been laid-off during the preceding twelve months being set off against the compensation payable for retrenchment."

Now, here is the principle of set off. The principle is one of compensation for lay off being set off against the compensation being payable on retrenchment. This is a principle to which I object, because I feel that the reasons why we keep these two compensations are different. The lay off compensation is given for the purpose of sustaining him within the period in which he is laid off.

And the compensation for retrenchment is given to make him prepared till he gets another employment. Therefore it should be deemed that the amount of compensation which was given for the period of lay off was consumed when he was laid off. It cannot be utilized for the purpose of preparing him till he gets another employment. Now, here, the employers have cleverly convinced the hon. Minister to set off the one against the other. I think it would be most unfortunate if it is so applied. It should never be accepted in principle. This was not in the agreement at all. It is subsequently somebody's brain-wave which is put in here. Therefore, I strongly object to the principle of one compensation being set off against another. But, as a measure of compromise, I have said that for the first 45 days he should continue to get compensation for lay-off. But if after 45 days he is still laid-off in the same year, in that case, it may be possible to apply that against the compensation for retrenchment. But for the first 45 days compensation for lay-off should never be applied against compensation for retrenchment. The reason is this: that if a man is laid-off for 45 days, then he may determine in his mind that "this is no good; I will go to some other industries." In that case, he may make some efforts to get employment elsewhere. So, if he does so, you should do it only for the first 45 days—when they are over. You shall never apply the first 45 days compensation which is for lay-off, against the compensation which is for retrenchment. Therefore I have put in this amendment as a measure of compromise, but as a principle I strongly object to this principle being introduced in this legislation.

Mr. Deputy-Speaker: Is there a provision for compensation if the lay-off is for a period longer than 45 days?

Shri K. P. Tripathi: In the new amendment there is a provision.

Mr. Deputy-Speaker: For a further period of 45 days?

Shri K. P. Tripathi: Yes—one week at a time.

Shri V. V. Giri: There is an amendment.

Shri K. P. Tripathi: Then I go to amendment No. 48. In this clause, clause 25E (i), on line 32, there is a phrase: 'in the opinion of the employer'. I want to omit that phrase. The clause reads like this:

"(i) if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, if, in the opinion of the employer, such alternative employment does not call for any special skill..." etc.

If this phrase, 'in the opinion of the employer' is omitted, still, the result would be the same. The thing should be done on merits. It should not be done and it should not depend upon the opinion of the employer. It should be on merits. If the employer arbitrarily does it, in that case, it may be a case for the tribunal and for such negotiations. If the phrase remains, then it will not be a matter for the tribunal. No third party will have any voice in saying that it was not so. Therefore, 'in the opinion of the employer' gives the employer the right to do as he likes. I say that he should not do that as he likes. If it is done on merits and is reasonable, then he may do it, in which case too, the worker may or may not accept. If the dispute on the alternative employment is continuing, the order may be rescinded later on. Therefore, this is a verbal change which will improve the draft and put the Bill in a position which it was intended to assume. I do not think it was ever intended that the employer should be put in a position of dictator, even by the Minister.

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Then I go to amendment No. 49. It says:

"and provided further that the alternative employment does not derogate from the status of the worker."

On this question some argument was advanced already by Dr. Lanka Sundaram. Obviously it has been tried to be mended somewhat by an amendment proposed to clause 25G by the hon. Minister where he says that the 'class' will be replaced by 'category'. I do not know whether replacing 'class' by 'category' is enough. I still think that mere introduction of category in this section would not provide the protection which a worker needs. A technical worker is put on a mere manual job. For that manual job, no skill is required. Therefore, I have put in:

"Provided further that the alternative employment does not derogate from the status of the worker."

If that is accepted, the employer will not be in a position to give a worker an alternative employment which will derogate from the status of the worker. He will give only such type of work to which the worker has been accustomed. It may be in another branch of the same shop or factory or establishment.

Then I go to amendment No. 50. It is to omit sub-clauses (ii) to (iv). Sub-clause (i) says:

"if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;"

I find that it was not agreed to in the Standing Committee. I do not find any logical reason why it should be so. I think it was put in by the employers out of mere spite. I do

not see why the employer should object to it—when man is able to work for a pittance. When a man is laid-off, he should be enabled to earn. He should not be forced to appear everyday in the factory. Why should he be forced to appear every day in the factory if he is completely laid-off for five or seven days? "At least once a day" will help nobody. It is needlessly there. I think if this is omitted, it would improve the position of workmen who are laid-off. In lieu of pay, you are paying him only 50 per cent. of the compensation. He is in fact entitled to the full quota. 'The industrial capacity is not there', you say. Yet, the industry not being in a position to pay full compensation, is paying half compensation. Therefore, it is against the interest of the employer himself, because if the worker in the meantime earns a little more, then he will be more contented; and since he comes back to work, he will be more efficient and the employer will get out of him more efficient work than he could otherwise get. Then, why is this plea put in? To whom does the benefit go? Does it benefit the Government? Does it benefit the worker? Without any benefit, why should there be a provision like this. This is needless for all productive purposes from all points of view. Therefore I say that this provision should not be there.

Mr. Deputy-Speaker: If he earns fully elsewhere, why should he be here also?

Pandit Thakur Das Bhargava (Gurgaon): He cannot earn elsewhere.

Mr. Deputy-Speaker: If Mr. Tripathi's suggestion is accepted, the worker may get whole-time work in some other factory and get his full salary.

Shri K. P. Tripathi: Then he will not come back.

Mr. Deputy-Speaker: But he will get his compensation here, also.

Shri K. P. Tripathi: This prevents him from going elsewhere.

Mr. Deputy-Speaker: Because he is given half, some portion as compensation.

Shri K. P. Tripathi: Just see how the agreement has been transmuted and mutilated. Point ten says: No compensation shall be payable for the days during which the worker has worked elsewhere. This was the point. Here it is said he may not go elsewhere at all. What is the logic behind this? If a man earns elsewhere he shall not be paid twice. That is all right. But here it is said that he shall not earn at all. Is there any logic in it? Suppose a worker earns more than half the wage or the full wage. If he earns half the wage he may be supplemented to the extent of the other half. If he earns the full wage he may not be paid. That should have been the logical consequence. But here it has been put in another way. It has gone worse than the agreement arrived at. When this was the agreement arrived at, what was the reason for this change? I cannot say, nobody can say.

Then I come to (iii) which says "if he works elsewhere, for the days on which he so works". It is there. His wages may be one rupee, and it may be that by his work elsewhere he earned only six annas. Would it be proper to deny him compensation. If he earned one rupee then there is logic, you need not pay. The draft should have been like that. But it is not like that. Suppose a man goes by the way and he says: come on, lift my luggage; and he gives him four annas. The man is entitled to twelve annas' compensation. But he does not get anything. He loses his compensation. Is this justice? The Bill has been drafted in a perfunctory manner, against labour, by the Labour Department. That is surprising.

Then I come to (iv) which says: If such laying-off is due to a strike or slowing-down of production on the

part of workmen in another part of the establishment. This is a vicarious liability which, on principle, we cannot agree to. If the worker himself has done it, then there may be logic in it. But if the worker himself is not responsible he should not be penalised. But I find of course that in the agreement it is there—number fourteen.

Shri Gadgil (Poona Central): A sort of collective responsibility.

Shri K. P. Tripathi: I wish the whole world were so collectively responsible! It is only labour that is asked to be collectively responsible and others go scot-free. It should be something like a sympathetic slowdown, showing that there is some complicity.

Mr. Deputy-Speaker: It is supposed to be *vis major*.

Shri K. P. Tripathi: Yes, as you say.

Then I come to my amendment No. 53. In the proviso I have proposed to add the words "without option of renewal". The proviso reads: "Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service". Now, this gives a handle to the employer. There are many services which are on a contract basis, for three years or five years. In every such service there is a proviso to the contract saying that the worker will be entitled to renew it at his option. If there is such a provision for renewal, then obviously by merely exercising his option his service continues; it does not break. In that case, if you want to retrench him, you shall have to apply your mind voluntarily to it and you will have to pay him compensation. But if there is no such clause, at the end of the period of contract the service terminates. On the other hand, if there is a clause of option be should be allowed to exercise the option. If he does not exercise the option, the contract ends. If he exercises the option, the contract is renewed automatically. In that case he should be

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entitled to retrenchment compensation benefit.

Then I come to my amendment No. 60. In 25G I have proposed that the last two lines, namely, "unless for reasons to be recorded the employer retrenches any other workman" be omitted. The principle for retrenchment is: last come first go. Now, here you are giving the employer a right to vary that principle. Are you right in giving that handle to the employer in that way? You say "for reasons to be recorded". There is no difficulty in recording the reasons. I may write anything. It may be a right reason or a wrong reason. It may be a manipulated reason or a fantastic reason; I may just record it and go scot-free. Therefore, it should not be "for reasons to be recorded". If it were said "for reasons" I would not have objected. In that case a third party may say whether it is reasonable or not. But "reasons to be recorded" means that the employer is the only arbiter. That is a wrong thing. Therefore I say that this should be omitted.

Mr. Deputy-Speaker: That is, without reasons he can dismiss?

Shri K. P. Tripathi: Last come, first go. That is the principle. But later on that principle is violated. If he just records the reason he can vary this principle. He should not vary the principle. That is what I say.

Then I come to my amendment No. 62. This is a verbal change. I want that the words "as may be prescribed in rules framed by Government" may be added here. Obviously, rules would be necessary for this.

Then I come to my amendment No. 115. It is an amendment to the Government amendment. The Government amendment reads like this:

"For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any law for the time being in force in any State in so

far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter."

I propose that to this be added, at the end, "unless compensation otherwise obtainable is higher".

Why do I do this? Sometimes it is found—just as we found to our great cost this time—that even employers go on a sympathetic lay-off. There were some employers who as an industry decided that there should be a lay-off. In order to put pressure on labour to agree to their terms, as an industry they laid off. When we asked the managers, the individual managers said: we do not know why this lay-off is there, but we have been asked by the company to lay off labour for a few days so that we may teach labour a lesson. Obviously this is not a proper lay-off.

Mr. Deputy-Speaker: Hon. Members may sleep but need not snore.

Shri S. S. More: It is beyond his control, Sir.

Shri K. P. Tripathi: Sir, I was just submitting what would happen when they go on a sympathetic lay-off. All the units of the industry say "tomorrow you are laid off". And later on it is found that the lay-off was *mala fide*. Take the tea industry. There was lay-off. And the industry has agreed to pay 50 per cent. compensation. The hon. Minister says the industry is incapable of doing so. But they have come and paid 50 per cent. compensation in terms of your law. Now, you say, it cannot be applied to them. They are laid off and later on we have discovered that it was a sympathetic lay off which was not necessary. We are having a conciliation Board on this issue whether they are to get full compensation or half compensation. If we can prove that it was a sympathetic

lay off and was not necessary, if we can prove that from their records, then we are entitled to get full compensation. Any Industrial court will give us full compensation. Even my hon. friend Shri V. V. Giril. if he were there would give.....

Shri S. S. More: Why even?

Shri K. P. Tripathi: Because, I have been inviting him to come to Assam and he has been evading it.

Shri V. V. Giril: Not full compensation, but one and a half times.

Shri S. S. More: If you were not a Minister.

Shri K. P. Tripathi: Therefore I ask, for such a type of lay off, what do you provide? If you say "shall", the worker is helpless. The employer, with all the impunity at his command, will be able to lay off and say, look here, you are laid off, you have no right to get more than what we give. If he has a right for a higher compensation, it will not prejudice him and he will have the right to go to the court. If he has a right to the minimum compensation, the minimum ought not to be less than 50 per cent. for this reason. I entreat the hon. Shri V. V. Giril to consider this question also.

Shri S. S. More: Sir, I do not propose to cover the ground which has already been covered so efficiently by my hon. friend, the previous speaker. But, regarding this clause (b) of section 25A, I have got some difficulty of interpretation. It says that this particular clause shall not be applicable to industrial establishments which are of a seasonal character or in which work is performed only intermittently. As far as I know, the word seasonal has not been defined anywhere. What do we mean by the word seasonal? What is the period or duration of the season for which if the factory works, it is considered to be seasonal? That this word seasonal does offer certain difficulties in definition has been admitted by the Royal Commission on Labour in

India, in 1931. I am referring to page 75.

Mr. Deputy-Speaker: Is there no definition in the Factories Act?

Shri S. S. More: I am referring to page 75 where it is stated: "We have made efforts to collect statistics ..

Shri Gadgil: That is his Bible. He knows it by heart.

Shri S. S. More: Shri Gadgil stated that the hon. Minister knows it as his Bible. But, I am talking about the institutions which will be called upon to interpret this section. If Shri V. V. Giril or Shri Gadgil were the sole arbitrators, I have no doubts.

Shri Gadgil: Make me one.

Shri S. S. More: The Commission said:

"We have made efforts to collect statistics, but, owing partly to ambiguity in the definition of seasonal factories, it is impossible to give precise figures."

But, in spite of this ambiguity, they proceeded further to classify their statistics and classified some as predominantly seasonal, in which come cotton ginning, cotton pressing, tea factories, jute pressing and others. Then, comes (b) category, partially seasonal. In this category come rice mills, oil mills, gur and sugar factories, tobacco factories and others. My submission is that classifying a factory as possessing the seasonal character without a specific categorical definition is really a dangerous thing. Because, any factory will say that it is a seasonal factory because a seasonal character gives them a sort of a charter to escape scot-free from the responsibilities or liabilities which this particular measure is imposing on the employers. Not only that. The next provision is: in which work is performed only intermittently. It is quite possible, under the advice of an astute lawyer, a factory may say, to come in this particular category, that it is working intermittently, with occasional breaks. If

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they are working with occasional breaks which are their own device, what will follow? They will fit in with this description that they are factories which work intermittently, not continuously, and therefore, they ought to be excluded. My submission is that this is a matter which demands some further consideration by the legal draftsmen at the disposal of the Government. Otherwise, whatever authority is entrusted with the interpretation of this clause, they are not there to fill up the gaps in the legislative enactment. They will say, well, according to the plain wording of this particular clause, we say that this factory is working intermittently, whether the intermittent working was *mala fide* or was actuated by the motive to avoid the provisions of this Act. Therefore, I have suggested an amendment, No. 79, to add the words "and which are certified to be entitled to the benefit of this section by the prescribed authority, after such enquiry as may be deemed necessary". There must be some authority. As I have said, seasonal character cannot be precisely defined. Intermittent working will be a matter of dispute. As far as this enactment is concerned, there is no authority which is entrusted with the task of deciding these matters. Therefore, I say that if seasonal factories under certain circumstances.....

Mr. Deputy-Speaker: Is it not provided for here? See section 25A (2). The question shall be decided by the appropriate Government. The clause reads as follows:

"(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final."

Shri S. S. More: I know that. The decisions of the appropriate Government, on many occasions, are not

judicial decisions. They are executive decisions. In executive decisions, they are not under any legal obligation to give a hearing to the other parties concerned. On many occasions, they decide *ex parte*. The appropriate Governments as they are constituted today are likely to be more sensitive to the influence of the employers than to the needs of the workers. I want to make it a matter of adjudication. Take, for instance, the sugar factories. They are earning heaps of money as profit. Within four months or five months of their operation, they amass such an amount of profit that it gives them plenty for the whole of the year. The shareholders are paid dividends for the whole year. The manager and other high ranking officials get their pay at a particular scale for the whole of the year. Only in the case of the employees, particularly those belonging to the lowest ranks, for the period during which the factory is idle, they are not getting any remuneration because it is an establishment of a seasonal character. I say, on the justice of the case, it ought to be decided by some authority which should be more or less a judicial authority. They will give a full and frank hearing to the other parties, the helpless parties. I mean labour. That is my suggestion. I do not want to leave the whole thing hanging on the peg of executive judgment. I want it to be decided by a judicial authority.

Then, I come to section 25G, where the procedure for retrenchment has been prescribed. It says: ".....in the absence of any agreement between the employer and the workman....". The result is, if there is an agreement between the two parties, this clause will not come into operation and the last man may remain as the first man and the first man may come to be discharged. I have given an amendment. Instead of the words 'in the absence of' I say it should read, 'notwithstanding any

agreement between the employer and the workman, because it may be an iniquitous agreement, and unjust and unfair to the weaker party, and therefore such an agreement ought not to be considered.

Then I come to the portion "unless for reasons to be recorded the employer retrenches any other workman". As an eminent lawyer practising in the civil courts for a very long time you know the legal practice that when a particular authority is entrusted with the responsibility of giving reasons without any qualification, though the reason may be good, bad or indifferent, the very fact that reason has been given is enough and then no higher authority will disturb that sort of decision. We here lay on the shoulders of the employer the responsibility of citing good and satisfactory reasons so that the higher authorities may come to the conclusion whether this particular power given under this Clause was properly and justly exercised or not. I may refer you to the cases under the Preventive Detention Act and the Defence of India Act. The District Magistrate gives some reason, that the sun rises in the East and therefore I detained "X". I need not dilate on that sort of reason, but the fact that the reason has been given will be enough to prevent the intervention by the higher authorities.

Mr. Deputy-Speaker: Is that the decision of the Court?

Shri S. S. More: I believe so, though I cannot quote immediately, but on this principle the High Courts refuse that if the authority has given any reason good, bad or indifferent...

Mr. Deputy-Speaker: However flimsy, however unreasonable?

Shri S. S. More: However unreasonable, in certain cases, though not in the case of Courts. I make a distinction because the Court is subject to the principles of the Evidence Act, of the Civil Procedure and the Criminal

Procedure, but when some ad hoc authorities or officers entrusted with the responsibility give any reason, the higher authority, under their supervisory jurisdiction, will refuse to interfere with that sort of decision. I believe there are a lot of cases on this point. So, my submission is that it should not be merely stating that. The reason must be sufficiently qualified as "satisfactorily" so that the supervisory authority or judicial Tribunal can go into the satisfactory character or the propriety of the reasons.

These are my submissions, and the time at our disposal is very short. With these remarks, I commend my amendments for the acceptance of the House.

Shri T. B. Vittal Rao: Mr. Deputy-Speaker, the Government amendment that has been moved has brought under the purview of this Amending Bill only the factories defined under the Factories Act and mines, omitting plantations. If there is one thing which has been agitating and which has been responsible for bringing pressure on Government to bring in a legislation of this kind, it has been the crisis in the Tea industry and the consequent hardship that the Tea labour had to undergo. I really cannot understand why such a soft-hearted attitude is adopted towards these planters.

Shri K. K. Basu (Diamond Harbour): Quite obvious.

Shri T. B. Vittal Rao: For example, the Plantation Act which was enacted in the year 1951 has not yet been implemented though two years have passed. Now, the little relief that the plantation workers could have got by virtue of this Amending Bill is being removed by the amendment brought forward. I have nothing to add because the profits and all those things have been shown very clearly by my hon. friend Mr. Tripathi. I am firmly of the opinion that this attitude is due to our weak-kneed policy towards the

[Shri T. B. Vittal Rao]

British capitalists, and this should be ended soon.

Next, I come to the coal mines. I have moved an amendment that continuous service of 240 days should be reduced to 190 in the case of underground workers who are working in the mines. I am not asking anything new. This has been recognised under the Indian Mines Act, 1952 that for computing annual leave with wages, only 190 days of work they have to put in. In this Amending Bill it has been provided that workers have to put in to be eligible for compensation 240 days as provided for annual leave under Factories Act and similarly whatever the mine workers have to put in to be eligible for annual leave should be inserted.

Further, the conditions under which mine workers are working, for example the accidents, arduous nature of the work, premature exhaustion etc., force us to give even a lesser number of days.

Is this going to affect the profits? Certainly not. I know that today in the trade union where I am working a mine worker gets comparatively less than a worker in the sugar industry or the textile industry or the paper industry or any other industry. The average wage including all concessions amounts to about Rs. 69 per month for a coal miner, but for a worker in the textile or the paper industry it is Rs. 75. So, they are the lowest paid, but look at the salaries the Directors get. The Operative Director gets Rs. 3,000 as salary, Rs. 300 as house rent allowance, Rs. 600 as car allowance, Rs. 150 as domestic servant allowance and so on and so forth. The industry is capable of paying it the number of days is reduced. The industry is not going to lose much. There are coal mines which, with a capital of only Rs. 63 lakhs, have made a profit of Rs. 30 lakhs. And if there is any case for abolition of the managing agency system, it is in the coal industry. For

example, the cost of coal is controlled, the distribution is controlled the production is also controlled.

The Deputy Minister of Labour (Sbri Abid Ali): Which is that Company? Please name it.

Shri T. B. Vittal Rao: Singareni Collieries. The distribution, production and the cost of coal are controlled. So there is no necessity for this managing agency system. What to say of the commission which is paid to the Managing Agents even on the royalties paid to the Zamindars and the Government, where this exists! For example, in the Company I have quoted, 88½ per cent of the shares are held by Government, but there are five Directors, non-official Directors, representing what interests we do not know, and whenever there is a Directors' meeting they get Rs. 100/- each. This is how they are spending the money.

Moreover, in the coal industry, coal miners get only two holidays with pay during the whole year unlike the factory workers who get more number of days. Then, their annual leave with wages during the whole year is only seven days as against 14 or 15 days under the Factories Act. So, I very strongly urge that these number of days should be reduced and will bring it on a par with the Mines Act.

Regarding Badli workers there is only provision for that particular year, but there are workers who are working in the textile industry, who have put in a service of two to four years and still they are called badli workers. So, my amendment is that if a Badli worker has put in 360 days of service in the course of 24 calendar months, he should also be taken into consideration for payment of compensation for lay-off and retrenchment.

In the textile industry, they will be able to pay. If all the textile mills are closed and retrenchment compensation has to be paid to the workers how much would it come to? Only Rs. 9 Crores. And this is an industry

which has been minting profit. Only the other day when discussing the Unemployment Resolution we heard a Member from that side say that the textile industry in 1947-48 after de-control made Rs. 100 Crores as profit. This year they have got a reduction in the export duty also. Further under the Sea Customs (Amendment) Bill, they are getting a drawback also. So, it is not as if they are not in a position to pay. If there are any concerns or mills or mines, which cannot pay, it is for them to come to Government and seek such relief as is necessary. The loss etc. should not be thrown on to the shoulders of the workers, but they should be borne by the Government. If a factory cannot pay and cannot work under these conditions, it is up to them to approach the Government, and ask for the necessary relief, and Government may give them tax relief or some other relief, by way of loans. For instance, there is the Industrial Finance Corporation, which is giving loans to so many factories, of the order of Rs. 40 or 50 lakhs. So, such factories as are not in a position to pay should approach Government and seek such a relief as they feel necessary.

4 P.M.

Mr. Deputy-Speaker: Has the hon. Member much more to say?

Shri T. B. Vittal Rao: Yes.

Mr. Deputy-Speaker: It is now 4 p.m. The hon. Member may resume his speech on the day when this Bill is taken up again.

PRIVATE MEMBERS' BILLS

PROCEDURE FOR INTRODUCTION

Mr. Deputy-Speaker: I would like to inform hon. Members that a change has been effected in the Rules of Procedure, with a view to accommodate hon. Members who have been making repeated representations that even after notices for introduction had been given several times, their Bills had not been introduced. Rule 25 of the Rules of Procedure and Conduct

of Business has been amended, so as to give priority for introduction of all these Bills. Thus even though there are some Bills which have already been introduced, and are reaching the consideration stage, still, priority will be given to the introduction of these Bills, excepting those Bills, whose object is to amend the Constitution.

Shri S. S. More (Sholapur): May I make a further suggestion, Sir? From the list which has been circulated to us, we find that so many Bills have already been introduced by private Members. Will it not be more useful if Government come out with their reactions to the different measures? If that is done, we shall be able to fix the priority, as far as that aspect is concerned. Otherwise, we shall simply come here, and discuss the Bill, with no tangible results, and this would mean wastage of public funds, if not of our energy. My submission is that it should also be laid down—at least it can be made a convention—that whenever any private Member's Bill has been introduced, Government may, if they are accepting it, say so, and give some parcel of credit to that hon. Member.

Mr. Deputy-Speaker: Perhaps the hon. Member is not aware—it has already been published in the Gazette also—that under the new Rules, a Private Members' Bills Committee will be appointed, who will go into all the Bills which have been introduced. After the introduction stage, they will take up these Bills and divide them into two groups, category 'A', and category 'B'. Then in consultation with the hon. Member concerned, and Government, they will give priority to such of those Bills, as are in their opinion, important, and allow those Bills to be brought up before the House. The reaction of Government also will be known at that stage. The Committee will be appointed very soon.

For the present, I understand that Government have already considered about ten Bills, and they will give their reaction in due course.

ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT BILL

Pandit Thakur Das Bhargava (Gurgaon): I beg to move for leave to introduce a Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

CHILD MARRIAGE RESTRAINT
(AMENDMENT) BILL

AMENDMENT OF SECTIONS 2 AND 4

Pandit Thakur Das Bhargava (Gurgaon): I beg to move for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Child Marriage Restraint Act, 1929."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

PROHIBITION OF MANUFACTURE
AND IMPORT OF HYDROGENATED
VEGETABLE OILS BILL

Pandit Thakur Das Bhargava (Gurgaon): I beg to move for leave to introduce a Bill to provide for the prohibition of manufacture and import of hydrogenated vegetable oils.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the

prohibition of manufacture and import of hydrogenated vegetable oils."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

PROHIBITION OF MANUFACTURE
AND SALE OF VANASPATI BILL

Shri Jhulan Sinha (Saran North): I beg to move for leave to introduce a Bill to provide for the prohibition of manufacture and sale of vanaspati in India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the prohibition of manufacture and sale of vanaspati in India."

The motion was adopted.

Shri Jhulan Sinha: I introduce the Bill.

CHILD MARRIAGE RESTRAINT
(AMENDMENT) BILL

AMENDMENT OF SECTIONS 2 AND 3

Shri S. V. Ramaswamy (Salem): I beg to move for leave to introduce a Bill further to amend the Child Marriage Restraint Act, 1929.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Child Marriage Restraint Act, 1929."

The motion was adopted.

Shri S. V. Ramaswamy: I introduce the Bill.

SPECIAL MARRIAGE (AMENDMENT) BILL

Shri S. V. Ramaswamy (Salem): I beg to move for leave to introduce a Bill further to amend the Special Marriage Act, 1872.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Special Marriage Act, 1872."

The motion was adopted.

Shri S. V. Ramaswamy: I introduce the Bill.

INDIAN PENAL CODE (AMENDMENT) BILL

Shri S. V. Ramaswamy (Salem): I beg to move for leave to introduce a Bill further to amend the Indian Penal Code, 1860.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Penal Code, 1860."

The motion was adopted.

Shri S. V. Ramaswamy: I introduce the Bill.

UNIVERSITY (EXTENSION OF JURISDICTION TO OTHER STATE OR STATES) BILL

Mr. Deputy-Speaker: This Bill is in the name of Shri Sivamurthi Swami. The hon. Member is absent.

HANDLOOM INDUSTRY (IMPROVEMENT AND PROTECTION) BILL

Shri S. V. Ramaswamy (Salem): I beg to move for leave to introduce a Bill to provide for the improvement and protection of the handloom industry.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the improvement and protection of the handloom industry".

The motion was adopted.

Shri S. V. Ramaswamy: I introduce the Bill.

INDIAN RAILWAYS (AMENDMENT) BILL

Mr. Deputy-Speaker: This Bill is in the name of Shri Nambiar. The hon. Member is absent.

Shri Vittal Rao (Khammam): May I introduce it on his behalf?

Mr. Deputy-Speaker: No.

PAYMENT OF WAGES (AMENDMENT) BILL

Dr. N. B. Khare (Gwalior): I beg to move for leave to introduce a Bill further to amend the Payment of Wages Act, 1936.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Payment of Wages Act, 1936."

The motion was adopted.

Dr. N. B. Khare: I introduce the Bill.

Mr. Deputy-Speaker: There are some Bills in the names of Shri Dasaratha Deb, Shri Biren Dutt, Shri V. P. Nayar, Shri Nambiar, and Shrimati Kamlendu Mati Shah, respectively. The hon. Members concerned are absent.

As regards the Women's and Children's Institutions Licensing Bill, in the name of Shrimati Ammu Swaminadhan, it has been withdrawn.

[Mr. Deputy-Speaker]

As for the Women's and Children's Institutions Licensing Bill, in the name of Shri B. Das, the hon. Member is absent.

I might also mention another thing in this connection. Hitherto, the practice has been to take the signatures of a number of hon. Members, in order to get into the ballot for purposes of introduction. Hereafter, there is no such trouble. All Bills which are to be introduced, and notices for the introduction of which have been given, will automatically have precedence over everything else. So, hereafter we need not load the Order Paper with their names and signatures. They will automatically come within the ballot.

The Bills on the same subject, in the names of Shrimati Subhadra Joshi, Shrimati Tarkeshwari Sinha, Shrimati Renu Chakravarty, and Shrimati A. Kale have been withdrawn.

WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL

Shrimati Uma Nehru (Sitapur Distt. cum Kheri Distt.—West): I beg to move for leave to introduce a Bill to regulate and license institutions caring for women and children.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to regulate and license institutions caring for women and children."

The motion was adopted.

Shrimati Uma Nehru: I introduce the Bill.

Mr. Deputy-Speaker: Then there are three Bills in the names of Shrimati Jayashri, Shrimati Maydeo, and Shrimati Kamla Mati Shah, respectively. The hon. Members concerned are absent.

The Suppression of Immoral Traffic and Brothels Bill, in the name of Shrimati Ammu Swaminadhan has been withdrawn.

Now we come to the Bill on the same subject in the name of Shri B. Das. The hon. Member is absent.

There are four Bills under the title 'The Suppression of Immoral Traffic and Brothels Bill', in the names of Shrimati Subhadra Joshi, Shrimati Tarkeshwari Sinha, Shrimati Renu Chakravarty, and Shrimati A. Kale. These have been withdrawn.

SUPPRESSION OF IMMORAL TRAFFIC AND BROTHELS BILL.

Shrimati Uma Nehru (Sitapur Distt. cum Kheri Distt.—West): I beg to move for leave to introduce a Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels."

The motion was adopted.

Shrimati Uma Nehru: I introduce the Bill.

Mr. Deputy-Speaker: Then there are three bills, the Suppression of Immoral Traffic and Brothels Bill, the Suppression of Immoral Traffic and Brothels Bill and the Training and Employment Bill in the names of Shrimati Jayashri, Shrimati Maydeo and Shri D. C. Sharma respectively. The hon. Members are absent.

TITLES AND GIFTS FROM FOREIGN STATES (PENALTY FOR ACCEPTANCE) BILL

Shri C. R. Narasimhan (Krishnagiri): I beg to move for leave to introduce a Bill to provide for penalties for acceptance of titles and gifts from foreign States.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide for penalties for acceptance of titles and gifts from foreign States."

The motion was adopted.

Shri C. R. Narasimhan: I introduce the Bill.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

Shri Pataskar (Jalgaon): I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure 1908.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Civil Procedure, 1908."

The motion was adopted.

Shri Pataskar: I introduce the Bill.

Mr. Deputy-Speaker: Then we come to the Unemployment Relief Bill in the name of Shri A. K. Gopalan. The hon. Member is absent.

UNEMPLOYMENT RELIEF BILL

Shri H. N. Mukerjee (Calcutta North-East): I beg to move for leave to introduce a Bill to provide relief to unemployed workers.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to provide relief to unemployed workers."

The motion was adopted.

Shri H. N. Mukerjee: I introduce the Bill.

Mr. Deputy-Speaker: Then there are two Bills in the name of Shri Raghu Nath Singh. The hon. Member is absent.

INDIAN ARMS (AMENDMENT) BILL

Shri U. C. Patnaik (Ghumsur): I beg to move for leave to introduce a Bill further to amend the Indian Arms Act, 1878.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Arms Act, 1878."

The motion was adopted.

Shri U. C. Patnaik: I introduce the Bill.

Mr. Deputy-Speaker: Then there are two Bills in the names of Shri A. K. Gopalan and Shri V. P. Nayar. Both the hon. Members are absent.

DOWRY RESTRAINT BILL--contd.

Mr. Deputy-Speaker: The House will now proceed with further consideration of the following motion moved by Shrimati Uma Nehru on the 28th August 1953:

"That the Bill to restrain the custom of taking or giving of Dowry in marriages, be taken into consideration."

Shri R. K. Chaudhuri was in possession of the House. He may continue.

Shri R. K. Chaudhuri (Gauhati): Sir, when I spoke last, I had thrown out a very important suggestion which would do away altogether with the necessity of this legislation...

Mr. Deputy-Speaker: Necessity for what?

Shri R. K. Chaudhuri: Necessity of having this piece of legislation.

Mr. Deputy-Speaker: I thought the hon. Member was saying 'necessity for marriage'.

The Minister of Law and Minority Affairs (Shri Biswas): That will do away with many things.

Shri R. K. Chaudhuri: Sir, my suggestion was relating to the underlying principle and intentions of this Bill, not doing away with marriage altogether. Since I made the suggestion, I had the opportunity of watching the reaction of the country thereto.

Shri Gidwani (Thana): What is that suggestion? We have forgotten it.

Shri R. K. Chaudhuri: The suggestion was that there should be courtship and marriage. Marriage should be after courtship in every instance. That will dispense with the necessity of giving dowry. (Interruptions).

Since then, Sir, I have had the opportunity, as I said, of watching the reaction of the country to that important suggestion. I have received on the one hand several letters of protest in which they say 'You being a follower of Gandhiji, should you have the temerity to make such a suggestion of social reform and the breaking up of the structure of the society?

Dr. Ram Subhag Singh (Shahbad South): Were the letters from men or women?

Shri R. K. Chaudhuri: On the other hand, I had the opportunity of later on receiving the approbation of no less a person than our friend here, Shrimati Renu Chakravarty. As soon as I went out of the House, she said—"It was wrong on your part to oppose this Bill, but as regards the alternative suggestion that you have put forward, I shall whole heartedly support it". Am I not correct?

Shri K. K. Basu: (Diamond Harbour): She does not remember.

Shri R. K. Chaudhuri: So I would submit that this is a short-cut by which we can attain the object of my hon. friend, the Mover of this Bill. And if she accepts this suggestion, I need not weary the House any further.

Shri Jhunjhunwala (Bhagalpur Central): Have you moved any amendment?

Shri R. K. Chaudhuri: I ask the hon. the Mover of this Bill to withdraw the present Bill and give an opportunity to my hon. friend, Shrimati Renu Chakravarty, to come forward with her Bill, and we shall all solidly support it.

Shrimati Renu Chakravarty (Basirhat): Why don't you draw up a Bill?

Shri R. K. Chaudhuri: Madam, I am too late.

[**PANDIT THAKUR DAS BHARGAVA** in the Chair]

Now, the other alternative before the House is that gradually the number of marriages—legal and *Sastric* marriages—would be reduced and my hon. friends, most of the hon. women Members of the House, have already anticipated that position and they have, as the House will find from the list of Bills which were introduced today, caught time by the forelock and they are wanting to have homes for women—unattached women and children. They are wanting to have legislative measures to suppress immoral traffic in women and brothels, because the inevitable result of this sort of legislation would be that the number of brothels will increase...

Shrimati Renu Chakravarty: No, no.

Shri R. K. Chaudhuri: ... and immoral traffic will go on and there will be greater necessity on the part of the State to have homes for taking care of such women and children.

In this country, we have seen a change. We are asking for the removal of unemployment. And unemployment, as the House knows, is largely rampant amongst the middle class people. Who is responsible for this unemployment amongst our youth today? It is. I am constrained to say, due to the employment of women in a large number. Those employments which were formerly held by the young men are now being held by women who have elbowed out the young men and have increased the unemployment among young men. There is a growing unemployment among young men. People are invited for an interview. The interviewing officer holds the interview. There is a young man; he comes in a half-torn dirty dhotie because he has been out of employment for a long time; he has not been able to see a washerman or a barber or anything of that kind...

Mr. Chairman: May I request the hon. Member to speak on the Bill.

Shri R. K. Chaudhuri: I am speaking on this Bill. My whole point is this. If this Bill is intended to have any effect, it is intended to restrict marriages. When you think of marriage, Sir, you have also to think of this. Unless you agree to my suggestion of having marriage after courtship, the number of marriages will be restricted.

I am talking of the mischiefs of this Bill. This Bill will largely increase unemployment because the women who would have been, in the ordinary course of things married, would remain unmarried and they would elbow out young men who are seeking employment. Look at the interviews that are being held for appointments. A young man goes dressed like that, unkempt and unwashed because he has not the means to do it and a young lady goes there for the same appointment in a beautiful sari and hand-bag and all sorts of things. Who is that immortal or mortal man, that officer—I want to see his face—who will prefer that young man and discard the young

woman? That young woman may be married. Even then she goes out elbowing out the young man. This is the effect of social legislation like this. When the young man gets the appointment he spends his salary for the benefit of his brothers, mother and others and the household, but when the woman gets the same employment, three-fourths of her salary goes for her fineries.

Shrimati Renu Chakravarty: That is all nonsense.

Shri R. K. Chaudhuri: Is it nonsense? Yes, I agree with the hon. Member—that is nonsense. (Interruption). If the young married lady is to seek employment in rivalry to the man, surely the country goes in a nonsensical way. I entirely agree with my friend Shrimati Renu Chakravarty.

Now, let us see the utility of this Bill. I appeal to the House to be a little serious and consider the Bill on its merits. Let us see, what is the object of the Mover of this Bill. It is that this unconscionable system of dowry should be put an end to. Amongst whom is this evil rampant? This evil of giving dowry is rampant amongst the higher classes of people. It is because they want to purchase their bride-grooms. Therefore other persons who are not rich cannot get their daughters married. That is the idea I suppose. The whole object of my friend is to put an end to this custom of dowry. This custom of dowry has not come into vogue now. It is not a custom at all. At the time of marriage, the dress, watch or something, whichever the father of the girl likes to give to the boy is given. For that there is a special mantra. Of course, it is a long time I married but still I remember that there is a mantra. I ask, does the hon. Member want to put an end to that which is a part of the marriage rite. I would try to remind Dr. Khare of that—when the time comes at the end of the marriage the Guru asks him what dowry he is going to give. It is a part of the marriage ceremony.

Dr. N. B. Khare (Gwalior): It is called *vara dakshina*.

Shri R. K. Chaudhuri: He remembers it all right, Sir. I hope this strong memory is not due to the repetition of the event.

Dr. N. B. Khare: I have married thrice.

Shri R. K. Chaudhuri: I suppose that it is on account of the repetition of the event that he has got this memory.

Does the hon. Mover want to do away with that custom of giving dowry—*vara dakshina*? Is that the object of this Bill? If that is not the object of the Bill, if this Bill does not want to interfere with the religious part of the marriage ceremony, which is now almost forgotten in this country, then I come to the question of the modern practice which is prevailing in some States—in Bengal probably in a militant form—and in some other provinces. That is found only in the richer classes of the people.

डा० राम सुभग तिहू : आप कितने दिन की कोटिंग चाहते हैं।

श्रो ग्राह० के० चौधरी : वह तो यहां नहीं आता।

That is only confined to the richer classes of the people. Even if you bring in legislation you cannot restrict that. Take for instance the case of many rich people and high officials who send the boy to England. They educate him and when he comes back, he gets married to their daughters. How are you going to stop this?

Shrimati Uma Nehru (Sitapur Distt. cum Kheri Distt.—West): Sometimes he does not.

Shri R. K. Chaudhuri: You have some sort of explicit or tacit understanding that you are bearing the expenses of the boy's education in

England or America and when he comes back he marries your daughter. Are you going to put a stop to this by this legislation? That is the greater cause of mischief. I have seen men of comparatively small means fixing bright boys for their daughters, then educating these boys in the pathshala, educating them in the middle school, educating them in the high school and when they become graduates, in comes a higher man, an official or a rich man who send them to England and get their daughters married to the boys.

Dr. M. M. Das (Burdwan—Reserved—Sch. Castes): What is the number of such cases, of persons sending their prospective bridegrooms to England?

Shri R. K. Chaudhuri: Not merely to England or America but educate them in India also. Are you going to put an end to this? Is it not going to be more adverse to the interests of the girls than this dowry? Therefore, I submit, Sir, that it would be of no use.

My hon. friend provides that somebody should first make a deposit and then the complaint will be heard. In the meantime, the marriage will take place. There is nothing in this Bill. You cannot prevent the marriage. The marriage will take place and the rich man who could afford to pay the dowry to his son-in-law, can afford to pay a few rupees as fine. The only effect of this Bill will be that marriage will be very difficult in the middle and the lower classes. The inevitable result of this restriction of marriage would lead to the things which I have foreshadowed and which we will have to combat in future, a large number of unattached young women and a large number of unclaimed children and a larger and larger number of brothels in the country. This is a mischief which I fear and for this mischief my hon. friends the lady Members of this House have already taken steps to suggest a remedy. But I say why create the

mischief and then give the remedy. Let the marriage take place after courtship; it is not compulsory. Let them have special marriages. Let them have divorce and all sorts of things. But, let those poor Hindus who still believe in Hinduism, who still believe in the ceremonies which the Hindu religion prescribes, rightly according to me and wrongly according to you, let them continue with their old traditions and customs and form of marriage. This sort of legislation will give pain to them, to those who want to live, let others live and want to be allowed to let live. We want to follow our form of marriage which has been prescribed by our great Rishis. We follow Mahatma Gandhi today in whatever he has preached. We follow his teachings. Nobody dares to say anything against his teachings. Similarly, there were rishis of ancient days who had sacrificed their lives and spent their whole lives in meditation and prayer; they have laid down a particular course of action and we should not go against that.

Mr. Chairman: May I interrupt the hon. Member again; he has gone away from the substance of the Bill. The rishis, Hindu religion and all these matters he is now referring to have nothing to do with the Bill.

Shri R. K. Chaudhuri: I am speaking of dowry at the time of marriage—varadakshna—that has been prescribed, although I do not want it.

Mr. Chairman: What has dowry to do with the Hindu religion? The Bill refers to dowry.

Shri R. K. Chaudhuri: When I talk something seriously, the House does not appreciate it.

Mr. Chairman: Am I to take that the hon. Member has finished his speech?

Shri R. K. Chaudhuri: I wish only to impress upon the House the absolute futility of this Bill and the unworkable character of it. It will not prevent the evil which the hon.

mover is sincerely trying to prevent, but it will rather open the flood-gate of other kinds of social evil, which it should be the aim of every Member of the House to stop.

श्री रघुनाथ सिंह (बिला बनारस—मध्य): बिलरमें साहब, हमें दो बिल हांड्रोड्यूस करने पे, लेकिन हम बाहर चले गये थे। यदि इचाजत दे दी जाए तो हम अब हांड्रोड्यूस कर दें। उनके नम्बर हैं—४१ और ४२।

Mr. Chairman: Yes.

SRI KASHI VISWANATH MANDIR BILL

Shri Raghunath Singh (Banaras Distt.—Central): I beg to move for leave to introduce a Bill to provide for the better administration and governance and for the preservation of the Sri Kashi Viswanath Mandir known as the Golden Temple of Banaras.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to provide for the better administration and governance and for the preservation of the Sri Kashi Viswanath Mandir known as the Golden Temple of Banaras."

The motion was adopted.

Shri Raghunath Singh: I introduce the Bill.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

Shri Raghunath Singh (Banaras Distt.—Central): I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill further to amend

[Mr. Chairman]

the Code of Criminal Procedure, 1898.

The motion was adopted.

Shri Raghunath Singh: I introduce the Bill.

SUPPRESSION OF IMMORAL TRAFFIC AND BROTHELS BILL

Shri B. Das: (Jajpur-Keonjhar): I beg to move for leave to introduce a Bill to provide for and consolidate the law relating to suppression of immoral traffic in women and brothels.

Mr. Chairman: A similar Bill has already been introduced and I do not think it is necessary to introduce the same Bill over again.

Shri B. Das: That was moved by a lady Member and this is only to give my support as a male Member.

Mr. Chairman: The Bill is identically the same as the one already introduced and there is no need for introducing two identical Bills in the same session.

DOWRY RESTRAINT BILL--contd.

Shri Raghubir Sahai (Etah Distt.—North East cum Budaun Distt.—East): Sir, I wish to assure you that I take this Bill very very seriously. I feel very grateful to my revered sister Shrimati Uma Nehru for having introduced this Bill in the House and drawing the attention of the House to the great evil of dowry which is prevailing in our country. I think this evil was not so very rampant 25 or 30 years back in this country although we had seen in the papers some instances where girls committed suicide in the province of Bengal because their parents could not afford to give heavy dowries in their marriage to the bridegrooms. But since then, this evil has grown and it has become widespread in the country. Formerly it was only the Kayasth community either in U.P. or

Bihar or Bengal that was considered to be the worst sufferers—this practice was very much prevalent among that community and despite resolutions at their conference, the evil was not stopped. Since then, Sir, we find that the evil is now spreading to other communities as well—Agarwals, Khatri, Thakurs and Brahmins and other communities belonging to the Hindu religion have all fallen a prey to this custom of dowry. The point for consideration now amongst all thoughtful persons is how to stop it or how to combat it.

Pandit D. N. Tiwary (Saran South): On a point of order, Sir. There is no quorum in the House.

Shri Biswas: That is the interest we take in Private Members' Bills.

Mr. Chairman: Now, there is quorum. The hon. Member may proceed.

Shri Raghubir Sahai: I was just talking about the difficulty of marriages because of this evil custom of giving dowry.

Mr. Chairman: Order, order. Let me inform the House that I have got a long list of Members who wish to speak on this Bill though it has already been discussed at great length. I will, therefore, request all Members kindly to take as short a time as possible.

Shri Raghubir Sahai: So, Sir, the difficulty about marriages is increasing because of the heavy demand of dowries. There are a good many girls of marriageable age who are not getting suitable bridegrooms. Along with this evil, there is a craze for pomp and show and that is a relevant matter which should be certainly considered along with the question of dowry. Sir, marriages are becoming very, very expensive, and we find that there is a craze for display. All that is demanded on the part of bridegrooms or their parents is shown to their friends and admirers and all

those persons who are invited to the parties. Now, this thing is very contagious. People in respectable society and people who are highly placed are the worst offenders because, as has been said by certain friends here, some of the parents who give higher education to their sons and who fortunately come out in the competitions, either in the I.A.S. or in the I.P.S. or in the P.C.S. Examinations, demand exorbitant prices for the marriages of their sons. It is these people who, when those heavy dowries are being given by the bride's parents, display them and make a pomp and show thereof. Now, Sir, on the one hand, we are talking that there is unemployment in our country. People go without food, people go without clothes, and there is poverty in the country. If foreigners were to come to our country and see how these marriages are being performed here, both of the rich and of the poor, and see the great pomp and show, they would come to the conclusion that there is no unemployment in this country; there is no poverty in this country; there is no hunger in this country. So, these two things go together. We have not only to consider the evil of dowry but also the evil of pomp and show that has become very, very rampant in the marriages of today.

Mr. Chairman: May I just request the hon. Member to confine his speech to this legislation? We are not concerned with pomp and show at the time of marriages. We are only concerned with the Bill. I am seeing that many speeches are made without any attempt being made to deal with the real question raised by this Bill. The evil is admitted, but the only question is whether we want this legislation or not.

Shri Biswas: He will have a bill for the return of marriage expenses, just as we have a return for election expenses.

Shri Raghubir Sahai: How can this evil be checked? I quite agree with some of my friends who have said that this is more a social problem,

than a problem of legislation. I quite agree with them; we have to rouse the social conscience of the people so that the practice of dowry may be stopped of its own accord. But how to do that? We should take recourse to both the remedies. While rousing the social conscience, there should be proper legislation to control these things. I wish that some sort of legislation should be passed. Sir, in order to cut short my remarks, I would say that this Bill, while I agree with the spirit of the Bill, is, in my humble opinion, a very sketchy Bill. It is a very brief Bill, and in regard to dowry we have to consider so many relevant points and all those points have not come into this Bill. I would, in the first place, suggest that to consider the evil of dowry in all its aspects, we should either accept the proposal of my hon. friend Mr. Das, about the formation of a Select Committee and refer this matter to that Committee or, if that proposition may not be acceptable to the hon. Law Minister, then, I would submit that the Government may, refer this matter to a small committee. All the points that have been made in this House may be referred to that committee and the whole thing may be discussed there threadbare and a Bill regarding this evil may be sponsored by the Government itself.

In regard to this Bill, I say one thing more: that my hon. friend the Mover has put down the punishment for the infringement of this provision of dowry as only three months' simple imprisonment. I say that if you want that this evil should be stopped, then you should deal with it with a strong hand. Three months' simple imprisonment will not do. We must have a deterrent punishment for this very serious offence. So, I beg to say that there are many points to be considered in connection with this Bill, and all those points may be referred to that committee which may ultimately be formed by the Government. Sir, I support this Bill.

Shrimati A. Kale (Nagpur): Sir, I had no intention of speaking on this

[Shrimati A. Kale]

Bill because I never imagined that there will be a single individual in this House who would be opposed to this Bill. But I am sorry to find that a senior Member of this House has opposed it and spoken about this question very lightheartedly. As a matter of fact, this evil is rampant in our country for a very long time. When I was in my college—I even now remember the incident—a Bengali girl by name Snehalata committed suicide in order to relieve her parents of their anxiety of getting her married. I now remember that the students of those days had taken a vow—those who were with me in the college—"We will never take dowry in marriages." But as happens every time, the enthusiasm waned away and all this, however, is taking a very bad turn. I agree that mere legislation is not going to help to solve this problem. As a matter of fact no legislation can be effectively enforced unless it is backed up by public opinion. But if we pass this legislation, I think our arms will be more strengthened and we shall pass into a society from where this evil is at least partially removed. My own idea is that it is an insult both to the girl and the boy. Why should a boy who wants to marry depend on whatever paltry sum he may extort from the bride's father? As a matter of fact, if a boy is not able to support his wife and family, he has no business to get into matrimony. So, at least educated girls should refuse to marry if anybody wants dowry at the time of marriage or even afterwards. As it is, our students—I won't make a sweeping remark—but some of them are deteriorating. They are fond of leading a luxurious life at the expense either of the parents or of their fathers-in-law. If we do not remove this evil we will be encouraging this bad habit that is prevalent amongst our young people.

Thirdly, I do not know whether it is correct, but I think it is also a violation of the Constitution. Why should this dowry be taken from a girl. We are, constitutionally, put on a par.

Therefore, even that way it is a crime that we are committing against the Constitution.

Fourthly, this definition of dowry, I suppose, is imperfect. Formerly, what Dr. Khare said was true, and money was given in the form of *vara-dakshina*. But it was not a compulsory sort of thing. Nowadays people are making use of their education to legalise the system of taking *vara-dakshina*. A boy puts a proposal that he wants to appear for the I.A.S., or that he wants to go to Europe and therefore his expenses should be paid. Another says "I want a motor car". He may be in service getting three or four hundred rupees a month. Therefore, in order to keep up his dignity he wants a car, and so on and so forth. I therefore think that the definition of dowry should be so widened that anything given by way of money or in kind should be interpreted as dowry, and those people who are guilty of giving it and also of taking it should be very severely punished.

Mere imprisonment is not a remedy to correct the evil. After all they are quite comfortable in prisons. Many of us who have got the experience will be quite happy to be in prison if our daughter is comfortably married or if our boy gets ten thousand rupees. What I suggest is that not only the offender should be imprisoned but the money so taken should also be confiscated and used for doing propaganda against this evil of dowry.

Again, I am very sorry to find Mr. Rohini Kumar Chaudhury making all sorts of wild statements. One of such statements was that if we introduce this measure we would be encouraging brothels. It is absolutely wrong. The two things have no connection. I do not know what his profession is: I take it he is a lawyer, and therefore he tried to make a good job out of a bad cause. About employment he said so many things. It is a very

technical subject. Whatever the reasons may be, there is no justification for him to oppose this Bill. More than that I would not like to say. There are many more speakers who may follow me. I do urge upon all Members of this Parliament that they should whole-heartedly, with the exception of one, pass this Bill.

Mr. Chairman: Dr. Khare:

पंडित द्वौ० एन० तिकारी : मेरा एक सम्बोधन है। इस हाउस में इस सम्बन्ध में दो विचार बाराये हैं। एक सपोर्ट में और एक अपोजीशन में। दोनों को बराबर बांस मिलना चाहिये।

Mr. Chairman: The advice need not have been tendered at all.

Dr. N. B. Khare: Sir, this lack of quorum has inspired me, and I am gushing forth my inspiration.

After the Dhotties Bill, we have Dowry, that is Sari's frill. The combination to some may be an enchanting thrill; to others it may be a boring kill, or a grinding mill, with results as good as nil. I therefore sit still, or loaf at will, in this weather chill, below the Secretariat hill, my only purpose to fulfil, of receiving Rs. 40 bill. Sir, don't take it ill, or even a bitter pill, it's rhyme of little skill, to secure your good-will, for times to come still.

Shri Pocker Saheh (Malappuram): Mr. Chairman, I would like to speak a few words on this Bill, particularly having regard to the fact that this is also an evil prevalent in my part of the country, namely in the State of Madras, and particularly Malabar. I am entirely in accord with the author of this Bill so far as the object is concerned. This practice of demanding exorbitant dowries has ruined many families and this is a source of unhappiness to many. In fact I entirely agree with the author, or rather the authoress, of the Bill that there are thousands of girls who remain unmarried on this account, and it becomes a source of great worry and concern to

the parents when they have their girls to be married—not because they are not able to find suitable husbands but because they demand exorbitant amounts as dowry.

This is a practice about which I have long been thinking as to how to put an end to it. But I am very doubtful as to whether this measure will achieve that object. We know how the Child Marriage Restraint Act has been working and how, in spite of the existence of that Act, many thousands of marriages are going on every day in violation of that Act. So far as this measure is concerned I do say that people will find ways and means of evading it effectively.

But that is no reason why we should not make an attempt in this direction. I am sure that it will have some kind of effect on the people demanding exorbitant dowries and making marriage a matter of business, an item of commerce. If a man has sons he thinks that they are a commodity out of which he can make a good deal of money. On the other hand, if a man has daughters he thinks they are a source of liability to him. This mentality has to be changed. And at least to some extent I hope this Bill will have some effect in changing the mentality of the people. As regards the way in which this Bill has been drafted, I would say that it is not properly drafted. Though the object of the Bill is to prevent dowries being demanded from the parents of the bride by the bridegrooms or their parents, the definition seems to cover the other way round too. I do not know whether it is really intended to cover cases the other way too and whether there are cases of that sort under contemplation by the author of this Bill.

5 P.M.

So far as the provisions of this Bill are concerned, by way of preventing vexatious proceedings, it is stated that anyone might file a complaint provided he deposits a sum of Rs. 50/- along with the complaint. That means, that any man in the street can file a

[**Shri Pocker Saheb**]

complaint either before the marriage or after the marriage. You know, Sir, that even as regards the Child Marriage Restraint Act, there have been ever so many cases in which persons have moved the provisions of that piece of legislation in order to have their revenge against some parties on account of private ill-will between the parties and that it may become a source of great evil even in the matter of enforcing that legislation. In that same way, it is very likely that persons having a grudge against another person might file a complaint to put the other party to all the worries of the proceedings. After all, what is required is a sum of Rs. 50/- which is nothing. If this deposit of Rs. 50/- is intended as a safeguard against vexatious proceedings, I say, it is not a guarantee at all. The deposit should at least be Rs. 500/-.

Shrimati Sushama Sen (Bhagalpur South): I have said that.

Shri Pocker Saheb: Not only that. So far as the complainant is concerned, I would say that it should not be by any man in the street, but it must be by some person who is interested in the matter.

Another matter that I would like to mention in this connection is this. In the definition of dowry, it is said:

"Dowry means anything paid in cash or kind as a part of the contract of any betrothal or marriage, by the father, mother or guardian of a bride to a bridegroom, or to his father, mother or guardian and vice versa....."

In fact, the bride or bridegroom has been entirely excluded. It is not uncommon that to such transactions, the bridegroom is a party. He has been entirely excluded from the mischief of these provisions.

An Hon. Member: No.

Shri Pocker Saheb: I am sorry; the wording is, "to a bridegroom, or to his father.....".

Clause (b) says: "...but does not include 'Stridhan' as understood in Hindu Law and 'Mahr' or dower as understood in Mohammedan Law." So far as Mahr is concerned, it is an amount fixed as part of the contract of marriage to be paid by the bridegroom to the bride. If what is intended by this legislation is to prevent payment of money by the bride to the bridegroom, it does not come within the mischief of the Bill at all. However, the definition also says, vice-versa. Therefore, perhaps the word Mahr comes unwittingly there. But, I would like to point out one thing. Among the Maplahs of Malabar, particularly those who are governed by the Marumakkattayam law in North Malabar, there is a system of giving Stridhan. No doubt, Stridhan as understood in the Hindu Law is excluded from the operation of this Bill. But, this giving of Stridhan which is prevalent among the Maplahs is not the one that is governed by the Hindu Law. In fact, what is given as Stridhan is some allotment of property by the tarwad of which the bride is a member, out of which the bride has got rights to claim maintenance. It is in lieu of this maintenance that some properties are allotted to the bride on the occasion of the marriage. That is a very legitimate thing. Instead of the girl claiming by way of maintenance from the karnavan or head of the family, some properties are allotted to her in lieu of that maintenance. That is not covered by this explanation in the Bill. That also has to be exempted. It is a very legitimate thing to ask the tarwad to allot some immovable property for the maintenance of the bride at the time of the marriage. I do not want to take more of the time of the House. I entirely agree with the object of the Bill and the principles on which it is based.

Shri Biswas rose—

Padit K. C. Sharma (Meerut Distt. South): Sir, I would.....

Mr. Chairman: Before an hon. Member is called upon to speak, for him to begin by saying Sir, etc., does not entitle him to speak. I call upon the hon. Minister.

Pandit K. C. Sharma: I shall take only a few minutes.

Mr. Chairman: Everybody wants only a few minutes and not more. I am sorry.

Shri Biswas: Sir, I wish to say just a few words so that the position may be clarified and the attitude of the Government also may be known to the House.

The object of the Bill is a very laudable one. But, there is one thing I wish to make clear at the beginning. The question of dowry restraint is not a question of Hindu law at all. The mover of the Bill, when she introduced the Bill, said so much about Hindu law and so on, and complained of having been thwarted in her attempt to reform the Hindu law, etc. But this is not a question of Hindu law reform at all. It is an evil which is not an offspring of Hindu law or Hindu religion or Hindu custom. It is due to other factors. It is human rapacity, you may say. The question is how to tackle this problem. The evil is admitted. But, is legislation on the lines which have been proposed an effective remedy for this? That is a question to which very few of the speakers, though about 20 have taken part in the debate so far, have addressed themselves. I should like to have suggestions from hon. Members and from others as to how this evil may be stopped, and I undertake on behalf of the Government to introduce legislation in order to put a stop to this practice.

Babu Ramnarayan Singh (Hazaribagh West): Then, why not pass this?

Shri Biswas: I do not know about all the States of India, but I know that this evil is rampant and rampant to an almost outrageous extent in the province from which I come, and if

anything can be done to stop the payment or the acceptance of dowry, nothing would make me happier, and if I could do anything by legislation while I am Law Minister to put an end to this, I should be very thankful to anyone who would help me in accomplishing that object.

At one stage I thought I should accept the motion for circulation, because I have racked my brains and I have not been able to find out an effective remedy. If by circulation we can obtain any suggestions from any quarter which would help us to achieve the common object—we all have that common object in view—that would be very good, but that might take time. As we know, if Bills are sent out for circulation, it takes time to obtain opinions and then somehow things get bogged and we do not make any headway. But, if I could be sure that by referring it to a Select Committee that object could be gained, that would have been different. But the Select Committee would be committed to the principle of this Bill, and the principle of this Bill is this: legislation is the remedy. In other words, you may make a change whether the imprisonment should be one month or three months, or the fine should be Rs. 1,000 or Rs. 5,000. That is a different matter. The evil is admitted. The only remedy suggested in the Bill—and that appears to me to be the principle of the Bill—is that by legislation, by making the acceptance or giving of dowry a penal offence, you can put an end to it. Therefore, there is not much scope for giving effect to any other suggestions that might be made for the purpose of really putting an end to this evil practice.

What I say is this. We have a discussion. The discussion is there. The views expressed are there. Those views will be very carefully studied, including those of my friend Mr. Chaudhuri of Assam, though it sometimes becomes difficult to take him very seriously. One does not know when he talks seriously and when he is not talking seriously. I should

[**Shri Biswas**]

welcome any suggestions from any of my friends within as short a time as possible as to how to tackle this question, and I give this assurance on the floor of the House that I shall be the first person to introduce a comprehensive Bill which will deal with the matter fully and in an effective way—provided you help me to find that remedy.

That is all I wish to say on behalf of Government. As a matter of fact, I will not say I accept the motion for circulation. I will not say I accept the motion for Select Committee. I will not say I accept the Bill. I will not say I oppose the Bill.

Shri S. S. More (Sholapur): What do you say?

Shri Biswas: I have explained. You were not here when I explained what my attitude was—that I want your help, that I want the help of everybody. I want your suggestions as to how to evolve an effective remedy for an admitted evil.

Shrimati Sushama Sen: We have just heard the hon. Law Minister, and I agree with him that perhaps only this Bill will not do, but he admits that this is an evil, and it is up to the Law Minister also to suggest some remedy for it and we would welcome any suggestions from him, as to how to make the law more effective.

As far as our own opinion goes, we think that this Bill may be effective. One hon. Member here pointed out that child marriage restraint has not been successful. I do not agree with him, because I come from Bihar and I know that there was a lot of child marriage there, but the Child Marriage Restraint Act has put a restraint on it and people are afraid of having child marriages there. I have worked amongst the poor people there, amongst the masses, and I have found, and I have heard them say that they are afraid now to get their girls married before the age of marriage. So, if a restraint is put here on taking of dowry it will have some restraint. It is quite a simple thing and I do not see

why there should be so much controversy over it. Let us try this measure and we shall be only too glad to take any suggestions from the Law Department to make it more effective.

I also agree that perhaps the security should be more than Rs. 50 because anybody can pay Rs. 50 just to harass a party.

I have known of very great sufferings of the middle class people who have absolutely been ruined by this dowry system, and we must do something in order to put a stop to this most evil and pernicious custom.

I do not want to take up the time of the House, but I do hope all the Members will agree that something must be done to put a stop to giving and taking dowry. We can all put our heads together, and if there are any suggestions we shall only be too glad to accept them, from the women's point of view. But I do not at all agree with Mr. R. K. Chaudhuri's views that it is against Hindu law or anything of that sort. Parents and guardians always give presents to daughters when they are married, but that is no reason why there should be a demand for this sort of money from the bridegroom side.

With these few words I support the Bill strongly and I hope the whole House will support it and pass it.

Mr. Chairman: Already about 20 Members have taken part in this debate. Last time 15 to 17 Members took part. It has been fully debated, but all the same if the House is of the opinion that we should go on, we will devote sometime more for further discussion.

Several Hon. Members: Yes, Sir.

Mr. Chairman: If the House wants to go on with this discussion, it is for the House to indicate how long more we should spend on this. Should we go on till 6 o'clock?

Pandit K. C. Sharma: 6.30.

Seth Govind Das (Mandla-Jabalpur South): Should I move for closure? You will know the sense of the House.

Mr. Chairman: Every Member is entitled to move for closure. If it is the House's opinion, it has to continue. I am practically taking the sense of the House, and this is the only meaning of moving a closure. If the House desires, I am willing to go on for half an hour more, but then I will put it to the vote of the House. And I would request all the Members who speak hereafter to confine their remarks to only five minutes, because the point at issue we are not touching. As the Law Minister remarked, the only question is about the means. The evil is admitted. The only point is whether we should adopt social legislation or other ways, what we should do. Members should address themselves only to this question.

So, I will put the question at 6 o'clock.

Shri Khardekar (Kolhapur cum Satara): I rise to support the Bill and support it as strongly as possible, but being rational, I do not wish to be sentimental. I wish to express certain doubts and state certain difficulties. But at the same time, the question raised by the Law Minister is very important: in what way legislation would help? One lady Member did point out to the partial success of the Sarda Act, and I see no reason why we should not follow that particular example. I admit that social legislation, unless it is backed by social sanction, i.e., enforced legislation, would not be effective, but in this country it is necessary to know that a beginning has been made, and if we are to wait till that beginning there is no end. Let this evil be attacked bothways. Let us use what I might call a double barrel rifle, one legislation, and the other social sanction or public opinion.

We have listened to the speech of Shri R. K. Chaudhuri, which was, I think, full of levity, and frivolity on the one side, and undiluted nonsense on the other. The remedy that he

suggested was rather romantic, that we should resort to courtship, in order to put an end to the necessity of this Bill. Courtship may be possible either in a primitive society or in a highly advanced society. We are unfortunately somewhere in between, and so it is extremely difficult.

Coming again to the serious remarks made by hon. Members like Shri R. K. Chaudhuri, I might try to analyse the facts of the case. Now there is no doubt that there is economic inequality, and unless that is removed, this particular evil may continue. I do not think it is right to say that there is unemployment because some of the women are employed. The fact remains that in the economic field, man dominates, and for women, normally the employment is marriage. For economic security, a woman tries to have marriage, but that is not the only thing. That is the way the mind of man works.

A woman, as has been recognised on all hands, is nature's main functionary, for perpetuating the species. The fulfilment and realisation of real womanhood lies in being a mother. If she tries to catch a man—you might say or do any thing by any means—it is to fulfil the sacred duty of being the mother. A great deal of fun can be made—as has been made by some—that in this marriage relationship, the share of man is one-tenth, while that of the woman is nine-tenths; man is merely an instrument of creation, woman the object of transmission. A man like Bernard Shaw has also cynically made some fun by saying that man is the hunted creature, and woman the hunter. I may just read three or four sentences, in this connection.....

Mr. Chairman: May I just say a word? All this may be very interesting, but so far as this Bill is concerned, I am very sorry it has got nothing to do with it.

The Minister of Defence Organisation (Shri Tyagi): Is it parliamentary to call a woman a hunter.

Shri Khardekar: We can see that actually the dowry system is in the interests of women, if they look at it rationally and from an economic point of view, because dowry actually means some benefit. It means also some self-respect to women, because that money is paid to the family of the girl, where she is married. So that actually leads to certain self-respect and certain advantages. But because her main function is to carry on Nature's work she does not like it, and therefore I believe that although man should be particularly concerned to put an end to this, there is no reason why women should also take it up.

Coming to the Bill itself, I think the title is rather weak, almost pusillanimous. It ought to be the Dowry Punishment Act, and not Dowry Restraint Act. As regards punishment also, there should be a certain rigour introduced.

I agree with Shri Pocker Saheb that vexatious proceedings should, as far as possible, be put an end to, by effective and necessary changes in the legislation.

I thank you, and I have nothing more to say because there is no time.

Paadit K. C. Sharma: Sir, I support the Bill on principle, because it is admitted on all hands that dowry is an evil. If it is an evil, a remedy must needs be found, and there must be some restraint. So far as it goes, that is good.

But marriage is a social institution, both sacramental as well as contractual. So far as the sacramental aspect is concerned, to demand anything extra or in addition to the bride is a sin. It is inhuman and it is a challenge to the dignity of humanity. But so far as the contractual part is concerned, the man takes the burden of the woman on his shoulders, and he bargains for a commodity—human commodity though it might be—but he finds it lacking in the necessary and requisite qualities that he wants to bargain for. This is a simple question. I have seen many young peo-

ple committing suicide, because they could not seek the hand of the girls they aspired for. But what is the reason? It is the other way about. The reason is that the young man was not fit enough to seek the hand of the girl he aspired for, and so he could not succeed. In certain cases, the girl is not fit enough to be bargained for. That is the reason why the man wants an additional loading. So far as the contractual aspect is concerned, this is a legitimate demand. If a man does not want to have the burden, why should you force it upon him. The social institution, however, has to go on. Just as we have been born, some other people are to come on this earth through us, though our country does not want the additions that we are having to its burden. But it is the demand of human nature that man and woman should be joined together, and anything that stands in between must be eradicated. This is also a problem. Owing to the kind of existence we have been forced to live in for a long period, we have lost the sense of dignity, or the sense of decency in human relations. Another reason is that, as my hon. friend stated just now, in the economic field, woman has certain drawbacks. She is not self-supporting, and she has no confidence to pull up herself. The remedy, therefore, lies, not so much in passing the law, but in opening greater avenues for the girl, by giving her greater education, so as to put her on an equal footing with the boy. If this is done, they will be as strong in their bargaining power, as their male partners. No law, however strict or punitive it might be, can do away with this evil. The only remedy is to open greater avenues for the girls, by giving them more education, so that they may not be in a disadvantageous position, so far as bargaining power is concerned.

These are the few words that I wanted to say on this Bill.

Shri Altekar (North Satara): Sir, the grievance felt by the society on account of the custom of dowry and heavy expenses in marriage is well ex-

pressed in a very impressive manner, in a beautiful verse which runs as follows:

संभवे स्वजनदुःखकारिका
संप्रदानसमर्थेऽयंहारिका ।
यीवने बहुलदोषकारिका
दारिका हृदयदारिका पिनुः ॥

When a daughter is born in a family, that is regarded as a matter for grief or grievance, because at the time of marriage, she has to be given a dowry, and a lot of money has to be spent for her marriage. Thereafter also, the girl is a cause for anxiety; and so the father feels as though she is a canker in his heart.

I am therefore in full sympathy with this Bill. But I would like to state that this is rather a symptomatic than a radical treatment. This custom has its source—the beginning—in the fact that from times immemorial women were not given the right of inheritance in the sense that originally there was no inheritance for women, though later on it was given under certain circumstances and conditions. But with all that, what happened was that the daughter could not claim—and even now cannot claim—by way of right any share in the property of her father, and therefore, as a matter of fact, she is regarded as of an inferior type. Unless and until she is given an equal status and she stands on her own legs, this particular grievance can not be wiped out completely.

If we look to the Hindu law, we shall find that at the time of partition there is a provision made for the purposes of the marriage of daughters in the family. That, as compared to her share—if it were equal to that of the son's—of the property is a small one. Therefore, what happens is that she is all along treated as though of an inferior type, and something is provided for the purposes of marriage. They will be doing a good deal if they give more to the daughter. If, she has got a right of her own in the ancestral property, then the position and the status of women will be greatly

improved. The reason why this system has come in is that there is no such right for her and, therefore, at the time of marriage whatever is being given and spent is of course according to the expectancy by the other side of the condition of the family itself and the status or need of the latter. But when that is being done, generally people look to families which are on par with them.

यथोरेव समं दितं यथोरेव समं कुलम् ।
तथोविवाहो मंत्री च ।

'Those who have got equality of economic status, and also of culture and so on—as between them this marriage takes place'.

Therefore, it so happens that people of equal status marry among themselves. But there are others who desire that, though they are economically placed on a lower level, their daughters should be placed in a better condition. Hence there is a sort of competition between these persons as also those who are better placed; and here comes the difficulty. Therefore, what I beg to point out, Sir, is that even though we may be passing legislation, still there will always be a social stratum which would be in an economically lower condition and one in a higher condition, and those in the economically lower condition would try to have relations with those in the higher condition. This can only be removed by equality of economic conditions in society and by nothing else. Unless and until that system comes in, this cannot be removed. Meanwhile, we shall have to make certain adjustments and these adjustments will be made in such a way that this dowry system will have to be penalised and that too in such a way that the expenses in marriages should be on a reasonable scale according to the economic position of the family of the girl who is to be married. We must take into consideration the social and economic condition of the father of the daughter. If the father has, say, two or three sons and two or three daughters, the share of the daughter and sons should be taken together,

[Shri Altekar]

and if the expenses on marriage go beyond that share of the daughter, it should be made penal and he and the other party causing that expense should be punished for that. I beg to state that so far as the really rich persons are concerned, that is not a matter for grievance at all because they do not spend so much with respect to the marriage of their daughters as the share that each daughter will have in the property. But generally the grievance is among persons who belong to the middle class and also the lower middle class. In this case, my suggestion, as I have already said, is that the actual money that is spent for purposes of marriage should not exceed their capacity to pay, taking all the factors into consideration. If it goes beyond that.....

Mr. Chairman: Does the hon. Member propose that Government should take charge of all the marriages in the country and then control the expenses.

Shri S. S. More: Nationalising marriages!

Shri Altekar: The economic condition of the person who has given his daughter in marriage can well be known. Just as we assess the income of the family for the purpose of income-tax and for estate duty—the estate of the family, these and paying capacity may well be assessed. I would like to state that it would not be very difficult to assess the spending capacity. I say that nothing should be paid by way of dowry at all, but even whatever he has spent for the purpose of marriage of his daughter by way of some presents or other expenses should under no circumstances go beyond the paying capacity, by which I mean the share that the daughter would have in the family property along with the sons—the sons and daughters being regarded as equal—and the paying capacity from other sources. If any one incurs expenses higher than that, of course, he should be penalised. If there is a certain person who would like to give some help to the bride-

groom, say, for the purpose of education or for opening a dispensary, if the bridegroom is in need of it and it is within the capacity of the bride's father to pay—and he wants that particular bridegroom for his daughter—then he may give it voluntarily. But any expenses incurred beyond his capacity under any circumstance should be regarded as an offence and both the parties should be punished. That is what I would like to state, Sir by way of a concrete suggestion for comprehensive legislation.

Shri Biswas: Every spendthrift should be penalised; whether he spends on his daughter's marriage or for any other purpose, he should be penalised.

Shri Altekar: This is a grievance mainly concerning the middle class and the lower middle class families. Though there is a provision in the Bill that is before us in regard to a person who takes money for giving his daughter in marriage, that has not been referred to by the speakers at least today in this House. But, as a matter of fact, that is a particular custom which is very rampant in many parts of the country, particularly amongst the backward communities. It is a great grievance and results in very anomalous conditions. Many grown-up persons take brides of a very anomalous conditions. Many at all until they reach a certain late age during which period they amass some money and then are in a position to purchase the bride. That is what happens. So to redress this grievance, I would like to suggest that there should be a ban altogether on taking money for the bride. This is an evil which has been very long in society. (Interruption). It is there in the Bill, but it has not been referred to in this House during the debate.

I would like to state that this is a particular evil which is in vogue in society from a very long period and it has been condemned since long before. We find a reference to this in Manu Smriti.

भ्राद्वीत न शुद्धिं शुल्कं दुहितरं ददन् ।
शुल्कं गृहण्मि कुरुते द्वन्द्वं दुहित् विक्रयम् ॥

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Even a person from the poorest of classes should not in any way accept a purchase money for the bride because under the guise of shulka or money that is being accepted for the daughter, it is nothing more and nothing less than the sale of the daughter. This should not take place either and therefore it should be banned.

Another important point in connection with this custom is that the money directly goes to the father and does not in any way benefit the daughter or the bridegroom. But as regards the presents given to the daughter or bride-groom, they go to the daughter or the bride-groom. But this particular evil system does not confer any benefit on the marrying parties. Therefore, I submit that that should be stopped by legislation.

I have made certain suggestions in connection with dowry and this is my suggestion in connection with the purchase money—shulka for the bride.

श्री गिरिधारी : समाप्ति महोदय में ४६ वर्ष से इस रस्म के लिताफ जो आन्दोलन मेरे प्रान्त में बले उन के साथ सम्बन्ध रखता आया है। हम लोगों ने बहुत बरसों तक प्रचार के जरिये इस को बन्द करने की कोशिश की लेकिन उस में हम को उफलता प्राप्त नहीं हुई। इस के लिये सिन्ध लेजिस्लेटिव असेम्बली में एक कानून भी पास किया गया था और इस को कानून के जरिये बन्द करने की कोशिश की परन्तु उस से जितनी सफलता होने की आशा थी वह प्राप्त नहीं हुई। मेरे कहने का अर्थ यह है कि यह खराब रस्म इतनी पुरानी और गहरी हो गयी है कि इस को रोकने के लिये दोनों तरीके अस्तियार करने पड़ेंगे। समाज की भावना को भी जाप्त करना पड़ेगा और कानून का जरिया भी काम में लाना पड़ेगा। हमारे लाभिनिस्टर साहब ने हम से पूछा कि इस को रोकने का

कौन सा रास्ता है हो सकता है। एक रास्ता यह है कि पब्लिक ओफीनिषन को किये टकिया जाय और दूसरा रास्ता यह है कि इस को लेजिसलेशन के जरिये बन्द किया जाय। तीसरा रास्ता तो कोई हो नहीं सकता। तीसरा रास्ता यह हो सकता है कि मनूष्य के अन्दर से माया का मोह खत्म हो जाय। जब तक मनूष्य के अन्दर माया का मोह है, प्राप्टी का मोह है तब तक तो वह शायद बन्द न हो। इस लिये प्रगत एक ऐसा समाज कायम हो जाय जहां माया की भावना न रहे, जिस को कम्प्युनिस्ट या सोशलिस्ट सोसायटी कहिये, तो शायद इस को बुनियाद से हटाया जा सके। वह तो हमारे लाभिनिस्टर साहब मानेंगे नहीं। इस लिए हमारे लिए केवल दो ही रास्ते रहते हैं। पर उन का रास्ता तो कानून के जरिये से इस को बन्द करने का है। आप का काम कानून तक ही सीमित है। आप प्रचार की कोई एजेंटी तो कायम करेंगे नहीं। इस लिए आप के पास तो एक ही तरीका हो सकता है कि आप इस को कानून के जरिये बन्द कीजिये। मिस्टर टोहनी कुमार चौधरी को शायद इस का अनुबद नहीं है। मेरी तो एक छोटी कम्प्युनिटी है लेकिन वहां यह बुराई बुरी तरह फैली हुई है। वहां तो बिना दस हजार, बीस हजार, तीस हजार, चालीस हजार और पचास हजार के शादी होती ही नहीं। अब योड़े से नवयुवक ऐसे पैदा हुए हैं जो कि बिना डावरी के शादी करते हैं। लेकिन आप तौर पर बिना डावरी के हमारे यहां शादी नहीं होती। इसी लिये कई लड़कियों की काफी उम्र हो जाती है और उन की शादी नहीं होती। पाती और जिस खराबी का जिक्र श्री टोहनी कुमार चौधरी ने किया, उस हृद तक तो नहीं लेकिन कुछ न कुछ खराबी इस से पैदा हो जाती है। हमारे सामने और कोई रास्ता नहीं है। मनूष्य की प्रकृति बदलती नहीं तो फिर हम

[बी गिडवानी]

क्यारास्ता अस्त्यार करें। हम एक बार फिर कोशिश करें। इस लिये जो बिल शीघ्रती उमा ने हरू लायी हैं में उस का हार्दिक लमर्थन करता हूँ और मैं अपने ला मैस्वर से कहूँगा कि यह भी कोई कानून लावें। मैं उन से कहूँगा कि वह सिलेक्ट कमेटी में इस के अल्फाउ में हेर केर करें। लेकिन आप के पास तो सिर्फ एक लेजिस-लेशन का ही जरीया है। बाकी उस लेजिस-लेशन को काम में लाने के लिये अगर आप बाहर कोई प्रचार की एजेंसी कायम करें तो अच्छी बात है। लेकिन कोई तीसरा रास्ता तो समझ में नहीं आता। हमारे लिये दो ही रास्ते हैं। और उन्हीं को स्थाल में रख कर काम में सावें यह एक अच्छा सोशल लेजिसलेशन (सबाजक विषयान) है। लेकिन जितनी सीरियसनेस (गम्भीरता) से इस को देखना चाहिए उतनी सीरियसनेस से हम इस को नहीं देखते हैं। मैं समझता हूँ कि शायद यह बुराई सारे देश में कंसी हुई नहीं जिस तरह से कि कुछ प्रान्तों में या कुछ कम्युनिटीज में है। इस से उस से होने वाले दुःख को उस की अहमियत (महत्व) को, उस की गहराई को सब लोग नहीं समझते हैं इसी लिए आज हाउस में लोग भी थोड़े हैं और जो हाजिर हैं उन में से भी कुछ मजाक सा करते हैं। आधे मजाक और आधे सीरियसनेस से इस को देख रहे हैं। लेकिन वह एक बहुत बड़ी खराबी है जिस से समाज को बहुत नुकसान पहुँचता है। कितनी ही कन्याये रह जाती हैं और उन की शादी नहीं हो पाती।

एक शब्द में गम्भीरता से अपनी बहनों से भी कहना चाहता हूँ। आज कल डावटी बढ़ने का एक कारण यह भी है कि फैशन बहुत बढ़ता जाता है और लड़के इस लिए शादी नहीं करना चाहते कि वह अपनी स्त्री

को नये ढंग से यहीं रख सकेंगे। इस लिए यह आवश्यक है कि जो हमारी कन्याये विद्या प्राप्त करती हैं उन में हम सादगी का, कमखर्ची का भाव पैदा करें। अगर हम परिचय की नकल करेंगे और उन का ढंग अस्त्यार करेंगे और अपने ठाठ बाट पर, अपने घर पर अपने रंग रूप पर भी और भातों पर उन की तरह लक्ष्य करेंगे तो लड़के सोचेंगे कि इन लड़कियों से शादी करके हम इन को मादनं तरीके से कैसे रख सकेंगे। वह अपने हाथ से काम नहीं करेंगी, उन को हर काम के लिए नीकर चाहिए, कपड़े भी अच्छे और लड़की चाहिए। मैं जिस कम्युनिटी से आता हूँ वहां वह बात बहुत चल रही है इस लिए मैं अनुभव से कहता हूँ कोई मुनी हुई बात नहीं कहता है। मैं ने कोई शादी नहीं की है इस लिए यह नहीं है कि मुझे मालूम नहीं है मुझे मालूम है कि किस तरह से यह काम चलता है। इस लिए अगर बहनों को गदलिक भोपीनियन (लोकमत) कायम करना है तो लड़कों को वह मालूम हो जाना चाहिए कि मेरी भीत चाहे वह बी० ए० ए००० ए० पास रहे न हो, वह घर का काम कर सकेगी, लड़कों की पर्तविश कर सकेगी। मुझे मालूम है कि जो लड़कियां बी० ए००० ए० पास होती हैं वह अपने बच्चों तक को यहीं पढ़तीं। जो पैसा मर्द कमाकर लाते हैं उस को वह टीवर रखने में लक्ष्य करती हैं। मुझे यह सब मालूम है क्योंकि मैं उन फैमिलीज में रहता हूँ। मेरा विश्वास है

Mr. Chairman: I would request the hon. Member not to digress too much. I would only request him to kindly enlighten the House as to how many prosecutions were successful in Sind since the Bill was passed there.

बी विलामी : वही मैं ने कहा कि बहुत कर सफलता हुई, लेकिन और रास्ता

क्या है ? यह तो मैं मानता हूँ कि सफलता बहुत कम भिलो और लोग छिप छिप कर देने लगे । जब हम जेल में होते हैं तो हम वहाँ के कानून को तरह तरह से तोड़ते हैं । इन्सान के दिमाग में बहुत बतुराई है । वह कानून को भंग कर ही देता है । लेकिन और रास्ता क्या है । जब तक बीमारी रहती है डाक्टर कोई न कोई दबा देता ही रहता है । एक दबा देता है, दूसरी देता है, तीसरी देता है । पार्लियामेंट के पास तो इस बीमारी का गही इलाज हो सकता है कि वह इस के स्तर कानून बनावे । इस लिए मैं अपने कानून मिनिस्टर साहब से अर्ज करूँगा कि कोई ऐसा कानून बनाइये जिस से हम इस बीमारी को रोक सकें ।

भी रामदास, (होशियारपुर रक्षित, अनुसूचित जातियाँ) : बेयरमंत साहब, आज वह बीमारी ऐसी शक्ति अस्तियार कर चुकी है कि इस का सब तरफ से विरोध हो रहा है । सिफं इस बात पर बहस मुवाहिसा (बादविवाद) है कि इस का इलाज क्या हो सकता है । यह कहा गया है कि कानून पास करके हम इस का इलाज गही कर सकेंगे जिस तरह से कि शारदा एकट से कोई कायदा नहीं है । लेकिन मैं बतलाना चाहता हूँ कि उस कानून से भी मुत्क को बहुत फायदा है । मूँझे मालूम है कि उस की बजह से बहुत सी शादियाँ रुक गयीं और वह शादियाँ नहीं हो सकी जब कि लोगों ने यह कहा कि हम सदासत में जा कर ट्यूफोट कर देंगे या वह सदासत में बसे गये और उन को नोटिस भिल गया कि तुम शादी नहीं कर सकते । इस लिए उस कानून से बहुत फायदा है । और मैं समझता हूँ कि इस कानून से भी कायदा होगा । इस बक्त प्रचार के जरिये से मुत्क में यह भावना करकी चैदा की जा चुकी है कि डावरी(दहेज) को बन्द करना चाहिए ।

ममी कल हम ने देखा कि हमने एक कानून घोतियों के मुताबिलक बनाया और भिल मालिकों ने उस कानून को सरकारेंट किया (मिनर्टर्क बनाया) । इसी तरह से जे लोग डावरी देना चाहें गे वे भद्र भी ऐसा करेंगे कि बिट्रोयल (मंगनी) के बक्त या शादी के बक्त वह कुछ नहीं देंगे लेकिन उस के बाद जो कुछ सौदा तै हो चुका होगा वह जाकर देंगे इस लिए मैं चाहता हूँ कि इस के अन्दर ऐसे यह भी तरमीम (संबोधन) कर दी जाय कि तीन साल के अन्दर किसी किसी की कोई डावरी न दी जायगी । मेरा मतलब वह है कि लालून ११ में यह लिख दिवा जाय कि "within three years of the celebration of either the marriage or the betrothal" ।

मंगनी या शादी के तीन साल के अन्दर कोई आदमी डीवरी न दे । भगर देगा तो इस एक के मुताबिक उस को सजा भिलेगी ।

दूसरी एक बात में भाग से यह भी कहूँगा कि लड़की के लिये कोई बिक्री नहीं होनी चाहिये और लड़की के लिये किसी को कोई कीमत नहीं देनी चाहिये । इस की हर जगह निन्दा है और सब लोग इस की निन्दा करते हैं । लेकिन बाज औकात ऐसी हालत पैदा हो जाती है कि जिस के लिये हमें कानून में कुछ सुविधा रखनी चाहिये । मैं समझता हूँ कि धगर ऐसी कैमिली है कि जिस में रिता भर गया है और केवल बेथा मां ही रह गयी है और धगर दो बार लड़कियां शादी करने को हैं और वही लड़कियां ही कमाती हैं और उसी से उन का निर्बाह होता है, ऐसे लानदान हैं जहाँ इसी तरह से गुजारा चलता है तो ऐसी हालत में शादी करने पर लड़की की मां यह कहे कि मैं तो कोई जेवर नहीं दे सकती, कपड़ा नहीं दे सकती, तुम भारत ले कर भागोगे ।

[श्री रामदास]

तो लाने के लिये भी नहीं है, लेकिन लड़की की शादी जरूर करना चाहती है, तो उस बहुत दूसरे पक्ष वाले अगर कुछ मामूली गहना, कपड़ा और बारात का सचं बदाश्त कर लें तो उस को पीनेलाइज नहीं करना चाहिये (दृढ़ नहीं देना चाहिए)।

एक बात में यह कहूँगा कि जो ५० रुपया है यह काफी नहीं है। यह कम से कम २५० रुपया हीना चाहिये। कोई भी आदमी ५० रुपया जमा करवा कर दूसरे को तंग करने के लिये यह काम कर सके, यह मोक्ष किसी को हासिल नहीं होना चाहिये।

मैं अब आप का बहुत बहुत नहीं लूँगा। यह जो आफेंस (भपराध) है उस को नान-कानिंजेबूल कहा गया है। लेकिन इस से फायदा नहीं होता। इस को अगर कानिंजेबूल करार दिया जाय तो इस से फायदे की ज्यादा सम्भावना हो सकती है। आज्ञा इस के अन्दर जो सजा तजदीज की गयी है, मैं समझता हूँ कि वह बहुत मामूली है। हमारे कानून के अन्दर यही एक सामी रह जाती है कि हम सजा इतनी मामूली तजदीज करते हैं कि लोग उस की परवाह नहीं करते। अभी हम ने घोती के मामले में भी देखा कि उन को कोई सजा नहीं दी गयी। लेकिन अगर उस के अन्दर यह रखा गया होता कि ६० परसेंट से ज्यादा कोई मिल वाला घोती बनावेगा तो उस का सारे का सारा मिल इन फेवर आफ गवर्नरमेंट फोरफीट हो जायगा तो कोई ऐसा जुम्ब नहीं कर सकता था। तो यह जुरमाने की या केंद की जो सजा तजदीज की गयी है यह मेरे रुपाल में इतनी डिटरेंट (कड़ी) नहीं होती जिस से कानून कामंशा (अभिप्राय) पूरा हो सके। इस लिये अगर ज्यादा रिगरस (सस्त) परिवर्तन ही जाय और जुरमाना भी ज्यादा हो जाय तो उस से कुछ कायदा हो सकेगा।

इस लिये इन अल्फाज (शब्दों) के साथ में इस बिल का समर्थन करता हूँ और मैं समझता हूँ कि इस को जरूर पास करदेना चाहिये। इस से हमारे मत्क के अन्दर बहुत फायदा होगा और लोग इस के लिये तैयार हैं। अगर कानून पास हो जायगा तो वह बहुत खुशी से इस को अमल में लाने की कोशिश करेंगे।

पंडित डी० एन० तिवारी : मिस्टर चेयरमैन, सब से पहले मैं प्रमने ला मिनिस्टर साहब की असमर्थता पर दुःख प्रकट करता हूँ। यदि गवर्नरमेंट को मालूम है कि यह ईचित (कुरीति) है और इस को बन्द करना है तो गवर्नरमेंट के लिये कोई रास्ता ढूँढना मुश्किल बात नहीं है और इस लिये एसी असमर्थता या नपुंसकता जाहिर करना उचित नहीं है।

श्री त्यागी : नपुंसकता का तो कोई सबाल नहीं है।

पंडित डी० एन० तिवारी : मैं इस बिल से सहमत नहीं हूँ।

श्री त्यागी : चेयरमैन साहब, मुझे यह पूछता है कि किसी ट्रैजरी बैंच के मेम्बर को नपुंसक कहना, क्या आप की राय में पालियामेंटरी है?

Mr. Chairman: The hon. Member refers to the impotent policy of the Government; he does not doubt the potency of Shri Tyagi.

Shri Biswas: Everybody will use the language to which he is accustomed

Shri Tyagi: Napunsak means impotent.

Pandit D. N. Tiwary: I never meant that he is impotent, but I referred only to the policy that is being followed.

अब मैं इस बिल के सम्बन्ध में यह राय नहीं रखता कि इस बिल को पास कर दे

से डावरी (दहेज) बन्द हो जायगी । मेरे प्रान्त में, यानी बिहार में, ऐसा ही एक कानून बनाया गया था । उस को बने हुए तीन वर्ष हो गये । वहां कोई भी ऐसी शादी नहीं देखी गयी कि जो इस कानून के उरिए से बन्द की गयी हो । लोग उसी तरह से तिलक लेते हैं, दहेज लेते हैं, जैसे कानून के पहले लिया करते थे । और जहां कोई दुश्मन लगा रहता है वहां पोवीदह रूपया ले लेते हैं । एक हाई कोर्ट के जज थे । जब वह जजी में थे तो उन्होंने एक सेशियर फंस्चन में एक बार हाथ उठाया था कि तिलक नहीं कैसे । उन को दो भतीजों की शादी करनी थी । जब उन की शादी के लिये कोई आया तो उन्होंने कहा कि इस वक्त लर्च की बहुत दिक्षित है, इस वक्त हम शादी नहीं कर सकते । लड़की वालों ने कहा कि हम लर्च उठावेंगे । उन्होंने कहा नहीं ऐसा नहीं हो सकता । लेकिन फिर सालिर में नतीजा यह हुआ कि रूपया के बदले सोना लड़की वालों की तरफ से उन के घर चुपके से पहुंच गया और तब दोनों लड़कों की शादी हो सकी ।

इसी तरह से यह चीज होती । ११ अाज ऊपर है वह बंडरपारंड हो जायगी । जो ब्लैक मार्केटिंग हम दूसरी चीजों में देखते हैं, यह इस में भी हो जायगा । हर केस में इस से ब्लैक मार्केटिंग होती । आप इस को चीज नहीं कर सकते । इस लिये ने नहीं चाहता कि ऐसा कोई अनप्रैक्टिकेबुल (अव्यवहार्य) ला बनावें जिस को हम काम में न ला सकें और ऐसफोर्स (प्रवृत्त) न करा सकें । किसी एक केस में भी न लड़की वाला कहेगा और न लड़के वाला जो तिलक लेता है वह कहेगा, तो सबूत ही क्से सामने आवेंगा और ऐसे केसों को आप साबित क्से करेंगे । लोग लूले आम नहीं लेंगे, छिप कर लेंगे । दूसरे ब्लैक मार्केटिंग के केसों में कहीं दो चार

विवाह मिल जाते हैं । पर तिलक दहेज वाले मामले में आप को गवाहनहीं मिलेंगे । लड़की वाला भी जिस का सम्बन्ध हो जायगा कभी नहीं चाहेगा, चाहे वह कितना ही चूसा गया हो, कि उस का सम्बन्धी जेल में जाय या उस को कोई सजा हो । इस लिये ऐसे केस कभी बदल नहीं सकते ।

एक वास्तविक सवस्य : किरण्या करें, बताइये ।

पंडित डॉ० एम० तिलारी : मैं बलाऊंगा । साथ ही यह बिल जिस रूप में लाया गया है, उस में विवाह शादी का सारा उत्साह जाता रहेगा । विवाह शादी एक उत्साह की चीज होती है, बड़े आस्त्वाद के साथ यह मनायी जाती है । यदि मेरी लड़की की शादी हो तो मैं चाहूंगा कि लड़के को यानी अपने दामाद को जितना मुझ से हो सके उतना अधिक दूँ । मैं ने घड़ी दी या और कोई चीज दी तो मुझे सजा हो जायगी । हमारे यहां शादी और विवाह हिन्दू धर्म में एक कांट्रोट नहीं है, यह एक आधिक प्रवस्था है । विवाह को हम लोग कन्यादान कहते हैं और उस कन्यादान के साथ साथ हमें कुछ दक्षिणा देनी पड़ती है । हर दान के साथ यह परिपाई है कि कुछ दक्षिणा दी जाय । लोग गोदान भी करते हैं । मैं ने गोदान भी किया तो दो सौ ढाई सौ रुपया गाय का दाम हुआ तो क्या वह नाजाएज तमस्ता जायगा ?

बी रघुदीर सहाय : जो उत्तरदाती लिया जाता है, वार्त की तरह, उस के लिये कानून है ।

पंडित डॉ० एम० तिलारी : यह इस बिल में नहीं है । साथ ही हमारे यहां शादी के लिये शास्त्रोत्तर बात है, “सवस्व भूषणम्”, कपड़ा और गहना के साथ कन्यादान किया जाय । इस कानून के पास होने पर आप यह नहीं कह-

[पंडित दी० एन० तिवारी]

सकते । तो इस तरह जिस दीज को आप रोकना चाहते हैं, उबद्दलती लेने की बात वह हो नहीं सकती । इस क्रान्तून से आप उस दीजको भी बन्द करते हैं जो कि सुशीके साथ दी जा सकती है । और जिस को आप रोकना चाहते हैं वह रुक नहीं सकती । जो लोग सुशी से अपने दामाद और लड़की को देना चाहते हैं, वह भी ऐसा न कर सकें, वह दोनों ही बिल इस बिल के साथ हैं ।

6 P.M.

अगर हमारे ला मिनिस्टर साहब इस डावरी प्रधा को बन्द करना चाहते हैं तो मेरी राय में उस के लिए एक उपाय है और वह उपाय है ला आफ इनहेस्टिंस को बदलना । यदि हिन्दू समाज में उत्तराधिकार की जो परिपाटी है, उस को आप बदल दें तो शायद वह प्रधा बन्द हो जाय । यदि आप लड़कियों को भी लड़कों की तरह सम्पत्ति में हिस्सा दें और उन को भी लड़कों के समान घन में हिस्सा खिलने लगे, तब न तो कोई उबद्दलता करेगा और न कोई डावरी मांगेगा । यदि कोई गरीब आदमी है और उस का मान लीजिये १००) रुपये का हिस्सा होगा, तो उस के हिसाब से विवाह हो जायगा, दूसरे यदि कोई धनी आदमी है और पचास हजार उस के हिस्से में पड़ा तो उस के हिसाब से विवाह होगा । इस लिये मेरा तो मत है कि ला मिनिस्टर साहब अगर इस प्रधा को बन्द करना चाहते हैं तो उन्हें ला आफ इनहेस्टिंस को बदलना होगा.....

श्री स्नातक (जिला अलीगढ़—रक्षित अनुसूचित जातियाँ): हिन्दू कोड बिल अगले सेशन में आ रहा है ।

पंडित दी० एन० तिवारी : पता नहीं आयगा कि नहीं आयगा । लेकिन मेरा तो

कहना यह है कि यदि ला आफ इनहेस्टिंस बदल दिया जाय तो वह मामला साफ हो जायगा । मैं ज्यादा बहुत नहीं लेना चाहता और मेरा इस सम्बन्ध में केवल एक ही सुझाव है कि ला आफ इनहेस्टिंस को बदल दिया जाय और मैं चाहता हूं कि इस बिल को इस रूप में पास करके और क्रान्तून का रूप देकर हम इस सदन और क्रान्तून की हँसी न उड़ायें ।

Mr. Chairman: It is already 6 o'clock. Is it the will of the House that we should proceed with this Bill?

सेठ गोविन्द दास : समाप्ति जी, आपने यह कहा था कि इस बिल को आप ६ बजे खत्म कर देंगे और मैं समझता हूं कि दो दिन तक इस पर बहस हो चुकी है और मैं चाहता हूं कि अब इस पर बहस समाप्त हो और इस लिये मैं प्रस्ताव करता हूं कि अब इस विषेयक की जो बहस है वह बन्द करी जाय ।

Mr. Chairman: I will put the closure motion to the House. The question is:

"That the question be now put."

The motion was adopted.

श्रीकली उमा नेहरू : जनाब चेन्टरमेन साहब, पेश्तर इस के कि मैं बिल के बारे में कुछ कहूं, मैं चाहती हूं कि दो एक एतराज जो इस बिल पर हुए हैं उन के बारे में मैं सफाई कर दूं । एक तो मुझे बहुत ताज़्जुब हुआ और दुसरा भी हुआ कि मेरे बृजुर्ग भाई रोहिणी कुमार चौधरी ने ऐसा बयान दिया । उनका बयान सुन कर मैं उन की शक्ति देखती रही और वडे गोर से उन के सफेद बालों को देखा और देखने के बाद जो शब्द उन्होंने मुह से निकाला कोटंशिप का उस को भी मैं ने सुना और मुझे साफ तस्वीर उन की नजर आगयी और मालम होगया कि वह

किस मिजाज के आदमी हैं, यह सिन (आयु) देखिये और उन के वह शब्द देखिये और मुझे इस मीड़े पर एक शेर याद आया जो मैं आप को सुनाना चाहती हूँ : “महफिल व रान जहां भांड न बाशद” । उन को कोटं शिप वाली बात को सुन कर तो मुझे बड़ी हैरत हुई कि वह कैसे इस तरह की बातें कर सकते हैं । मैं आप को बतला रही थी कि जो कुछ भी उन का ऊटपटांग व्यास्थान था वह मैं ने सुना और उस में कोई ऐसी बात ही नहीं जिस के बारे में मुझे कुछ कहने की जरूरत है । लेकिन बहात्मा गांधी का जब जिक्र किया गया, तो उसे सुन कर मुझे बड़ा हुँहा हुआ, क्योंकि बहात्मा गांधी की हमेशा से राय थी कि “पांच रुपये में शादी होनी चाहिये और वह कहते थे कि आइये मेरे आश्रम में पांच रुपये में विवाह हो जायगा और वह तो इस चीज़ को मानते थे कि कम से कम रुपये में विवाह होना चाहिये, और कभी भी उनका ऐसा विचार नहीं रहा कि शादी, विवाह के कारण घर की बांदी होवे ।

दूसरे उन्होंने बार बार धर्म का जिक्र किया और उन्होंने कहा कि इससे औरतें बगैर सिर पैर धूमेंगी और उन के मुह में लगाम नहीं रहेगी मुझे उन की यह बात सुन हर बड़ी तकलीफ हुई । शायद उन की जिन्दगी में ऐसे वाक्यात हुए होंगे और इस तरह की औरतों से उन का साबका पड़ा होगा, लेकिन हमारी जंसी औरतें जो हैं समाज में काम करने वाली मजबूरने हैं, हमने कभी ऐसी बातें नहीं सुनीं ।

मेरे भाई गिडवानी जी ने जो सिन्ध में डाउरी प्रथा का जिक्र किया, उनसे मैं भी बहुत कुछ वाक्फ़ियत रखती हूँ और मैं जानती हूँ कि सिन्ध में इस डाउरी प्रथा के कारण किस तरह तबाही फैली है वहां पर लड़कियों के वासदैन को न सिर्फ़ हिन्दुस्तान में तालीम

दिलाने के लिये बल्कि लड़के को विलायत भेजने और तालीम दिलाने का लच्छा बदाइत करने परभी मजबूर किया जाता है और वहां इस प्रथा के कारण बहुत सी लड़कियां कुंवारी भी रह जाती हैं और लड़की बाले शादी करके तबाह हो जाते हैं और उन के घर का भी कोई ठिकाना नहीं रहता है । मुझे यह सुन कर बड़ी सुसी हुई कि मिनिस्टर साहब इस हार्डशिप (फिल्डिंग) को समझत हैं और वह कुछ सुधार साना चाहते हैं और इस सम्बन्ध में जिस तरह की भी उन की मदद हो हमें मंजूर है और मैं समझती हूँ कि वह दिस से इस हालत को सुधारना चाहते हैं मैं उन की दिल की फ़िलियत को बूल भन्दी तरह समझती हूँ । मुझे स्नेहसत्ता तथा भनेक और कितनी ही बंगाल की लड़कियों के बारे में बालूम है जिन्होंने इस डाउरी प्रथा की बजह से अपनी जिन्दगी खत्म कर दी । इलाहाबाद में मेरे एक मित्र हैं जो बहुत बड़े आदमी हैं, मैं उन का नाम नहीं लेना चाहती, उन की लड़की को भी इस डाउरी के कारण मुसीबत पेश आई । एक नहीं, भनेक जीती जानती मिसालें हमारे सामने हैं जो इस डाउरी प्रथा का शिकार ही चुके हैं । इतनी सब बर्बादी होते हुए जी जब इस हाजर में सुधार करने की ओर क़दम उठाया जाता है तो मेरे बहुत से भाई लोग अर्थ में घबड़ा उठते हैं और मैं तो प्रपने उन भाई मेम्बरों से कहना चाहती हूँ कि वह जो दहेज आदि का मामला है वह हम औरतों का काम है, देती लेती तो हम हैं, वह हमारा काम है, हम को यह पसन्द है या नहीं, वह हमें पर बिल्कुल छोड़ देना चाहिये और अगर इस में मेरे वह भाई लोग दखल न दें तो समाज के लिये जाभकारी होगा ।

मेरे एक भाई ने एकोनॉमिक कर्दीशन के बारे में भी बतलाया कि आज कोई गरीब है, कोई प्रमीर है, कोई नीचा है तो कोई ऊंचा

[श्रीमती उमा नेहरू]

है, मिडल क्लास की हालत दर्पनीय है, वह सब ठीक है, और हमें इस को सम्भालना है और सोशल कंट्रीशन्स को बदलना है। मेरे किसी एक भाई ने कहा कि कम्प्युनिस्ट सोसाइटी अगर होती, तो ये सब बातें नहीं होतीं, मेरे उन भाई को बतला दूँ कि मेरे उन में से हूँ जो यह चाहत हैं कि: भाज जब मुल्क में सोशल ईविल्स इतने बढ़ गये हैं और मुल्क में इतनी गंदगी फैली हुई है, मैं ऐसी हालत में कम्प्युनिस्ट सोसाइटी का चर्चर सैर मकानदम करती हूँ ताकि हम उस में जिन्दा तो रह सकें, मैं कोडों की मानिन्द मोर्तियों और नालियों में सड़ने की अपेक्षा कम्प्युनिस्ट निजाम को पसन्द करूँगी। इन सब बीजों को देख कर मुझे सिफ़ यह कहना है कि अभी यह बिल जो सामने आया है, यह बहुत सोच समझ कर लाया गया है, लेकिन जैसा मेरे एक मुस्लिम भाई ने कहा और दूसरे उचर के माईयों ने कहा, मैं मानती हूँ कि इस में कुछ कमियां होंगी, इस की जबान में भी कुछ खामी होगी और जो मेरे भाई वकील लोग हैं वह इस में नुकस निकालेंगे और इस में जो उच्चरी हो सुधार किया जाना चाहिये। जो भी इस के बन्दर नुकस हों, उनको दुरुस्त किया जाय, लेकिन साथ ही मेरी यह दररुवास्त गवर्नमेंट से शुरू से थी कि मैं नहीं चाहती कि यह विल सरकुलेट किया जाय, क्योंकि ऐसा करने में इस में देरी होगी। साथ ही मैं भी गिडवानी की इस बात से सहमत हूँ कि यह अकेले लेजिस्लेशन से सराबी दूर नहीं होगी, हमें समाज में भी इस के लिये उचित वातावरण पैदा करना होगा, लेकिन मैं आप से कहना चाहती हूँ कि समाज में उपरुत्त वातावरण पैदा करने का काम आप हमारे ऊपर छोड़ दीजिये, हम भौतें उस दिशा में काम कर रही हैं और आगे भी करेंगी, लेकिन वह बहुत जरूरी है कि सीबसी भी इस में

प्रबल्यक सुधार कर दिया जाना चाहिये। रीजन आप का कायम रहना चाहिये और 'रीजन के साथ आप इस को ढील करें।

‘इस बिल के सम्बन्ध में मेरे सामने दो तीन बीजें थीं। एक तो यह कि यह सरकुलेट हो, दूसरी यह कि सरकुलेट तो न हो लेकिन यह सेलेक्ट कमेटी में जाय और तीसरी यह कि गवर्नमेंट एक ऐसी कमेटी बनाये जो इस बिल पर विचार करके जो कुछ खामियां इस में हों उन को दुरुस्त करे और गवर्नमेंट इस सम्बन्ध में एक बिल और लेजिस्लेशन लाये। मुझे मालूम हुआ है कि हमारे मिनिस्टर साहब को यह मंजूर है, और अगर उन को मंजूर है तो हम सब भौतों को यह बात मंजूर है। अगर गवर्नमेंट चाहती है और हर तरह से हर पहलू देख कर ऐसा बिल लाती है तो हम को मंजूर हैं। और चूंकि हमें मंजूर है और गवर्नमेंट ने इस बिल को लाना मंजूर किया है तो मैं अपने इस बिल को विधान करती हूँ।

Mr. Chairman: Does the hon. the Law Minister want to say anything?

Shri Blawas: No. I have given that promise and I shall certainly introduce legislation at the earliest stage.

Shri S. S. More: Sir, in regard to social legislation, when some orivate Members introduce a measure, I think Government can collaborate with the private Members and remove the lacunae etc., so that the private Member may have the credit. If we look to the past, so many measures of social reform have been introduced through their efforts. Why should Government try every time to monopolise the credit?

Shri Biswas: I do not look at it from the point of view of who takes the credit. Let the credit go to private Members and private Members alone.

Shri S. S. More: Sir, I want to make a statement that the old lady has done so much for this measure. Let the credit be hers. Let us appoint a committee which will remove whatever lacunae there are, so that the Bill shall stand to her credit, just as the Child Marriage Restraint Act stood to the credit of Shri Sarda.

Mr. Chairman: So far as this proposal is concerned, it can be made outside the House. So far as credit is concerned, the hon. lady Member has brought the Bill and on certain assurance from Government she is withdrawing it. The credit is hers, and I am sure Government will look to it whether in any other way she can be associated in this matter.

I have to take the vote of the House. Has the hon. Member the leave of the House to withdraw her Bill?

Several Hon. Members: Yes, yes.

The Bill was, by leave, withdrawn.

INDIAN CATTLE ' PRESERVATION BILL

सेठ गोविन्द दास (मंडला-जबलपुर दक्षिण) : समापति जी, मेरे नाम पर जो विवेयक है उसे मैं विचारार्थ पेश करता हूँ। जब मैं इस विवेयक को इस सभा में पेश करता हूँ उस समय मैं यह मानता हूँ

श्री गिलबानी (धाना) : आप कृपा करके बोलिये तो सही कि किस बारे में है।

सेठ गोविन्द दास : पशु रक्षा विवेयक किसे कि आपने ग्राज की कार्रवाई में पढ़ा होगा।

जब मैं इसे पेश करता हूँ उस समय मैं यह मानता हूँ कि देश के सामने जितनी महत्वपूर्ण बातें हमें करनी हैं, उन में से यह सबसे महत्वपूर्ण बातों में से है। जिस समय गोवध निषेष पर चर्चा होती है, उस समय

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हमारे सामने सब से पहले ग्राज जो आपने को सुधारक मानते हैं वे यह कहते हैं कि यह चर्चा रुद्धिवादी चर्चा है।

Mr. Chairman: May I request hon. Members not to leave? There are only fifteen minutes left. There will be no quorum if one by one the Members leave. It is a non-official day and they should see that quorum is maintained in the House.

सेठ गोविन्द दास : तो सबसे पहले यह बात कही जाती है कि गोवध निषेष के सम्बन्ध में जो आनंदोलन होता है, जो कुछ कहा जाता है, सब में, उस की पृष्ठ भूमि में, रुद्धिवाद है। मैं आप से निवेदन करना चाहता हूँ कि महात्मा गांधी को हम रुद्धिवादी नहीं मान सकते। उन्होंने एक नहीं अनेक बार इस बात को कहा था कि गो रक्षा का प्रश्न स्वराज्य के प्रश्न से कम महत्वपूर्ण नहीं है। राष्ट्रपति, डा० राजेन्द्र प्रसाद जी को हम रुद्धिवादी नहीं मान सकते। उन्होंने एक नहीं अनेक बार गो रक्षा के ऊपर अपने भावण दिये हैं। संत विनोदा भावे को, जो इस समय इस देश में महात्मा गांधी के सबसे बड़े शिष्य है, हम रुद्धिवादी नहीं मान सकते। पुरानी बातों को जाने दीजिये। अभी हालही में विहार में उन्होंने एक बार नहीं अनेक बार इस बात को कहा है कि इस देश की जैसी परिस्थिति है उस परिस्थिति में गोवध बन्द होना नितान्त आवश्यक है। मैं अपने को भी रुद्धिवादी नहीं मानता। इतना ही नहीं, मैं अपने को सम्प्रदायवादी भी नहीं मानता। गत तीस वर्षों से मैं के बल एक संस्था में रहा हूँ और वह कांग्रेस संस्था है, और जब से मैं ने गत तीस वर्षों से इस केन्द्रीय बारा सभा में प्रबोध किया है, वाहे इस सभा में हो और वाहे कौंसिल आफ स्टेट में हो, मैं ने सदा गो रक्षा के विषय में कुछ न कुछ करने का प्रयत्न किया है।

[सेठ गोविन्द दास]

आज तक इन तेती वर्षों में मैं किसी भी साम्प्रदायिक हस्त का सदस्य नहीं रहा। इस लिये मैं रक्षा के प्रश्न को लृष्टिकारी प्रश्न कहना, गो रक्षा के प्रश्न को सम्प्रदायवादी प्रश्न कहना, इस प्रश्न के साथ और हम लोग जो इस प्रश्न में दिलचस्पी रखते हैं, उन सब के साथ, बड़े से बड़ा अन्याय है।

हमारा संविधान भी इस विषय में देखा जाय। हमारे संविधान में जो निर्देशात्मक अध्याय है, उस में स्पष्ट रूप से इस सम्बन्ध में आदेश दिया गया है। सभापति जी, आप को याद होगा कि उस समय जब कि संविधान परिषद् में इस विषय की चर्चा हो रही थी तब यहां पर दो धारायें उपस्थित थीं। एक धारा में ने उपस्थित की थी जो कि करीब करीब उसी तरह की थी जिस तरह का कि यह विधेयक है, भीर कूटी धार आपने उपस्थित की थी, जो कि स्वीकृत की गई। जहां तक संविधान की उस धारा का सम्बन्ध है, उस धारा में यह स्पष्ट निरेष किया गया है कि इस देश में गो वध नहीं हो सकेगा। हम अपने संविधान के बड़े भारी समर्थक हैं, जिस संविधान का पालन करने की, उस के प्रति ईमानदार रहने की, हमने गपय ली है, उस संविधान के अनुसार भी इस देश में गो वध को कतई बन्द होना अनिवार्य हो जाता है। फिर हम प्रजातंत्र के पोषक हैं, हम ने इस देश में प्रजातंत्र को चलाने का संकल्प किया है, हम वह कहते हैं कि इस देश में हम को प्रजातंत्र चलाना है प्रजातंत्र तब तक नहीं चल सकता जब तक कि जो प्रजातंत्र शासन को चलाते हैं व जनता क्या चाहती है, उस की भावना के अनुसार काम न करें। मैं कहता हूँ कि इस देश में जनमत सिया जाय, इस देश में

रिफरेंडम लिया जाय, अगर ६० प्रतिशत मतों से गो वध नियेष का प्रश्न जनता को स्वीकृत न हो और १० प्रतिशत से अधिक व्यक्ति इसके विरोध में हों, तो इस प्रश्न को छोड़ दिया जाय। मेरा इस बात पर दृढ़ विश्वास है कि इस देश में एक एक व्यक्ति इस बात का पक्षपाती है कि गाय का एक बूँद रक्त भी न गिरे। जब मैं यह कहता हूँ तो मैं कहता हूँ अपने अनुभव के आधार पर। मेरा स्वयं का इस देश का कुछ अनुभव है, अपने प्रदेश का कुछ अनुभव है, अपने प्रदेश के जिसों, शहरों, कस्बों और गांवों का अनुभव है, और उस अनुभव के आधार पर मैं आप से कहना चाहता हूँ कि चाहे आप इस देश में हिमातय से ले कर कन्या कुमारी तक जायें या अरब सागर से लेकर बंगाल की खाड़ी तक जायें, आप को ६० प्रतिशत लोग इस के पक्ष में मिलेंगे कि गोवध नियेष इस देश में हो, गो वध यहां पर न हो।

फिर, सभापति जी, यह मानव के बहल महिताङ्क से ही शासित नहीं है, इस मानव के हृदय भी है, इस हृदय में जो भावनायें उठती हैं, उन भावनाओं से भी उस का जीवन चलता है।

एक मानव का जिस प्रकार जीवन चलता है उसी प्रकार एक राष्ट्र का जीवन चलता है। यदि आप भावनाओं से विहीन करके मानव को चलाना चाहें, राष्ट्र की चलाना चाहें, समाज को चलाना चाहें, तो वह राष्ट्र जिन्दा नहीं रह सकता। इस संसार में जितने बड़े बड़े काम हुए हैं, इस संसार के किसी देश के इतिहास को आप देख लें, उस देश में जितने बड़े बड़े काम हुए हैं, वे सब भावनाओं से ही हुए हैं। जब समाज भावना प्रबान रहता है तभी बड़े बड़े काम हो सकते हैं। हमारे स्वराज्य के ही प्रश्न को आप

लीजिये । यदि महात्मा गांधी ने उत्तर से दक्षिण तक और पूर्व से पश्चिम तक इस देश के मानवों में भावनायें न भरी होतीं, स्वतंत्रता की भावनायें न भरी होतीं, तो क्या यह कभी संभव था कि हम इस देश में स्वराज्य की स्थापना कर पाते । इस लिये जहां एक और हमें मस्तिष्क से शासित होना है वहां दूसरी और हमें भावनाओं का भी व्यान रखना है, और मैं आप से कहना चाहता हूं कि जहां तक भावनाओं का सबाल है इस देश की भावनायें गो बध के प्रतिकूल हैं । मैं नहीं चाहते कि एक भी गाय का यहां पर बध किया जाय ।

फिर गो बध को हम आर्थिक दृष्टि से भी देखें । यह देश कृषि प्रवान देश है । इस देश को कृषि बिना बैलों के नहीं चल सकता । मैं ट्रेक्टरों के विरुद्ध नहीं हूं । मैं उन व्यक्तियों ने नहीं हूं जो यह मानते हैं कि हमको ट्रेक्टरों की और किसी यशोनरी की ज़रूरत नहीं है । हम को ट्रेक्टरों की आवश्यकता है और हमको दूसरी यशोनों की भी आवश्यकता है । उसी के साथ साथ मैं यह निवेदन करना चाहता हूं कि केवल ट्रेक्टरों से इस देश की खेती नहीं हो सकती । मूलि का जिस प्रकार का विभाजन इस देश में है उसको देखते हुए, इस देश के किसानों की जो आर्थिक आवश्या है उसको देखते हुए, यदि हम ट्रेक्टरों के ऊपर निर्भर रहें तो हमारी खेती नहीं चल सकती । फिर यहां भूमिदान का आन्दोलन चल रहा है । उस में लाखों एकड़ जमीन मिल रही है । वह लाखों एकड़ जमीन आगे चल कर बढ़ने वाली है । भूदान का जो उद्देश्य है वह यह है कि इस देश में कोई भी भूमिहोन मजदूर न रहने पावे । जो लोग खेती से अपने गुजर बसर करते हैं उन को कम से कम पांच एकड़ जमीन मिलनी चाहिये । करीब २४ लाख

एकड़ जमीन विनोदा जी को प्राप्त हो चुकी है । मैं भी उसमें एक छोटा सा कार्यकर्ता हूं । मुझे विश्वास है कि सन् १९५७ तक ५ करोड़ भूमि विनोदा जी को मिलने वाली है । जब यह पांच करोड़ भूमि भूमिहोन मजदूरों में बट जायेगी, जो भूमि का बन्दवारा इस बक्त है और भूदान के पश्चात जो भूमि का बन्दवारा होगा उस को देखते हुए, और आगे जो यह आन्दोलन यहां चलने वाला है कि एक लास ताइद के आगे किसी के पास जमीन न रहने पावे, इस सब को देखते हुए मैं यह जानना चाहता हूं कि ट्रेक्टरों से उन परिवारों का काम कैसे बलेगा जिनके पास कि पांच पांच एकड़ भूमि होगी ? इसलिये हमको बैलों की नितान्त आवश्यकता है, और जहां तक बैलों का सम्बन्ध है वह गो बध बन्द होने पर बहुत दूर तक निर्मर है । फिर हमारे यहां पर जितने निरामिष भोजन करने वाले हैं, जो मांस नहीं खाते, उनकी जितनी बड़ी संख्या हमारे देश में है उतनी दुनिया के और किसी देश में नहीं है । उनको दूध आहिये उनको चीज़ आहिये । बिना दूध और चीज़ के हमारा स्वास्थ्य ठीक नहीं रह सकता । इसलिये एक और हमें खेती के लिये बैल आहिये दूसरी और हमें दूध और घो के लिये गायें आहिये । कहा जाता है कि बेकाम पशु रख कर हम धरा करेंगे ? मैं आप से यह कहना चाहता हूं कि यह सबसे बड़ी गलत कहां ही इस विषय में है । जो लोग यह कहते हैं कि इस देश में बेकाम पशु ही मारे जाते हैं वे सब से बड़ी गलती करते हैं । मैं ने बम्बई के कसाईलानों को देखा है मैं ने कलकत्ते के कसाईलानों को देखा है मैं ने मद्रास के कसाईलानों को देखा है और मैं आप से निवेदन करना चाहता हूं कि यहां पर जो गायें मारी जाती हैं जो बछड़े मारे जाते हैं वे बेकाम नहीं होते हैं ।

[सेठ गोविन्द दास]

तब प्रश्न उठता है कि उनका वध क्यों होता है? उन का वध प्रधानतया इसलिये होता है कि इस देश से चमड़े का निर्यात होता है, इस देश से बाहर गोमांस जाता है। मैंने करमारकर जी के सामने कुछ अःकड़े देश किये थे और उन का व्यान इस तरफ आक्षिक किया था कि आप पता लगावे कि इस देश से कितना गोमांस बाहर भेजा जाता है, इस देश से कितना चमड़ा बाहर भेजा जाता है यह जो गो वध यहां होता है वह वो वध इस गोमांस के निर्यात चमड़े के निर्यात के लिये प्रधानतया होता है। और गो मांस क निर्यात के लिये जो गो वध होता है, चमड़ेके निर्यात के लिये जो गोवध होता है, वह बेकाम पशुओं का हो ही नहीं सकता, क्योंकि बेकाम पशुओं में मांस नहीं मिलता और न उनके चमड़े अच्छे हो सकते हैं। इसलिये चमड़े और गोमांस के लिये जो यह गो वध प्रधानतया होता है यह अच्छे से अच्छे जानवरों का होता है। इस विवरण में जितने भी कानून बनाये गये हैं वे कभी कार्यरूप में परिणत नहीं किये जा सकते हैं। उन कानूनों में यह व्याख्या है कि १४ वर्ष से नीचे की उम्र के पशु न मारे जायें में अपने अनुभव के आधार पर कहता है, क्योंकि मैं इस आन्दोलन में गत ३० वर्षों से रहा हूं, कि आठ वर्ष की ऊपर के उम्र के पशुओं के लिये कोई विशेषज्ञ भी यह नहीं कह सकता है कि वह कितनी उम्र का है। आठ वर्ष की उम्र के ऊपर के जो पशु होते हैं वह बेकाम नहीं होते। हमने इस बात को देख लिया है कि अनेक राज्यों में इस प्रकार का कानून है कि बेकाम पशु ही मारे जायें, लेकिन वे कानून कार्यरूप में परिणत नहीं हो रहे हैं। दूसरे देशों की मिसालें भी हमारे सामने हैं: दूसरे देशों में जहां यह कानून बनाये गये कि बेकाम पशु ही मारे जायें वहां

कानून कार्यरूप में परिणत नहीं हो सके। मैं आपको वर्मा का ही उदाहरण देता हूं। वर्मा में पहले वह कानून बना था कि वहां अमुक अमुक अवस्था के ऊपर के पशु मारे जायें उसके नीचे के पशु न मारे जायें, लेकिन यह कानून कार्यरूप में परिणत नहीं हो सका और भ्रंत में वर्मा में बिल्कुल ही गो वध बन्द करना पड़ा तभी उपरोक्त पशुओं की रक्षा हो सकी। फिर किसी पशु की बेकाम कर देना बड़ा आसान है। उसकी एक टांग तोड़ दीजिये या और किसी प्रकार से अंग-अंग कर दीजिये, यह बेकाम की संज्ञा में आ जाता है। इसलिए मैं आप से निवेदन करना चाहता हूं कि जो लोग कहते हैं कि बेकाम पशु ही मारे जायें और अच्छे पशु न मारे जायें, उनका उद्देश्य, जब तक गो वध कर्त्ता बन्द न होगा तब तक सिद्ध नहीं हो सकता।

एक और दूसरी गलत कहमी है कि इन बेकाम पशुओं के लिये चारा कहां से आयेगा जब कि काम के पशुओं के लिए ही चारा नहीं है। इसके लिए हमारे गो सेवक सभाज ने गो सदनों की योजना रखी है। आप इस देश में रेल द्वारा मीलों चले जाइए आप को दोनों तरफ ऐसी बहुत भूमि मिलेगी जिसमें ही घास मीजूद है। वह घास जाड़ों में या तो ठंड के कारण लट्टम हो जाती है या गमियों में लूके कारण जल जाती है। यदि इन स्थानों पर गो सदनों की स्थापना हो जाय तो वहां पर वह बेकाम पशु रखे जा सकते हैं। हमारा यह उद्देश्य नहीं है कि इन बेकाम पशुओं की संतति बढ़ाई जाय। हमने स्पष्ट कहा है कि वहां सांड न रख कर वहां पर बेकाम पशु रखे जायें। और उनको वहां पर रख कर गोसदन बलाये जाये। इस काम में जो बत्तमान गोशालायें हैं,

वे भी बहुत ईड़ी सहायता दे सकती हैं। हमारी एक वह योजना भी है कि इन गोशालाओं के दो दो विभाग कर दिये जायें, एक विभाग हेरी और नस्ल सुधार का होना चाहिये और दूसरा विभाग बेकान पशुओं की रक्षा का होना चाहिये। हमारे यहां कई गोशालायें ऐसी हैं जिनमें य दोनों विभाग चल सकते हैं। उनके पास जमीन है। तो मैं यह निवेदन करना चहता

हूँ कि सरकार भी यो सदन स्वापित करे और इन गोशालाओं को भी सहायता दे।

Mr. Chairman: Is the hon. Member likely to take a long time?

सेठ नोविन्द दास : जी हां, यद्यो मुझे बहुत समय चाहिये।

Mr. Chairman: The House will stand adjourned till 1-30 P.M. on Monday.

The House then adjourned till Half Past One of the Clock on Monday, the 30th November, 1953.