



Saturday  
8th May, 1954

# PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

**VOLUME I, 1954**

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**Sixth Session**

**1954**

**PARLIAMENT SECRETARIAT  
NEW DELHI**

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## PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

## OFFICIAL REPORT

6827

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## HOUSE OF THE PEOPLE

*Saturday, 8th May, 1954**The House met at a Quarter Past Eight of the Clock**[Mr. Speaker in the Chair]*

## QUESTIONS AND ANSWERS

*(No Questions: Part I not published)*

8-15 A.M.

## COMMITTEE ON ASSURANCES

## PRESENTATION OF THE FIRST REPORT

**Dr. Lanka Sundaram** (Visakhapatnam): I beg to present the First Report of the Committee on Assurances.

HIMACHAL PRADESH AND  
BILASPUR (NEW STATE) BILL

**Secretary:** Sir, under Rule 178 of the Rules of Procedure and Conduct of Business in the House of the People, I have to report that a petition as per statement laid on the Table has been received relating to the Himachal Pradesh and Bilaspur (New State) Bill 1954 as passed by the Council of States.

## STATEMENT

*Petition relating to the Himachal Pradesh and Bilaspur (New State) Bill, 1954 as passed by the Council of States.*

Number of Signatories	District or Town	State	No. of Petition
45,041	Bilaspur Nagar and others	Bilaspur	8

162 PSD.

## PAPERS LAID ON THE TABLE

COMMUNIQUE GIVING DECISIONS OF THE GOVERNMENT OF INDIA ON THE RECOMMENDATIONS OF THE CHANDERNAGORE INQUIRY COMMISSION

**The Deputy Minister of External Affairs (Shri Anil K. Chanda):** I beg to lay on the Table of the House a communique giving the Government's decisions on the recommendations of the Chandernagore Inquiry Commission headed by Dr. Amarnatha Jha [Placed in Library. See No. S-157/54]

SALARIES AND ALLOWANCES OF  
MEMBERS OF PARLIAMENT BILL

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** I beg to move for leave to introduce a Bill to provide for the salaries and allowances of Members of Parliament.

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

"That leave be granted to introduce a Bill to provide for the salaries and allowances of Members of Parliament."

*The motion was adopted.*

**Shri Satya Narayan Sinha:** I introduce the Bill.

**CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL—contd.**

**Mr. Speaker:** The House will now take up further consideration of the motion for reference to a Joint Committee of the Code of Criminal Procedure (Amendment) Bill, moved by Dr. Katju, along with the motion moved by Shri S. V. Ramaswamy regarding his Bill, together with the amendments moved in the House.

**The Minister of Home Affairs and States (Dr. Katju):** Sir, we have had a very long debate on this Criminal Procedure Code (Amendment) Bill. Many hard things have been said. So far as it concerns me I do not mind, but I confess that the exaggerated extravagant and one-sided language which was used for condemning classes of people who are not here to defend themselves has pained me a great deal. This Bill may not be perfect. I have been saying right from the start that it was open to the hon. Members of this Parliament to improve it in any way they like, but I have been called in so many words a sort of 'hang-man' as if I was here to see that no justice was done and everyone who was brought before a court of law was condemned without trial. I shall deal with all that in a minute, but in the meanwhile I should like to dispose of some preliminary points.

It was suggested by hon. friend—who is not here this morning—from Calcutta or Bengal, Mr. Chatterjee, that he was greatly disappointed because I had not referred this matter to a Law Commission. He suggested that the Law Commission should have consisted of the Chief Justice of India, one or two Chief Justices of the different High Courts, leading lawyers, Advocates-General, Members of Parliament and leading public men; that they should have travelled up and down the country and then produced a report after examining everybody in India interested in this

matter. Now, I respectfully submit that nobody denies the urgency of this problem. One hon. Member after another has confessed that today the Indian public has almost ceased to have any confidence in the criminal courts. They think that justice is not administered there and I should have thought that we should have taken cognizance of this sentiment of urgency. If you want to have a matter postponed almost indefinitely, appoint a committee over it. Please remember one thing, that in the past many committees have sat on this matter and yet nothing has come out. It is not as if this Parliament today is called upon to deal with this matter without any proper information. In recent years, committees have been appointed in the different States. In the United Provinces a committee was appointed under the chairmanship of one judge of the Allahabad Court, known as the Wanchoo Committee. There was another committee in Bombay and a third committee in Calcutta under the chairmanship of the Chief Justice of the Calcutta High Court. Unfortunately I have not got my papers just now here where I have got a list of these committees. They all spent years and took evidence. All that material is available with me which can be considered by the Select Committee and both the Houses of Parliament. Then, as I said in my opening speech, from 1951 onwards the Home Ministry has been consulting the various State Governments. At the instance of the Punjab Government—a letter which has been circulated and hon. Members would have seen it—we wanted to make it as comprehensive as possible. Opinions were coming in; there were almost hundreds, and then I circulated a memorandum, a big memorandum, dealing with the whole topic and I expressed my gratitude for the assistance and the advice which has been extended to me by every single judge of the Supreme Court, by all the Chief Justices of the High Courts, Advocates-General, State Governments, Bar Associations etc. Then, on the top of

it, this Bill itself, with your permission Mr. Speaker, I published in the gazette and I was surprised to see the next morning, practically in the entire press of India, one full page containing six columns, dealing with the relevant provisions of the Bill. That Bill differs very minutely from the Bill which we are now discussing. In a Press Conference which I had, I held out an invitation to the entire people of India, Bar Associations, judiciary and everyone interested to send opinions and my appeal was successful. I got 207 opinions. My hon. friend, whom I respect very much, said: "There are 36 crores of people, and what has been the response; only 207 opinions?" Probably, he expected 36 crores of people at least to send 36 lakhs of opinions.

**Babu Ramnarayan Singh** (Hazari-bagh West): At least one lakh.

**Dr. Katju:** Yes, at least one lakh. These 207 opinions included 56 Bar Associations—my hon. friend ventured to describe these Bar Associations. There were about 40 to 50 district sessions judges, High Court judges, individual lawyers, State Governments; all these people sent their opinions. What more do we want? Here, the problem is an urgent one. A Bill has been introduced before you, which is taken into consideration and which is founded upon all those materials which have been accumulating for all these years, and my hon. friend now says that the material is not here. I see that there is a motion for reference for eliciting public opinion. What sort of public opinion will come now? I do not want to drag on this matter. The proposal is to refer it to a Select Committee. The motion for eliciting public opinion is that public opinion may come by the 31st of July. I do not know what the Chairman of the Select Committee will decide as to the dates of sitting. Supposing this motion is carried, what will be the decision about the sittings of the Joint Select Committee. We will be rising here on the 21st or 22nd of May. The House has been

working for more than three months. I imagine hon. Members would like to have a holiday of five weeks or six weeks. (Some hon. Members : Going back to their constituencies.) They will not be able to come and work here. So far as I can see, the Select Committee will not be able to meet before the 15th of July. Today is the **8th of May. I hold out again most** prominently a general invitation to everybody in India, interested in this topic, instructed as he has been by this four days' most illuminating debate to send his opinion on this Bill either to the Parliament Secretariat or to the Home Ministry or addressed to you, Sir, and all that will be laid before the Select Committee. We must pay some attention to the urgency of this matter. We do not want to get it adjourned for three years, six years. Therefore, I say that any move for circulation of the Bill, will be, I use in the neutral sense of the word, a sort of dilatory tactics. We do not want it. We want to get on with the Bill. I am not wedded to any particular section of the Bill. I am most eager that this thing should get through, should be discussed.

My hon. friend from Gorakhpur, Shri Sinhasan Singh, said that he wants to discuss the whole Bill. Welcome. Because we are dealing with the summary process, we are dealing with the warrant process, we are dealing with the sessions process, we have suggested something and it will be quite in order so far as I understand, and I am perfectly prepared to support that in the Select Committee efforts may be made to recast the whole of the summary process, recast the whole of the warrant process, recast the whole of the sessions process as the Committee likes. The whole thing is connected together. This is a non-party matter. I am not going to take advantage of any technical rules and say that this is an amending Bill and so we must go to that extent and not farther. If you like, you can open the whole Code. I shall be there to assist you. My

[Dr. Katju]

hon. friend from Bulandshahr said that he hates the Bill and he wants to tear the whole Criminal Procedure Code. My hon. friend Pandit Thakur Das Bhargava said that he looks upon every Bar Association in India as a den of perjury. It is a very vivid eloquent description. It catches the imagination. I have heard of gambling dens being closed by executive order. I do not know which is worse: a gambling den or a den of perjury. Let us close both. We get rid of the lawyers; we get rid of the Criminal Procedure Code. We get rid of the police because it is inefficient, corrupt. My hon. friend Shri Frank Anthony said that the judicial officers were the minions of the executive. You were not here, Sir; there was not one phrase that he did not use. He said that they were under the thumb, under the clutches. God knows under what, under the heels of the police. We get rid of the Members of the Bar, we get rid of the Criminal Procedure Code, we get rid of the judiciary and this land becomes a paradise. That is what my hon. friend Pandit Thakur Das Bhargava is driving at. It really makes me angry. I am prepared to discuss the whole Code. My hon. friend said that he looks upon the Criminal Procedure Code as a reminder of the days of our slavery. Well. In the Select Committee let us have a Code of Criminal Procedure, 1954, 5th year of our deliverance. I have no objection.

**Dr. Lanka Sundaram** (Visakhapatnam): May I interrupt the hon. Minister? Would you accept Shri Sinhasan Singh's amendment to the motion?

**Shri S. S. More** (Sholapur): He has already said so.

**Mr. Speaker:** Order, order. Let there be no cross talks. The hon. Member may address the Chair. The question posed is, would he accept the amendment moved by Shri Sinhasan Singh. That is the question.

**Dr. Katju:** I have no objection to it. Let us examine the whole thing because it is all inter-connected. I shall come to that in a moment.

Attention has been drawn in the debate with full vehemence, absolutely astonishing, to four or five sections of the Bill. Member after Member, I do not know the places from which they come, rose and concentrated on sections 161, 164, 207, the perjury section and the defamation section. That is the analysis. This Bill makes a number of provisions for hundreds of things. There are 100 amendments here. No one has said a word about them; these are the only five things which were referred to.

**Dr. Lanka Sundaram:** That is the matrix. (*Interruption*)

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

**Dr. Katju:** Mr. Speaker, I have no objection to the Select Committee going through the whole Code because it is all inter-connected matter. If you examine the warrant process, you will have to go through the whole thing, so also sessions process.

Then, my hon. friend said, I want a Select Committee of the House. I do not know what it is. The Select Committee that we have proposed has 33 Members of the House of the People.

**Pandit Thakur Das Bhargava** (Gurgaon): I never said that I was not on the Select Committee; I never complained. This is entirely wrong. I never said that because I am not in the Select Committee...

**Mr. Speaker:** No, no.

**Dr. Katju:** My hon. friend said that there should be no Joint Select Committee, and that there should be a Select Committee of the House. Consider this. Am I not entitled to call it a dilatory tactics? We have developed this procedure of a Joint Select

Committee so that the two Houses combined may have an opportunity of discussing this matter, exchanging notes, exchanging ideas, trying to influence each other in the Select Committee and producing something which may represent the considered opinion of both Houses. My hon. friend says that this is a very very important matter, more important than the Constitution of India. Very well. A Select Committee of 33 Members will be able to bring a homely atmosphere. The moment you add 16 Members to it, it becomes too unwieldy. Very well. What happens? The 33 Members sit and take the usual time. Then, the Bill comes before this House. Being a most important matter, the House of the People will take 10 or 12 days and then it will go to the Council of States. There, again, if I may anticipate, they are bound to refer the Bill to a Select Committee of their own, if for nothing, simply to say that we are equal to the House of the People. Then, it goes for 3 months. They can bring a motion, just for the sake of spiting us, for eliciting public opinion. Has my hon. friend considered these things? It is a matter of the greatest urgency.

**Dr. Lanka Sundaram:** You have waited for 56 years.

**Dr. Katju:** Remember one thing. You say that the people have no confidence in the law courts. I see it every day. People are beginning to take the law into their own hands.

**An Hon. Member:** Where?

**Dr. Katju:** If a murder takes place and the man is acquitted, the whole village knows who has committed the murder. As I said to the House one day, sometimes, in the court compound he is shot. Sometimes, when the accused goes back to his village and alights from the tonga, he is shot. The people would not have him. You must inspire confidence in the people. I am also myself a lawyer. In these criminal matters, you know yourself

much better than we do. The whole Bar is on the side of the accused minus the poor, miserable public prosecutor. In Uttar Pradesh, I think there are 10,000 pleaders, if not more—pleaders and advocates. Out of them, I imagine government pleaders, as we call them, are hundred. Fifty-two districts and hundred pleaders, probably two for a district. So, the proportion is this: 9,900 advocates of varying intelligence, capacity and forensic ability on the side to get off with the offender, poor hundred government pleaders trying to do their best. And that is reflected here. You were not here. Mr. Speaker, when Mr. Anthony was speaking. I tell you, he was opposing everything. He was opposing the abolition of the commitment proceedings. Everyone has supported it. He said "No". Today, the position is this. If in the city of Ahmedabad or Kanpur or Allahabad—anywhere it does not matter—a sessions judge or a magistrate acquits every single accused, I tell you the Bar will give a grand tea party to celebrate the occasion. That is their ideal. Do they think, as Mr. Datar put it, of the public interest and see that offenders are punished? Do they think of the people who lose their wives, mothers, sisters and fathers, the bread-winner of the family who is killed, the people whose houses are looted? All the witnesses have to come again and again, again and again. They are thinking of three rights of cross-examination, four rights of cross-examination. It is becoming a mockery.

So, I respectfully suggest to you with these preliminary points that the House would be pleased to approve of this motion for reference to a Joint Select Committee. I oppose this amendment for reference to a select committee of this very House. It will be setting a very bad example, a very bad precedent. This device of a Joint Select Committee which has been reached is a device of great virtue, great expediency, and I submit it is a very wholesome device.

[Dr. Katju]

There is no reason whatsoever why it should be departed from in this case.

So far as the appointment of a Law Commission or anything like that is concerned, I respectfully suggest to you that you have got the most ample material for examining this Bill or any Bill on merits. The Select Committee will do it, and as I gave an undertaking before the Members of the Select Committee, I will get the whole thing printed. I think it will make a big volume, and the volume will be circulated to every single Member of Parliament, of both Houses of Parliament, so that they may read and digest it. They will find different opinions expressed. It is open to them to choose any.

So far as my hon. friend Mr. Sinhasan Singh is concerned, I say the members of the Select Committee, Members in the open House may move any amendment they like, may see me and we will be most helpful to them if they make any suggestion. As I said, the Bill that I got published with the permission of the Speaker was a Bill which dealt with amendments. When the opinions arrived, those 207 opinions, they suggested some more points may be included in the Bill. Many suggestions were made. We accepted some. We did not accept others. If hon. Members make any other suggestions for amendment of any other portion of the Code, they are most welcome. I shall also entertain the proposal, if it is made in the Select Committee, that the title of the Bill should be changed. We will call it the Criminal Procedure Code or anything you like.

Then, there is another amendment, Mr. Speaker, of my hon. friend Mr. Ramaswamy. He did not move it. It relates to his Bill, moved by Mr. Venkataraman. Mr. Ramaswamy has introduced a Bill in which he pleads for the abolition of the system of assessors and the abolition of trial by jury. So far as the assessor system

is concerned, the present Bill gives effect to his proposal. So there is an end of the matter. So far as trial by jury is concerned, our Bill says,—let the system remain where it is, which means that it is left entirely to the discretion of every State Government either to extend the trial by jury or not to extend it or even to cancel it.

Mr. Venkataraman has proposed that Mr. Ramaswamy's Bill may also be taken into consideration by the Select Committee which will consider this main Bill and I cordially support it, so that the whole matter may be before the Select Committee.

**Shri S. S. More:** May I bring one fact to the notice of the hon. Home Minister? There are some other Bills, one by Mr. Kazmi and another by Mr. Sodhia and the discussion on these Bills also was postponed because of the present Bill.

**Dr. Katju:** Mr. Sodhia's Bill was limited to the abolition of the system of assessors, nothing else. He did not touch the jury system. So, his object has been served. Mr. Ramaswamy has gone the whole length, jury and assessors. So far as assessors are concerned, we are with him. So far as jury is concerned, that could be examined on the facts.

**Dr. Lanka Sundaram:** What about Mr. Kazmi's Bill?

**Dr. Katju:** So much about these preliminary points.

Then there are what I may call the main points urged. In a way it is really not necessary for me to take any time of the House because if the House approves of this Bill going to the Joint Select Committee, then I imagine that every single section will be most carefully examined and gone into, but inasmuch as enormous capital has been made of those four or five or six sections, I think I owe it to the House to put forward our point of view about it.

My hon. friend said this is not the proper way of doing it. He said: "You are not going sufficiently far. The proper way of effecting the improvement is: (1) drastic improvement of the police; (2) improvement of the judiciary; (3) improvement of the members of the Bar. Unless you get this, you can make no progress". I do not know what exactly that means, whether it means you may have no procedure at all, or you may have any procedure. These are the three fountain-heads and unless these fountain-heads are purified, and the water which flows from them....

**Shri A. M. Thomas (Ernakulam):** One other important point, separation of the executive from the judiciary.

**Dr. Katju:** Separation of the executive from the judiciary. These were the four points. One of my hon. friends here said these amendments must be revolutionary, radical and drastic. One of my complaints is that of negative precepts and of negative condemnation I have had enough. But, speaking with all respect, if you were to analyse all these speeches, positive or concrete suggestions will not go beyond two or three. We want drastic, revolutionary and radical changes, and goodness knows what. But what are they? Nobody has said anything. My hon. friend from Bulandshahr said "Tear up the Criminal Procedure Code". But what is the substitute? He did not answer that. My hon. friend spoke for half an hour. I waited and waited for one single suggestion of a revolutionary type. Excepting the tearing, nothing has come out.

Now, so far as the police is concerned,—Mr. Chatterjee is not here—in order to give an example of the inefficiency of the police and inefficiency of investigation, he gave an illustration of what?—of the overcrowding in Delhi on the air demonstration day, the Tilpat jam. Just consider this. What in the name of God has that got to do with this

Criminal Procedure Code Amendment Bill—and he has been a judge of the High Court—I really do not know. Then, my hon. friend, a member from the Bar, said "these dens of perjury". That is his language. The hon. Member is himself a member of the Bar Association and very likely the President of the Bar Association in his district. How am I to improve them? That is a matter for the High Court and the Bar. That is a question of professional etiquette and professional conduct. Am I to appoint Brahmins to sing *bhajans* and *kirtans* for their moral uplift?

**Pandit Thakur Das Bhargava:** Have Government become quite bankrupt in practical statesmanship now? Have Government suggested anything? Have you made any constructive suggestion? You are accusing us for nothing.

**Dr. Katju:** You are accustomed to talk in this language in the air.

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

**Dr. Katju:** What has that got to do with the Criminal Procedure Code? The Criminal Procedure Code is concerned with how the case is to be initiated, how the accused is to be summoned, how the witnesses are to be examined, what is the process, is the accused to be bailed out or not, etc. If the whole of the legal profession in India—I am talking seriously—is so corrupt as my hon. friend painted it to be, then it ought to be abolished. Those who cannot be trusted should be eliminated. That is the basic rule. Either you set your own house in order, or you do not. They are the flowers of the nation. They sit here, defend the accused, talk about the right of defence and so on and so forth, but they cannot account for themselves. Do you want me to tell any member of the Bar, be good, be honest, honesty is the best policy, be fair, be truthful, do not fabricate evidence, do not cause your people to get false evidence, etc. Do they require lectures on it? That is

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the basic principle of an honourable legal profession. If you do not do it, get away with it. If dishonesty is proved, the Bar Council should take action, and debar the man.

**The Minister of Defence Organisations (Shri Tyagi):** Such as giving bribes to jurymen.

**Dr. Katju:** If there is a member of the Bar, who manages or arranges bribes to be given to the jurymen or the police officers, I think he ought to be debarred. What has that got to do with the Criminal Procedure Code.

Then I come to the other two favourite thoughts of a hardy annual. The first is about the judiciary. It was said that the judiciary is bad in the sense that it is entirely under the control, not of the district magistrate, but of the police, and that they are the minions, cats' paws, and goodness knows what. The second point was the separation of the judiciary from the executive.

Now, I am not going to generalise. My mind works in concrete cases. I tell you honestly and in all sincerity, that I am becoming more and more increasingly proud of our subordinate judiciary. My hon. friends go back to the days of old. They do not go to the training college here, which we have for the cadets or the young people whom we select for the Indian Administrative Service, who are being brought up in a new and free atmosphere; they are the flowers of our universities, and they are our future hopes. If you go to any State in India and make an independent enquiry, you will be told—I am not talking of the police here—that the subordinate magistracy behaves well. Even today, as I was reading the newspaper, I read of the reversal of a judgment of the Allahabad High Court, by the Supreme Court. A magistrate had acquitted some person—I believe it was a bribery case or something like that. There was the

government appeal against acquittal. The Allahabad High Court allowed the appeal and convicted the man. The Supreme Court said that the magistrate's judgment was quite all right. Hon. Members here, I sometimes fear, do not realise the greatest harm that they do to their own people and to their own services by means of this general condemnation, or sweeping condemnation. If there is any particular case, the State Governments, I, and everybody else are taking the utmost steps to purify them. But if you condemn everybody in our new Indian Administrative Service or the old members of the Indian Civil Service in this fashion, what does it do? It discourages them, it demoralises them, and it makes them shameless. The more you condemn the police in the way it is being done here, the more you make them reckless, for they will say, well, there is no differentiation here, everybody is condemned, therefore, let me go ahead.

My hon. friend there is talking of the separation of the judiciary from the executive. So far as the district and sessions judges are concerned, nobody has ever suggested that a sessions judge, an additional sessions judge or an assistant sessions judge is in any way under the thumb of the executive; it is only the magistrate who is under the thumb of the police. The magistrate deals with comparatively less important cases. All important cases go to the sessions judge. I should like to know—let my hon. friends here make a survey—how many magistrates' judgments have been reversed on appeal, by the sessions judge. Has any comment been made that the judgment was perfunctory, or that it showed a bias towards the executive? We cannot have this kind of a mere condemnation by words; there must be some material to support it. I am not concerned with what used to happen twenty or thirty years back. I am talking of today, and I say that we



have got—I am not saying absolutely matchless magistracy—a magistracy which is definitely more or less alive to the functions which it discharges in this free India.

In many States, today we have got two classes of magistrates. I am not familiar with the position in Bombay, but in the Uttar Pradesh—we have invented a term for that purpose—we have what we call a judicial magistrate and an executive magistrate. So far as the judicial magistrate is concerned, he does nothing but judicial work. He has nothing to do with the police. He goes and sits in his office for six hours a day, and does only judicial business. The executive magistrate does welfare work, community project work, inspection work, and possibly also attends to some of these security clauses.

**Shri Sinhasan Singh** (Gorakhpur Distt.—South): The only point is they put them under district judges instead of under District Magistrates.

**Dr. Katju:** They are under District Magistrates, maybe for the purpose of appointment and other things. But the question is what class of work they are doing.

**Shri S. S. More:** That is the crux.

**Shri Algu Rai Shastri** (Azamgarh Distt.—East cum Ballia Distt.—West): That makes a world of difference.

**Dr. Katju:** So far as the appeal is concerned, the appeal is now going to be before the sessions judge. I am not saying that I am not prepared to do anything. There is the objective in the Constitution. Let it be carried out. So far as the police is concerned, we are doing our best. I wish hon. Members, when they find a little time—not in the hot weather, but if they like, they can go in the hot weather also—go on a visit to Abu, where there is a police training school. It will do your hearts good to see these fine young men, again brilliant students of our universities, being taught everything.

They have inherited a mad legacy from the past. Now, this was what was said.

Now I come to the sections. The first thing, the devil on the stage, was section 161. That is a statement, you know, made by a witness during investigation. It is unsigned. It is the inspector who notes it—on a question being put, this is what the witness stated. Now, it was stated over and over again that under the Code as it exists, this statement is only admissible for the purpose of contradicting that witness. I accept it. Now, I say in what way has this amending Bill changed that? A witness makes a statement on the second day of the investigation. It is recorded. He is produced in court. A copy of that statement is given to the accused. When the witness comes before the government pleader or public prosecutor, no question is put to him about this diary statement. He just gives his story and he may be asked—‘Were you examined by the police?’ He says: ‘Yes’. He says ‘Second day after the murder or the second day after the dacoity’. Now, I put it to you as a very experienced advocate, supposing in cross-examination, you are the defence counsel and you do not draw the attention of that witness to any contradiction between his present statement in court and the statement which he has made before the police during investigation, what would be the inference? The inference that every magistrate and judge would draw is that the witness has stuck to his story. Whatever he said before the police, he is repeating in court. Why? Because if he had changed, then the cross-examining counsel would at once have drawn his attention and said: ‘You were examined by the police. I put it to you that this part of the statement you never made before the police’. And if he denies it, then you send for the sub-inspector and put it to him ‘Is this right?’ He says: ‘It is right’. I tell you I have not the

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slightest intention to get that statement used for corroborating purposes. It does not meet corroboration. It is a point which has no substance. It does not arise, it never struck me, it never struck the Law Minister or anybody that it was capable of being used in this way.

**Pandit Thakur Das Bhargava:** Most unfortunate.

**Shri S. V. Ramaswamy (Salem):** May I ask.....

**Mr. Speaker:** Let him proceed.

**Dr. Katju:** Secondly, it is section 164. You were not here, but I tell you out of the 13 or 14 hours spent in debate, probably 5 hours were taken over this section. Declamations and eloquent speeches rose to new heights. Why? Section 164. The statement is made and the police gets it made in order to tie the witness down to a particular statement. I think I am carefully and accurately analysing and summarising the arguments. At that time, the witness is entirely under the thumb of the police. The accused is not present before the magistrate. Someone said, there is the magistrate, there is the witness, there is standing behind him the sub-inspector and the thing is being recorded. And why? Because this truthful man should be bound down. Now, the other side of the picture was never put by anybody. I may ask you in all seriousness that when these 9,900 pleaders who are free and at large to appear for the defence, is it not the case that the first attempt is to square up the prosecution witnesses—I deliberately use the word 'square'? Please remember that after the occurrence it takes months and months for the commitment proceedings. May be six months; the sessions case may begin after one year and may last six months again. All these witnesses are subjected not to police pressure, but they are subjected to pressure of all kinds—caste, community, political...(Interruption) relationship, neighbours....

**An Hon. Member:** Money?

**Dr. Katju:** .....everything.

**Shri S. S. More:** May I know how that gesture will go on record?

**Mr. Speaker:** It need not go on record.

9 A.M.

**Dr. Katju:** All these learned lawyers and my hon. friends do not say one word of all this. And they know it. (Interruption) What they say is: Here is this poor, innocent, true witness, in the investigation compelled to make a false statement by the police and the police wanted to get it recorded and signed by him so that he might be tied, in an attempt to get away, and this truthful witness, poor fellow, goes before the sessions court; he dare not speak the truth because he has already made a false statement. I say this is a picture which has no relation to truth, you may take it from me; you are experienced and I have also had some experience in this line. It may have had some relevance thirty years back, but today in this free country, the witnesses have also become free. The first attempt made in what you call this 'den of perjury', the first attempt, whether it is made in the Advocates' Association or elsewhere, is made to get hold of the prosecution witnesses.

Now, when we inserted this provision in this amending Bill, I tell you honestly we thought we were furthering justice in the interest of the accused. But I am not wedded to it, as I said so many times. If you dislike it, change it. You and I are all interested in the proper administration of justice. What I said was this, that the witness should go before a magistrate and make a statement there when the police is not present. You may say: With your Bill, as it stands, you may allow a third class magistrate to record this statement: it may not be very fair'. Make it first class magistrate. You may say that the police should not be there. Make every possible thing, but the idea was

that opportunity for the accused or for the people who are in charge of the defence on behalf of the accused may not be given to tamper evidence. Please remember that in civil cases difficult questions of law and fact arise and the canvas is a very wide one; it covers ten years, twenty years, thirty years. But in a criminal case, it is all very limited—five minutes, twenty minutes. A man comes, shoots, goes away—in twenty minutes. It is a simple, straightforward case. The accused knows. Somebody said—settle his line of defence. I tell you when I was at the Bar and if anyone ever came to me—probably very few came to me—saying that 'we did this and we ask what should be our line of defence', when the man said that. I got the feeling that he was guilty; I used to say 'get out; you have done this and you want a line of defence. You go and confess what you have done and pay the price for it'. Now what is to be done? What is the line of defence in criminal cases when my hon. friends are going to establish? Now, in perjury cases, the stock argument is *alibi*; it is so low. In a criminal case, nobody looks at the *alibi*; it is hopelessly false—either an entry on the hospital register or a school register or attendance in court. I wish to emphasise this point, that I am not wedded to this insertion in this amending Bill about section 164. If you do not want it, it may go out; it does not matter to me. But it was actuated for the purpose of advancement of justice although there may be no tampering with evidence.

**Shri Lakshmayya (Anantapur):** They must be recorded in the absence of the police.

**Dr. Katju:** The hon. Members must take the entire subject-matter into consideration. On the one hand, there are excesses and improper conduct of the police. On the other hand, the improper conduct of the defence, and the defence comes to the conclusion

'we will let it stand'. Well, do it. I have no objection.

**The Minister of Food and Agriculture (Shri Kidwai):** Lawyers also.

**Dr. Katju:** Yes, lawyers also. Consult everybody. The third thing was the supply of papers. Shri Ramaswamy said—I could not follow him there—that papers have not been supplied. We will supply all of them. Let him give me a list and I shall see that everything is supplied. Then he said, the accused goes before a magistrate. My complaint is that hon. Members have read only part of the section. He said, 'goes before a magistrate'. The section says that the magistrate may examine the accused. He asks, why, and says, 'don't examine him, but just look at him'. Till then, the accused is not supposed to have gone before any magistrate. He appears, under the section, for one specific purpose. The magistrate reads the papers, the charge-sheet, the statement of all the witnesses, and when he examines the accused, he says, 'Now you are being charged with this murder or dacoity. What is your case? Are you guilty or not guilty? Have you done it?' The accused says, 'No'. It is then finished. But supposing he says he has done it, the magistrate may say let him go to the sessions judge. It will go before the sessions judge. It will soon be over. The other thing is: the magistrate asks him, in order to decide whether the case should go before the sessions judge, 'Is it sufficiently serious, or should it go before a magistrate?' It is only for that limited purpose that this thing is done. What is wrong with it? I submit to you in great confidence that there is nothing wrong in it. The idea was that the accused, before he enters the court room, should know what is the charge against him, what witnesses are going to be produced against him and what those witnesses are supposed to say against him, and what is the prosecution version of the story that he gets from the charge-sheet, from the statements recorded in the

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police diary. He gets them in a more accurate and clear manner from the statements recorded in section 164. That was the picture we had in mind. If this picture requires some modification in the judgment of the House, you may redraw it. Put more red into it, put more green into it, but the picture is quite sound.

Then my hon. friend said that they went really into excesses, warrant cases and double cross-examination. In the warrant case, the procedure is the same. Please remember that the accused has been supplied from the court all the statements recorded in the diary. Just as it is in the sessions case, before the trial begins, the accused knows what evidence is going to be produced against him and of what nature. I ask, where is the objection, if the accused is then asked, as he will be asked in the sessions court, to commence his cross-examination then and there. My submission is this: to suggest that any single section in this amending Bill has been inserted with a view to throttle the accused—speaking with all sincerity, and the House may take my word for it—is completely baseless and unfounded. There is no single Member in this House who is more anxious than I that an accused should get a proper trial, a fair trial, before a proper court.

A good deal has been said about the presumption of innocence and benefit of doubt. Of course I know it all. But so far as we in India are concerned, the language is this. The prosecution must prove their case. When they say that somebody has committed a theft, they must prove the fact, and the legislature lays down these words:

“A fact is said to be proved when, after considering the matters before it, the court either believes it to exist or consider the existence so probable that a prudent man ought under the circumstances of the particular

case to act upon the supposition that it exists.”

This applies to criminal cases, civil cases, revenue cases, income-tax cases, and indeed to every type of case. That is the test laid down for the proof of a case. If the prudent man should not draw that inference, the fact is disproved. If the court is unable to make up its mind, again, it is neither proof nor disproof. You let the case go.

Mr. Anthony said—he is not here, as usual—that the magistrates are under the clutches of the police, that they are wild people, undependable. Therefore, they always convict. In the Bill it is said that if on a private complaint there is a trial, and a private complaint is rejected, then the private complainant may be given the right to move the high Court for leave to appeal. Mr. Anthony said: ‘Have you ever heard of an appeal against an acquittal? It is something which is against all canons of justice. If he convicts, he is a wild creature. He is entirely under the thumb of the police. His judgment is not worthy of the paper on which it is written. But if he acquits, he becomes a Daniel. The judgment should not be examined by anybody.’ My hon. friend—I think it was Pandit Bhargava—raised the point that abolition of commitment proceedings is a wide step. But what about the cases started by private complaints? I thought that inasmuch as in all private complaint cases there is no investigation by the police, an independent authority, by the C.I.D., therefore, a judicial enquiry may be proper. Pandit Bhargava said, no, no, even in private complaints, you get away with the commitment proceedings. Well, I have no objection if you are satisfied that it will be in the interests of the accused; I only wanted to protect the accused so that he may be able to know what type of cases he has to meet, but if you think he will do it, I have no objection.

There are only two points left, and I shall finish my speech with them. One is the proposal about the summary punishment for perjury. Everyone is

agreed here that perjury is rampant and rife in law courts. How to stop it? Of course, the pressure of moral opinion, social opinion, public opinion, religious opinion, *bhajans*, *kirtans*, *sadhus*—everything is employed. Are you going to have some direction, namely, that a man who tells lies should go? Well, everybody has been condemning this. Mr. Chatterjee is not here. He referred to his own judicial experience. He said that 'when I was hearing a case, one witness was telling a lie. But when I went on with the case, I thought he was telling the truth, and therefore, this process of summary punishment, while the trial is going on, is very injurious.' But he had not read the section. The section provides that in so far as the examination relates to a fact material to the case, there will be no prosecution. It is only on what you might call subsidiary matters that the question arises. I also gave an illustration. A man says this, that and the other. The defence counsel immediately proves on an unimpeachable evidence that the fellow is lying and that he was then in Calcutta or Lucknow, that he has nothing to do with the case. This aspect obviously troubled Mr. Chatterjee and he had to make up his mind—goodness knows what.

Nobody read it and they say there should be no punishment for perjury. But, for God's sake, point out to me some method for stopping this perjury which is killing and is simply choking the administration of justice. There is no use merely saying that Advocates' Associations are dens for perjury. Something must be done to stop these dens and the activities of these dens by way of punishment.

Lastly is this very much discussed provision about making defamation a cognizable offence. The House has heard me and the House has heard the hon. Members opposite and I imagine the Select Committee will deal with it. I ask every hon. Member of this House to remember that making the offence a cognizable one does not mean that there is going to be a conviction or there is going to be any interference

with the trial. The only question is who should be able to initiate the proceedings. These libellous statements in newspapers, this defamation by the general printed word is assuming alarming proportions. Nobody is safe and there are no prosecutions. Whether you enact this provision as it stands or in a modified way, we must stop it. It causes great trouble. My hon. friend said, why not about Members of Parliament? if they want it I shall add it. If there is a defamatory statement and if there is a charge against a Member of Parliament that he has abused his position and he has taken something to exercise influence or something like that let the police investigate it and we will see to it. But, the mischief is there. How to check it? Today the so-called yellow journals and other sheets think they are completely safe and that nobody would come and prosecute them. In that way it goes on. The administration suffers; the public interests suffer. Please remember that I am doing this not for the purpose of protecting the government servant. I am doing it so that we may have some agency for finding what the truth is. If the truth inclines towards the journalist or any man who publishes it, then I want to make an example of that public servant by starting departmental proceedings or a prosecution against the man. Of course if he has been maligned without any cause, then the newspaper must suffer. That is the duty of an efficient police.

Mr. Speaker, I want to take no more time of the House. I ask hon. Members to take this Bill as an earnest endeavour on the part of this Government, the whole of the Government of India, on the part of each one of us, to take advantage of the accumulated materials which exist on the files and to see that utmost improvement is made and justice is speedy, is efficient and is less costly.

Some hon. friends referred to other procedural codes. We will take all of them by and by. There is not the least desire to hamper the accused in any way or to interfere with the course of administration of justice

**Mr. Speaker:** I shall first try to dispose of the amendments and then I would take up the original motion.

There are two amendments, one of Mr. Vallatharas and the other of Mr. Sreekantan Nair, for the circulation of the Bill for eliciting public opinion; one gives the date as 31st July, 1954 and the other is 30th September, 1954.

**Shri Vallatharas (Pudukkottai):** In view of your decision, I do not propose to press it. I am withdrawing it.

*The amendment was by leave withdrawn.*

**Mr. Speaker:** Does Shri Sreekantan Nair want to withdraw his amendment?

**Shri N. Sreekantan Nair:** I want to have it put to the vote of the House.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1954."

*The motion was negatived.*

**Mr. Speaker:** Then, there is the amendment of Pandit Thakur Das Bhargava which is for reference to a Select Committee of 33 Members of this House only. Does he want it to be put to the vote?

**Pandit Thakur Das Bhargava:** Yes, Sir.

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

"That the Bill be referred to a Select Committee consisting of Shri Narhar Vishnu Gadgil, Shri Ganesh Sadashiv Altekar, Shri Joachim Alva, Shri Lokenath Mishra, Shri Radha Charan Sharma, Shri Shankargauda Veerangauda Patil, Shri Tek Chand, Shri Nemi Chandra Kasliwal, Shri K. Periaswami Gounder, Shri C. R. Basappa, Shri Jhulan Sinha, Shri Ahmed Mohiuddin, Shri Kailash Pati Sinha, Shri C. P. Matthen, Shri Satyendra Narayan

Sinha, Shri Resham Lal Jangde, Shri Basantha Kumar Das, Shri Rohini Kumar Chaudhuri, Shri Raghubir Sahai, Shri Raghunath Singh, Shri Ganpati Ram, Shri Syed Ahmed, Shri Radha Raman, Shri C. Madhao Reddi, Shri K. M. Vallatharas, Shri Sadhan Chandra Gupta, Shri Shankar Shantaram More, Sardar Hukam Singh, Shri Bhawani Singh, Dr. Lanka Sundaram, Shri Rayasam Seshagiri Rao, Shri N. R. M. Swamy and Dr. Kailas Nath Katju, with instructions to report by the last day of the first week of the next session."

*The motion was negatived.*

**Mr. Speaker:** Then, there is the amendment of Shri R. D. Misra. He wants certain instructions to be given to the Select Committee. Does he wish to press his amendment?

**Shri R. D. Misra (Bulandshahr Distt.):** In view of what the Minister said, I wish to withdraw it.

*The amendment was, by leave, withdrawn.*

**Mr. Speaker:** Then, there is Mr. Sinhasan Singh's amendment.

**Shri Sinhasan Singh:** It is accepted by the hon. Minister. He has said that there is no objection to this amendment.

**Dr. Katju:** I accept it, Sir.

**Mr. Speaker:** I shall put the amendment to the House. The question is:

That in the motion, after 'and 16 members from the Council' add—

"with instructions to suggest and recommend amendments to any other sections of the said Code not covered by the Bill, if in the opinion of the said Committee such amendments are necessary."

*The motion was adopted.*

**Mr. Speaker:** There is an amendment of Mr. Venkataraman for giving

instructions to consider and report on the provisions contained in the Code of Criminal Procedure (Amendment) Bill, 1952, by Shri S. V. Ramaswamy, M.P.

**Dr. Katju:** I accept that amendment, Sir.

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

That in the motion, after "and 16 members from the Council" add—

"with instructions to consider and report on the provisions contained in the Code of Criminal Procedure (Amendment) Bill, 1952, by Shri S. V. Ramaswamy, M.P."

*The motion was adopted.*

**Shri Ramachandra Reddi (Nellore):** I think Mr. Venkataraman's amendment means a reference to a different Select Committee altogether. I want to know whether both committees will consider it or whether it will be considered by one.

**Mr. Speaker:** The amendment is an amendment to the principal motion by which a Joint Committee is constituted. It will take into consideration that Bill also. There is no separate committee.

There is Mr. Dube's amendment. Does he propose to have it put to the vote of the House?

**Shri Mulchand Dube (Farrukhabad Distt.—North):** I wish to withdraw it.

*The amendment was, by leave, withdrawn.*

**Mr. Speaker:** In view of the acceptance of Mr. Venkataraman's amendment, Mr. Ramaswamy's motion regarding his Bill falls through. Does he want to withdraw it or shall I put it to the vote?

**Shri S. V. Ramaswamy:** If it falls through I would like to withdraw it.

*The motion was, by leave, withdrawn.*

**Mr. Speaker:** I now put to the House the motion as amended by the

two amendments both of them giving instructions. The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Joint Committee of the Houses consisting of 49 members, 33 members from this House, namely: Shri Narhar Vishnu Gadgil, Shri Ganesh Sadasshiv Altekar, Shri Joachim Alva, Shri Lokenath Mishra, Shri Radha Charan Sharma, Shri Shankargauda Veerangauda Patil, Shri Tek Chand, Shri Nemi Chandra Kasliwal, Shri K. Periaswami Gounder, Shri C. R. Basappa, Shri Jhulan Sinha, Shri Ahmed Mohiuddin, Shri Kailash Pati Sinha, Shri C. P. Matthen, Shri Satyendra Narayan Sinha, Shri Resham Lal Jangde, Shri Basanta Kumar Das, Shri Rohini Kumar Chaudhuri, Shri Raghubir Sahai, Shri Raghunath Singh, Shri Ganpati Ram, Shri Syed Ahmed, Shri Radha Raman, Shri C. Madhao Reddi, Shri K. M. Vallatharas, Shri Sadhan Chandra Gupta, Shri Shankar Shantaram More, Sardar Hukam Singh, Shri Bhawani Singh, Dr. Lanka Sundaram, Shri Rayasam Seshagiri Rao, Shri N. R. M. Swamy and Dr. Kailas Nath Katju, and 16 members from the Council, with instructions to suggest and recommend amendments to any other section of the said Code not covered by the Bill, if in the opinion of the said Committee such amendments are necessary, and with instructions to consider and report on the provisions contained in the Code of Criminal Procedure (Amendment) Bill, 1952, by Shri S. V. Ramaswamy, M.P."

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last

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day of the first week of the next session;

that in other respect the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Council that the Council do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Council to the Joint Committee."

*The motion was adopted.*

# HIMACHAL PRADESH AND BILASPUR (NEW STATE) BILL

**Mr. Speaker:** The House will now take up the Himachal Pradesh and Bilaspur (New State) Bill, as passed by the Council of States.

[MR. DEPUTY-SPEAKER in the Chair]

**The Minister of Home Affairs and States (Dr. Katju):** I beg to move:

"That the Bill to provide for the formation of the new State of Himachal Pradesh by uniting the existing States of Himachal Pradesh and Bilaspur, and for matters connected therewith, as passed by the Council of States, be taken into consideration."

This is a simple Bill. Hon. Members will find from the Statement of Objects and Reasons that Bilaspur is the tiniest State in India. It was one of the Punjab hill States and should normally have been integrated in Himachal Pradesh, but while its area is small, it has the Sutlej waters in it...

**Mr. Deputy-Speaker:** There is too much of subdued noise in the House. The hon. Home Minister may resume his seat for a minute and let all hon. Members conclude their speeches.

**Dr. Katju:** It has also the Sutlej waters in it, and the headworks of Bhakra-Nangal, a great project, are located there. We could have brought this Bill much earlier, but I was anxious that proper arrangements might be made for the administration of that project, and, incidentally, for the rehabilitation of people, whose lands, houses and other properties are merged in the reservoir which will come into existence when the project is completed. We have now made provision for all proper arrangements being made by the President under clause 31. That having been done, it was found that the separate existence of Bilaspur was leading to various difficulties and very undesirable results. There was a Chief Commissioner and he had all the paraphernalia of the provincial administration—a Chief Secretary, other Secretaries, heads of departments and all that. For a State with about a lakh of people, it was complete waste of time and waste of money, and incidentally also, the people of Bilaspur State were deprived of any machinery by which they might express their opinion and take any part in the administration of their own affairs. Under the Constitution, while they have one seat in the House of the People, here there was no provision for any local Legislative Assembly, and the result was that the Chief Commissioner had carried on the administration. Under this Bill, the House will observe that the people of Bilaspur will be entitled to send Members to the Himachal Pradesh Assembly and there will be seats reserved for the people of the Scheduled Castes also. While this Bill has been under consideration for so many years, no protest has been raised and it was almost an agreed measure, and the House may take it that that state of affairs continues. I say even though a petition is supposed to have been presented to the House containing a large number of signatures, but I do not know how they were obtained, whether by some mechanical process



or by human process or in what way. I do not want to take the time of the House unnecessarily.

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

"That the Bill to provide for the formation of the new State of Himachal Pradesh by uniting the existing States of Himachal Pradesh and Bilaspur, and for matters connected therewith, as passed by the Council of States, be taken into consideration."

I have got an amendment here in the name of Shri Anandchand. Does he wish to move it?

**Shri Anandchand (Bilaspur):** I have very carefully listened to what the hon. Home Minister has been saying and the reasons he has advanced for this measure. This is not such an easy matter to be dismissed in such a short while without going into the merits of the decision of the Government of India, the reasons that prompted such a decision and its effects on the people of Bilaspur. Before I move my amendment and give the reasons for moving it.....

**Mr. Deputy-Speaker:** I have got some doubts regarding the admissibility of the amendment.

**Shri Anandchand:** I will try to say a few things...

**Mr. Deputy-Speaker:** The hon. Member will kindly enlighten me regarding the admissibility of his amendment. After a Bill is sent here as passed by the Council of States, what are the motions that can be moved in this House under the rules?

**Shri Anandchand:** I think this House has got the full right to move for eliciting public opinion on the measure. The mere fact that it has been passed by the Council of States does not debar us from debating that.

**Mr. Deputy-Speaker:** A ruling of mine on the 8th December 1953 has been brought to my notice. After moving the motion for consideration

of the Travancore-Cochin High Court (Amendment) Bill, as passed by the Council of States, the Deputy-Speaker observed as follows in regard to an amendment for circulation of the Bill:

"I have got notice of some amendments. Shri Matthen says that the Bill, as passed by the Council of States, be circulated for the purpose of eliciting public opinion thereon. I do not find any provision in the rules for a Bill as passed by the other House to be circulated. The only motion that can be moved is for a reference to a Select Committee. \* \*"

The provision as to what can be done is contained in rule 146 (that is the corresponding rule here):

"Any member may (if the Bill has not already been referred to a Select Committee of the Council or to a Joint Committee of both the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee, and the Rules regarding Select Committees on Bills originating in the House shall then apply."

The subsequent rules deal with consideration and passing."

"On a motion for consideration on a Bill originating in this House an amendment can be moved that the Bill be referred to a Select Committee or be circulated for eliciting public opinion, whereas here it is only reference to Select Committee. Wherever it is intended to allow a motion or an amendment for circulating a Bill for public opinion, it has been said so. Therefore, except under the Rules, a particular procedure is not allowed. There is no provision for circulating the Bill for eliciting public opinion. Therefore, the amendment is out of order."

[Mr. Deputy-Speaker]

This is my prior ruling on a similar previous occasion. I would like enlightenment from the hon. Member how, in view of this ruling and the rules that I have referred to, this motion for circulation of a Bill that has already been passed by the other House and sent to this House, is in order.

**Shri Punnoose (Alleppey):** It is true that you gave that ruling on a Bill on a previous occasion. If that position is accepted, it is open to Government to shut out an amendment for circulation for eliciting public opinion by introducing the Bill in the first instance in the other House, getting it passed there and producing it here.

**Mr. Deputy-Speaker:** Similarly, they may introduce it here, get it passed and send it to the other House, in which case the other House would be precluded from sending it for eliciting public opinion.

Let me hear the hon. Member who has tabled the amendment first, before I hear other Members.

**Shri Anandchand:** Sir, I submit that so far as the procedure is concerned, certain rights are given to hon. Members of both Houses, rights which must be enforced equally. If by introducing a Bill in the Council of States the right for an amendment that it be circulated for public opinion is denied to the lower House or vice versa, it would only mean that Government can block this motion to be made. I would request you to give your ruling, in the light of this valuable privilege of the House.

**Shri S. S. More (Sholapur):** May I make a submission?

Before we come to interpret this particular rule 154, it is absolutely necessary to take into consideration the particular purpose and functions for which the two Houses have been created. The Council of States is supposed to be a body.....

**Mr. Deputy-Speaker:** I would ask hon. Members to make their observations in the following manner so that I may be able to follow them:

First of all let them cite whether there is any provision in the rules; if there is such a provision in the rules, my previous ruling may not be correct; or, at that time there might not have been a provision. Let us tackle this question in this way. If there is a provision for this motion to be made, of course, I must allow this amendment.

Are we only to be guided by the procedure that such and such thing be done? Or, if a particular step is prescribed, and no other kind of amendment is there, is it at all possible for this House to enlarge the provisions and invoke the general jurisdiction on the question of constitution and say that the other one must be implied? There is no inherent restriction, and, therefore, it ought to be followed.

**Shri S. S. More:** May I make one request to you?

**Mr. Deputy-Speaker:** Is there any rule?

**Shri S. S. More:** My submission is that we are not ready with the proper references and I would rather request you to postpone a decision on this particular point of order. In our haste to come to a conclusion, we are apt to come to wrong conclusions. I would therefore suggest that we should be given some time to explore the whole position. It is the Chair's duty to give the correct guidance to the House and your ruling is likely to be quoted as a precedent. In view of the bulk of our Rules of Procedure, it is very difficult to find a particular rule.

**Mr. Deputy-Speaker:** I am quite willing to allow time.

**Shri C. R. Narasimhan (Krishnagiri):** You quoted a ruling of yours that in the case of a Bill passed by

the other House and transmitted to us, a motion for circulating it for eliciting public opinion cannot be made. Supposing the Chairman of the other House takes a different view and gives a ruling that a Bill coming from this House may be circulated for eliciting public opinion? Then there may be disparity of procedure.

**Mr. Deputy-Speaker:** It is not on a reciprocal basis that I am giving my ruling here. We are guided by our Rules of Procedure. Hon. Members may know that whenever there is a provision specifically, the general right or jurisdiction cannot be invoked. We have a specific rule here, No. 154. I hope the Minister of States will examine this matter.

**Shri Anandchand:** Rule 91 mentions the motions that can be moved after introduction of a Bill. It says:

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make any of the following motions in regard to his Bill."

**Mr. Deputy-Speaker:** Rule 91 which is in section (i) deals with Bills originating in our House. There is a section (ii) which deals with Bills originating in the other House (Rule 150 *et seq*) and rule 154 refers to motions that can be made in this House. It reads:

"Any member may (if the Bill has not already been referred to a Joint Committee of both Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee, etc."

There is no provision here for amending the motion for consideration by a motion for circulation. In the absence of that what is the position? I have already on a previous occasion, in the case of a similar Bill, given a ruling that no other motion than the one given in rule 154 can be made.

Anyhow, as this is a matter which will curtail the powers of this House, I would like to go into it more carefully.

**Shri Anandchand:** If you reserve your ruling, that would be better.

**Mr. Deputy-Speaker:** Has the Minister of Home Affairs and States anything to say?

**Dr. Katju:** Sir, it is quite clear that unless the rules permit in so many words, the motion for circulation for eliciting public opinion will not be in order. Because, the rule definitely says that when a motion is made for consideration of a Bill, what sort of other motions can be substituted in place of that motion—a motion for appointment of a Select Committee or Joint Select Committee, or for eliciting public opinion. If the rule does not mention a motion for eliciting public opinion, it is quite clear that it cannot be moved. I respectfully submit that your previous ruling was right.

**Mr. Deputy-Speaker:** I find that two hours have been set apart for this Bill. My first reaction is that, following the previous ruling, I should rule this amendment out of order. Anyhow, I will tentatively allow the hon. Member to say what he wants to. I shall hear one or two other hon. Members also and later give my ruling so far as the legality of the motion is concerned.

**Shri S. V. Ramaswamy (Salem):** Will you admit an amendment for reference of this Bill to a Select Committee?

**Mr. Deputy-Speaker:** But no notice of it has been given. The rules of procedure were not discovered now; they are already there.

**Shri S. V. Ramaswamy:** They were there but the other amendment was not ruled out. If you could kindly examine this point....

**Mr. Deputy-Speaker:** This is a lame excuse. Apart from the rules, hon. Members know fully well that this

[Mr. Deputy-Speaker]

motion for circulation may not be accepted by the House and so if any hon. Member wanted, he could have asked or moved an amendment for reference to a Select Committee.

**Shri Anandchand:** The hon. Home Minister has given us three cogent reasons just now as to why he wants the Bill to be taken into consideration and why it is no longer possible to continue Bilaspur as a Part C State. The first reason is that it is the tiniest of the Part C States in India. That I think, was hardly a reason which could be put before this House because I think the basic structure of our Constitution does not recognise the doing away of tiny States. If Bilaspur is tiny today, after you do away with it Coorg will remain a tiny State; if this is taken away, then another will remain or become tiny. Thus there may come a time when even a State with a crore or two crores of people will be considered tiny when compared to Uttar Pradesh which has a population of five crores. That is not the sort of argument which I expected from the hon. Home Minister.

The second point was that this delay for the Bill has been occasioned by Government's anxiety to make some provisions for the Bhakra-Nangal project before this measure came before the House. I would refer to this point when I speak further. Here I would very respectfully say that Bhakra-Nangal project was one of the things which put Bilaspur on the map of India.

I should like to come back to these reasons later. Meanwhile, I would like to put before this House, with your permission, the picture as it was on the 15th of August 1947. I am not pleading—I might say from the very beginning—the case of Bilaspur as an Indian State, or as an erstwhile Indian State. That is no longer in the picture. It has gone and I am glad. As an ex-head of an Indian State, I am glad at the integration of the States

and I support and say that without any hesitation, I think it was most essential to plan the integration of the body-politic of the Indian States who have been closely related with the rest of India so that democratic republican form of Government might develop in this country, and this work had to be done after Independence. But what I am saying is this. I am not pleading the case of Bilaspur as a Part C State. I am pleading the case of a State, a constituent part of the Indian Union, a State which is one of the 28 units of the federation. Therefore, with your permission, I would like to go back to the picture that was presented to us on 15th August 1947, and I propose to trace the course of its development in very few words and to show how it found a place in the Part C States.

After Independence, the relationship that the Indian States had with the Dominion Government as it emerged, was through the medium of instruments of accession. Every State signed this instrument of accession and these instruments were temporarily restricted to three points: defence, communications and foreign affairs. After the signing of these instruments of accession in a hurry, if I may say so, it was realised that for the new structure of a free democratic India that was going to emerge, it was necessary that the States should be fitted in the democratic structure and therefore, there was a further development, the next picture after the instruments of accession of so many States—about 142 States which signed these were placed in the first class. There were another 140 or 120 States which were placed in the second class and there was a large body-politic of States—a few hundreds of them—which you might call third class and they were dealt with just like the small States in Kathiawar which have been attached to Baroda. In the light of these instruments of accession, Government of India, after independence, embarked upon a very sound and sensible policy. That was to bring the Indian

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States into closer relationship with the Union through the method of negotiation. I want to emphasise the word 'negotiation'. There was no compulsion as the hon. Prime Minister on so many occasions said. If there was compulsion, it was compulsion of events.

Now what happened? This was between 15th August 1947 and 26th January 1950 or I would really call it, November 1949, because the Constitution as such was passed by the Constituent Assembly in 1949 and all these States had been fitted into the Union with various kinds of agreements. Some States emerged as centrally-administered areas; some became part of the provinces and now there are States like Orissa, Bombay and Madhya Pradesh and so on. There were other States which were formed into Unions. The basic approach for all of them, I might respectfully say, was the same, namely, negotiations.

As one of the acceding States and as one which signed this instrument of accession, Bilaspur too had to find its place in the new India that was developing. Again this was done through negotiations through the Ministry of States, the late Sardar Patel. I personally had some talks and I do not want to go into all of them. As a result of these negotiations, certain decisions were made by the Government. I am not here taking the time of the House to quote from a variety of letters that I had during this period of negotiations because they really are not relevant to the subject matter at issue. The hon. Home Minister has said that the Bhakra-Nangal Project was the only basis of Bilaspur's being an important State. I would ask you to give me permission to quote from here—only one from the many letters. This is a letter written by Mr. V. P. Menon on 1st June, 1948 when these negotiations were proceeding and I would read a few lines. 'I had many talks with your Development Minister'. I am quoting: 'I may tell you that I have spent on Bilaspur more

time in argument with you and your Advisers than I spent in forming the Madhya Bharat Union.'

'I have told Your Highness that as a special case I am prepared to keep Bilaspur as a separate entity; that I am again prepared to see that Your Highness and your people are represented on the Council. I would further add that if there is a difference of opinion between the Administrator and the Council I shall instruct the Administrator to refer the matter to the Government of India for decision. These are all concessions which I have made and I would suggest that you come and sign the agreement'. I am only giving this as one of the basis of this agreement. The emergence of Bilaspur was not something which came out of space. The States in the Indian Union were not created out of space. Such a leader—a leader of the calibre of the late Sardar Patel who was instrumental in making India one compact unit—did not make a mistake here; it was not a mistake. Here was, as I pointed out, a definite issue which was settled in the only manner possible at that time. It was a reasonable settlement by the method of negotiation.

As a result of this, the next step for the Government of India to take was to include this in their official documents. This State has been accepted by them. What were the legal consequences? The only consequence of it was the White Paper, the only authoritative document we have on the Indian States. This White Paper on the Indian States issued by the States Ministry in March 1950, has on page 47, paragraph 117, a specific reference to the State of Bilaspur. It says:

"The group of these East Punjab Hill States included the State of Bilaspur. In view of the location of Bhakra Dam in this State, which is of all India importance, it was decided to take the State as a separate centrally administered unit. The State was

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taken under central administration on the 12th of October 1948."

This was the reason given in the White Paper. Then again, in the Constituent Assembly in 1949—I have not been able to find out that particular volume from the library, but I will quote from memory—to a question put to Sardar Patel, the then States Minister as to why Bilaspur which is not a viable unit has been kept as a centrally administered area, if I remember aright, his reply was that the public interests demanded that. Now, those who have, if I may say so, the background under which Bilaspur emerged as a Part C State—Bhakra Dam was one of them, I do not deny—will agree, that when emphasis is to be mainly on the administration and future control of the project, I think we lose sight of the very important factor that this Bhakra-Nangal project affects the people of the State in a variety of ways. Here is Bilaspur with its 126 or 127 thousand inhabitants. Here is Bhakra Dam which when completed would submerge 4,700 square miles of the State's territory dispossessing nearly 17 thousand people. Those 17 thousand people have, as it has been mentioned even at the time when the negotiations were made, done a very great sacrifice for the common cause. They had agreed to this dispossession and it was a very welcome agreement of course. If we can do something to the rest of India, we are proud of it. We are proud of the sacrifice that the people of Bilaspur have made. But, there is this dispossession, this large upheaval which was to take place, directly or otherwise. Radical changes were to take place in the State of Bilaspur. The Central Government, therefore, correctly thought that it would be right to administer it separately so that all problems relating to the rehabilitation of the people, all problems relating to the construction of a new township of Bilaspur which would

have to be built, all these things could be best done if it was centrally controlled, centrally administered and there was no interference or any other intermediary—if I may call them so. It was considered better to have a direct connection between the Central Government and Bilaspur. That was done and the State was made a Part C State. It was adopted in the Constitution and that Constitution was adopted by the Constituent Assembly. The administration as such proceeded.

Then, Sir, I come now to the second point. In this Statement of Objects and Reasons it is said:

"It was one of the Punjab Hill States which should normally have been integrated in Himachal Pradesh but in view of the location of the Bhakra Dam in the State it was kept as a separate Part C State. It has accordingly been decided that it is no longer necessary to continue Bilaspur as a separate State...."

May I know as to why it has been decided so? Is it that one fine morning the States Minister got up and he said: "what is the use of Bilaspur State? Let us do away with it"? After all the Constituent Assembly sat and drafted the Constitution, and Bilaspur was put as a Part C State. Certain negotiations were also entered into under the terms of the Constitution. Now to say: "it was accordingly decided to do away with it", there must be some reasons. There must have been some reasons to put Bilaspur as a Part C State. Why was the question of doing away with it not done in 1951? Why was it not done in 1950 when the Constitution was passed, when there was not even a single Member from Bilaspur to plead its cause. The reason is, if we look into the States Ministry's report for 1952-53, on page 2—if I may quote from that—the reason is clearly given. What is the reason?

The reason given therein is 'adjustment of boundaries' under the heading 'Abu and Bilaspur'. Paragraph 12 says:

"Bilaspur is the smallest of the Part C States. It has an area of ....."

10 A.M.

Then the reason given is 'adjustment of boundaries'. It says that claims have now been made and Government have therefore decided that it was no longer necessary to continue Bilaspur as a separate State and that it should be merged in Himachal Pradesh. Therefore, the reason was the claims of Himachal Pradesh for the merger of Bilaspur in Himachal Pradesh on grounds of linguistic and cultural affinity and probably, no other reason. Now, let us examine it. If that was the reason, then obviously the best course for Government was to appoint a commission, a body of inquiry, some men to go to Bilaspur and take the wishes of the people into consideration; tell them: "look here, we are now going to go back upon our agreements"—not a very pleasant word, but they can say it. They can say, although in 1950 we were quite prepared to keep Bilaspur as a separate entity, now 1½ years have passed and we have come to the conclusion that we cannot do it. The reasons perhaps could have been explained. I do not think that to say that it was a tiny State and did not affect the people very much, was any reason. Many other reasons could have been advanced. They can say, for the better security, for betterment, because Bilaspur was standing in the way of democratic institutions in this country, it was necessary to do away with it: therefore, we have come to you; Himachal Pradesh has claims on you; what do you say about it? They can ask, "Do you want to merge into Himachal Pradesh; have you affinities and ties with them?" That would, obviously, have been the correct course to take. Even when this claim was laid by the State of Himachal Pradesh on the ground of cultural and

linguistic affinity, the Government of Punjab also laid claims on Bilaspur. Here is really a case of a bride with two suitors who claimed her hand in marriage, and the Home Minister, a puritan as he is, has agreed to give the bride without asking her consent.

**Dr. Katju:** What does the bride say? Does she want to remain a virgin?

**Shri Anandchand:** If she wanted to remain one, she had every right to say so.

What happened was, when there were these counter claims, the conference was held, the great conference about which page 3 of the report is full, when all the representatives were asked: representatives from Himachal Pradesh, representatives from Punjab, representatives from PEPSU and Rajasthan, but no representative from Bilaspur. If there was one, it was the Chief Commissioner, a functionary of the Government of India and he could not speak on behalf of the people of Bilaspur whether they wanted merger with A or B.

**Shri Algu Rai Shastri (Azamgarh Distt.—East cum Ballia Distt.—West):** You were not consulted?

**Shri Anandchand:** No; at no stage.

**Shri Algu Rai Shastri:** That is very strange.

**Shri Anandchand:** In that conference of 18th August 1952, the Central Government came to a decision. What was that decision? The decision was this. After the conference of all the States, it has been decided that a statutory body or corporation should be set up for the Bhakra-Nangal project, and after this project has been handed over to the statutory body, Bilaspur was to be merged into Himachal Pradesh, because as we found in the newspaper reports and other things, that the claims of Punjab on Bilaspur were rejected because they were not given any credence. The idea was that really these people had much more cultural and other affinities with Himachal Pradesh. Here

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again, as I said, is one of the most undemocratic decisions so far taken, a glaring example of an important decision being taken without consulting the people of the State.

What was the reaction? The first reaction was a petition to the Government of India. If the people did not want that decision, if the people thought that the decision was wrong, the obvious course was to petition, and a petition was submitted to the hon. Home Minister himself. That petition was signed, I think, by 42,000 people. I can speak with some authority. Here is another petition now. The first was in 1952 as soon as the decision was taken, because it was not implemented. There was no Bill at that stage. In that petition a request was made that the decision was wrong, that almost a commitment had been made when the Bhakra-Nangal project had not even started and the people facing dispossession had not been rehabilitated, and therefore, the Government of India should reconsider the decision. From 1952 to 1954 nothing was done in the matter. The hon. Home Minister has been saying here that the idea was to protect or safeguard the Bhakra-Nangal project; nothing, however, was done in the matter. I think I would not be wrong in saying that the withholding of the implementation of the outcome of that conference in 1952 was purely on account of the vehement opposition made by the Punjab Government to that decision. Here I say that with some authority because on the very next day of this decision, the Chief Minister of the Government of Punjab made a Press statement, an important Press statement, referring to this decision, and with your permission, I will quote a few words from that. Shri Bhimsen Sachar, in a Press conference on the very next day to this decision, i.e., 19th August, 1952, said, *inter alia*:

"The point of view of the Punjab Government that the

decision as to the merger of Bilaspur should be subject to the paramount needs of the Bhakra Dam and Nangal Canal was accepted...."

"...During the course of the discussion the Prime Minister of India suggested that it might be desirable to set up an independent Authority in order to safeguard the interests of the Bhakra Dam Project. In that case the Prime Minister said it would be immaterial to which State the Bilaspur territory belonged."

That shows that there was a tussle between the two States about the point as to which State this territory should go.

"Up to the last the Punjab stuck to the view that the question as to whether the whole of the Bilaspur State should form a part of Himachal Pradesh should be deferred till after the examination and adoption of the proposal to set up an independent authority for Bhakra-Nangal Project, as unless the question of the powers and functions of the proposed authority had been agreed upon it would be premature to take a decision on that point."

This is what happened. This is really the reason why from 1952 to 1954 the decision, as I said, could not be implemented and also, if I may say so with due respect though probably the hon. Home Minister would deny it, perhaps the entreaties, the telegrams and the representations of the 42,000 people had some effect, and I very much hope they would have even now—I refer to the other petition now before this House—some effect.

Matters went on like this, but then suddenly, as it were this Bill has come to us in 1954. I was very carefully reading the arguments advanced by the hon. States Minister in his



speech in the Council of States when this Bill was taken into consideration. I think there is some law or ruling that the proceedings there cannot be quoted in this House. Therefore, I would not like to say the exact words which the hon. Home Minister said, but he said something to this effect about the urgency of the measure. The reason why Bilaspur as such should be integrated and this Bill should be passed is the administrative structure there as such needs change. There is the Chief Commissioner, he said, whom we have changed. We appointed a functionary from Himachal Pradesh. The Lt.-Governor was appointed as Chief Commissioner. Still there is no improvement. And there is the urge on the part of the people that something should be done, and therefore the only thing that can be done is to do away with Bilaspur. Because the Central administration cannot improve that, do away with it. That was hardly a reason I thought, coming from very responsible quarters; that because the Central administration there was not proceeding as well as it should have proceeded, therefore the best thing is to let this entity disappear. The same reason could be advanced tomorrow if the administration fails in any other state—let us do away with that also. But that is hardly a reason. If that is really the reason, the position could be remedied. If this Chief Commissioner from Himachal Pradesh, or the Lt.-Governor of Himachal Pradesh as Chief Commissioner, did not work, the Centre could have appointed another Chief Commissioner, could have appointed a Deputy Chief Commissioner if they had no intention to provide a Chief Commissioner. Things would have improved, most certainly they would have. That they had deteriorated and the very fact that the hon. Home Minister has admitted that there was deterioration, I think, bears out what small criticism I put in this House in the previous debate in the House when I said that the administration had deteriorated.

At that time the States Minister was not prepared to admit it. At that time he said there were no functionaries as Judicial Commissioner. There was no big secretariat as in U.P. Today, the hon. States Minister says: "We do not want a large secretariat or the Judicial Commissioner. We do not want this top-heavy administration". I think that bears out this point that there were these functionaries, that these functionaries continue and they do their work. After all, if it is a large unit or a large State, they would do more work. If it is a small area, they would do lesser work, but work is done. Since it is a centrally administered unit of India, howsoever tiny it might be, there are functions to be performed, all those functions about laws, the application of laws about decisions in the Courts and on various communications that come from the different Ministries about how the procedure has to be adopted there. All these functions are there. So, this statement that the administration as such has been paralysed, was not proceeding properly, is hardly a reason to be given for doing away with the entity of the State or the right of the people to live or enjoy the rights of a particular political status. So, as I have said, the only reason was that Bilaspur should be merged on grounds of linguistic and cultural affinity, and that there should be a corporation or a statutory body, before it was merged. Here we have the two pre-requisites or the two guiding factors which brought about the 1952 decision. Here, if I may respectfully point out, were also the grounds for the Government of India to cure the injustice that had been done under this decision of 18th August 1952. How was it to be cured? If the merger was to take place on grounds of cultural and linguistic affinity, it having taken place in December 1952, that you had already appointed a States Reorganisation Commission, here was a method by which you can say, well, let the case be referred to the States Reorganisation Commission, because we

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have not asked the people of Bilaspur, because the people of Bilaspur protest against this merger, because this merger has to take place on grounds of linguistic and cultural affinity, and because we have here a forum and a body which is solely for the purposes of determining as to which areas have cultural affinity with which areas, and also for the purpose of determining which constituent units of the Indian Union have a right to live in the future. And Bilaspur was such a unit on the 29th December 1953, when the Government of India and the Home Ministry passed this Resolution and said that the terms of reference of this Commission would be, among other things, to examine the whole question of the reorganisation of the States of the Indian Union, with a view to promote the welfare of the people of each constituent unit as well as of the nation as a whole. Bilaspur was such a constituent unit, and it still is. How are its interests to be promoted, if at the very time when this Commission is going into the whole question of reorganisation, if at the very time when they are trying to redraw the map of India by common consent, you whisk away these entities one by one. Today, you whisk away Bilaspur, tomorrow you may whisk away some other State, and on the third day, you may whisk away a third State. If you are going to do so, why appoint this States Reorganisation Commission?

Now, there has been a reply to this point by the hon. Minister of States, in the Council of States. When the same argument was raised in the Upper House, the reply was that it is not the States Reorganisation Commission that is going to decide, but that it is the Parliament that is going to decide it. By that, I think, the States Minister meant that Parliament, which tomorrow can decide on the recommendation of the States Reorganisation Commission, can today decide in anticipation of them. I agree

with you; I subscribe to it entirely that the sovereign character of the Parliament of India, which is the sovereign law-making body of India is unchallenged. We can pass any law; tomorrow we can amalgamate the whole of the territories of India into one State, under this article of the Constitution, if it is conducive to the good government and the betterment of the people and of the nation as a whole. But then the point is this. If we are going to do all these things, if we are going to visit each of these little areas or small areas or villages—five hundred and odd of them are there—and if we are going to hold a commission of inquiry there as to with which area the people of a particular area have cultural or other affinities, if that is the function which we are to do, how are we going to function as government in other larger spheres in the country? Obviously, we have to devise a body or a forum, under which all these linguistic and cultural claims can be considered, and on the floor of which or before which all these points are given due weight and attention. When that forum has given its recommendations, we should proceed further in the matter. I agree that the high-powered commission is not a high-powered commission at all; it is only a States Reorganisation Commission. If it were a high-powered commission, naturally, we would have had to abide by its verdict. I am not, however, pleading here as to what the States Reorganisation Commission should be. I am only saying that once we have made that forum, and once we have established a certain procedure for the reorganisation of the States of the Indian Union, what are we proposing to do in this Bill? We are proposing to create a new State of Himachal Pradesh by uniting both these States.

We are creating a State or giving parliamentary sanction to bring into existence an entity which even after merger is a Part C State, not a Part A or Part B State, but a Part C

State which even after the union of both these States would have a population only of 11 lakhs of people—the population perhaps of any district in Punjab or U.P. or Bombay. If the hon. the States Minister has stated in his Statement of Objects and Reasons that Bilaspur is not a viable State, I respectfully point out to him that Himachal Pradesh is also not a viable State. So that argument cannot hold water. Therefore, if we were, by uniting both these States, to create a State with viability, I would have understood it. We have done something here; we are creating a new State in India in the fifth year of the Republic, as he has given in his amendment:

“Be it enacted by Parliament in the Fifth year of our Republic as follows...”

Is it not to wipe off in the fifth year of our Republic the State of Bilaspur against the will of the people?

**Shri Algu Rai Shastri:** It is the tiniest State.

**Shri Anandchand:** The tiniest has a right to live. If you are ten brothers in a family and one is very tiny, do you mean to say that the tiniest should be murdered?

So, Sir, the point is that in all these matters we have to give much larger consideration to this problem than has been given heretofore. And there was a reason, as I was pointing out, there was a condition under which the Central Government could have asked the people. They had the forum of the States Reorganisation Commission to say: ‘We will leave the decision of 18th August subject to ratification. Here is the States Reorganisation Commission. We will refer it to them. We shall wash our hands of the foul smell that we are taking a decision *ex parte*’. That was not done.

Then what is the urgency about it? I do not know from the Statement of Objects and Reasons what urgency there is about this. The very fact that there is no urgency, if I may respectfully point out to the House, is a

glaring fact. What is the urgency of this business before the House? I am not conversant with all the Rules of Procedure. But I heard from Mr. Tulsidas who is a member of the Business Advisory Committee that there were originally about 16 or 17 odd measures which Parliament was expected to pass by the 15th May and disperse. But with the continuation of the session for another four or five years, the Himachal Pradesh and Bilaspur (New State) Bill must be brought before you! What is the urgency I cannot understand. What is the urgency for bringing about a union of these States? And when is the Union to come into effect? There is no appointed date. The Union is to come into operation when the Government of India pleases! If there was any urgency, I should have thought that the very first thing that the Government would put in this Bill was an appointed date on which it would come into operation. The very fact that the Government has made that very indefinite disproves the urgency. This Bill will come into effect on the day the Government may issue a gazette notification. So what does it mean? It means that after the passage of this Bill, Government can sit three years before the new State is formed.

**An Hon. Member:** Persuade them.

**Shri Anandchand:** There is no question of persuasion. It means that they want to be indefinite. And if they want to be indefinite, then why do they not refer it to the Reorganisation Commission? (*Interruption.*) I want to have an opportunity in the House to show how injustice is done. I do not want to go to the hon. Minister's office and have my say. That is hardly the forum for me; that is for the petitioner. I have not come here as a petitioner; I have come as one of the Members of the House to put before the House my point of view. It is the people who are sovereign; Governments after all, are created by the will of the people; they

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rise and fall with the will of the people.

So I should have thought that that was the proper thing to do. Now, there had to be repercussions. When a wrong decision is taken, when a double wrong is committed, those people who are politically alive—I am glad to say so—to a certain extent, naturally react. There had to be some sort of reaction and that reaction was referred to by my hon. friend, the States Minister, when the Bill was before the Upper House. He said there had been some disturbance of 'emotional tranquillity' in Bilaspur—not public tranquillity. I thought it was public tranquillity, but now it was described as 'emotional tranquillity'—it is a new word to use. What it probably meant was that all these 5041 signatories were going round in each of those small villages. Now, Members of this House, except probably a few, have not seen Bilaspur. I was born there; I have lived there all these years and I am glad I have all possible contacts with the people, with the humblest man there. I take no credit for that. As a Member of Parliament, it is my duty. All those are poor people spread out in the villages on the hill-tops and on the banks of the river. The whole population is 1,26,000 which the hon. Home Minister always flings on our face. He always says here is a population of 1,26,000 in a Part C State. I say in reply to him: what is the population of Coorg, which is another Part C State? It has only a population of about two lakhs. If that is to go, let us have a proper measure for all these Part C States to go. Let there be a proper principle for their extermination, a proper principle by which all these States could go. Let there be a uniform principle by all means. But the procedure should be there. After all, this is a question of one of the constituent parts of the Indian union: this is a question of a State of India, howsoever small it may be. If you are going to adopt a

policy of exterminating these States, the questions in respect of which are integrated with other major questions, without consulting the people, will of the people, where will democracy be? It cannot flourish in this country. I think it would be a wrong step if we are to consider this problem in the way in which it is being done.

I heard my hon. friend from Manipur speaking the other day. I never met him but I remember his words. He was very outright in his speech and said that if it was possible for him to do *gol mal*, he would do *gol mal*. He is not there today to do *gol mal*. But I can do no *gol mal*. I can only plead before the House that an injustice should not be done. Then there will be no occasion for any *gol mal*, whether in Tripura, Manipur, Himachal Pradesh, Bilaspur, Coorg or any other State.

**Shri Radhelal Vyas (Ujjain):** How much time will be given to the hon. Member? You said that only two hours have been allotted to this Bill. We would like to know how much time will be given to us?

**Mr. Deputy-Speaker:** I was considering this matter myself. Two hours have been allowed by the Business Advisory Committee. I find that a number of amendments have been tabled by the hon. Member, who is now in possession of the House, on almost every clause of this Bill. There is no other hon. Member who has given notice of amendments. Already the hon. Member has taken one Bill hour and I cannot extend the period of time.

**Some Hon. Members:** No, Sir.

**Mr. Deputy-Speaker:** What is this 'No' about? The hon. Member started at 9-26. What is the time now? What is the meaning of 'No' then? I am noting down the time in these matters. There is the office here. In such matters, it very often embarrasses me when hon. Members say 'No'. It is one thing for hon. Members to say

that they may be given more time. I have no objection to their saying so. When an hon. Member is in possession of the House, he may speak on all matters relating to the Bill. I have given him one hour and I hope he will finish soon. Otherwise, there may not be time even for the hon. Minister to speak, and I will have to put the whole thing to the vote of the House straightaway.

**Shri Anandchand:** I shall finish in a few minutes. I was referring to the reactions of such a measure. The only reaction which was a correct parliamentary reaction, which was a perfectly constitutional reaction, was to bring all this, in equity, to the Houses of Parliament and say, this is what has happened. This is what we pray for, and please consider our prayer. Now, this petition has been presented to this august House. It has a signature of something like 45,000 people of Bilaspur, though my hon. friend, the Home Minister, says 'I do not know how they obtained it'. Well, in the present status in which the people of Bilaspur are living,—I am one of those who are living there—we have hardly any of this police force, hardly any military which we can order about, in which case one could order the people to put their thumb impression. There is nothing of the kind. What has now been presented is an address signed by most people of the State of Bilaspur. It is on the Table of the House. According to the rules, the name of each individual, the address of each individual, his *kamura*, as they call it, are all there. If there is anything wrong in them, you could call the concerned people and ask them whether they did it or not, whether they subscribed to the petition or not. That is the end of it. But the point is, this petition has been sent. There have also been representations to the Chief Commissioner of Bilaspur, who, at the present moment, is the Lt.-Governor of Himachal Pradesh. He is acting in both capacities. We have nothing against him. He is a person who is very nice, who is of a very high calibre,

and as the hon. Home Minister said, we are very happy that he is enjoying the confidence of the President of India. Our relations with him are very happy. But, in this particular matter of Bilaspur and its future, we have taken the liberty with the Chief Commissioner as our Chief Commissioner—and I would say it was a natural liberty—and we have approached him and said, 'Here is our representation, will you please put it up to the Government of India and say that the people as such resent this measure and they want that this measure should not be proceeded with'?

I would not go into the grounds of the petition. I have said more or less whatever is contained in it. Although I went to the hon. Speaker and wanted to have this petition circulated, there was no time for circulation because he said the Bill is coming up tomorrow and it cannot go to the Petitions Committee now. So, the contents of the petition could not be circulated to the House. Therefore, I would, with your permission, read only four or five lines from that. They say that there is no reason why the people of a Part C State should not be consulted about their future, when the Government of India have admitted this even in the case of Chandernagore, which is only an area with 26,000 inhabitants, the right of self-determination. Chandernagore is going to be merged with West Bengal. It was a French territory. Admitted. Bilaspur was an Indian State. When this area of Chandernagore, with 26,000 inhabitants came directly to India, when its administration—*de facto*—was transferred from the French, the Prime Minister himself had declared on the 3rd February, 1949 that arrangements for the association of the Settlement with the Indian Union will be in conformity with our declared policy and be regulated according to the wishes of the people with whom there would be the fullest consultation. In pursuance of this declaration of policy a Commission of Inquiry was appointed—the

[Shri Anandchand]

Jha Commission—and the Commission's Report is here. He went to the people of Chandernagore, asked them what they wanted about their future status. I am glad that as sensible people—I do not say we are insensible that way—they said that they would naturally like to merge with West Bengal which is their neighbour. At the same time, they wanted certain cultural and other things to be taken into consideration. This report has made out a case for them and it pleads their case. It says, give them good treatment, let there be a Corporation for Chandernagore, let there be even a seat for Chandernagore in the West Bengal Assembly with only 26,000 people, though according to the Constitution you cannot have a representative for less than 75,000 people or so. Here we have got this Bilaspur State which is a bigger area, we have created something out of the hills or even plains, whatever it may be, it is a Part C State of the Union of India. We want extensive lands. Let us do something for them. They want lands and there is no land in the Himachal Pradesh. It has been found out that there is no land for their resettlement. They have time and again said that they want land from Punjab and Punjab refuses. Why? Because the bride is not being offered to Punjab, because this place would not go to them, they do not want to give or part with good 30,000 acres of Punjab land. Here is a question, whether the Central Government is going to rehabilitate and establish these people. He has made mention of section 31. What does this section 31 speak of? It says:

"Nothing in this Act shall be deemed to derogate from the powers of the Central Government to make such arrangements or to take such action in relation to the Bhakra-Nangal Project as may, having due regard to the purposes of the Project be necessary to ensure its proper administration and effective implementation."

This only saves for the Government the power to see that the Bhakra-Nangal Project is properly administered and effectively implemented. No word about the 17,000 people who will go to dogs. What about their rehabilitation? We are here being uprooted because of this dam. Under this section there is no power to issue directions to the Punjab Government to allot us lands. By our making sacrifice Delhi will get electricity. I read in the papers that Bhakra-Nangal is going to produce electricity for Delhi to run trains. Millions of acres of land are going to be cultivated and crops are to be raised and the people of Bilaspur by whose sacrifice all this is possible are going to be erased. That, I would call is hardly justice; it is not fair. Therefore, with due respect, I would urge this hon. House to take all these factors into consideration, namely, the reason why this measure has come, whether there is any urgency and whether in the shape of things to come, in the India that we want to create, an India of viable units, where alone democracy can flourish in its proper perspective, this new State which will come out of this Bill, with its 11 lakhs of people, with its deficit financing, can exist properly. According to the Himachal Pradesh's budget, its revenue is Rs. 1,25,00,000, while its expenditure is about Rs. 2,40,00,000, and the balance is made up of subsidies which Parliament allows every year. Without subsidies from Parliament, it cannot exist. Bilaspur, of course, is also a deficit State. What is the use of the deficit State of Himachal Pradesh being merged with another deficit State of Bilaspur? Is there any algebraic process by which you can make these two minuses into a plus? Here, Sir, minus and minus will still be minus, and so what is the use of adding them together? I would say that it is hardly fair to the people of Bilaspur State and I would say even to the people of Himachal Pradesh, because they themselves have to fight a battle before the States Reorganisa-

tion Commission tomorrow in connection with a larger Punjab. I would respectfully submit that the Bill, at the present stage, be not taken into consideration, that the Bill be referred to the State Reorganisation Commission, that the States Ministry appoint an enquiry commission, as they have appointed in the case of Chandernagore, to go and ascertain the wishes of the people, and after the recommendations of that commission have been placed on the Table of the House, the House may do whatever it likes. It is a sovereign body and it may do whatever it pleases at that time.

**Mr. Deputy-Speaker:** With regard to the point raised by Mr. More, I may inform him and the House that I had sent for the Rules of Procedure of the other House, and they are also word for word similar to the Rules of Procedure of this House.

**Shri S. S. More:** I quite see that there are many provisions under rule 154. If we go to rule 91, it has got a wider aspect.

**Mr. Deputy-Speaker:** Rule 91 relates to motions after introduction of Bills.

**Shri S. S. More:** I quite see that. I am just comparing these two rules. Under rule 91, a Member is permitted so make at least four motions of different sorts. By the separate section on page 39 of the Rules of Procedure, it is restricted in its meaning, and I may say, after reading all these provisions, that you are in a way right in saying that, but I would rather go to the spirit. As far as the interpretation of the letter is concerned, I may concede you are right, but on occasions when we are to interpret rules or laws, we have to see the spirit of the legislation, the spirit of the particular motion, and that is why I say that we have to take into account the purpose for which the Council of States has been created. The Council of States has been created for the purpose of sitting as a revising body, because the House of the People, which is supposed to be representative of the people, may

in its own enthusiasm come to some rash decisions or rash conclusions or rash estimations. A body of elders, who are supposed to deliberate in a cooler manner is to sit there. Therefore, I say that the right of ascertaining public opinion of this original body or this paramount body should not be denied. As a matter of fact, our composition is based on public opinion; we are directly elected by the people, while the Council of States is elected by the States. We are much more concerned in ascertaining public opinion, because if we do not ascertain public opinion, possibly next time we will find it extremely difficult to be here. My submission is that this body, owing its origin to the will and support of the people, has more often to consult the people, and, therefore, its right of circulating the Bill for eliciting public opinion, in spite of the fact that it has been passed by the other House, is not restrictive. This, I believe, is the spirit of our Constitution: this I believe is the spirit of the federal structure of Government that we are having in this country. I would, therefore, say that you will be pleased to give your interpretation in a manner which will not place any restriction on the sovereign powers of this particular House.

**Shri Velayudhan** (Quilon *cum* Mavelikkara—Reserved—Sch. Castes): The House can throw the Bill out.

**Shri S. S. More:** My hon. friend Mr. Velayudhan is giving his own ruling from that side of the House.

On the merits of this measure, I have nothing to say, except that I entirely agree with the hon. Home Minister that all these small Part C States should be abolished. Schedule I of the Constitution has enumerated as many as ten States under Part C. I do not see any reason why these ten States should be there. Under the Constitution the Central Government which federates the various constituent units are given certain powers; but the Centre is out to have more powers and more beggars at its doors. Therefore this retinue of Class C

[Shri S. S. More]

States is maintained, with beggars' bowls in their hands. They will be going to States Minister and Finance Minister for help.

As far as Bilaspur is concerned, it raises an important point of law. Under Article 363 whenever there is any dispute regarding any agreement or covenant, or pact, between a ruler of a State and the Government of India that dispute cannot be enquired into by the Supreme Court. The jurisdiction of the court has been taken away. Now we find that there is a dispute. The ex-Ruler has spoken with great vehemence, though with restraint. He has pointed out that the original agreement which the Minister of States has entered into with him on behalf of the Government of India has been flouted. I may say that the ex-Rulers entered into agreement with the Government of India in their own interests and against the interests of the subjects. So, these agreements should not carry any sanctity. But if we are taking our stand on our Constitution, then we have to see that every article which is relevant is given effect to.

Article 363 which I have already referred to says that if there is any dispute the Supreme Court will not go into it. Then, which is the body that will go into it? But there is an article, No. 143, which gives power to the President to consult the Supreme Court. The Supreme Court can come in not as Supreme Court, but as the authority referred to under article 143.

Now, Sir, this House has to assume great responsibility. The question of interpretation of a particular article of the Constitution has been posed before us. I am not prepared to attach any importance to the other matters, like the right of self-determination, because the time at my disposal is short. But what about the constitutional point? I quite see that Bilaspur is a very small State. But its ex-Ruler has raised one of the major issues, though his State is not a major State.

Now, what is to be done regarding this particular law point? We have seen that there is a clear dispute between the ex-Ruler and the Government of India regarding the terms of that agreement. He is maintaining a position that under the terms of the agreement, you are bound to maintain Bilaspur as a separate entity and if you are not sticking to it and passing this measure, it means that you are flouting the terms of that agreement. If there is no such dispute regarding the terms of the agreement and its binding effect before this House then I think there is no objection in passing this Bill. If there is any such dispute, I think it is a matter which should be referred to the President for his consultation under article 143. Then only we shall be given some assurance. I went into one of these and I feel that the Government of India were in their effort to merge the different States entered into wrong agreements with the ex-Rulers just to tempt them to sign. All these agreements stand in a different category. As far as articles 362 and 363 are concerned, these provisions should be taken into consideration in passing any law relating to the agreements and covenants entered into by the Government of India with the ex-rulers. They referred to article 291 and say that is the spirit in which the Constitution has been passed. If I have got some grievance against this Constitution, I will get it properly amended but as long as it is not amended, we must work that Constitution, and therefore, I submit that this is a constitutional issue in which the President does step in and therefore, we must give an opportunity to the President. We can very well postpone the discussion on this matter or its consideration and give an opportunity to the President to take steps under article 143 by inviting the opinion of the Supreme Court whether the contention of the ex-ruler that this measure is in violation of the agreement entered into is correct or not. That is my humble submission.



**Mr. Deputy-Speaker:** Soon after the amendment is moved, normally I must place the amendment before the House. So far as this point is concerned, the amendment of Shri Anandchandji wants that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st October 1954. My attention has been drawn to rule No. 91. It relates to motions after introduction of bills: that is when they originate in this House. It mentions the kinds of motions that can be moved as an amendment to the motion for consideration. 91 (iv) refers to circulation for the purpose of eliciting opinions thereon. But the relevant rule is 163. That relates to the motions that can be made regarding a Bill which originated in the Council of States and was transmitted to this House. That rule definitely says that it can only refer to a Select Committee. There is no reference to circulation for eliciting public opinion. Mr. More also agrees that so far as the strict letter of law is concerned, the rule does not permit or make any provisions for a motion of this kind, an amendment seeking circulation...

**Shri Anandchand:** I want to submit one point.

**Mr. Deputy-Speaker:** I am not going to allow this hereafter. There must be an end to this.

My attention was drawn to the provisions of the general principle that the upper chamber is only a revisory chamber. Normally it must be a revisory chamber but the Constitution, except with respect to certain Bills, says that other Bills can be introduced in any of the Houses. To that extent, the provisions of the Constitution, whatever might have been originally intended, negative such a contention and I cannot go merely to the spirit of the Constitution. It may be desirable by way of convention to establish that all such Bills of importance must originate in this House with a view to see that the representatives of the people, directly elected, might bring their minds to bear upon these and take all these steps. Then the

procedure is much more elaborate which is not so when the Bill originates in the other House and comes to this House. As a matter of convention all important Bills are to originate in this House, giving the Members ample opportunity, instead of fettering the discretion of this House. I am helpless so far as this matter is concerned. A Bill of this kind can originate in the other House and when it comes to this House the only amendment that can be made to the motion is for referring the Bill to a Select Committee. If it was the first impression possibly, I might have considered it. On a prior occasion on a similar matter, I gave another ruling. Consistency to a large extent is always better than inconsistency. Therefore, I propose to follow the previous ruling and rule this amendment out of order.

Now, I call upon Shri Radhelal Viyas, but I would request hon. Members to be very brief; only five minutes each.

**श्री राधेलाल व्यास :** उपाध्यक्ष महोदय, मैंने अभी बिलासपुर से निर्वाचित माननीय सदस्य के भाषण को बहुत ध्यान से सुना और मुझे प्रसन्नता है कि उन्होंने जनतंत्र पद्धति को अपनाने का फैसला कर लिया है और जनतंत्र पद्धति के अनुसार यहां पर इस बिल के विरोध में कार्यवाही करने का निर्णय किया है। श्रीमान, उन्होंने १५ अगस्त, १९४७ के दिन की और उन दिनों की घटनाओं की याद दिलाई और कहा कि बिलासपुर राज्य को एक स्वतंत्र इकाई के रूप में क्यों रखा गया था। उन्होंने श्री बी० पी० मेनन के एक पत्र को भी यहां पर पढ़ कर सुनाया और उस पत्र को सुनने के बाद कोई भी व्यक्ति यह नतीजा अवश्य निकालेगा कि उस वक्त के नरेश और माननीय सदस्य बिलासपुर के सम्बन्ध में जो इस्ट्रिमेंट आफ एक्सेशन था उस पर शायद हस्ताक्षर करने को सहमत नहीं थे . . .

**श्री आनंदचंद :** यह बात गलत है।

श्री राघेलाल व्यास : मैं नहीं, वह श्री मेनन का पत्र कह रहा है ।

श्री आनंदचंद : मैंने १० अगस्त को हस्ताक्षर कर दिये थे ।

श्री राघेलाल व्यास : मेनन साहब ने इंस्ट्रुमेंट आफ एक्सेशन को साइन करने का उस पत्र में निमंत्रण दिया था और वह पत्र स्वयं इस बात का प्रमाण है कि वह उस समय भी इंस्ट्रुमेंट आफ एक्सेशन पर हस्ताक्षर करने को सहमत नहीं थे । स्वर्गीय सरदार पटेल ने जिस तरह से रियासतों का एकीकरण किया और देशी राज्यों के प्रति जिस उदारता और दूरदर्शिता से काम लिया वह वास्तव में सराहनीय है और उससे किसी को इन्कार नहीं हो सकता है और यह उनकी योग्यता और दूरदर्शिता का नतीजा था कि ऐसे समय में उन्होंने इंस्ट्रुमेंट आफ एक्सेशन पर उनके हस्ताक्षर करायें । १९४७ में जिस समय कि ब्रिटिश सरकार ने यह ऐलान किया कि सावरेन्टी अब खत्म हो कर राजाओं के पास वापस जाती है उस समय बिलासपुर स्टेट की क्या स्थिति थी ? श्रीमान्, मुझे इस बात महीने में तीन मर्तवा बिलासपुर स्टेट में जाने का मौका मिला और मैं अभी दस दिन तक वहां पर रहा था और मैंने वहां की स्थिति का जो अध्ययन किया उसके आधार पर मैं आपसे कह सकता हूं कि बिलासपुर के बारे में बहुत सी ऐसी बातें मालूम हुईं और कई लोगों के मत जो मालूम हुये, वह मैं आपके सामने रखता हूं । मेरे पास इतना समय नहीं है कि सबको पढ़ कर यहां पर सुनाऊं । लेकिन सन् ४७-४८ में जो स्थिति थी, उस मौके पर हिन्दुस्तान के एक बहुत बड़े माननीय नेता जो उस समय कांग्रेस के प्रेसीडेंट थे, डाक्टर पट्टाभि सीतारमैया उनके वक्तव्य से एक उद्धरण को आपके सामने रखता हूं :

"One fails to understand how the Bhakhra Dam assumes an All India

character any more than the numerous dams which are being built or, are contemplated in the various Provinces or States, nor is it easy to see the relevancy of this fact in relation to the political set up of a State. Let it be remembered that the State is easily the worst State in India not excluding Hyderabad. The vagaries of the prince of Bilaspur have attained a notoriety not easy to equal or excel by any other prince."

इसके अलावा आल इंडिया स्टेट्स पीपुल्स कांग्रेस की स्टैंडिंग कमेटी ने जिसके अध्यक्ष पंडित जवाहर लाल नेहरू थे, एक प्रस्ताव पास किया और उस प्रस्ताव में बिलासपुर स्टेट के नरेश की एक्टीविटीज को Sadistic perversity कहा और वहां यह आदेश दिया गया बतलाते हैं कि बिलासपुर में जयहिन्द कहने के लिये यह आदेश था कि अगर कोई जयहिन्द कहे तो उसकी जवान काट ली जाय . . . .

श्री आनंदचंद : यह झूठ है ।

पंडित बालकृष्ण शर्मा (जिला कानपुर दक्षिण व जिला इटावा—पूर्व) : यह बात सच है ।

श्री राघेलाल व्यास : यह कहां तक झूठ या सच है यह स्वयं पंडित जवाहरलाल नेहरू जानते हैं कि जब उन्होंने वृषभान जी को आपके निमंत्रण पर बिलासपुर में इनक्वायरी करने के लिये भेजा था तो क्या परिणाम हुआ था ? वृषभान जी आपके राज्य में दाखिल नहीं हो सके थे उन पर यह आर्डर सर्व किया गया था कि वह आपके राज्य में न प्रवेश कर सकें ।

डा० सुरेश चन्द्र (औरंगाबाद) : इसका क्या जवाब है ?

पंडित बालकृष्ण शर्मा : चुप जवाब है ।

श्री राघेलाल व्यास : इसके अलावा मैं और भी बातें आप का बतलाऊं कि सन ४७ में जिस वक्त कि देशी रियासतों के नरेश

हिन्दुस्तान में शामिल होने और रहने का फैसला कर रहे थे उस समय पंजाब स्टेट्स के रूलर्स की एक मीटिंग बिलासपुर में हुई और उस मीटिंग में शरीक हुये एक व्यक्ति से मेरी बातचीत हुई है और उन्होंने मुझे बतलाया है कि उस मीटिंग में बिलासपुर नरेश ने यह प्रस्ताव रखा था कि :

"We should negotiate with the Indian Government if they are prepared to negotiate with us on equal terms. We are not prepared to negotiate...."

**Shri Anandchand:** Is this all relevant?

**Shri Tulsidas (Mehsana West):** Is any matter prior to the agreement relevant?

**Dr. Suresh Chandra:** Mentality of the rulers: from that point of view, it is relevant.

**Shri S. S. More:** What about Hyderabad, (Interruption)

**Mr. Deputy-Speaker:** Order, order. The present question is this. The ruler has gone out.

**Shri S. S. More:** Gone out?

**Mr. Deputy-Speaker:** The hon. Member need not amend my statement. The ruler is not there. It is a Part C State. The ruler, no doubt, is the representative of the people. Here, he does not speak in the capacity as the ruler. Though it was taken up by Shri S. S. More, the ruler himself did not say so, that it is beside the point, etc. It is open to any hon. Member to say that the wishes of the people had not been consulted that it is wrong, and that other provisions have not been made. Seventeen thousand people have surrendered their houses. Therefore, it would have been better to join with Punjab. Houses can be built and land could be given. These are points which any hon. Member can make. There is no good going into ancient history and saying that the ruler was this or that. Possibly rightly the ruler was dislodged on account of that various things

happened. Let us proceed to the relevant point as to whether Bilaspur should be joined with Himachal Pradesh or not. That is the question.

**Shri Velayudhan:** I want to raise one point.

**Dr. Suresh Chandra:** When the question has been raised, the hon. Member should be allowed to reply.

**Mr. Deputy-Speaker:** Order, order, Shri Velayudhan.

**Shri Velayudhan:** The hon. Member in his speech referred to the past history of Bilaspur also. Therefore, he has every right to mention about the past history of Bilaspur.

**Mr. Deputy-Speaker:** I am not expunging all that has been said.

**Shri Radhelal Vyas:** He referred to the events in 1947 which led to the agreement.

**Mr. Deputy-Speaker:** He can say that. But, does the hon. Member say that the petition signed by 40,000 people is also in the same tune? The ruler is now a Member here. Is it suggested that he was interested and so he has brought about the signature?

**Shri Radhelal Vyas:** Yes.

**Mr. Deputy-Speaker:** In that way, it is relevant. The hon. Member can go on. Anything can be made relevant or irrelevant.

**Shri Velayudhan:** This is a Bill.

**Mr. Deputy-Speaker:** I think he has said enough about this.

श्री राधेलाल व्यास : मैं सिर्फ इतना ही कह रहा था कि १९४७ में क्या स्थिति थी, वह बिलासपुर को एक अलग राज्य की हैसियत में रखना चाहते थे। उस प्रिन्सली कान्फ्रेंस में यह इच्छा प्रकट की गई थी कि अगर गवर्नमेंट आफ इंडिया नेगोशियेट करने को तैयार हो . . .

That is my point. He said: we should be prepared to negotiate with Pakistan.

**Shri Anandchand:** यह बिल्कुल झूठ बात है

This is a very serious allegation being made against a Member and against the people of Bilaspur.....

**Shri Radhelal Vyas:** I have papers with me. I can read from them.

**Shri Anandchand:** The Dominion of Pakistan is an independent country. This....

**Shri Radhelal Vyas:** I do not give way.

**Mr. Deputy-Speaker:** We shall hear and see if there is any support in favour of his statements.

**Shri Radhelal Vyas:** I shall read extracts from certain newspapers. The *Hindustan Times* on 31st December, 1947 said:

"The next big act of the Viceroy was to deflate those princes who egged by the Political Secretary, Corfield, were working on the theory that the best interest of the princes lay in lining up with the Muslim League and that if a weak Government emerged after the British left India, the Princes could expand their respective territories."

The *Indian News Chronicle* of 8th June, 1948 said:

"The Ruler of Bilaspur has been an aggressive exported of the view of Sir Conard Corfield."

**Shri Anandchand:** This is a Press statement of the *Hindustan Times*.

**Shri Radhelal Vyas:** I do not give in. I did not interrupt him. On 29-3-48, the *New Times* said:

"Bilaspur affords one typical example of palace intrigues."

तो मैं बतला रहा था कि उसके बाद भी वहाँ पर क्या परिस्थिति रही और क्या हलचलें रहीं। आपने बतलाया कि वहाँ की जनता की राय नहीं ली गयी।

**Mr. Deputy Speaker:** Is there any fear that it will now accede to Pakistan?

**Shri Radhelal Vyas:** There is a fear in the minds of a few people. I had been there for ten days and many persons, unattached, independent persons, told me that if an opportunity was given, the opportunity would be availed of.

तो मैं यह निवेदन कर रहा था कि बिलासपुर को अलाहिदा रखने का शरू से ही ब्याल था। इन्स्ट्रूमेंट आफ एक्सेशन पर जब हस्ताक्षर किये गये तो स्टेट मिनिस्ट्री ने यह स्वीकार किया था कि वह रियासत अलग रहेगी लेकिन बिलासपुर के नरेश पहले चीफ कमिश्नर बनाये जायेंगे। स्टेट मिनिस्टर साहब अपने यहाँ की फाइलों को देखें। उस समय बिलासपुर की जनता ने वहाँ के नरेश के चीफ कमिश्नर बनाने पर कितना विरोध किया था। कई टेलीग्राम उनके दफ्तर में आये थे। उनको वह देखें। मैं यह बतलाना चाहता हूँ कि शरू ही से स्टेट मिनिस्ट्री ने बिलासपुर नरेश के साथ रियायत की है और वहाँ की प्रजा की रियायत के लिये कोई कदम नहीं उठाया। इसके पहले की मिसाल मैं आपको देता हूँ। अगर गवर्नमेंट आफ इंडिया और स्टेट मिनिस्ट्री बीच में न आते तो बिलासपुर की जनता वही कर लेती जैसा कि हिमाचल प्रदेश की जनता ने किया। मेरे पास साकेत की मिसाल है। वहाँ की जनता ने हिमाचल प्रदेश में एक प्रोवीजनल गवर्नमेंट कायम कर दी थी और साकेत पर हमला करके राज्य का झंडा फहरा दिया था। आठ नौ दिन तक साकेत पर वहाँ की जनता का राज्य रहा और अगर स्टेट मिनिस्ट्री ने उन्हें न रोका होता तो वे सारे हिमाचल प्रदेश पर कब्जा कर लेते और वहाँ के प्रिन्सली आर्डर को खत्म कर देते। लेकिन प्रजा की लड़ाई को रोक कर जो स्टेट मिनिस्ट्री ने प्रिन्सली आर्डर के साथ रियायत की है इसकी मुझे शिकायत है। आपको सुन कर ताज्जुब होगा कि स्टेट मिनिस्ट्री के जो अफसर थे उन्होंने बिलासपुर के साथ कितनी रियायत की। मैं वहाँ गया। मुझे कुछ चीजें

देख कर आश्चर्य हुआ। वहां लड़कियों के पढ़ने के लिये कोई इमारत नहीं है लेकिन गवर्नमेंट की एक बहुत अच्छी बिल्डिंग एक रुपया महीना किराये पर क्लब के लिये महारानी साहिबा को दी गई है। बच्चों को खुले में बैठना पड़ता है। सुबह से धूप निकलती है जिसमें बच्चों का बैठना बहुत मुश्किल होता है। लेकिन बच्चों के आराम पर ध्यान न दे कर एक रुपया महीना में महारानी साहिबा को यह इमारत दी गई है।

**Mr. Deputy-Speaker:** Has it not been cancelled?

**Shri Radhelal Vyas:** Not yet cancelled.

**Mr. Deputy-Speaker:** Why not?

**Shri Radhelal Vyas:** If it is cancelled, it would be welcomed. The people would welcome it.

**Mr. Deputy-Speaker:** That is why it is merged with Himachal Pradesh, is it?

**श्री राधेलाल व्यास :** ऐसी एक ही मिसाल नहीं है। मैं आपको कई मिसालें दे सकता हूं। हरिद्वार में कई धर्मशालायें और जमीनें राजा साहब को दी गई हैं। अगर बिलासपुर का हिमाचल प्रदेश से मर्ज हो जाता तो वह उनको नहीं मिल सकती थीं। स्टेट मिनिस्ट्री के अफसरों ने यह रियायत उनके साथ की है। आपको ताज्जुब होगा कि स्टेट मिनिस्ट्री ने उन से आर्म्स एंड एम्पुनिशन की लिस्ट मांगी लेकिन कोई लिस्ट अभी तक नहीं दी गई है। अभी तक स्टेट मिनिस्ट्री उनको हथियारों के कानून पर अमल नहीं करवा सकी है।

अब जहां तक लोगों की राय का सवाल है, मैंने बतलाया कि चीफ कमिश्नर के मामले पर उनकी क्या राय थी। अभी राजा साहब ने बिलासपुर की सिविल लिबरटी की बातें कहीं। लेकिन आज भी वहां पूरी सिविल

लिबरटी नहीं है। वहां के लोग समझते हैं कि हिन्दुस्तान तो स्वतंत्र हो गया मगर बिलासपुर अभी पराधीन है और वहां महाराजा का राज्य है। वह छोटी सी स्टेट है और उसमें सरकारी मुलाजिमों का तबादला नहीं होता और सेक्रेटरी, पुलिस इंस्पेक्टर आदि को वहीं रहना पड़ता है और उन पर बड़ी बड़ी शक्तियों का दबाव पड़ता है और उन से लाभ उठाने की कोशिश की जाती है। पहले तो वहां पब्लिक मीटिंग भी नहीं हो सकती थी। अब तो हो जाती है। गवर्नमेंट जो बिल लाई है वहां की पब्लिक उसके साथ है। जनता में से ४२ हजार आदमियों के दस्तखत की बात यहां पर कही जाती है। वहां की कुल आबादी १,२६,००० है। उसमें से ४२,००० के दस्तखत कैसे हो सकते हैं यह कल्पना करने की बात है। वहां लिटरेसी बहुत कम है और वहां के रास्ते बड़े दुर्गम हैं। ऐसी हालत में वहां के सारे बालिग स्त्री पुरुष दस्तखत कर दें यह बात कोई भी आदमी मानने को तैयार नहीं होगा। इसमें बहुत कुछ गलत मालूम होते हैं। मैं चाहता हूं कि गवर्नमेंट इस बात की इनकवायरी करे कि यह जो हाउस के सामने ४२,००० हस्ताक्षर रखे गये हैं यह गलत है या ठीक है। हाउस को कोई गलत इत्तला नहीं दे सकता है और अगर देता है तो वह हाउस की कंटेम्प्ट है और इसलिये हाउस को इसकी जांच कराने की कार्यवाही करनी चाहिये। जब वहां कांग्रेस की तरफ से या दूसरी संस्थाओं की तरफ से मीटिंग होती है तो उस रोज वहां जो एक सिनेमा घर है उसके टिकट फ्री हो जाते हैं। वह महाराजा का सिनेमा घर है। लेकिन जब महाराजा साहब के प्रचार के लिये मीटिंग होती है तो वह सिनेमा घर बन्द कर दिया जाता है ताकि कोई आदमी वहां न जा सके। यह वहां की स्थिति है। अगर कांग्रेस की मीटिंग होती है तो हुल्लड़ करने की कोशिश की जाती है। यह वही लोग करते हैं जिनको महाराजा की तरफ से लाउड स्पीकर दिये गये हैं और

## [श्री राधेलाल व्यास]

दूसरा इक्विपमेंट दिया गया है। और यह लोग महाराजा के पेड एजेंट्स की तरह से काम करते हैं। यह स्थिति वहां पर है। वहां के लोगों की राय के बारे में मैं बतलाऊं कि वहां कांग्रेस है, वहां जमैयतउल उलेमा हिन्द है वहां पर सोशलिस्ट पार्टी है। आप देखिये कि वे क्या कहते हैं। उनके तार होम मिनिस्टर साहब के सामने हैं और उनका समर्थन काउंसिल आफ स्टेट्स में भी हुआ है। वहां के एक प्रतिनिधि श्री सी० एल० वर्मा ने वहां के लोगों की राय पढ़ कर सुनाई थी। मैं खुद भी वहां गया हूं और मुझे वहां की प्रतिनिधि संस्थाओं से मालूम हुआ है कि बिलासपुर को एक इकाई के रूप में न रखा जाय बल्कि हिमाचल प्रदेश के साथ मिला दिया जाय ताकि जो वहां के सरकारी कर्मचारियों पर दबाव डाल कर न्याय के विरुद्ध आचरण करने की व्यवस्था चल रही है उसको खत्म किया जाय और उन पर कंट्रोल हो सके। साथ ही जो यहां दिल्ली में आ कर अफसरों से मिलजुल कर कार्यवाही होती है इसका भी अन्त वहां की जनता चाहती है। इसलिये वे लोग चाहते हैं कि बिलासपुर जल्दी ही मर्ज कर दिया जाय। तो यद वहां की स्थिति मैंने आपके सामने रखी।

**Mr. Deputy-Speaker:** The hon. Member must conclude. I must call upon other hon. Members also.

**Shri Radhelal Vyas:** One or two minutes more, and I shall conclude.

दूसरी बात जिसपर जोर दिया गया वह यह थी कि एग्रीमेंट में यह तय हुआ था कि बिलासपुर को अलग स्टेट रखा जायेगा। मैं निवेदन करना चाहता हूं कि बड़ौदा को भी अलग रखना तै हुआ था। और विन्ध्य प्रदेश को पार्ट बी० स्टेट के रूप में रखना तै हुआ था। लेकिन परिस्थिति ऐसी हुई कि न तो,

बड़ौदा अलग राज्य रह सका, और न विन्ध्य प्रदेश ही पार्ट बी० स्टेट बन सका, बल्कि पार्ट सी० स्टेट बना। जो एग्रीमेंट है उसकी यह स्पिरिट है कि उसको जारी रखा जाय। उसमें यह नहीं है कि वहां की जनता को अपने ऊपर शासन करने का अवसर न दिया जाय। आज वहां चीफ कमिश्नर का राज्य है और वहां की जनता के प्रतिनिधियों को जो शिकायतें हैं उनको दूर करने का कोई साधन नहीं है। गवर्नमेंट आफ इंडिया ने जो अब तक देर लगाई है वह बहुत ज्यादा है और वहां की जनता को अपने हकूक से महरूम रखा है। मैं समझता हूं कि चाहे देर से ही सही लेकिन जो यह बिल आया है यह वहां की जनता के हित में है और वहां की जनता इसका स्वागत करती है।

इन शब्दों के साथ इस बिल का समर्थन करते हुये मैं अपना स्थान ग्रहण करता हूं।

11 A.M.

**Shri Punnoose:** I have only a few words to say. Naturally I shall take very little of the time of the House.

After having heard the two speeches made in English, and the speech made in Hindi, which I did not understand. I am feeling certain doubts. Why Bilaspur was made a Part C State was not explained by the hon. Home Minister to my satisfaction. Certainly, the all-India importance of the Bhakra-Nangal project is not doubted. But why should there be a Part C State for that purpose? Why was it necessary to maintain Bilaspur as a Part C State at that time?

The second thing is, why should it be abolished now? So about the birth of this Part C State and also about the burial of this State, I have got certain doubts. Why should it be abolished just now when we have got the States Reorganisation Commission at work? These things have not been explained.

Sir, when I heard the hon. Member who spoke last quoting English passages, I was very much surprised how he should dare to quote those passages. We have time and again told this House, sometimes to the displeasure of the Home Minister, how bad these rulers had been and how the Congress should not have given any quarters to them. But now he is quoting statements of Dr Pattabhi, that these rulers were enemies of the people and they were oppressing the people. Now, it is for the Home Minister to say why he gave quarters to them from Cape Comorin to Kashmir. Is it now open to the Congress Party when it chooses, when it fits it, to get up and say they were all bad men? Sir, in all these settlements since 1947, for which the Congress claims so much credit—that the Indian States problem was solved—the only party that ought to have been consulted and whose desire had to be taken into account, was left out—the people. The only people who ought not to have been consulted and with whom compromises ought not to have been arrived at were taken into confidences. And in certain cases, we were not able to please them and they are now putting up a show against you.

Now, when the hon. Member from that constituency was speaking, I felt I was in agreement with many of his arguments. But there was at the back of his mind, as I felt it, the personality of Bilaspur, the integrity of Bilaspur, the entity of Bilaspur coming up again and again. That, I could not agree. Now, whether Bilaspur should be integrated with Himachal Pradesh or with Punjab is a question on which there can be two opinions. The people of those States have to be consulted. I want to be enlightened on a matter of fact. Here in this publication, my friend says in 1952, immediately after this Bill was announced, 42,000 people sent a petition to the hon. Minister of States. But the hon. Minister never made mention.....

**Dr. Lanka Sundaram** (Visakhapatnam): There are two petitions.

**Shri Punnoose:** I do not know where those petitions were whether they were signed mechanically or by the people themselves. Nevertheless, if there was a petition like that, it was the duty of the Government to go into that question.

Now, much more than the other aspects of this question, there is a vital point in considering this question of Bilaspur State. When this dam is completed, 8000 houses will be submerged rendering 17,000 people homeless; 30,000 acres will be under water. So I was looking into this Bill whether there is any provision for these people—these 17,000 people. The very town of Bilaspur is going to be submerged. What is going to happen to them? Are you going to give them land?

**Dr. Lanka Sundaram:** Compensation.

**Shri Punnoose:** Are you going to give them compensation? If they say that they do not want land in Himachal Pradesh, but land in the Punjab, is it possible to give them? That is the most important question. That is the human aspect of the question, and without answering it, how are we to consider this Bill and take a decision? Has the hon. Minister any arrangement in view?

There is also the question of language spoken in Bilaspur. They say that the language spoken there is akin to the language spoken in Punjab. I do not know the nearby areas there. What is the correct position? What will be the result if this question is kept hanging fire for a few months more? Is there any calamity going to happen in Bilaspur or over the whole of India, if this question is kept pending for a few months till the States Reorganization Commission can have their say? They should go into the question and then only should a final decision be taken. Anyway, this Parliament should make this point known to everybody, namely, that we are anxious that these 1,26,000 people with their families do not suffer as a result of this merger with Himachal Pradesh. This is a sort of making and unmaking States, playing with

[Shri Punnoose]

people: that is, one fine morning, the Home Minister may feel that it should end, and this way, there will be a final settlement of this question! Therefore I request the Home Minister to consider whether it is not possible even now to postpone this issue for a few months more and leave it to be settled by the States Reorganization Commission.

**Dr. Katju** rose—

**Mr. Deputy-Speaker:** On behalf of the P. S. P., Shri Gurupadaswamy wants to speak. Then I will call upon the Communist Group, and then I shall call upon the Minister.

**Sardar Hukam Singh** (Kapurthala-Bhatinda): A chance for my party may be given.

**Mr. Deputy-Speaker:** I cannot help it.

I am calling Shri Gurupadaswamy.

**Shri M. S. Gurupadaswamy** (My-sore): Let me make it clear at the outset the standpoint of our party. Our party wholly support this measure. We have been agitating all along that there should be some sort of uniformity in the constitution of our Republic with regard to the units. We have been urging that there should not be any classification such as Part A, B, C and D States. We want that there should be one type of states in the Indian Union. It is especially our considered view that Part C States are a sort of derelict pockets of political reaction in India, and they exist like paralytic infants without being able to sustain themselves and always depending upon contributions from the Union of India. Such tiny pieces should not exist in our body-politic. They are a positive disease to the nation.

The other day, I was speaking to a foreigner. I was telling him that western colonialism was a great evil.

He reminded me that there is a sort of colonialism in India also. He said Part C States represent a type of colonialism. The extent of liberty and the pattern of political set-up are completely different in Part C States. So I say that these derelict pockets of political reaction should not continue hereafter. Any step taken by Government with a view to end this type of nefarious and notorious political system is welcome.

**Dr. Lanka Sundaram:** Why do you not mention Himachal Pradesh also? That is another Part C State.

**Shri M. S. Gurupadaswamy:** I welcome the abolition of that State also. I submit that unfortunately the Government is not taking the entire system into consideration. They are going step by step. But at least this is a step in the right direction. So far, we support this. But, we want to urge that steps should have been taken already; there should not have been any delay in abolishing these Part C States. But, anyway though late this is a step in the right direction. So, we say that we welcome this measure.

One speaker from Bilaspur was saying that public opinion has not been taken.

**Sardar A. S. Saigal** (Bilaspur): From Bilaspur State.

**Shri M. S. Gurupadaswamy:** Sir, I am reminded of a famous adage. I forget the name of the political thinker who said that. 'Oh! nationalism, how many crimes have been committed in thy name'. Now I change this and say, "Oh! public opinion, how many crimes have been committed in thy name!" Shall we consult public opinion in Pondicherry, shall we ask for public opinion in Goa, shall we consult public opinion in other pockets? Should we ask for plebiscite on matters which are obvious? Public opinion is clear that they want to merge with us. They have been



part and parcel of India. There is no necessity of consulting them, because it is clear that everybody wants freedom. Everybody wants to merge with India. One hon. Member said there has been an Inquiry Committee for Chandernagore and let us have an enquiry committee for this also. Our party took objection to the appointment of this Committee long ago. We said public opinion is very clear; the people in Chandernagore want to merge with West Bengal and there is no necessity of an inquiry committee. And yet the Committee was appointed. It is very necessary that we should have in the Indian Union a few viable administrative units, and we should not have these haphazard small States which cannot exist on their own, and which cannot sustain themselves. So, I say, that the merger of Bilaspur is a right step. But I urge upon the Minister to take concrete steps to abolish all the other C States. My hon. friend said that the States Reorganisation Committee has been set up and so let us refer the matter to that Committee. But the object of the Bill is laudable and clear and we should not defeat the object of the Bill by saying that there is a committee and let us refer to it. It is rather dilatory and we are unanimous and clear on this point that Part C States should not exist at all. I feel that even the States Reorganisation Committee ought not to have been appointed. That is my personal view because steps could have been taken by the Central Government to reorganise the States on their own initiative. And the Reorganisation Committee might now be used as a sort of delaying device to defeat the very purpose of reorganisation. I say we are very clear in our minds that there should be reorganisation of States. There should be only one type of States in the Union. I think the majority of the Members of this House would agree with me in saying that these small anachronistic states should not exist.

**Dr. Katju:** Mr. Deputy Speaker, the hon. Members who have preceded me

have answered each other and therefore my task has been very much lightened. I do not want to go into the history nor to refer to the activities to which my hon. friend, Shri Radhelal Vyas has referred. Some portions of it are not quite pleasant to read. But, taking my hon. friend as a Member from Bilaspur and considering all aspects, I may inform the House of one thing that while we have been most anxious to see to it that complete justice is done to the Bilaspur people because of the hardship that they might suffer because of the Bhakra-Nangal project, the conditions there were becoming more and more difficult and more and more unsatisfactory.

**Shri S. S. More:** Why?

**Dr. Katju:** You had better ask my hon. friend from Bilaspur.

**Shri S. S. More:** You are the Home Minister.

**Dr. Katju:** The Home Minister has, sometimes, got to be very delicate and refined in temperament. He does not want to say unpleasant things.

**Mr. Deputy-Speaker:** Why sometimes?

**Dr. Katju:** This question was gone into in 1951 and 1952, and we held a great conference about it. Before the conference was held and when the news got abroad, it was really astonishing that boxful of representations were scattered all over, which created quick political consciousness, and signatures appended to a great argumentative application, practically on the lines which have just been advanced. It was really a refreshing thing to find that every single individual over the age of eighteen, living in Bilaspur, man, woman and child—not child, I am sorry—was quite alive to the implications of the problem as to what is desired and what is not desired and so on and so forth. My hon. friend, being a native of Bilaspur,—as he himself said he was born there—rightly exercises great influence. It is a matter on which I should like to congratulate him, and the people probably love him

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and, therefore, they are prepared to sign whatever he asks them to sign. When he goes about in a jeep or accompanied by his near ones and dear ones, they will sign almost their body and soul, and everything. So, I personally think that very little weight is to be attached to such manufactured applications. The decision was taken—he knows it—in August 1952 when everybody was represented and I think he might not have been there present in body, but he knew about it.

**Shri Anandchand:** From newspapers only.

**Dr. Katju:** As a matter of fact, he knew about it. As he was sending those applications with 42,000 signatures, the inference is that every individual living in Bilaspur knew about it, namely, that this thing was coming. What happened was that last year we appointed a Lieutenant Governor under the Constitution as the officer to manage the State on behalf of the Central Government, and the Lieutenant Governor found the position very difficult—small State servants working under great influence and so on and so forth. Therefore, this Bill had to be brought forward. My hon. friend urged that the Bill should be referred to the Reorganisation Commission. This is a closed chapter; we have considered every aspect of it—cultural affinities, hill people, etc. If the State Reorganisation Commission, on a consideration of a variety of matters, make any recommendations about Himachal Pradesh or Punjab, then this will go. Otherwise, this small tiny little State of 1,25,000 people cannot possibly stand by itself permanently. Please remember also that the area is about 450 square miles, out of which nearly half will be submerged. Therefore, what will remain will be about 200 and odd square miles and that will be an unstatable proposition. It cannot stand and the administrative difficulty becomes so great—I am not blaming anybody—that the State cannot be worked. It was so expensive having

a Chief Commissioner, Judicial Commissioner, Secretaries, Deputy Secretaries, heads of departments and so on. My hon. friend, Mr. More, with his customary ingenuity, raised the point “consult the Supreme Court”, and he referred to certain sections. The articles of the Constitution are sometimes so elaborate that unless you read them very closely, you will simply overlook the point. Now, the article to which he referred for reference by the President is with reference to article 291 and article 291 does not refer to the integration of the States at all, its territories, etc. It refers only to the privy purse of the rulers. The only thing which can be referred by the President is the privy purse. That is the only thing guaranteed. When the rulers consented to integration, they got a guarantee about their privy purses, their personal dignities, carrying of arms, and so on and so forth.

I suggest that this measure is calculated to confer a great benefit upon the people. They will become part of the greater unit: they will have better justice and they will have, most of all, representation in a Legislative Assembly. As the House would have seen from the Bill, they are going to get five seats, four general seats and one reserved seat. Up till now they were under a Chief Commissioner; they had no voice.

I therefore request the House to take this Bill into consideration and pass it.

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

“That the Bill to provide for the formation of the new State of Himachal Pradesh by uniting the existing States of Himachal Pradesh and Bilaspur, and for matters connected therewith, as passed by the Council of States, be taken into consideration.”

*The motion was adopted.*

**Mr. Deputy-Speaker:** There are some amendments by Shri Anandchand. I think I will have to put all

the clauses together; there is no time for any of these amendments.

Clauses 1 to 32 were added to the Bill.

The title was added to the Bill.

### The Enacting Formula

**Dr. Katju:** I have one amendment which I shall move. I beg to move:

In page 1,—

for line 1, substitute—

“Be it enacted by Parliament in the Fifth year of our Republic as follows:—”

The new formula that I have suggested is on the principle that we should mention in each of our Acts the year of the Republic in which the Bill is passed.

**Mr. Deputy-Speaker:** To that there is an amendment by Dr. Lanka Sundaram:

“In the amendment proposed by Dr. Kailas Nath Katju printed as No. 2 in List No. 1, of amendments—

for “our Republic” substitute “the Republic”.

**Dr. Katju:** I suggest that the best course would be, as a compromise to put “the Republic of India.”

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

In page 1, for line 1, substitute—

“Be it enacted by Parliament in the Fifth year of the Republic of India as follows:—”

*The motion was adopted.*

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

“That the Enacting Formula, as amended, stand part of the Bill.”

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The first Schedule was added to the Bill.*

*The Second Schedule was added to the Bill.*

**Dr. Katju:** I beg to move:

“That the Bill, as amended, be passed.”

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

“That the Bill, as amended, be passed.”

**Pandit Thakur Das Bhargava** (Gurgaon) rose—

**Mr. Deputy-Speaker:** We have already exceeded the time by 5 minutes.

**Pandit Thakur Das Bhargava:** The hon. the Home Minister said that the Reorganisation Commission will be entitled to look into the matter again. The Punjab Government want that this area should be made over to them. I am happy that the Home Minister has said that the Reorganisation Commission will go into the entire question. This is provisional arrangement only.

**Mr. Deputy-Speaker:** There is a formal amendment, I think. The question is:

“That the Bill as amended, be passed.”

*The motion was adopted.*

### SHILLONG (RIFLE RANGE AND UMLONG) CANTONMENTS ASSIMILATION OF LAWS BILL

**The Minister of Home Affairs and States (Dr. Katju):** I beg to move:

“That the Bill to assimilate certain laws in force in the scheduled areas to the laws in force in the Khasi and Jaintia Hills District, as passed by the Council of States, be taken into consideration.”

This is one of those rare Bills, probably the only Bill introduced by me which was passed in the Council of States without any discussion at all and I hope it will meet the same good fortune in this House. It is purely a formal measure.

On the passage of the Constitution, certain districts were constituted in Assam. In that district, a part of the

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area which was part of the Shillong Municipality was not included. It was considered to be a non-tribal area. Now that it had been included in the district and the Assam Government, on their part, have extended the State List laws to that area, this Bill provides that the Union laws may also be extended to that particular area which were not up till now governed by these laws.

**Mr. Deputy-Speaker:** What the hon. Home Minister says amounts to this. It was originally part of the tribal territory to which neither the State laws nor the Union laws were applicable, as such. Now they have been brought in a district and the provincial laws have been made applicable. It only follows as a corollary that the Union laws have to be made applicable.

The question is:

"That the Bill to assimilate certain laws in force in the scheduled areas to the laws in force in the Khasi and Jaintia Hills District, as passed by the Council of States, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** There are no amendments to this Bill.

*Clauses 1 to 4 were added to the Bill.*

*The Title was added to the Bill.*

### **The Enacting Formula.**

**Dr. Katju:** There is one formal amendment.

*Amendment made:*

In page 1,—

for line 1, substitute—

"Be it enacted by Parliament in the Fifth year of the Republic of India, as follows:—"

—[Dr. Katju.]

*The Enacting Formula, as amended, was added to the Bill.*

*The Schedule was added to the Bill.*

**Dr. Katju:** I beg to move:

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

**Shrimati Khongmen** (Autonomous Distts.—Reserved—Sch. Tribes): Before the Bill is passed, may I ask the hon. Home Minister whether the District Council of Khasi and Jaintia Hills have been consulted in this matter?

**Dr. Katju:** I presume so.

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

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

*The motion was adopted.*

### **RUBBER (PRODUCTION AND MARKETING) AMENDMENT BILL**

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

"That the Bill further to amend the Rubber (Production and Marketing) Act, 1947, be referred to a Select Committee consisting of Shri A. M. Thomas, Shri Amar-nath Vidyalankar, Shri Ram-nanda Das, Shri Lalit Narayan Mishra, Shri A. Ibrahim, Shri Ram Dhani Das, Shri M. K. Shivananjappa, Shri C. R. Iyyunni, Shri Bheekha Bhair, Shri Piare Lal Kureel Talib, Choudhary Raghubir Singh, Shri Bulaqi Ram Varma, Dr. M. V. Gangadhara Siva, Shri Hira Vallabh Tripathi, Shri U. R. Bogawat, Shri Gulabshankar Amritlal Dholakia, Shri S. C. Deb, Shri M. Muthukrishnan, Shri Balwant Sinha Mehta, Shri I. Eacharan, Shri Sohan Lal Dhusiya, Shri N. C. Govindaswami Kachiroyar, Dr. Natabar Pandey, Shri R. Velayudhan, Shri Y. Gadilingana Gowd, Shri Nettur R. Damodaran, Shri P. T. Punnoose, Shri Mangalagiri

Nanadas, Shri Sivamurthi Swami, Shri M. R. Krishna, Shri D. P. Karmarkar, and the Mover, with instructions to report by the last day of the first week of the next Session."

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Sir, the amending Bill was introduced in 1952 and considerable amount of water has flown down the bridge since then. The purpose of the Bill is comparatively simple. The intention is to make the Board somewhat more effective than what it is today. The history of this Board, I would briefly mention, is that during the years preceding the World War, because rubber industry in the East faced a problem of over-production, there was International Rubber Regulation Control and with the Japanese occupation of South-East Asia, the main source of rubber supply was cut off and rubber became a scarce commodity. India and Ceylon were the main suppliers in the East. With the object of encouraging increased production of rubber by all possible means, the Central Government after consulting the interested State Governments passed the Indian Rubber Control and Production Order 1942. A parallel legislation was also passed in the States of Travancore-Cochin and Mysore. Under this Order, the Indian Rubber Production Board was constituted. All available supplies of raw rubber had to be sold exclusively to Central Government or parties nominated by them at prices fixed by Government from time to time. The monopoly purchase of raw rubber by Government terminated on 30th April 1946 and the Indian Rubber Control and Production Order lapsed on 30th September 1946. The Board constituted under this Order ceased to exist six months later. The Government of India, however, convened a conference of the rubber producing interests in December 1945 to examine the necessity of creating or setting up an organisation to look after the interests of rubber producing industry.

In accordance with the recommendations of this conference, the Central Government passed the Rubber (Production and Marketing) Act of 1947 under which the present Rubber Board came into being. Its duties were to undertake scientific and technical research, give technical assistance to the growers, improve marketing of indigenous rubber, collection of statistics and to advise Central Government on all matters relating to rubber. The Act provided for the fixation of price of indigenous rubber. Since 1947 the price of rubber has been statutorily fixed and the price was revised later. For a number of years—about four years—the price remained stationary. In 1951 it was revised and then again in 1952. I would like to tell the House that the fixation of the price of rubber in those days, the initial days, did not operate very much in favour of the rubber producer. It happened that at that period, that is after 1947, the world price of rubber has been shooting up. The Indian producer had to supply rubber at 13 annas a pound. I remember, as a non-official Member, I had occasion to protest against this low price of rubber to the Indian producer. When the price in Singapore was 4 s. 8½ d., the Indian producer was getting 13 annas. Subsequently, the matter was referred to the Tariff Commission and the price was raised. Again, in 1952, we felt that the increase in price is not adequate enough and on further examination, the price was fixed at Rs. 1-6-0. The ruling price of rubber today is Rs. 138 per 100 pounds. Simultaneously with our raising of the price of rubber, the world price of rubber dropped. The price of rubber in Singapore touched the low figure of 16 d. though it has risen now to about 19½ d. When our people were supposed to be getting Rs. 138, the price in Singapore was Rs. 86 or 87. In the mean time, Ceylon, which is another big producer of rubber had made arrangements for the sale of rubber to China at about Rs. 155. They were able to pay their producers anything between Rs. 120 to 130. I think the price there has:

[Shri T. T. Krishnamachari]

come down a little. In regard to the production of rubber, we have not been more or less self-sufficient, for a long time. Imports of rubber had to be made in order to meet the industrial requirements. I think in 1950, the imports were somewhere about 6,000 tons. In 1952, the imports came down to 3,000 and odd tons. Our production of rubber has been steadily going up from year to year. In 1953, the production of rubber was 21,136 tons. The consumption of rubber which reached the peak in 1951 with 22,400 tons, came down in 1952 and again went up very nearly to the 1951 figure. I think our consumption last year was somewhere about 22,200 and odd tons, that is, over 1,000 tons more than our production. The present position is this. The outlook for rubber consumption is fairly good. During the last four months, the consumption by the tyre industry has been on the high side. It looks that in spite of all the impediments that there are today for the development of the motor industry, tyre consumption has gone up and with the most conservative estimate that I am making today, our consumption of rubber during the current year would be in the region of 25,000 tons. Unless production increases beyond the 21,136 tons, we probably have to import some rubber, which would certainly be welcomed by the industrial interests, because, even at the present prices, they can get cheaper rubber from Malaya. I am merely mentioning all these facts to indicate . . . . .

**Shri A. M. Thomas (Ernakulam):**

The hon. Minister Shri Karmarkar mentioned in answer to a question that we have attained more or less self-sufficiency in rubber.

**Shri T. T. Krishnamachari:** Actually, the position is this. The word "self-sufficiency" is one which I would not like to use because what is self-sufficient today is not self-sufficient tomorrow. Self-sufficiency is a term which ties up two figures about which we do not know anything. I would rather use the word self-reliance,

that is, reliance very largely on what you produce for your own needs, rather than self-sufficiency. There is no particular magic about it. What my hon. colleague must have intended is that we are more or less breaking even. After all, when you think in terms of 22,000 tons, between 22,200 tons and 21,100 tons the difference is about 1,100 tons, and the fractional short-fall is about four and odd per cent. So I personally would like not to use the word "self-sufficient", but, instead, I would use the word "self-reliant".

I am merely mentioning all this just to show that with all the sins of commission and omission of which we are sometimes guilty—I do not say the Government is perfect—we, during the last 1½ years, have served the rubber interests well. We have been able, by means of a closed market, to provide our rubber growers a better price than the world price. We have been able to keep imports under control. In 1953 we imported only 246 tons of certain special rubber. We have been able to keep industrial interests under control and imports under control. I do recognise, and I think my friends from the West Coast would tell me, that though we have fixed the price of Rs. 1-6-0, all the growers do not get it. That is so. I realise it. It is the middle man, the man with money, the man with an organisation, who goes and collects it from the small growers and keeps stock, from whom these industrial interests purchase, it is he who gets the price. They get higher prices. They may not always get Rs. 1-6-0. They get sometimes Rs. 1-6-0 when the stock is short; otherwise they get probably Rs. 1-5-0. But the grower has probably to sell, according to exigencies, maybe for Rs. 1-2-0 or Rs. 1-3-0, but, nonetheless, I must very humbly submit that compared to the previous years, we have served the rubber growers well.

But, I am not satisfied with it. I am not satisfied with the present condition of production in the smaller estates. The evaluation of the production of rubber made in 1951 has

shown that there are estates which produce as much as 1,200 lbs. of rubber per acre as against estates which produce only 200 lbs. per acre, and we, in trying to fix the price, have taken the minimum as about 400 lbs. per acre. That shows that those estates which are really efficient, which produce 1,200 lbs. are making colossal profits when we fix the price on the basis of 400 lbs. per acre. We would like as much as possible that the small man who has got an acre to be able to produce 1,200 lbs. and if he produces 1,200 lbs. and he is able to get Rs. 1-6-0 a lb. it is a substantial income to a man with one acre, because a man with one acre has half an acre of cocoanuts and areca and pepper and things of that sort. The economy of Travancore-Cochin is such that if it is so arranged that on rubber he can get a substantial amount and his rubber produced is the quantity that is needed, that is normal, then there is prosperity in that area. All that I am thinking of is that with the help of friends here.

**Shri Punnoose (Alleppey):** Is this 400 lbs. per acre or per plot?

**Shri T. T. Krishnamachari:** The data before me is a report which speak in terms of acres, so much per acre. Maybe that the hon. Member knows more about it than I do, but that is the data before me.

Our trouble is this. Though we constituted this Rubber Board—we have a Rubber Production Commissioner who is a technical man—we have not been able to do very much for the small man, both in regard to making him produce more rubber and also seeing, as I said, that he gets as near as possible the price that we have fixed. One is the organisational side, the other is the technical side. We are collecting half a rupee per hundred lbs. for purposes of expenses of the Rubber Board. Some portion of it is supposed to go for research. We have a little over Rs. 2,13,000 in the Research Fund. We have not set up a Research Institute yet. All this really means that a lot can be done for these people which we have not

done. I cannot altogether absolve myself of the responsibility for this inaction, but I do plead that the instrument that I have at my disposal is not quite enough. I say this in no sense of detracting from the good work done by the Rubber Board people. I would like to refer here to some remarks that hon. friends opposite have made in the past about some kind of quarrel or difference of opinion between the Rubber Board and myself. I would like to tell them that unfortunately I am a blunt man. I am not really a courtier and I often say things which are better not said. But our whole intention is to get something done. It is a question of expressing dissatisfaction at the existing state of affairs. That is where I have expressed my displeasure with the Board. But it is not right that I should have done so, I agree, because the Board has served to the extent of the limitations under which they operate—and the limitations are considerable.

As I said, the Rubber Production Commissioner is not an executive man. He is a very good man technically, and is the best man we could possibly get. His technical ability nobody questions, but it is the organisational side of it, that is questioned. He is the head of the organisation, but he cannot do anything about it. So, We have to send somebody from here in the nature of an office superintendent, and the man's efficiency varies. He is a very good office superintendent, who is good in giving you information. But he cannot actually go into the field. I have been trying during the last year to see that the Rubber Board does help the small man to market his goods better, but the Board has pleaded inability, and has said, there is no organisation.

We had been good enough to have as the Chairman of the first Rubber Board for a long time, a person with unique experience in the rubber business. Mr. Kurian John has done a lot of good for the Rubber Board, but like me, he is a very blunt man who

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believes that he is right. Naturally, when two people like that come together, we have a difference of opinion, and we have a clash. But I do recognise that more than any other person, Mr. Kurian John has done a lot of good to the Rubber Board. But it is not possible for any non-official who has got his own business interests, to devote all his time. The present Chairman happens to be a colleague of ours, a person whose knowledge of rubber estates is unique; he has put that knowledge to very good use. He has organised his estates and made rubber an attractive industrial scrip. But Mr. Thomas has got so much difficult work to do; unfortunately for the last six or seven months, he has not been very well. I think he is doing his very best to fulfil his functions as chairman of the Rubber Board. But the trouble is that he has himself told me, it is best for you to have a full-time chairman. So, the organisational side is very important. It is only when we have a full-time chairman, who will look after the organisational side, a reasonably high-powered man, that we can have the Rubber Production Commissioner devote himself to the question of research. The funds that we are providing by means of our half a rupee contribution is not enough. It has got to be something more.

Any cursory examination of these estates reveals that the European-owned estates produce better results than the Indian-owned estates, really because, much as we may say against the European as being an exploiter, he exploits also the rubber tree to the maximum. He makes the rubber tree yield maximum. When an European owner or inspector or supervisor goes and sees a particular tree is not good, he has no hesitation in cutting it down. But an Indian looks at the tree in the same way as he looks at a cow. The non-yielding cow eats away the food of the yielding cow, and we have to keep it going, merely because we feel we are attached to the cow. Similarly, for an Indian

owner, who is a small owner, every tree has an attraction. He is fond of it. You cannot go and ask him to go and pull it out. But unless he pulls it out, not merely is its yield low, but it also affects the yield of the other trees. This is an impersonal angle, which an European inspector or manager exercises about his tree, which our people are not able to do. And that is why we are not efficient.

The other thing is that these big European estates are composite estates. I know of one particular estate, which used to be called the Yendayar estate, where the owner was so clever that a slump in the price of one commodity did not matter, because the other commodity kept him going. He had five hundred acres of rubber, five hundred acres of tea, and five hundred acres of spices estates. So, the profit in the one equalised the loss in the other, so much so that the estate has always prospered, when it is a big estate. But these small people with small estates, who solely depend on tea or rubber only are not able to spend any money. It is my intention that we should stimulate the expenditure by ourselves spending a little more money by some kind of a rehabilitation allowance, so far as these small estates are concerned. We need a little more money for that purpose. The suggestion made in this measure is to enable Government to levy a higher rate of cess. The cess would not operate on the income to the producer. It will be added on to whatever price is fixed, and the industrialists will pay it.

It might go into the cost of our tyres to some extent, but nevertheless, it is worthwhile having an industry which provides the raw materials for our tyre industry, even though we pay a higher price. Our dependence on world fluctuations might be to our advantage today, but it won't be tomorrow. Rubber has proved demonstrably that dependence on foreign



sources for raw materials though it might be advantageous for the time being—when we can get rubber at 19d. a lb. we were paying 4sh. 8½d. for the short-fall, in our needs some time back and when the Indian production was at 13 annas a lb.—in the long run it would not be so. So the question of development of our rubber industry is imperative. As I said, even as I visualise the present, the consumption will be about 25,000 tons. I am not sure if our production is going to be very much more than 22,000 tons. About this time last year, our over-all stock position was about 9,500 tons. Sometime back—the latest figures I have seen are really about a month old—we were just about the 6,000 ton limit. And today the industrialists who want rubber tell me that the total available quantity, according to the peak figures with the estates and the dealers, is about 2,000 tons. But really they are not able to procure more than 50-lot tons anywhere, because it is spread over. Today we are really getting very dangerously to the position of having low rubber stocks and perhaps we will have to import some. But I can assure the House that any importation will be very careful; we will not import such a quantity as will affect the interests of the rubber producers in the future. But that brings home to us the fact that it is imperative that we develop the acreage under rubber, the production of rubber, to make the estates more efficient so that we can look forward to a production which will keep pace and would be *pari passu* with our consumption needs. I do not think that I am being unduly optimistic when I feel that our consumption of rubber will considerably increase. With our having gone to the bottom of our consumption of tyres and purchase of motor vehicles, we have to rise in future and have more motor vehicles on the road. The transport problem is none too good. So it is quite possible that within the next five or six or seven years, our consumption might rise in stages of two, three or four thousand

tons per year, and we have really to look forward to a time when we need about 40,000 tons of rubber. The existing acreage might produce it to some extent, by adequate replanting and by making the trees yield a little more; but it might be necessary for us even to extend the acreage, even for purposes of meeting our own needs.

So having all these in view, I feel that the Board will have to be reconstituted. The Board will have to be provided some more funds. It should have an effective organisation at its disposal which will work for the benefit of the rubber grower and make him produce a little more. Broadly the scheme is for a reconstitution of the Board, with provision for appointing a Chairman, which means you can appoint a paid Chairman. Then there is the question of raising the cess up to a maximum limit of Rs. 6, which we do not need to use all at once. We propose to raise this cess only as and when we have to provide the necessary amount for expenses. If we cannot use more than Re. 1 now, let us stop at that, and as our needs grow, when we think that the money will be spent usefully for the benefit of the industry, we propose to raise the cess.

These are broadly the problems which I would like the Select Committee to consider. I would like to say this that the whole idea is to serve the rubber interests and if in any way by amending the Act, we cannot serve them, I am quite prepared to consider changing it where necessary. But the purpose is not to quarrel with the interests or to dominate the interests or to stifle them, or to see that they do not produce more. The whole purpose is to make them produce more, to help them and to help as far as possible the smaller man. I know that my hon. friends coming from the west coast are very deeply interested; I know something about the economy of the west coast myself and therefore, I am also very deeply interested, because rubber,

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along with some other commodities, plays a very important part in the economic life of the average man in the west coast; it is not always the rich man. Sir, the question may be asked: 'why have you appointed a Committee on plantations?' Plantation enquiry Committee is intended mainly for tea. Actually, the present situation in tea industry does not even warrant an inquiry, because the tea position is very good. But it cannot stay good for all time. There is no point in our exploring difficulties and trying to remove them only in times of distress. We have got to do it in times of prosperity.

12 Noon

Reference was made by an hon. Member to foreign ownership. Foreign ownership has one or two facets which are good, but it has got a lot of facets which are not quite so good. One of the things we have to go into is, if foreign ownership changes, how are we to be prepared to take up the responsibility? I would maintain even today that much as I dislike the foreigner, I much dislike the propaganda which many of them oftentimes have started against us. But I must agree that so far as the estates are concerned, the foreigner is very efficient. It is a question of our emulating him and becoming efficient ourselves. It does happen that in the case of a tea or rubber estate, you get an Indian assistant appointed. Well, the European assistant is perhaps hardy. He goes out during the rains, putting on his hat and overcoat, when the labourers are working with their umbrellas. But the Indian assistant generally considers himself big and says, 'I cannot stand in the rain all the time.' We must get over that particular difficulty. If our young people want to be supervisors, they must be prepared to share the risk, the trouble and all the inconvenience of the people who work on the spot. So, these difficulties are there. It is my belief that the Plantation Enquiry Committee would be able to

tell us how best to get over all these difficulties. In larger issues, the Plantation Enquiry Committee would be consulted. Though it is going to consider tea, coffee and rubber, it cannot help us in regard to the organisational side of it which has to be remedied, and which we want to develop. I do not think that it is worthwhile to put off this question, of reorganizing the Board and putting a little more funds at their disposal and making the executive organization a little more effective. I had already intended to get this done. It is more than a year and a half since that time. There is no point in my waiting for the Plantation Enquiry Committee to report at the end of the year. After that, another six or eight months might be taken to process the report. In the meantime, we will probably have to import a lot of rubber for our needs. I would, therefore, submit to the House that the matter is urgent. I am proposing a Select Committee because this is a matter which has to be considered from the various points of view;—the hon. Members opposite, the Members coming from Travancore-Cochin—all have to consider it. I am prepared to leave the matter entirely to the Select Committee to shape the Bill as they want in consonance with the wishes of Members representing the area, but primarily with a view to improve the situation and providing for us more rubber and a little more money for the man who produces it. Sir, I move.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Rubber (Production and Marketing) Act, 1947, be referred to a Select Committee consisting of Shri A. M. Thomas, Shri Amarnath Vidyalankar, Shri Ramananda Das, Shri Lalit Narayan Mishra, Shri A. Ibrahim, Shri Ram Dhani Das, Shri M. K. Shivananjappa, Shri C. R. Iyyunni, Shri Bheekha Bhai, Shri Piare Lal Kureel Talib, Choudhary Raghubir Singh, Shri Bulaqi Ram

Varma, Dr. M. V. Gangadhara Shiva, Shri Hira Vallabh Tripathi, Shri U. R. Bogawat, Shri Gulabshankar Amritlal Dholakia, Shri S. C. Deb, Shri M. Muthukrishnan, Shri Balwant Sinha Mehta, Shri I. Eacharan, Shri Sohan Lal Dhusiya, Shri N. C. Govindaswami Kachuroyar, Dr. Nataraj Pandey, Shri R. Velayudhan, Shri Y. Gadilignana Gowd, Shri Nettur P. Damodaran, Shri P. T. Punnoose, Shri Mangalagiri Nanadas, Shri Sivamurthi Swami, Shri M. R. Krishna, Shri D. P. Karmarkar, and the Mover, with instructions to report by the last day of the first week of the next Session."

**Shri N. Sreekantam Nair** (Quilon cum Mavelikkara): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1955."

When I move this amendment, I have before me weighty reasons to show that it is necessary to elicit opinion on it. I concede that the Bill has already been delayed. When I say that the Bill may be put off for another year, I have weighty reasons to support my contention. I am prepared to admit that Act XXIV of 1947 may have many defects. But we have to go into the question as to how far it is defective and how they are to be rectified. I am sorry to say that the Bill in its present form is not intended to rectify the defects so much as to make some personal considerations and the importance of the Ministry reflected in the provisions of the Bill. The authoritative powers of the Ministry are more concentrated. That is my complaint with regard to this Bill. But my motion to send the Bill for eliciting public opinion is primarily based on what the Minister has already pointed out, namely, that a Committee of Inquiry has already been appointed to go into all the aspects of the plantation industry and submit their recommendations. That Committee is functioning. I find no reason why this matter cannot be put off for a year so that a comprehensive

legislation can be effected on the basis of the recommendations of the Committee. The Committee has been appointed with Shri P. Madhava Menon, I.C.S., O.S.D., in the Ministry of Commerce and Industry as its Chairman, and Shri K. G. Sivaswami and Prof. N. P. Mathur as members. The terms of reference are very exhaustive as can be seen from this order dated 17th April, 1954. They are ascertaining separately the amount of capital, Indian and non-Indian, examining the methods of production and costs of production, examining the present methods of financing, examining the present methods of marketing with special reference to factors which affect the prices paid by the consumers, examining the possibility of further expansion and development and such other allied matters.

The third part of the order is about the directions to the Committee. The Committee shall also make recommendations to the Government on measures to be adopted (1) to secure fair prices to the producer (2) to enable the provision of necessary finances to the plantations, (3) to ensure suitable marketing arrangements and (4) to develop and expand the plantations industry.

The fourth part deals with the direction to the Committee that the report should be submitted within a year. The whole enquiry is a very comprehensive enquiry. It was said that an Expert Enquiry Committee will go into the matter. I do not think that the present constitution of the committee would be tantamount to an expert committee. Anyhow, it is good for whatever it is worth and the terms of reference are so exhaustive and broad that it would satisfy even the critics of the Ministry and the critics of the Minister.

But, why is this legislation rushed through? I fear that it is rushed through with certain motives. The Statement of Objects and Reasons states:

"In order to ensure proper co-ordination between the Board and

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the Central Government, it has become necessary to effect a change in the method of representation of the interests concerned by vesting more powers in the Government in regard to nomination of members of the Rubber Board."

Two things are very patent from this. The first is that there has been no co-ordination between the Board and the Central Government, as has been slightly hinted at. There have been certain unfortunate developments in the past which had their reactions in this House also in the charges and counter-charges that were expressed by different parties. But, apart from this, the attitude of the Government now is to get more powers in their hands to control the industry; not only to control the industry but to control the activities of the Board itself. Almost all the suggested amendments are intended to take away what little power the Board has. If the Government were anxious only to use legitimate powers, I think the existing Act provides sufficient rights and privileges and authority for the Government.

I would request you to go through sections 11, 12, 13, 22, 23, 24 and 26 of the existing Act. Section 11 is the power to prohibit or control imports and exports of rubber. Section 12 is imposition of rubber cess. Section 13 is the power to fix maximum and minimum prices for sale of rubber. All these are powers given to the Central Government by the original Act. Then, section 22 is control by the Central Government. Section 23 deals with appeals and section 24 with accounts of the Board. Section 25 deals with the power of the Central Government to make rules, and section 27 with procedure for prosecutions. All these give sufficient powers to the Central Government to control the Board and the industry even as it is. But there is one aspect that has been brought out. The Government

wants to give a better deal to the small planter. So, with that purpose they are going to increase production. I do not know what is the co-relationship between increasing production and getting a better deal for the small planter and I also do not understand how it is going to affect fundamentally the production figures in the plantation industry. Anyhow, if it is for experimentation and such other items the Minister himself says that he is not confident that he is going to levy at the maximum rate of one anna. It is a matter which can also be put off for a year or so until the suggestions of the enquiry commission are before the Government or before the House. What is most pertinent and important is that even now section 12 gives the right of increasing the cess, subject only to one condition, namely, that the Board realises the interests of the industry. I do not think that the present constitution of the Board is such as to deny or refute the necessity of increasing the cess for development purposes. Of course, the hon. Minister testifies to their veracity and the interest that they have taken in the matter. Here also, the question of rushing through the amendments does not come in. Wherein does the canker lie? That is a very important question. You know that we recently amended the Tea Board Act, and we have brought forth a new Tea Act—the Tea Act of 1953. It shows certain signs of the psychological changes taking place in the mind of the Minister, and those changes, I think, do not portend something good to the democratic traditions in the country. Some of the clauses incorporated in the Rubber Bill as also in the forthcoming Coffee Bill, I fear, are foreshadows of a *chota* Hitler or Mussolini in action. The Minister wants all the powers; he wants the power to appoint the members of the Board. He wants the Chairman of the Board to be an appointed bureaucrat, who naturally will be one of his favourites. He wants a Vice-Chairman to be

another bureaucrat. Of course, there is the Controller who is appointed by him and all the other members are appointed according to his wishes. There is a most cantankerous aspect in the amendment of section 25 (clause 13 of the Bill). It says:

"For sub-section (2) of section 25 of the principal Act, the following sub-section shall be substituted, namely:—

(2) In particular, and without prejudice to the generality of the foregoing power.....

(i) the term of office of members of the Board, the circumstances in which and the authority by which members may be removed and the filling of casual vacancies in the Board."

All these things are to be fixed by the Government, so that the Government is taking more powers into their hands. I may give my experience of the Tea Board. Travancore-Cochin is a very important tea-growing area. I find that not even a single representative of the employers of Travancore-Cochin is on the Board. We have only one representative of the workers—an INTUC man. The new constitution of the Board is such that there is no adequate representation of the various interests concerned. Why was the representation taken away? The whole thing converges to the unfortunate incident referred to already. There was a quarrel between the Rubber Board and the hon. Minister, and I find from that time be taken everything pertaining to Travancore-Cochin as something of an anathema to his mind and starts tilting against his windmill. That is what really happened in the Tea Act. That is what is happening in the Rubber Bill and that is what is going to happen in the Coffee Bill. If this Bill is allowed to be sent to the Select Committee as it is, it will be injurious to the interest of this House as well as to the interests of the industry. I say that before enacting

such a measure, the report of the exhaustive and comprehensive enquiry of the commission should be gone through. If the hon. Minister could have put this Bill off for one year and a half, why cannot he put it off for another one year?

Let me bring to the notice of the House some of the important changes which he wants to incorporate.

In clause 7, in section 6 of the principal Act, in sub-section (2) the words "in consultation with the Board" are to be omitted. The purpose of the amendment is very clear.

Then again, in clause 10, in sub-section (1) of section 11 of the principal Act the words "after consulting the Board" are to be omitted.

What is the purpose of the Board, I do not understand.

Then in clause 11, in sub-section (1) of section 12 of the principal Act, for the words "at such rate as the Central Government may, on the recommendation of the Board" the words "at such rate not exceeding one anna per pound of rubber so produced as the Central Government may" are to be substituted.

The Board has vanished into thin air; by a jugglery of words the Board has no existence at all.

Another reason suggested in the Statement of Objects and Reasons is that the Rubber Price Advisory Committee is unnecessary, because the Tariff Commission is now recommending fixation of prices. If the Advisory Committee is only advisory in its functions, I do not understand why there should be any objection to its functioning. Nor do I see how the functions of the two bodies clash. As a matter of fact, even the partisan opinion,—let it be of the interested parties, like the producers and manufacturers, should at least serve as a basis for the Tariff Commission to arrive at a fair price.

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Paragraph 4 of the Statement of Objects and Reasons says:

"The Bill gives effect to these proposals and incidentally opportunity has also been taken—

- (a) to substitute a new section for section 2 of the principal Act in order to bring its language in conformity with the language of Entry 52 of List I in the Seventh Schedule to the Constitution;"

So, this is an incidental matter, not germane to the subject and can also be put off. Hence, there is no reason why the amending Bill should come into law, unless it is that the Minister wants things to be done as he wishes.

Here again, I may bring to the notice of the House that working of the Tea Board, in the constitution of which the Government have taken wide powers, things are not quite laudable from the point of view of the interest of the people, of the industrialists or of the workers. If my information is right, there is a tea house scandal in Geneva which cost the Government Rs. 3½ lakhs. Then, again there has been our representation at the Havana Conference and also at the Latin American Conference. Our representatives at these two Conferences, if my information is correct,—I am subject to correction—are the sons of a particular gentleman who has been nominated on the Tea Board. So, the family gets three representations, and that gentleman has no connection either with production or with manufacture. He is only an agent and an agent and his family get three representations, two in important international conferences and one in the Tea Board. If this is going to be the attitude of the Minister it is very difficult for the Board to function and produce those results which the Minister himself wants.

Then, again, I have been told that there is a Publicity Officer. There is a publicity officer attached to the Tea Board on a very huge salary and he had never had anything to do with publicity.

Such powers taken in the hands of the Government lead to nepotism and cannot help the country. Rubber industry concerns my State much more and the whole trouble originated with the previous Rubber Board. Mr. Kurian John was a blunt man but it was reported he had a lot of experience. The trouble started there. Why did it start there? It was because somebody from the lower rank—a stenographer or someone like that—had been sent there as Secretary and he was not accepted as Secretary to the Board. It is an important job and a certain dignity is attached to it. The dignity of the Board is something more important than the whims of a Minister. I only point out these things and bring these matters to the notice of the Ministry so that this attitude might change. Every Board must function for the good of the industry and not for the enhancement of the power of this Minister or that Minister nor for appointing this or that friend or relative. The democratic nature of the Board is substituted by totalitarian methods and this is resented much. This should be set right.

With these words, I request that the Bill be circulated for the purpose of eliciting opinion thereon.

**Mr. Chairman:** Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April 1955."

**Shri Damodara Menon** (Kozhikode): Sir, I am glad that the hon. Minister in his speech said that when this Bill goes to the Select Committee, it may make such alterations as it deems necessary and that he is open to conviction and further corrections if

necessary. That is a welcome statement.

The hon. Minister said that he is a blunt person and because of his bluntness, he complained, he is sometimes misunderstood. I may say that apart from being a blunt person, he also acts occasionally with certain amount of sarcasm. That perhaps may be the reason why he is sometimes misunderstood. In regard to this Bill, he will excuse me if I am also equally blunt or try to be blunt. I wholeheartedly agree with the previous speaker that this Bill gives the impression that the hon. Minister of Commerce and Industry is now developing a tendency to be an autocrat. He wants to concentrate in his hands all powers that he possibly can acquire. Unfortunately people coming from the West coast are the worst sufferers of this craze for more power on the part of the Commerce and Industry Minister. It is this tendency on his part which is seen in its worst aspects in this Bill dealing with the plantation products. As he himself has said, we on the West coast depend mostly on this plantation industry for our prosperity and economic life itself. Therefore, if the hon. Minister takes all powers into his own hands and he refuses also to give a certain amount of democratic control in the constitution of the Board, it adversely affects our interests very much. That is why I said that we are the persons who are now being victimised by this craze on the part of the hon. Minister for concentrating more powers in his own hands.

Now, Sir, I heard with great interest his account of this industry. Rubber is a strategic material and we are not producing enough now for our own needs. There is great room for expansion and the country's economy requires it. As you know, rubber cannot be grown in all places. Certain climatic conditions are necessary and our coast generally has that climatic condition which favours rubber production. The hon. Minister, I am sure, is very anxious to see that this industry is developed properly. When he was not occupying one of

the seats of the treasury benches, I know how he fought for the rubber producers. When, as he himself has stated, the price of rubber went down very much, when in the foreign market 100 pounds of rubber was quoted at Rs. 450 or so, whereas the local price as fixed by the Government was only Rs. 90/8/- per 100 pounds, it was he who fought really on the floor of the House to see that the producer got his due share. It was due to his efforts also that we could get the price enhanced to the present rate. Therefore, I am quite sure that he is very keen on protecting the interests of the producers and seeing that this industry develops along proper lines. But, as all very able men are apt to think that every power must be in their own hands, so also, he thinks that if the Government gets all powers, if the Board is entirely under his own control and if the Government could manage things in its own way, it would be possible for him to see that the industry develops along proper lines. That, Sir, is a wrong approach especially in a democratic set up. Mr. T. T. Krishnamachari is not going to be the Commerce and Industry Minister for ever. It may be that a person who is not so sympathetic about the interests of the rubber grower may some day, come to occupy his place and then that Minister may exercise all the powers that we are now vesting in the Minister in a manner which may be very prejudicial to our own interests. Therefore, I want him to appreciate our fears in this matter; it is not personal at all.

Mr. Sreekantan Nair was just now pointing out about the constitution of the Tea Board. I was also surprised to find that the newly constituted Tea Board no representative from Travancore-Cochin State has been included. Nearly 50 per cent of the tea produced in South India is from Travancore-Cochin, and when the Minister nominated four representatives to the Board from South India, it was a matter of surprise to me, how he failed to include at least one person who understands the tea industry in

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Travancore-Cochin, in that Board. All these things make it clear to us that it is not often right to depend upon the sole discretion of a Minister, however well-intentioned he may be, in a matter which affects the industry as a whole and also the livelihood of several thousands of people living upon our coast.

Sir, the hon. Minister in his speech did not specify why he thought it necessary to amend this Act at all in the manner he wanted. Of course, certain cesses are to be enhanced a little more so that there may be more money to be spent on development purposes. That is all very good. But, why does he want to have all these members nominated by Government? What is the objection to retain the present constitution of the Board? Why should we not have an elected President and an elected Vice-President? Why not, as has been pointed out, consult the Board at least in the matter of fixing prices and in the matter of import and export? Why is this Board constituted at all if it cannot advise the Government on a matter so important for the development of the industry? If, as everyone knows, we want to see that the producer here gets a fair price, then the import policy, the export policy and the price control policy of the Government have certainly a great deal to do with the problem of getting a fair price for the producer. If this Board has no power at all even to recommend to the Government what the price should be, that seems to be preposterous to me. Even according to the parent Act which is being amended now, Government have all powers to amend, vary or even to reject the recommendations made by the Board, in regard to price of rubber, in regard to import or export, etc. It is not necessary at all for the Government to accept the recommendation. Even this recommendatory power, the power of consultation is being taken away from the Board. I think the hon. Minister will appreciate me when I say that this is going

too far. In that case, why constitute this Board at all? He can run it as a branch of the Government. You can have the same bureaucratic machinery as you have here in the Government. There are many experts. You can appoint more men. Let there be a branch or wing of the Commerce Ministry which would look after the interests of the plantation industry also. Let us not have this farce of a Board. If you are really having a Board, introduce in the constitution of the Board a certain element of democracy. I won't go to the extent of saying that all the representatives of the producers must be elected by them or that you must name the most important producers or companies or their organisations. But, is it not possible,— this has been done in the parent Act—to see that the producers get some of their representatives and not representatives suggested or nominated by the Government or by the Minister? As has been suggested by my friend, the workers also must be represented. Of course, in these days, workers' interests are very often forgotten. In nominating the representative of the workers, the right of the producing area or the surrounding places to be represented by their own representative may often be forgotten. Therefore, it is necessary that in giving representation to the workers, Government should consult their organisations and local organisations also. I do not want to enter into this moot question of elimination of foreign interests in this plantation industry as that is a question on which we can argue for a long time. If it is possible we should see that the foreign interest is eliminated as early as possible. The nation will stand to gain a lot. It cannot now be pleaded that for the plantation industry, we do require foreign experts or foreign skill to the extent we could say with reference to the other industrial undertakings. The hon. Minister said that the European managed plantations produce more. That is true. But, that is because they are able to have large plantations under their control. The plantations held by



Indians are small and as the hon. Minister said, some of them are very small. He is out to protect the interests of the small producer. I am very glad that he is doing so. I hope every one from the West coast will be happy to see that the interests of the small producer are protected. At the same time, in the interests of the small producer himself, it would be good if Government could undertake a policy of eliminating foreign interests from the plantation industry as early as possible. I am sure that the hon. Minister himself is not opposed to that proposition as he stated now. Only the pace at which this nationalisation or elimination can take place is a matter on which he has some doubt.

I do not want to say more on this subject. Only I wish that the hon. Minister should reconsider his decision in regard to the remodelling of the Board and its constitution. I want to see as far as possible, that the President and the Chairman are elected and that the present complex of the Board itself is maintained, so that there is some element of democracy. I want also that the hon. Minister should not attempt to concentrate all these powers in his own hands, and the Board, once constituted, must have at least the powers which the original Act conferred upon it. Let us not seek to minimise it, because I see a very dangerous trend in this. In the Tea Board also the something was done. The next Bill which the hon. Minister wants to introduce here is also on the same pattern as we find here. That also shows there must be a different outlook on the part of the Minister in this matter. As he himself pointed out, we are very much dependent on him certainly for our economic life and our prosperity, and when we put forward these suggestions, I hope he will take them in the proper spirit and see that our economic life is not shattered by any act of his especially where the plantation industry is concerned.

**Shri M. S. Gurupadaswamy** (My-  
sore) rose—

**Mr. Chairman:** The hon. Member is not on the Select Committee?

**Shri M. S. Gurupadaswamy:** No, Sir.

**Mr. Chairman:** Yes. Mr. Gurupadaswamy.

**Shri M. S. Gurupadaswamy:** I do not propose to take a very long time. I wish to submit a few facts for the consideration of the House.

Rubber is a very important strategic material and we are, all of us, naturally concerned with its development. Unfortunately, the policy of Government is not uniform and consistent and is not good enough to encourage the development of this product.

When I went through the Bill one idea immediately struck me. That is this. The hon. Minister for Industry and Commerce wants to transform this Rubber Board into a rubber-stamp board.

**Shri Nambiar** (Mayuram): That should be its title.

**Shri M. S. Gurupadaswamy:** I think this measure can be better called The Rubberstamp Board Act.

My hon. friend Mr. Damodara Menon just now said that it is improper that the Chairman and the Vice-Chairman and the Commissioner, will hereafter be nominated by Government. The other day the hon. Minister was telling us that after all the Government is a democratic Government and it is responsible to Parliament. So, where is the harm in appointing members to committees, since any day the Government's actions can be discussed in Parliament? This argument has been often repeated. But I want to tell him that not only the structure of the Government the constitution of the Government should be democratic, but also we want the policy and the methods adopted by the Government should be democratic. Here, what the Minister is doing is something not at all democratic. He has been following this uniform policy with regard to all the Boards. Since he came to power the Tea Board, the Coffee Board and various kinds of

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Boards have been reconstituted to have the principle of nomination instead of the democratic principle of election. This is a rather retrograde step. It is not very salutary. Before the Ministers bring forward these amending measures, they should come and tell us what are the drawbacks, inherent drawbacks, in the constitution of the existing Boards.

What is the harm in having an elected Chairman? My hon. friend has told us what has happened in the case of the Tea Board. The Chairman of the Tea Board has been appointed by Government, and various other members also have been appointed by Government. In the present Tea Board, there is not even one single representative from Travancore-Cochin, though that State produces nearly fifty per cent of the tea in our country. Nearly four of the members who have been appointed belong to Madras, the State of the hon. Minister himself, and I think they all belong to Tamil Nad. It is very unfortunate. So, there is good room for criticism that the hon. Minister wants....

**Shri T. T. Krishnamachari:** I thought I would reserve this to my reply, but may I correct the hon. Member at this stage? I find that in the Tea Board, there is a gentleman called Shri Anantasivam. Though his name was suggested by the U.P.A.S.I. he comes from Travancore-Cochin.

**Shri N. Sreekantan Nair:** I have not heard of him.

**Kumari Annie Mascarene** (Trivandrum): A Tamil converted into a Malayali.

**Shri M. S. Gurupadaswamy:** According to my information, there is no representation given to Travancore-Cochin. Anyway, I am subject to correction.

**Shri Pannoose:** There is a representative imposed.

**Shri M. S. Gurupadaswamy:** There is one sentence in the Statement of

Objects and Reasons, which I would like to read out. It runs as follows:

"The relationship between the Board and the Central Government will be further strengthened if the Chairman and the Vice-Chairman are appointed by the Central Government instead of being elected from among the members."

This can be understood only in the following way. If the Chairman and Vice-Chairman are appointed by Government, naturally, they will have to agree to whatever is done by Government or whatever is said by the hon. Minister. If they do not accept but oppose it, naturally they will be removed. Moreover, this nomination principle, apart from being undemocratic, provides large scope for patronage and favouritism. I can quote one or two examples to show that in other cases also, this patronage is rampant. The other day, I heard the name of one Mr. Kothari and his family. They have been represented in all committees. They have been thought of as experts in tea. If there is to be a delegation to go abroad, a member of the Kothari family will be chosen. If it is a question of appointing a man on any committee, a member of the Kothari family will be appointed on that committee. This is really bad. Is it for this purpose that the hon. Minister has come to us and asked for our support to this measure? We do not want to give any support just for enlarging the scope for official patronage and favouritism by hon. Ministers.

**Shri Nambiar:** The Kothari family is all-powerful.

**Shri M. S. Gurupadaswamy:** The purpose of the Bill is simply this. The hon. Minister wants to have full power to appoint anybody he pleases. So, I say that this measure cannot be supported on any ground.

There is one more point which I want to make. The rubber production in the country has been slowly and steadily increasing since 1947. That is a very salutary factor.

Since 1947, production has increased by 6,000 tons, nearly 29 per cent. Still India's rubber production is nearly about 1 per cent. of the world production. But there is another important factor, that is we are consuming all the rubber produced in the country itself. We are not exporting our raw rubber outside. But Government has not taken any concrete steps to develop rubber production. There are foreign firms, foreign proprietors of rubber estates. And we have been urging all along that as far as possible, we must follow a progressive policy of Indianising our plantations. That the Ministry has failed to do so far. The Ministry is very anxious to appoint people on the Boards, but it is not anxious to develop the industry. The development of the industry is sacrificed, whereas the Ministry is giving attention to other minor matters. To them, they are very very important. It may be so, because they want to appoint their own men, they want to favour their own friends. But these are not relevant or important for the motion. What is important today is that we must follow a very bold policy of encouraging rubber production. The Government has failed miserably in this respect. Though there is a slight increase in production, I must say it is not very satisfactory and production could have been increased **still further, if more effective steps** had been taken by Government.

Lastly, I say again that we should have the elective principle in all these Boards. That is very necessary. So long we have seen that the nomination principle has been grossly misused by the Minister. He cannot come and defend that the nomination principle has been working properly, because it is known that it has been misused and abused, and this is a most undemocratic and scandalous method. The Minister has not told us and has not given us all the grounds for which he wants nomination. He wants the co-operation of the Board; he wants satisfactory relations between the Board and the Government. Sir, I do not want

this Rubber Board to be reduced to the position of a rubberstamp Board. If you want a really good, genuine Rubber Board, it should be autonomous, and autonomy will be taken away if there is nomination, because nominated people cannot stand against the policy of Government. If the Government policy is wrong, if the Government commits a wrong, they cannot point it out that it is wrong, because they fear that they may be out from the Board. So we must accept the elective principle and in all the Boards hereafter we must see that the elective principle is accepted and all the interests, including those of labour, are properly and adequately represented. If you believe in democracy, you must follow democratic methods. Your policy should be democratic and your thinking also should be democratic. Unfortunately, we have been having people in the Treasury Benches who talk big of democracy but do not really believe in it. They always say that they are responsible to Parliament, but when we, the Members of Parliament, say that there should be the principle of election, they pooh-pooh it and say it is not workable. If the principle of election is not workable in Boards, then it is not workable in the country.

**Kumari Annie Mascarene:** Yes.

**Shri M. S. Gurupadaswamy:** So I say that hereafter the entire structure of all the institutions in the land should be democratised. If you believe in democracy, you should accept the principle of election and should do away with this principle of appointment and nomination. Thank you.

**Shri K. P. Tripathi (Darrang):** I thank you for giving me this chance of participating in this debate. The principle of nomination was adopted by the Minister first when the Tea Board Act was amended. At that time, the question arose in this way. As you know, the Tea Board was backed by representatives of tea-growing interests who are mainly foreign. The intentions of the Tea Board were controlled by foreign elements. They were

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managing things in such a way that, to some extent, the affairs were going against the interests of the Indian nation. It was not known how best to interfere and make the Board as well as the International Tea Committee to function as we desired. At that time, the Government of India took a very important decision of walking out of the International Tea Committee, and as you will remember, it created a furore. Then, in the Central Tea Board, a resolution was actually passed contradicting the stand taken by the Government of India. From that incident, we began to feel that the Central Tea Board was not able to function in the interests of India, if it was constituted like that. So, a necessity arose to change it. Now, the Tea Board Act was passed, and in that, the principle of nomination was introduced for the first time. You will remember that in India, plantation industries such as the tea industry and the rubber industry are mainly foreign owned. The coffee industry is mainly Indian owned. The same logic which applied to the tea industry also applies to the rubber industry.

**Shri N. Sreekantan Nair:** No, it does not.

**Shri K. P. Tripathi:** It applies in this way; the rubber industry is also mainly foreign owned.

**Shri N. Sreekantan Nair:** Not to that extent.

**Shri K. P. Tripathi:** The extent is different. The whole point is, wherever there is a majority of foreign interests, they are so close that they dominate the Board entirely. Why there is such an inferiority complex on the part of our representatives, I do not know, but I am just describing to you the conditions under which we are suffering.

**Shri N. Sreekantan Nair:** Is the hon. Member aware that till now the Rubber Board has been controlled by Indians, Travancore-Cochin people, all along, beginning with Kurian John.

**Shri K. P. Tripathi:** You said there was a majority of Indians on the Board. I am not contesting that point. I am merely stating that the leadership which frames the policy was foreign. In the Central Tea Board also, if you count the number of persons, you will find that the number of persons of foreign nationality is less than the number of persons who are of Indian nationality. But there also, the leadership is such that the foreign interests or elements of the Board used to decide what policy should the Board follow. This is the position wherever foreign interests have dominated.

**Shri Matthen (Thiruvellah):** Not so in the Rubber Board.

**Shri K. P. Tripathi:** In spite of what my friend, Shri Matthen, might say, I must admit that their domination is perfect whenever they are on the Board. It is from this point of view that the necessity for nomination arose. What the policy of the Government of India is going to be in respect of rubber, I do not know. We want an Act in which it should be laid down as policy of development of rubber in this country. How this power of nomination is going to be handled by the Ministry, I do not know. The way in which the power of nomination was handled in the Tea Board, I am not satisfied with. That is what I want to point out. Take, for instance, the Assam Valley. From the point of view of labour, they have nominated a member of the Hind Mazdoor Sabha. That Sabha has some representation in North Bengal. It would have been more proper to keep the nomination there. But it was not good here. The nomination for the Sabha has been given in the Assam Valley where the Sabha has no following at all. In this way, the power of nomination has not been properly utilized by the Government. If the power of nomination is not properly utilised by the Government, then these difficulties will arise. Therefore, I draw the attention of

the Minister that when you take the power of nomination in your hands, you work on a two-edged sword. You must exercise your discretion in such a way that you are cent per cent correct. If you make mistakes, then it is most dangerous to assume power in a democratic country. In democracy it is easy to assume power but it is difficult to discharge the power. Therefore, I would pointedly draw the attention of the Minister to this aspect.

The second point is this. With regard to all these plantation industries—tea, coffee, rubber, etc.—we must have a national policy. We have had no national policy up till now. It is a mistaken notion that as soon as you pass an Act constituting a Board and nominating certain persons on it, a policy is made. Actually, policy is not made in that way. The position of rubber is very dangerous. In the world market, you will realise that a substitute has been discovered. The Government of the United States floated certain firms or factories which were, during the war, government-owned and these are producing synthetic rubber which is more effective in the sense that it serves more purposes than natural rubber. So, what is going to be the position of the natural rubber *vis-a-vis* the artificial rubber development? There is a tie between the two types of rubber in this world today. The Government of the United States have already disposed of, in the course of last year, all those state-owned factories to private owners, so that these factories in the hands of private industrialists will be more effective in competing with natural rubber in the world market. Last year, in Malaya there were such huge stocks that there were wage-cuts. Not one wage-cut but there were five wage-cuts. You can imagine what amount of suffering it has brought to labour.

So, when you are thinking in terms of this industry, the responsibility is very grave. The Government shall have to think of a policy, a long-term policy for rubber and within that long-term policy it must find a place

for rubber in our national economy and it must be able to discover a cost structure which is very fair to labour. At present the cost structure is absurd. The whole cost structure is so manipulated that the entire thing is meant for the employer. The management has the best choice. The management is well paid and labour is ill-paid. It will be very interesting to note that the rubber worker has to work all the seven days in the week and he has to work for ten months in the year. He cannot work during the other two months because of rain and then he is discharged. He does not get anything. This is very unfortunate. If a man works for ten months in the year and seven days in the week he must have some chance of being paid during the other two months. If he were to get one day every week as leave he would have 52 days in the year. So, this has to be adjusted. What is the authority which will adjust all this? We do not find that from this Bill. There is no special provision in this Bill for representation of labour. There is no special provision for righting the wrongs that are there already. There is no provision for adjusting the cost structure in favour of labour. After all, this cost structure developed when we were dependent. Taking advantage of the Government's powers, the British employers utilised their position for having all the loaves for themselves and nothing for labour. The labour had starvation wages.

The living conditions of labour are most hopeless in rubber plantations. I had a chance of going to some of the rubber plantations in Kerala and I was shocked to find the conditions there. In one area, I found in one house, a house meant for just one family, three families had been housed. Do you know how the position was? Every family used to sleep on the machan placing a box in between to make some sort of partition. But in one room there were four families putting up and there was no room for placing the boxes and they slept together. Here was the promotion of

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promiscuous living. All these factories are earning high profits. In one case, I found that the main room had been given to two families, the Kitchen had been given to one family and the small verandah had been given to two families. In the Kitchen the husband and wife were lying on the machan and the father of the wife was sleeping just below the machan. Can there be any morality under these circumstances? It was a disgraceful state of affairs.

**Shri N. Sreekantan Nair:** Is the hon. Member aware of the fact that conditions of workers in the tea industry are no better?

1 P.M.

**Shri K. P. Tripathi:** After all, when independence has dawned, things must change. No effort has been made to change these conditions, and until these conditions change, it is a sin to have rubber out of these and permit the employers to have profits. Therefore, it is very necessary to make provisions in the new Acts for the good of rubber workers. After all, in the last few years I have been crying hoarse and requesting my friend, the Minister, to set up an enquiry commission in order to find out the hidden things about the tea industry, the coffee industry and the rubber industry. You will remember that the demand was for a tripartite commission, and the hon. Minister has now come forward with a commission. What kind of commission is it? It is not a tripartite commission. I wrote a letter to the hon. Minister requesting him, asking him and begging him to set up a tripartite commission. He says that he has just come to the conclusion that it should not be a tripartite commission. What a wisdom! If it was possible to find out the inner things of these industries by a non-tripartite commission, then the Rao Committee would have succeeded in finding out the hidden things about tea. They did not succeed and they cannot succeed. The reason is this. When you set up a commission and put on the commission

members who do not know the industry intimately, they cannot properly formulate the questionnaire. Searching questions cannot be put by them and therefore, there is no enquiry worth the name. The questionnaire is framed in the interests of the employers, and when the employers dictate a certain type of questionnaire, the enquiry becomes one which gives relief to the employers and not to the workers. Therefore, we had asked for a searching enquiry and it is not merely from the point of view of labour but it is in the national interest that we asked for this enquiry. If you can find out hidden facts about this industry, it will be to your advantage and to the advantage of the country but I do not know why the Minister has always a suspicious eye for whatever emanates from labour. He thinks that when labour asks for a thing, it must be unreasonable. So, he gives only half of what the labour demands. This half-a-loaf measure has been ordained and I do not know when we will get the tripartite commission. I can forecast that all commissions which are set up by the Government of India will be a complete failure until and unless they are tripartite commissions. They will not be able to find out the hidden things of the country or the industry. You will remember that in this very House as well as in the other House promises were made by this Minister and the Finance Minister during the last 1952 crisis in the tea industry that the labour interests would not be touched, and on this condition the Government of India did agree to the extent that 10 per cent. loss of the banks should be guaranteed in the matter of advances to these interests. The industry did not listen to the latter part of the advice. They laid off labour; gardens were closed and 40,000 workers were thrown out; they starved. I was telling that this crisis was going to last only a few months and in fact the crisis lasted for three months. After that, the prices shot up and they are sky-high, so much so that the planters' re-

presentative in a speech said, "We are suffering from a profit inflation". Profit deflation and profit inflation are coming on alternately and in between the labour is suffering. If there is no profit, the wages must be cut. If there is more profit, the wages cannot be raised because there is the chance of the profit coming down. Where shall we be?

**Shri N. Sreekantan Nair:** Remain suspended in the air.

**Shri K. P. Tripathi:** The Assam Government in a press communique said like this: "Let wages be cut and continue to be cut until the losses are made up,—not merely until the crisis is over but till all the losses are made up by the industry. Then only, we will consider restoration of the wages." Such a means of creating capital for uneconomic units from labour wages I have heard of nowhere. Of course, this generally happens and Marx has observed that this is the general nature of the employers. But is there a Government which would put its seal on it? Now, our Government put a seal on it. Of course, the Government was ignorant I do not blame the Government because Government after all was ignorant. We brought this to the notice of Government, but by that time they had lost all courage. The difficulty is that the employers have their way of creating crisis. A crisis is created to demoralise the Government; so much so once demoralised they cannot pick up courage to act even after the crisis is over. Today the crisis is over and tea is fetching the highest price ever known in history, and the House will be surprised to hear that the wages have not been restored. There was a tribunal award in favour of labour in Assam. We do not get very many awards in our favour. Once in a blue moon we get an award in our favour, and yet the Assam Government would not implement it.

Now what is happening today? The difficulty is that this Government is not posted with figures of cost structure. The cost structure in tea was Re. 1/ to Rs. 1/4 in 1952. Government took action and reduced the cost struc-

ture; I think it was fourteen annas, or even less, in the case of uneconomic gardens. In 1953 they got the price of Rs. 1/14- per lb. So Re 1/- per lb. is the profit and still no restoration in wages has occurred. The whole point is that the nature of finance in this industry is peculiar. The bank which advances the money has got even the right to dictate what the wages in the industry should be. Is there any other industry in which such a thing would happen. I, therefore, requested the hon. Minister to set up a tripartite commission. But the Minister would not hear us and in his own wisdom he has set up a committee which is completely ignorant of the plantation industry. I say that Government should cease suspecting us. We are the well-wishers of the industry and the nation. Our interests are not anti-national. We are here out to help the Minister. But we are viewed with suspicion; we are *persona non grata* with the Minister. Therefore, we have not been given any representation. This is the situation. If this situation persists, I must tell the hon. Minister that he will not be able to discharge his duty to the nation.

Coming to rubber, I must tell the House that the fate of rubber will be decided somewhere else outside India. It is therefore, necessary for Government to take powers. Let them by all means, I do not object to that. But let them at the same time have a long-term rubber policy for the country, in which should be included artificial rubber also. You cannot have a comprehensive policy until and unless you take power to adjust the cost structure between the management and labour.

What is the bane of the plantation industry today? The Indian plantation industry is suffering from extremely high management cost. There was a productive team which came from the I.L.O. In its report the team recommended rationalisation of management. My hon. friend the hon. Minister of Commerce is very much for rationalisation. In the light of the opinion of the I.L.O. I should have expected

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him to have come forward with a scheme for rationalisation of management.

Nobody speaks about that report today. No steps are taken for rationalisation of the management in any industry whatsoever because the employers do not want it. But the rationalisation which is advocated is the rationalisation of labour so that labour may be reduced. I may tell you that in this country in every industry there are units which are the least economical and there are also units which are very highly economical. The wages given are fixed in between these; that is an average. Therefore, all the units which are economical in character are earning a very high profit and this will continue till all the units become economical in character which is not going to be in our generation. Therefore, the policy must be determined as to how best to absorb the higher profits of the more economical units so that the less economic units might be developed. In a developmental economy it is very necessary that the higher economic units should help the lower units so that they may be brought up. In a developmental economy you artificially expand the market and therefore it is the profit which comes to the existing units that should determine the policy. The higher profit due to the development must be taken hold of by the Minister. There is no mention of such a policy; there is no chance of such a policy developing.

What is this Bill? It provides for continuance of existing conditions so that things may not improve. The conditions of the plantation labour are bad for which relief should be given. The management is completely free; it is left untouched and therefore, all the laws continue to be directed towards labour and all the profits continue to be shared by the employers. This absurd situation must not be allowed to continue.

I draw the attention of the hon. Minister to the directive principles of our

Constitution wherein it is stated that there must be brought about an adjustment so that economic differences might be less. For whom is this directive principle of policy intended? It is meant for the Government itself. In every step Government takes, it is necessary that it should bring forward a measure which gradually levels down the differences. Such a thing is not there. Therefore, I would request the hon. Minister to take a long-range view of the plantation industries, particularly the rubber industry which is going to suffer in the coming future, so that if and when a time comes when the prices tend to go down—prices are likely to go down—the wages may not be scaled down and may be maintained. After all, wages determine the purchasing power of the country. If you lower the wages, the purchasing power of the country goes down. What is the best way to reduce the managerial cost? Government must take power in order to arbitrate and to decide as to how far the managing cost has to be reduced; how far the management has to be rationalised. This point, I put forward with all the emphasis at my command, not merely for this industry but for all the other industries also so that the hon. Minister might consider my advice for whatever it is worth. It may not be followed. But it is not my advice; it is the spirit of India that so advises and I hope that the hon. Minister would be doing justice accordingly.

Several Hon. Members rose—

**Mr. Chairman:** Order, order. The time is up. Out of the time allotted, only twenty minutes are left and I would call upon the hon. Minister to reply on the 10th. The House will now stand adjourned till 8-15 a.m. on the 10th May 1954.

*The House then adjourned till a Quarter Past Eight of the Clock on Monday, the 10th May, 1954.*