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21st March, 1955 (Monday)

LOK SABHA DEBATES

(Part I—Questions and Answers)



(Vol. I contains Nos. 1—20)

**LOK SABHA SECRETARY
NEW DELHI**

FOUR ANNAS (INLAND)

ONE SHILLING (FOREIGN)

CONTENTS

COLUMNS

Member sworn 1157

ORAL ANSWERS TO QUESTIONS—

Starred Questions Nos. 1231, 1233 to 1236, 1238, 1241, 1243,
1245 to 1247, 1250, 1252 to 1259, 1261, 1262, 1265, 1266,
1268 to 1271, 1274, 1275, 1277, 1279, 1280. 1157—1195

WRITTEN ANSWERS TO QUESTIONS—

Starred Questions Nos. 1232, 1237, 1239, 1240, 1242, 1244, 1248,
1249, 1251, 1260, 1263, 1264, 1267, 1272, 1273, 1276, 1278,
1281 to 1283 and 1285 to 1294. 1195—1209

Unstarred Questions Nos. 347 to 376 1209—1225

LOK SABHA DEBATES Dated.....19.01.2
(Part I—Questions and Answers)

1157

LOK SABHA

Monday, 21st March, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

MEMBER SWORN

Shri Dinesh Pratap Singh (Bahraich Distt.—East).

ORAL ANSWERS TO QUESTIONS

AMERICANS IMPRISONED BY CHINA

*1231. **Sardar Hukam Singh:** Will the Prime Minister be pleased to state whether India was, at any time, approached and asked to use her good offices with China for the release of 11 American Airmen imprisoned by the Chinese Government on charges of espionage?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): No, Sir.

Sardar Hukam Singh: May I know whether India, as Chairman of the Neutral Nations Repatriation Commission on Korea had any obligations to perform in this connection because these eleven airmen were imprisoned in connection with that conflict?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The hon. Member in his supplementary question has made a number of presumptions which are themselves very strenuously denied by the parties to the dispute. Anyhow, the Neutral Nations Commission ceased to exist long ago and no question of any further responsibility

4 LSD

1158

lity on it can arise now. The whole question of these airmen, so far as the Chinese side is concerned, is that they had nothing to do with the Korean conflict.

Sardar Hukam Singh: Always sensitive to international trends and struggling hard to prevent any tilting of the peace balance in this world, had our Prime Minister at any time to move in this matter as well?

Shri Jawaharlal Nehru: Naturally, we are interested in this as in many other matters and we have tried to get the facts from the parties to the dispute. We have also informally discussed it with them, but we have made no specific proposals, nor have any official communications been addressed to us on this subject.

STORES PURCHASE COMMITTEE

*1233. **Shri Dabhi:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given so Starred Question No. 945 on the 9th December, 1954 and state:

(a) whether the final report of the Stores Purchase Committee has since been received by Government; and

(b) if so, what are its main recommendations?

The Minister of Works Housing and Supply (Sardar Swaran Singh): (a) and (b). The Final Report of the Committee has not so far been received.

Shri Dabhi: May I know when the report is likely to be received?

Sardar Swaran Singh: Within a fortnight.

LOSSES ON RAILWAY COLLIERIES

*1231. **Shri Jhulan Sinha:** Will the Minister of Production be pleased to state the causes of the heavy losses incurred during 1953-54 in the working of some of the Railway Collieries?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): A statement giving the required information is laid on the Table of the House. [See Appendix VII, annexure No. 1].

Shri Jhulan Sinha: May I know, Sir, if, in view of the heavy losses that eight out of the eleven collieries are sustaining, Government have thought of ways of eliminating the losses?

Shri R. G. Dubey: Yes, Sir. Government have already thought of the ways. I may point out to the hon. Member that in the statement given the causes are pointed out. In the next year we expect that our profits will be to the extent of Rs. 33 lakhs.

Shri P. C. Bose: Are Government aware that even collieries of this type, very old and bad collieries, are being worked with profit by the private enterprises?

Shri R. G. Dubey: I take the information from the hon. Member.

Shri T. N. Singh: What is the position of the large number of contract labour and the large amount of obsolete machinery which was reported to be the principal cause of losses in these collieries three years or four years ago?

Shri R. G. Dubey: This question was asked in this House on a previous occasion and the House was informed that in some of these coal mines already steps are being taken to introduce mechanisation, additional coal cutters and conveyor belts and such other things.

Shri Kelappan: From the statement I find that the loss in some of the collieries is due to the presence of surplus labour. May I know what

is being done to dispose of this surplus labour?

Shri R. G. Dubey: These cases are pending before the Appellate Tribunal. However, Government are of the view that as far as possible nothing should be done to cause the problem of unemployment. So, we are trying to devise other methods whereby we can absorb the existing surplus.

AFGHANISTAN

*1235. **Shri Krishnacharya Joshi:** Will the Prime Minister be pleased to state:

(a) the steps Government have taken to strengthen and develop cultural ties between Afghanistan and India; and

(b) whether any financial assistance is given to maintain Hindu Shrines in Afghanistan?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) A Cultural Delegation headed by the Deputy Education Minister of Afghanistan was invited to visit India in February-March 1954. The Delegation toured all over India and visited places of educational, cultural and historical importance.

Indian Sports teams, Students' Goodwill Missions, Indian Artists and others participate in the Jashan Celebrations of Afghanistan every year.

Sports teams from Afghanistan are invited from time to time to play friendly matches against the educational and other institutions.

Under the Cultural Scholarship Scheme, a number of scholarships are awarded to Afghan nationals every year. At present there are nine Afghan scholars studying in India and three more have been selected for the year 1955-56. Besides facilities have also been provided for certain Afghan teachers to observe the methods of work in cottage industries in India.

Books on various technical and other subjects have been presented by the Government of India to the Government of Afghanistan and various institutions, including the Kabul University, in Afghanistan. A complete set of Tendulkar's biography of Mahatma Gandhi was also presented to the Afghan Minister of Education last year.

The Government of Afghanistan desired to recruit a number of Indian teachers for teaching English in Afghan schools. The Government of India assisted in the recruitment of such teachers and six were recruited in 1950 and ten in 1953.

The Government of India propose to organise and despatch an Archaeological Mission to Afghanistan to work there for Archaeological Exploration and the search of sculptures, inscriptions, coins and Archaeological sites, etc.

(b) No.

Shri Krishnacharya Joshi: May I know whether the Parliamentary Secretary is in a position to tell us when and by whom these shrines were constructed in Afghanistan and how they are maintained today?

Shri Sadath Ali Khan: That is a matter of History.

FILM ON GANDHIJI

*1236. **Shri M. R. Krishna:** Will the Minister of Information and Broadcasting be pleased to refer to the answer given to starred question No. 1354 on the 17th December, 1954 and state whether financial or other assistance has since been promised to the Otto Preminger for producing a picture on Gandhiji's teachings?

The Minister of Information and Broadcasting (Dr. Keskar): No, Sir.

Shri M. R. Krishna: May I know whether any Indian film producers have so far approached the Government for any kind of assistance to produce a film of this nature?

Dr. Keskar: Government have been approached for giving facilities, not for giving help, with regard to such a film, as the production of any film does not require any permission.

FILMS FOR CHILDREN

*1238. **Shri Morarka:** Will the Minister of Information and Broadcasting be pleased to state whether Government propose to approach the trade for the production of films for the benefit of children?

The Minister of Information and Broadcasting (Dr. Keskar): A Children's Film Society will be registered soon. The Society will select suitable subjects for children's films and get them produced by private producers, of any other means that it considers suitable.

Shri Morarka: May I know how many films have been produced so far for the benefit of children?

Dr. Keskar: As far as Indian producers are concerned, I am not aware of any films produced by them for children. Recently for what is called the Children's Film Fair, two or three have been produced by the Films Division of the Government of India.

Shri Morarka: May I know whether the Government proposes to give any subsidy to the persons who propose to produce such films?

Dr. Keskar: Government propose to give subsidy to the Children's Film Society, and I gave the details the other day in the House about this matter.

Shri Chattopadhyaya: In view of the fact that in this country much of what is produced for children by way of drama and literature is very old-fashioned and hardly reflects the child's mind, may I know whether before going into production, the script of the Films would be submitted for examination to a committee consisting of experts in child psychology?

Dr. Keskar: In the scheme for the Children's Films Society, which will not be a Government body, but which will be an independent body consisting of eminent persons, there is a scheme by which any script for children's films will be submitted to a committee in which, no doubt, experts will also be there.

Shri T. S. A. Chettiar: May I know in what way Government are connected with the Children's Films Society, apart from their giving funds?

Dr. Keskar: Government representatives will be there on the Society. Government will also assist them by way of contributions for specific films. In fact, as I said the other day in detail, we shall, in the beginning, give the cost of one or two films; later on, we shall pay a percentage of the cost of certain other films also.

EXPORT COUNCIL

*1241. **Shri K. C. Sodhia:** Will the Minister of Commerce and Industry be pleased to place a statement on the Table of the House showing:

(a) the total number of Export Promotion Councils actually set up during the current year;

(b) the functions of these Councils and how they are to be discharged;

(c) the expenditure incurred by Government on them during the current year.

(d) whether these Councils are to be financed by Government; and

(e) if not, what other arrangement exists therefor?

The Minister of Commerce (Shri Karmarkar): (a) to (e). A statement is laid on the Table of the House. [See Appendix VII, annexure No. 2].

Shri K. C. Sodhia: In the statement, the functions of these two Councils have been detailed. In the case of one, namely the Cotton

Textiles Export Promotion Council, Rs. 5 lakhs have been allotted, while in the case of the other, only Rs. 18,000 have been allotted. May I know the reason for this disparity?

Shri Karmarkar: The reason is that in the earlier case, that which is allotted is sufficient; while, in the latter case, not more was necessary.

Shri K. C. Sodhia: Is it not considered desirable to mix up these two Committees and have only one for both the functions?

Shri Karmarkar: Mixing up? That would be confusing. The idea is to have one export promotion council for each of the items, so that they can concentrate their attention on the particular item for which that council has been constituted.

Shri K. C. Sodhia: When there are so many functions to be discharged by each, how is it possible that while one Council requires Rs. 5 lakhs, the other has to discharge its functions within Rs. 18,000?

Shri Karmarkar: What shall I reply?....

Mr. Speaker: The question is like that.

Shri Karmarkar: I am sorry. We considered these matters on their merits, and we just sanctioned what was necessary and not more.

Shri Gopala Rao: May I know how these Councils are set up, that is to say, whether all the interests concerned are represented? For, it has been said that the promotion of prosperity of the cotton growers and other growers is the primary factor responsible for constituting these Export Promotion Councils.

Shri Karmarkar: The principal exporting interests are the commercial organisations and the commercial interests. And we see to it that they are adequately represented. Those who are normally exporting are adequately represented.

COAL-FIELDS

***1243. Th. Lakshman Singh Charak:** Will the Minister of Production be pleased to state:

(a) whether any action has been taken to develop the outlying coal-fields in India;

(b) if so, the details thereof, and

(c) the reaction of the State Governments to the action taken?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) to (c). A statement giving the required information is laid on the Table of the House. [See Appendix VII, annexure No. 3.]

Th. Lakshman Singh Charak: In the statement, in item No. 6 relating to the State of Madras, it is stated:

"A Project Co-ordinating Committee consisting of the representatives of the Central and the State Government has been set up to undertake further investigation...."

May I know when this Committee was set up, and when this House could expect an integrated scheme for the mining and utilisation of this lignite?

Shri R. G. Dubey: This Committee was set up very recently, and it will take another few months before the detailed project report is prepared.

Th. Lakshman Singh Charak: May I know why it took such a long time for Government to form such a Committee, when if I remember correctly about a year ago, we were informed that lignite deposits were found in that area?

The Minister of Production (Shri K. C. Reddy): The deposits of lignite were found long ago, but a pilot project has been in operation there, and it is executed by the Madras Government. Certain aspects of the pilot project have yet to be proved successful, and only when those are proved we can go in for a full-scale

mining project. We are waiting to see the results of the experiments that are being conducted there, before we can go in for a full-scale mining project.

VALUE OF STANDARD ACRE

***1245. Shri Gidwani:** Will the Minister of Rehabilitation be pleased to refer to the reply given to starred question No. 619 on the 1st December 1954 and state:

(a) whether a Committee was appointed by Government to submit a report on the fixation of the value of a standard acre of agricultural land,

(b) whether it is a fact that in October, 1953, he invited the representatives of displaced persons from Sind, Bahawalpur and N.W.F. Provinces and asked for their views in the matter.

(c) whether the Bakshi Tekchand Committee, to whom this question was referred to for advice has made any recommendations; and

(d) if so, the views of that Committee?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) Yes.

(c) and (d). Bakshi Tekchand Committee had expressed certain views for consideration by Government about a year ago. The question is now under consideration by Bakshi Tekchand's Statutory Advisory Board in connection with framing of rules under the Displaced Persons (Compensation and Rehabilitation) Act.

Shri Gidwani: Is it a fact that at present while paying compensation to widows, old and infirm claimants to land, Government have fixed the value of the standard acre at Rs. 350, which is considered to be too low by the representative of the displaced persons?

Shri J. K. Bhonsle: That was the amount which was fixed as provisional payment; and when the prices are actually finalised, the balance would be paid to the claimants.

Shri Gidwani: Is it a fact that during his talks with the displaced landholders' representatives, the former Minister of Rehabilitation had agreed that the price of the standard acre should be fixed somewhere between Rs. 800 and Rs. 900?

Shri J. K. Bhonsle: I do not think he has agreed to that. I expect that they were invited to give their views, and various views were given by various representatives of displaced persons.

Shri Gidwani: Is it a fact that the previous Bakshi Tekchand Committee had also recommended that the price should be fixed between Rs. 800 and Rs. 900?

Shri J. K. Bhonsle: No, it is not a fact. But the figures suggested by the Bakshi Tekchand Committee are supposed to be confidential, and I do not think it will be in public interest to divulge them at this stage.

Shri Gidwani: Will Government decide this question early?

Shri J. K. Bhonsle: The Bakshi Tekchand Committee is sitting at the moment, and we hope that within about a fortnight or so, it will finalise the rules, and when the rules are finalised, they will be published.

गुड़

*१२४६. **डा० राम सुभग सिंह :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) इस वर्ष के प्रारम्भ में गुड़ की जो मात्रा निर्यात करने के लिए छोड़ी गई थी उसमें से अब तक कुल कितनी मात्रा में गुड़ का निर्यात किया गया है, और

(ख) उसका निर्यात-मूल्य क्या है ?

वाणिज्य मंत्री (श्री करमरकर) : (क) ४,२७० टन, २५ फरवरी, १९५५ तक ।

(ख) भिन्न भिन्न समय पर जो निर्यात हुआ है उसके मूल्य बताना सम्भव नहीं है । माल की किस्म और भेजे जाने वाले बन्दरगाह के अनुसार अलग अलग मूल्य होते हैं । २५ फरवरी, १९५५ तक निर्यात किये गये माल का कुल मूल्य १६,२६,५६२ रुपये था ।

डा० राम सुभग सिंह : मंत्री महोदय ने कहा कि कुल ४,२७० टन गुड़ २५ फरवरी सन् १९५५ तक बाहर भेजा गया है, क्या सरकार ने इस बात पर विचार किया है कि उस गुड़ की चीनी यहां की मिलों में बनाई जाय ?

Mr. Speaker: He wants to know whether *gur* can be transformed into sugar in this country.

श्री करमरकर : माननीय सदस्य जानते हैं कि अपनी आवश्यकतानुसार गुड़ बनाने वाले गुड़ बनाते हैं और शक्कर बनाने वाले शक्कर बनाते हैं । जो गुड़ यहां पर बनाया जाता है और जब यहां पर उसकी कमी होती है तो हम उसके एक्सपोर्ट को रोक देते हैं और जब ज्यादा होता है तो उसका बाहर भेजते हैं, यह हमारी रीति है ।

डा० राम सुभग सिंह : जिस समय यह गुड़ विदेशों में भेजा गया, उस समय कितना शक्कर विदेशों से भारत में मंगाया गया और गुड़ के दाब बतला सकना मंत्री महोदय ने कहा सम्भव नहीं है तो क्या यह बतला सकते हैं कि विदेशों से आई हुई शक्कर जो यहां चीनी बनाने के निमित्त लाई वह किस मूल्य पर यहां मंगायी गयी ?

श्री करमरकर : वह तो असग प्रश्न है और उसके लिए अलग नोटिस चाहिए, वर्तमान प्रश्न तो गुड़ के लिए है ।

श्री एम० एस० शिबपुरी : मैं यह जानना चाहता हूं कि जो गुड़ बाहर भेजा गया है, यह किज किम प्रदर्शनों से आया और कितना कितना आया ?

श्री करमरकर : वह मैं नहीं बतला सकता, उसके लिए सूचना की जरूरत है ।

Shri N. L. Joshi: May I know how much *gur* was exported from India in the year 1954-55?

Shri Karmarkar: In 1954-55, from April to December, the quantity that was sent out was, I think, 430 tons.

अफगान औद्योगिक प्रतिनिधि मंडल

*१२४७. श्री भागवत झा आजाव : क्या बाणिज्य तथा उद्योग मंत्री ७ मार्च, १९५५ को दिये गये तारीकत प्रश्न संख्या ६०२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या अफगान औद्योगिक प्रतिनिधि मंडल ने, जो अभी भारत में आया था, भारत सरकार से अफगानिस्तान के कपड़ा, हाथ-करघा, तथा कूटीर उद्योगों के विकास के लिए सहायता मांगी है ;

(ख) क्या अफगानिस्तान सरकार ने इस सम्बन्ध में कोई लिखित प्रस्ताव भेजा है , और

(ग) यदि हां तो क्या सरकार उस पर विचार कर रही है ?

बाणिज्य तथा उद्योग उचमंकी (श्री कानूनगो) : (क) तथा (ख). जी, नहीं ।

(ग) यह प्रश्न उठता ही नहीं ।

श्री भागवत झा आजाव : क्या भारत सरकार निकट भविष्य में कोई ऐसा एक औद्योगिक प्रतिनिधि मंडल अफगानिस्तान भेजने के प्रश्न पर विचार कर रही है ?

श्री कानूनगो : ऐसा प्रस्ताव यदि आया तो उस पर विचार किया जायगा ।

श्री भागवत झा आजाव : क्या अफगानिस्तान में हमारा कोई ऐसा एम्पॉरियम है, जिसमें इमारतें हाथ से बनाये गये कपड़े तथा कूटीर

उद्योगों द्वारा तैयार किये गये सामानों का वहां पर प्रदर्शन किया जाता हो ?

श्री कानूनगो : जी नहीं ।

DOCUMENTARY FILMS

*1250. **Chaudhri Muhammed Shafie:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of documentaries produced by Government and private producers respectively during 1954;

(b) the cost in each case; and

(c) the procedure adopted for assigning subjects to private producers?

The Minister of Information and Broadcasting (Dr. Keskar): (a) 33 documentaries were produced by the Films Division and six were purchased from private producers.

(b) As indicated in the reply to Unstarred Question No. 363 on 25th November, 1954, direct and indirect expenses are incurred on the production of documentaries by the Films Division. In the absence of regular cost accounting, it would be difficult to state with any precision what the total expenses of any documentary are.

The rates, at which payment is made to private producers, vary between Rs. 10 and Rs. 20 per foot.

(c) A committee has been appointed to prepare a panel of approved private producers, as recommended by the Estimates Committee. Quotations will be invited from producers in this panel before contracts are placed for production of films. For the current year, pending preparation of the panel, producers have been selected who would in any case be included in the panel.

श्री एस० एल० इब्राहीम : मैं यह जानना चाहता हूं कि डाक्यूमेंटरी फिल्म तैयार करने के लिये जो विषय चुने जाते हैं उन को चुनने का क्या तरीका है ? इस के लिये कोई विशेषज्ञों की समिति है या सरकार चुनती है ?

डा० केशकर : विषयों के बारे में जो अलग अलग मिनिस्ट्रीज हैं वह सांचती हैं और जो विषय वह बताती हैं वही विषय डाकुमेंटरीज के लिये चुन लिये जाते हैं। एस्टिमेट्स कमिटी की सलाह है कि इस के लिये कोई समिति बननी चाहिये और इस विषय पर विचार हो रहा है तथा उस पर जल्दी ही निश्चय होगा।

Shri Bhagwat Jha Azad: May I know the difference in cost between a private-produced documentary and Government-produced documentary? That is to say, what is the percentage of the difference in the cost?

Dr. Keskar: It is very difficult to say. We can certainly find out the average cost, but subjects differ so much and so widely that there might be a subject which would require travelling all over the country, and the cost of such a documentary will be very high, while there might be a subject which can be very easily dealt with, and the cost of such a documentary will be low. The cost of a documentary given to a private producer is fixed according to what he is expected to cover.

स्वाध्यायों में बाघबा बाजार

*१२५२. **सेठ गोविन्द दास :** क्या बाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि क्या सरकार का विचार स्वाध्यायों, गुरु और चीनी में बाघबा बाजार पर रोक लगाने का है ?

बाणिज्य मंत्री (श्री करमरकर) : गेहूं, चना और चीनी के बाघबा बाजार पर इस समय रोक लगी हुई है।

सेठ गोविन्द दास : जो शेष चीजें हैं उन के ऊपर भी कोई रोक लगाने का सरकार का इरादा है ?

श्री करमरकर : जब जरूरत होती है तब ऐसा इरादा किया जाता है। अभी कोई इरादा नहीं है। हमारे यहां फार्वर्ड मार्केट्स कमिशन हैं। इन सब चीजों पर विचार करना उस का काम है।

सेठ गोविन्द दास : क्या माननीय मंत्री जी यह बात जानते हैं कि ठीक समय पर ही इन चीजों पर रोक लगाई जाती है और पहले से इस विषय में कोई प्रयत्न नहीं किया जाता, इस लिये जब बाजारों में उत्तार चढ़ाव हो जाता है उस के बाद रोक लगाने से कोई लाभ नहीं होता ?

श्री करमरकर : जब बाजार में उत्तार चढ़ाव हो जाता है तभी रोक लगाना होता है। जब बाजार में कोई अनबलेन्स होता है उस वक्त हम सांचते हैं और जितनी जल्दी हो सकता है उतनी जल्दी उस को रोकते हैं।

सेठ गोविन्द दास : अध्यक्ष महोदय, मैं यह जानना चाहता था, जैसा कि मैं ने कहा भी, कि यह रोक इतनी दूर से लगाई जाती है कि उस से कोई फायदा नहीं होता इस लिये क्या सरकार इस बात का विचार कर रही है कि इस प्रकार की वस्तुओं पर पहले से ही रोक लगाई जाय जिस से बाजारों का भाव इतना चढ़-उतर नहीं जितना कि इस समय उतरता-चढ़ता है।

श्री करमरकर : हम तो ठीक समय पर ही लगाते हैं, ये जल्दी होती हैं या दूर से, यह तो राय की बात है। हमारी राय में जो कुछ हम करतें आये हैं वह साधारणतः ठीक ही होता है।

अध्यक्ष महोदय : उनका सुभाव यह है कि हमेशा के लिये रोक होनी चाहिये।

श्री करमरकर : हम हाउस के सामने कोई ऐसी पालिसी नहीं रख सकते हैं कि यह हमेशा के लिये हो। जिस वक्त प्राइसेज ऊपर उठेंगी, उस वक्त जितनी दूर के लिये जरूरी होगा उतनी दूर तक रहेगी।

श्री एन० एल० जोशी : क्या मैं जान सकता हूं कि खाने की चीजों पर ही रोक रक्खी जाती है या ऐसे पदार्थों पर भी रोक रक्खी जाती है जो खाने की नहीं हैं ?

श्री करमरकर : खाने की चीजें तो मुख्य होती हैं पर और भी जो चीजें हमारे सामने आती हैं जिन पर सामाजिक रूप से रोक रखना

आवश्यक हो जाता है उन के बारे में भी हम सोचते हैं ।

Sardar Hukam Singh: The Food and Agriculture Minister announced here the other day that the price of wheat would not be allowed to go lower than Rs. 10. Is the Minister aware that there is forward trading at about Rs. 6 or Rs. 7 going on in Punjab and PEPSU and do Government propose to put a ban on that?

Shri Karmarkar: I should like to have notice on both the aspects.

INDIAN ATOMIC PROJECTS

*1253. **Shri Sarangadhar Das:** Will the Prime Minister be pleased to state:

(a) whether any request for the services of some nuclear Physicist to help in the development of Indian Atomic Projects was made to the Government of the United Kingdom at the time of the Prime Minister's visit to London;

(b) if so, whether any reply to this request has been received so far; and

(c) whether any proposal to request some other countries for similar help is also under the consideration of Government?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). No such request was made either by the Prime Minister or by anyone else on behalf of India. No such foreign help is considered necessary. Some eminent scientists from foreign countries have visited India and they are always welcome. But the Atomic Energy Commission have at no time considered running our atomic energy projects with any considerable number of foreign experts. A very few have occasionally been engaged.

(c) No.

Shri Sarangadhar Das: May I know whether Professor Oliphant of Australian University who is now touring India was invited by the Government or he has come on his own?

Shri Jawaharlal Nehru: I am not quite sure, but I imagine he was invited to spend sometime in India on his way back. We often invite eminent scientists like him to come and give lectures and spend a month or two on their way. They are not engaged by us, but they are invited because of their eminence and because it is very useful for our scientists to meet them.

Shri Sarangadhar Das: May I know whether the concentration will be more on atomic power or on its use in medicine, surgery and agriculture?

Shri Jawaharlal Nehru: When we talk about the use of atomic power for peaceful purposes, we include all these functions—power chiefly for industrial purposes or for any purpose as requires power. There are medicinal purposes and various other purposes. It will be used for every purpose, not only one. But obviously, the principle use will be as power.

Shri Sarangadhar Das: May I know whether, if atomic power will be developed within the next few years, the present hydro-electric plants will be out of use?

Shri Jawaharlal Nehru: What happens to hydro-electric plants?

Mr. Speaker: He wants to know whether hydro-electric power will be of use when atomic power is developed.

Shri Jawaharlal Nehru: Of course, it will be of use. I cannot speak of a hundred years later, as to what will happen then. But so far as hon. Members like him and me are concerned, it will be of use.

CAPITAL GOODS

*1254. **Shrimati Tarkeshwari Sinha:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the negotiations for the manufacture of capital goods in India have been completed between the Associated Cement Company and the British firm of Vickers;

(b) if so, the details of the scheme so worked out; and

(c) whether Government propose to give any help, financial or otherwise, to this concern?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) Government have no information.

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

Shrimati Tarkeshwari Sinha: May I know whether Government are encouraging any step on the part of our manufacturers to step up capital goods production in the country?

Shri Kanungo: Always.

Shrimati Tarkeshwari Sinha: I want to know what steps Government are taking.

Shri Kanungo: We have got financing arrangements; we have got technical advisers available from the industrial advisers. When an enterprise is not forthcoming, we have got the National Development Corporation to work on its own behalf.

Shrimati Tarkeshwari Sinha: May I know what sort of financial help or otherwise Government propose to give to the manufacturers who come forward for the production of capital goods?

Shri Kanungo: All depends upon the proposals that come. It is judged on merits.

Shri K. K. Basu: May I know whether there is any contract or negotiations with any other foreign companies regarding the manufacture of capital goods in this country. The

answer to (a) is 'no'. I want to know whether negotiations are going on with any other foreign countries.

Shri Kanungo: No.

Shri T. N. Singh: May I know whether on receipt of this question Government made any direct enquiries from the Associated Cement Company about their proposal to have capital goods production?

Shri Kanungo: Yes. The Associated Cement Company invited Vickers on their own account. They have had some discussions and the Vickers people have gone round the country. They called on the Minister as a matter of courtesy. We do not know about the reports which they have submitted to those who invited them, that is, the Associated Cement Company.

Shrimati Tarkeshwari Sinha: May I know whether Government propose to scrutinise the report submitted by Vickers and Armstrong for the manufacture of capital goods in the country?

Shri Kanungo: Until those people who invited them put up the proposals, we are not interested in it.

हैबी वाटर

१९२५५. श्री नवल प्रभाकर : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि सरकार हैबी वाटर तैयार करने की किसी योजना पर विचार कर रही है ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : जी, हाँ ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि इस योजना का विवरण क्या है और इस पर कितना व्यय होने का अनुमान है ?

श्री जवाहरलाल नेहरू : एक योजना फीटिलाइजर बनाने की है और उसके लिये जिस चीज का नाम हैबी वाटर है जिस का अभी तक हिन्दी अनुवाद नहीं हुआ है और अभी होने वाला है—

एक माननीय सदस्य : भारी पानी कह लीजिये ।

श्री जवाहरलाल नेहरू : भारी पानी के कोई मायने नहीं हैं । मामूली लोग इसे गन्दा पानी समझते हैं ।

उस योजना के सिलसिले में काफी हँवी वाटर बनेगा । हँवी वाटर एक बहुत जरूरी चीज है । आज कल एटॉमिक एनर्जी रिएक्टर बनाने का भी हमारा इरादा है और उसके लिये भी हँवी वाटर की जरूरत है । क्योंकि उसकी भी तफसील अभी तक तैयार नहीं हुई इस वास्ते में दे नहीं सकता । बाकी रहा खर्च का सवाल, आप समझ सकते हैं एक फर्टिलाइजर की योजना में कितना रुपया खर्च आता है जो हमारी सिंदरी फर्टिलाइजर फैक्टरी है उस पर कितना रुपया खर्च हुआ है ।

Shri N. Sreekantan Nair: Is it a fact that we are buying a reactor to the tune of Rs. 20 crores from America for the production of atomic energy, as it is reported in today's papers?

Shri Jawaharlal Nehru: Nobody buys a reactor anywhere. What we are buying is some heavy water from the United States. But, we are building our own reactor. Probably, we shall build an experimental reactor in the course of this year or early next year and we propose to build a second reactor by the end of next year, a bigger one.

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि इसके लिये कौनसा स्थान चुना गया है ?

श्री जवाहरलाल नेहरू : जाहिर है इसके लिये ऐसी जगह ही हो सकती है जहाँ बहुत बिजली की शक्ति मिलती है और सब से मौजूद जगह भाखड़ा नंगल के आस पास की है ।

SMALL SCALE ENGINEERING CONCERNS

*1256. **Shri Tushar Chatterjee:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 849

on the 13th September, 1954 and state:

(a) whether any step has since been taken to develop the small scale engineering concerns in and near Howrah; and

(b) if so, the nature of the scheme adopted therefor?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) Yes, Sir.

(b) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 4.]

Shri Tushar Chatterjee: From the statement it is found that a Central Organisation will be set up to help these small-scale industries. May I know what this Organisation will be and what will be its composition?

Shri Kanungo: The Central Organisation will be set up by the West Bengal Government for which a grant of Rs. 1,89,638 and a loan to the extent of Rs. 11,83,333 has been made. The West Bengal Government have not operated the scheme yet; they are planning to do it.

Shri Tushar Chatterjee: From the statement it is also found that all the units will not be taken under the fold of the Organisation at once and that there will be three stages. Why are these stages necessary?

Shri Kanungo: Because we have to gain experience in this type of work and it would not be wise to take all the 700 establishments together.

Shri K. K. Basu: May I know when the scheme is actually going to be worked out? Has the Central Government, before advancing the money given a time-table by which they must work out the scheme?

Shri Kanungo: It is always taken for granted that the scheme is worked in the year in which the grant is made.

DAMODAR VALLEY CORPORATION

*1257. **Shrimati Renu Chakravartty:** Will the Minister of Irrigation and Power be pleased to state:

(a) how many peasants' lands have been acquired for the purposes of the Damodar Valley Corporation in the Districts of Burdwan, Bankura and Howrah in West Bengal;

(b) the number of acquisition notices served in 1954 and the extent of land acquired thereby; and

(c) the number of peasants who have received full compensation so far?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c). The information is being collected from the State Government and will be laid on the Table of the House as soon as possible.

Shrimati Renu Chakravartty: May I know if it is a fact that for the lands that were taken possession of as early as 1953, compensation has not been paid?

Shri Hathi: I have no information, Sir.

Dr. Rama Rao: May I know if these people from whom lands have been taken will be given lands or cash?

Shri Hathi: The general policy is to give them land. But, they will be given the option of having land or cash.

Shrimati Renu Chakravartty: May I know if there is a difference of opinion between the officers of the DVC regarding the fact of payment of compensation or not, whether the Central Government will look into the matter?

Shri Hathi: The land acquisition is governed by the Land Acquisition Act.

Khadi and Village Industries

*1258. **Dr. Satyawadi:** Will the Minister of Commerce and Industry be pleased to lay on the Table of the House a statement showing:

(a) the total amount of grants and loans given by the All-India Khadi and Village Industries Board to the various States during 1955; and

(b) the names of the industries for which this aid was given?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) and (b). A statement is laid on the Table of the House. [See Appendix VII, annexure No. 5.]

डा० सत्यवादी : क्या मैं जान सकता हूँ कि इन घरलू दस्तकारियों के लिए कोई केंद्र स्थापित करने में भी चालू कर रहे हैं। और अगर हैं तो कितने और कहाँ कहाँ ?

श्री कानूनगो : बोर्ड या सेंटर कितने हैं और कौनसी जगह हैं, इसकी इन्फरमेशन हमारे पास नहीं है। अगर नोटिस दिया जाए तो बतलाई जा सकती है। दूसरी बात यह है कि स्टेट गवर्नमेंट्स भी अपने अपने सेंटर चलाती हैं।

डा० सत्यवादी : क्या मैं जान सकता हूँ कि जिन सहयोगी संस्थाओं को यह सहायता दी जाती है वे सीधे बोर्ड को एप्लाइ करती हैं या स्टेट गवर्नमेंट्स के द्वारा ?

श्री कानूनगो : दोनों जगह कर सकते हैं।

Shri Basappa: May I know if financial help will be given to small agarbatthi manufacturers in Mysore also?

Mr. Speaker: I think individual questions may not be put.

Shri Bhagwat Jha Azad: May I know as a result of the financial aid to the khadi industry what has been the increase in production and whether the glut in the different khadi depots has been lowered?

Shri Kanungo: The accumulation has been almost halved.

Shri T. N. Singh: May I know whether it is a fact that some grants have been made by the Board for production of yarn by electric or motor power?

Shri Kanungo: No. The Board does not countenance the use of power as yet.

STIPENDS TO DISPLACED STUDENTS

***1259. Shri M. L. Agrawal:** Will the Minister of Rehabilitation be pleased to state:

(a) whether Government grant monthly stipends to displaced students who secured admission in Technical Institutions;

(b) if so, the conditions, governing the award of these stipends; and

(c) whether it is a fact that some of the displaced students who have joined the Technical Institutions have not yet received any instalment of the stipend in the current session?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) (i) The student should have already secured admission into a recognised institution.

(ii) The financial position of the parent/guardian is too weak to enable him to bear the expenses of the student's education and at the same time to maintain him.

(iii) The continuance of the grant of a stipend is conditional on the student passing his successive promotion examinations. The stipend is stopped if the student fails in a promotion examination. As an exception to this general rule, stipends in the case of Medical and Engineering students are stopped only if the student fails to pass a promotion examination even in the second attempt.

(c) Two cases have come to notice. In one case five students of an Engineering College in U.P. had represent-

ed that their stipends have been stopped on their first failure in the examination. The State Government have been asked to give them another chance and in the meantime to continue payment of stipends. The case of a student of Delhi Polytechnic is under consideration.

Shri M. L. Agrawal: May I know whether there are cases in which scholarships and stipends were granted but the students did not get them?

Shri J. K. Bhonsle: Only one such case has come to our notice and that is from Punjab. The Education Minister came to see me about a fortnight ago and I have made it quite clear to him that so far as the Rehabilitation Ministry is concerned we have sanctioned a sum of Rs. 18.89 lakhs as far back as May, 1951, and if there is any time-lag, it is no fault of ours.

लावा अर्पित राम : क्या मैं जान सकता हूँ कि ऐसे केंद्रों पर कितने हैं कि जिन में गवर्नमेंट ने विद्यार्थियों के लिये वजीफे मुकर्रर किये हैं लेकिन जिस महीने के लिये किये गये हैं उस महीने में इनको न मिले हैं ?

श्री जे० के० भोंसले : यह सवाल हम से ताल्लुक नहीं रखता है । हम तो सिर्फ पैसे देते हैं और उस पैसे को तकसीम करना स्टेट गवर्नमेंट्स का काम है । हमारे नोटिस में ऐसे कोई केंद्र नहीं आये ।

EVACUEE PROPERTY FALKS

***1261. Shri Jethalal Joshi:** Will the Minister of Rehabilitation be pleased to state the result of the visit of the Indian Delegation that went to Karachi on the 27th February, 1955 for discussing the questions of movable evacuee property, provident fund, pensions etc., of Government employees?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): A copy of the Press Note, dated the 13th March, 1955, issued on the conclusion of the Secretariat level discussions held at Karachi from the 1st to 12th March, 1955, is placed on the Table of the

Sabha. [See Appendix VII, annexure No. 6.]

Shri Jethalal Joshi: The statement shows that the discussions covered a wide range of matters. May I know what is the approximate amount of claims for shares, securities, debentures and insurance policies held in custody of the banks on behalf of the evacuees of both countries as well as claims in respect of contractors' work, provident fund and political pensions?

Shri J. K. Bhonsle: That information cannot readily be given now, but the recommendations of the Secretaries' Conference are under examination by Government and we hope that very soon the matter will be made known to the public.

Shri Jethalal Joshi: What is the number of evacuees in India who are entitled to full or part pensions from Pakistan Government and may I know whether the Government of India has given financial aid to such persons in lieu of their pension claims?

Shri J. K. Bhonsle: I have not got the actual number of claims for pensions, but I can give the information regarding the amount which has been given to such persons; we have given so far Rs. 78,000 for pensions and gratuities, and in the case of provident fund, we have given Rs. 20,53,000.

MACHINERY

***1262. Kumari Annie Mascarene:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether the United States Technical Co-operation Mission Programme has helped us in the manufacture of any machinery; and

(b) if so, what kind of machinery?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) and (b). No advice has been sought from Technical Co-operation Mission about manufacture of machinery as such. But we have obtained the

services of experts to advise us about improvement of the technique used specially in the foundry industry and in the making of well-drilling equipment.

Kumari Annie Mascarene: May I know whether there is any provision in the agreement entered into with America regarding technical co-operation assistance that training should be given to Indians with regard to the manufacture of machinery?

Shri Kanungo: I cannot answer that question straightaway. In this particular case, the experts have come in and they are working and advising industrial establishments in India.

Kumari Annie Mascarene: May I know whether India had made any demand on America regarding the manufacture of machinery in India?

Shri Kanungo: I am concerned with two types of machinery and here the American experts, who have come in, are working in the establishments in India.

SEMINAR ON THE FIVE YEAR PLAN

***1265. Shri S. V. Ramaswamy:** Will the Minister of Planning be pleased to state:

(a) whether the Planning Commission was represented at the Seminar on the Five Year Plan for the Southern Region, held recently at Coimbatore;

(b) the recommendations, if any, made at the Seminar; and

(c) the steps proposed to be taken to implement them?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) The Seminar was organised by Shri T. S. Avinashilingam Chettiar, M.P., and Director, Sri Ramakrishna Mission Vidyalaya (Coimbatore District). Shri V. T. Krishnamachari, Deputy Chairman, Planning Commission inaugurated the Seminar and the Minister of Planning presided. Deputy Minister

for Planning and senior officers of the Planning Commission also attended.

(b) and (c). The Seminar did not resolve on any specific recommendations. The following were the main subjects discussed:—

(1) Community Projects and National Extension Service;

(2) Second Five Year Plan;

(3) Land Reforms; and

(4) Inter-State problems in Irrigation and Power.

The discussions reviewed the progress made and were mainly intended to bring about a better appreciation of the needs of future development of the States in the South. The proceedings of the Seminar (under print) will be placed in the Library of the House as soon as these become available. The various suggestions made will no doubt be given due consideration by all authorities concerned.

Shri S. V. Ramaswamy: As a result of the participation of the Planning Commission in the Seminar, has the Planning Commission gained the knowledge that the attention paid to the industrial development of the South is inadequate and, if so, what are the special schemes and projects that have been suggested to bring it up to the proper level?

Shri S. N. Mishra: So far as the first part of the question is concerned, namely, about the Planning Commission coming to the conclusion that so far inadequate attention has been paid to the industrial development of the South, I cannot say that the Planning Commission has come to any such conclusion. So far as the development in the future is concerned, all matters connected with it are under consideration.

Shri S. V. Ramaswamy: Has it been suggested that an iron and steel plant and heavy electrical and chemical industries should be located in the South?

Shri S. N. Mishra: As I said, all these matters are under consideration.

Shri S. V. Ramaswamy: What are the States which participated in the Seminar?

Shri S. N. Mishra: The States that participated were Madras, Mysore, Travancore-Cochin, Hyderabad and Andhra.

Shri K. K. Basu: May I know whether similar Seminars are going to be organised in other parts of the country?

Shri S. N. Mishra: It was not at the instance of the Planning Commission that this Seminar was organised, but all such Seminars organised by non-officials or non-official institutions will be particularly welcome so far as the Planning Commission is concerned.

COAL WASHERIES COMMITTEE

*1266. **Shri T. B. Vittal Rao:** Will the Minister of Production be pleased to state:

(a) whether Government have since completed the examination of the Report of the Coal Washeries Committee;

(b) if so, the conclusions arrived at on the various recommendations; and

(c) the steps Government propose to take for the implementation thereof?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) Government have not yet completed the examination of the report.

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

Shri T. B. Vittal Rao: May I know when did this Committee submit its report to Government and what are the difficulties in finalising its examination?

Shri R. G. Dubey: The Committee submitted its report, in the first instance, to the Coal Board in June 1954 and we received the recommendations of the Board in January of this year.

Shri T. B. Vittal Rao: When is the examination likely to conclude?

Shri R. G. Dubey: Within a short time.

Shri Chattopadhyaya: What would be the approximate cost of setting up such a washeries plant?

Shri R. G. Dubey: It is very difficult to give the cost. It may be either done in the private sector as a private enterprise or the Central Washerries may be constituted. It will, therefore, be difficult to give an accurate estimate.

CANADIAN IMMIGRATION LAWS

*1268. **Sardar Hukam Singh:** Will the Prime Minister be pleased to state:

(a) whether Canada's Immigration laws discriminate against Indians living in British Columbia; and

(b) whether the Government of India have received any information in respect of the protest lodged by Indians against such discrimination?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) The Canadian law relating to immigration is embodied in a series of Acts and Notifications the provisions of which do not apply to the immigration of Indians into Canada. Indian immigration is governed by the terms of an Agreement concluded between the Governments of India and Canada on the 26th January, 1951. There is no question, therefore, of Canada's Immigration Laws discriminating against Indians.

(b) Government have seen a copy of a memorandum presented last September to the Prime Minister of Canada, by Canadians of Indian origin, demanding equal privileges and facilities with Canadians of European origin in the matter of admission of close relatives.

Sardar Hukam Singh: May I know whether the agreement entered into between India and that country does provide for all facilities that are enjoyed by other immigrants in that country?

Shri Sadath Ali Khan: The various ethnic groups are dealt with in a different manner. The immigrants from England, the so-called White Colonists, and France are more favourably treated; other European groups are favourably treated. Similarly, Asian races do not seem to receive identical treatment.

Sardar Hukam Singh: Since those Indians are not enjoying the same status, has the Government then drawn their attention to the provision in the agreement against this discrimination and has the Government done anything to get them the same status as is enjoyed by other immigrants?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Is it in regard to the status inside the country or in regard to immigration?

Sardar Hukam Singh: In regard to immigration.

Shri Jawaharlal Nehru: In regard to immigration, it is a difficult matter certainly. We do not think it will be desirable to suppose that a large number of Indians should immigrate to some other country. We do wish to establish the right to immigrate into any country as a matter of right, not as a matter of numbers. Each country, to some extent, lays down the number, the kind of persons, etc., that should come into from another country, but in regard to the treatment inside, both should certainly enjoy absolute equality.

Shri K. K. Basu: May I know whether there has been an improvement in the immigration laws since 1947?

Shri Jawaharlal Nehru: In regard to Canada?

Shri K. K. Basu: Yes. So far as Indians are concerned.

Shri Jawaharlal Nehru: Yes; in regard to Canada, there has been an improvement.

EFFECTS OF WAR

*1269. **Shrimati Ila Palchoudhury:** Will the Prime Minister be pleased to state:

(a) whether the suggestion made by Lord Bertrand Russel that India and Sweden should form an international group to investigate the probable effects of Atomic war, has been considered by Government;

(b) if so, the reaction of the Government of India; and

(c) whether there is any likelihood of such a group being formed?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) and (c). The Government of India do not think that the procedure outlined is at present feasible.

Shrimati Ila Palchoudhury: May I know whether the Government of India think it at all possible that they could appoint a Commission composed of scientists and military experts to collect the data and then present their report to the Governments about this matter?

Shri Jawaharlal Nehru: I have just answered that question.

SCHOOL BROADCASTS

*1270. **Shri Jhulan Sinha:** Will the Minister of Information and Broadcasting be pleased to state whether there is any proposal before Government for developing school broadcasting in India on the general lines of the British system adapted to our conditions?

The Minister of Information and Broadcasting (Dr. Keskar): No, Sir. All India Radio has evolved its own system of School Broadcasting to suit the requirements of our country. School broadcasts are planned in consultation with State Education Departments. A new plan for expansion of School broadcasts is being prepared.

DISPLACED PERSONS IN JAMMU AND KASHMIR

*1271. **Shri Krishnacharya Joshi:** Will the Minister of Rehabilitation be pleased to state:

(a) the total acreage of land allotted to Hindu and Sikh displaced persons who have migrated to Jammu and Kashmir State from Pakistan-occupied territory of Kashmir; and

(b) the total amount spent on their rehabilitation?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). The information is being collected and will be laid on the Table of the Sabha.

Shri Krishnacharya Joshi: May I know whether these displaced persons from the Pakistan-occupied area were asked to go to Jammu where there is already much pressure on land as many persons had already come to Jammu?

Shri J. K. Bhonsle: I want notice of this question.

साक्षात् अर्चित राम : क्या मंत्री जी बतलायेंगे कि सरकार के नोटिस में ऐसे कोई कसेब आये हैं जिनमें कि जमीन अलाट की गई हो, लेकिन उन्होंने कच्चा न लिया हो, और कच्चा अगर नहीं लिया है तो उसका कारण क्या है ?

श्री जे० के० भोंसले : ऐसे कोई कसेब तो हमारी नजर में नहीं आये हैं ।

Sardar Hukam Singh: Is it a fact that these displaced persons got ten acres each in the first allotment but subsequently every one of them is now being offered two acres per family?

Shri J. K. Bhonsle: I want notice of this question.

Sardar Hukam Singh: Is it a fact that a large number of these displaced persons are waiting for rehabilitation and that the Kashmir Government is not going to discharge their responsibility, and if so, may I know whether the Government of India would rehabilitate them in India itself if the Kashmir Government is unable to give them any land?

Shri J. K. Bhonsle: I do not think the Kashmir Government is refusing to discharge their responsibility.

दस्ताकारी

*१९७४. डा० राम सुभग सिंह : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) अखिल भारतीय दस्ताकारी बोर्ड की सिफारिशों के आधार पर आज कल भारत सरकार कुल कितनी कुटीर उद्योग सम्बन्धी संस्थाओं को कर्ण तथा अनुदान के रूप में आर्थिक सहायता दे रही हैं ;

(ख) १९५४-५५ में इन संस्थाओं को अलग अलग ऋण तथा अनुदानों के रूप में कितनी सहायता दी गई है ; और

(ग) क्या अब तक की गई आर्थिक सहायता से उन संस्थाओं का उचित विकास हो रहा है ?

वाणिज्य तथा उद्योग उपमंत्री (श्री कानूनगो) : (क) तथा (ख). १९५४-५५ में जिन गैरसरकारी संस्थाओं को अनुदान और ऋण दिये गये हैं उनके नामों और दी गई राशियों का एक विवरण सभा पटल पर रखा जाता है । [दीखने परीक्षित ७, अनुसूच संस्था ७] ।

(ग) अधिकांश संस्थाओं के लिये हाल में ही धन देना स्वीकार किया गया है और उनकी प्रगति की रिपोर्ट अब तक उपलब्ध नहीं हुई हैं ।

डा० राम सुभग सिंह : पिछले दो वर्षों से जो ऋण और अनुदान गृह उद्योग की संस्थाओं को दिये जाते हैं, उनकी प्रगति के बारे में अभी मंत्री महोदय ने कहा कि उसकी कोई खबर सरकार को नहीं है, तो क्या सरकार जो रुपया देती है उसका सही सही उपयोग होता है या नहीं इस बात की जानकारी के लिये कोई उपाय करेगी ?

श्री कानूनगो : मैंने ऐसा नहीं कहा, बसिक कहा कि यह गारंटी अभी हाल ही में दी गई है और इस बीच उसकी प्रोग्रेस नोट करने का वक्त नहीं हुआ ।

डा० राम सुभग सिंह : मंत्री महोदय कब तक सोचते हैं कि उसकी प्रगति की जांच करने का माकूल समय होगा ?

श्री कानूनगो : कम से कम एक साल ।

डा० राम सुभग सिंह : जिन संस्थाओं को एक साल से अधिक मदद दी जाती है, क्या यह देखा गया है कि जितनी मदद दी गयी है उसके अनुपात में उनका उत्पादन बढ़ा है ?

श्री कानूनगो : यह तो होना चाहिये । जो स्कीम उन्होंने पेश की हैं उसमें उत्पादन बढ़ाने की व्यवस्था रखी गयी है और उसकी पूरी तौर से जांच करने के लिये मैंने कहा कि एक साल लगता है, कहीं छह महीने लगते हैं तो कहीं डेढ़ साल लगता है ।

INDIANISATION OF FOREIGN ESTABLISHMENTS IN INDIA

*1275. Chaudhri Mohammed Shafie: Will the Minister of Commerce and Industry be pleased to refer to the reply given to part (e) of starred question No. 300 on the 23rd November, 1954 and state:

(a) the progress of Indianization of staff in the foreign establishments in India during the year 1954;

(b) the number of foreign establishments which have sent in returns of their employees to Government; and

(c) the steps that Government propose to take in respect of those concerns which have not sent in the returns?

The Minister of Commerce (Shri Karmarkar): (a) Returns showing the employment position as on 1st January, 1955, have been called for and it is not yet possible to indicate the progress on Indianization made during the year 1954.

(b) In 1954, 1,151 foreign-controlled establishments furnished employment returns to Government.

(c) Where the demand for submission of returns is made under the Collection of Statistics Act the enactment provides its penalties for non-compliance.

Chaudhri Muhammed Shafiq: May I know how much time it will take?

Shri Karmarkar: For what?

Mr. Speaker: For the returns from the remaining establishments.

Dr. Ram Subhag Singh: May I know the date when the circular was sent to them, whether any reminder was also sent to them to get their return and how many firms have not yet sent their returns?

Shri Karmarkar: Notice was issued on the 14th January, 1955.

Shrimati Renu Chakravartty: In this questionnaire which has been circulated to them, may I know if they have been asked to fill up the categories of all those earnings above Rs. 3,000, or whether they can put all the people earning different salaries, together?

Shri Karmarkar: Subject to correction, I may say that the information that has been asked for is for the salary group Rs. 300 to Rs. 499, Rs. 500 to Rs. 999 and Rs. 1,000 and above.

Dr. Ram Subhag Singh: Is it true that Indians and foreigners serving on the same posts are not treated on a similar basis and that the amenities which are given to foreign employees are not the same which the Indians get?

Shri Karmarkar: That is a question which I should not answer without notice. We have to enquire.

STEEL

*1277. **Shri Gidwani:** Will the Minister of Commerce and Industry be pleased to state the quantity of steel produced in India during the year 1954?

The Deputy Minister of Commerce and Industry (Shri Kanungo): 1.24 million tons.

Shri Gidwani: How much steel was imported during 1954?

Shri Kanungo: I want notice. I have not got the figures.

Shri Gidwani: What was the estimated production of steel in the first Five Year Plan?

Shri Kanungo: 1.65 million tons.

Dr. Lanka Sundaram: May I know the total quantity of steel imported into India during the past three years?

Shri Kanungo: I want notice.

Shri Gidwani: What was the f.o.r. price of steel and what was the cost of steel produced in India?

Shri Kanungo: It varies from time to time.

मिट्टी का तेल आदि

*११९६. **श्री गोविन्द दास :** क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि आसाम में १६५२-५४ में मिट्टी का तेल, पेट्रोल तथा क्रूड आइल का कितना उत्पादन हुआ ?

निर्माण, आवास और संभरण मंत्री (सरदार स्वर्ण सिंह) : सरकार को यह सलाह दी गई है कि ऐसे व्यौरों की चर्चा सभा में करना उचित नहीं होगा क्योंकि ऐसा करने से सभी लोगों को, बिना किसी भी विभेद के, उनकी जानकारी हो जावेगी।

श्री गोविन्द दास : क्या यह निर्णय सरकार के हित की दृष्टि से किया गया है या और किसी दृष्टि से है ?

सरदार स्वर्ण सिंह : मुझे हिन्दी लफ्ज तो नहीं आते पर यह

strategic and security reasons.

Shri T. B. Vittal Rao: May I know whether there has been an increase in the production of kerosene in the year 1953-54, compared to the year 1952-53, and if so, by what percentage?

Sardar Swaran Singh: I want notice of this question.

JOURNALS

*1280. **Shri Bhagwat Jha Azad:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of copies of *Indian Listener* and *Sarang* printed every week;

(b) the total monthly income from the sale of each separately; and

(c) the names of the other languages in which such weeklies are published?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c). A statement is laid on the Table of the Sabha. [See Appendix VII, annexure No. 8]

Shri Bhagwat Jha Azad: May I know what is the cost incurred on the weeklies and fortnightlies mentioned in the statement placed before us?

Dr. Keskar: I would require notice.

Shri Bhagwat Jha Azad: Is it a fact that the cost of publishing these periodicals is much higher than the revenue from the sale of these magazines? If so, is it due to the fact that a large number of copies are given as presentation to relatives and friends of officers of the A.I.R.?

Dr. Keskar: As far as the total cost is concerned, it is true that we are not at present earning any profit on these periodicals. As far as the second insinuation is concerned, I think it is not correct.

WRITTEN ANSWERS TO QUESTIONS

COTTON

*1232. { **Shri S. N. Das:**
Shri L. N. Mishra:

Will the Minister of Commerce and Industry be pleased to state:

(a) the terms and conditions on which the U.S. Government have offered to supply 200,000 bales of cotton to India under their programme of Economic Assistance for the current year;

(b) whether Government have considered those terms and conditions; and

(c) if so, the nature of the decision taken in this regard?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) to (c). The agreement with U. S. is for 75,000 bales only. A statement is laid on the Table of the House in regard to the details of the agreement. [See Appendix VII, annexure No. 9.]

पूर्वांतर सीमान्त एजेंसी

*१२३७. **श्री रघुनाथ सिंह :** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पूर्वांतर सीमान्त एजेंसी की आदिमजातियों में राष्ट्र भाषा के प्रति रुचि बढ़ रही है ; और

(ख) क्या सरकार उस क्षेत्र में दंडनागरी लिपि के प्रसार के लिए कोई ठोस कदम उठा रही है ?

बैंकिंग-कार्य मंत्री के सभा-सचिव (श्री जे० एन० इज्जारिका) : (क) तथा (ख). पूर्वांतर सीमान्त एजेंसी की जनता ने पाशीघाट जैसे कुछ क्षेत्रों में हिन्दी सीखने में रुचि और उत्साह दिखाया है । दूसरे स्थानों में जैसे त्पनसांग, मारगोरिता में आदिवासी भाषाओं की लिपि के लिये जिनकी अपनी कोई लिपि नहीं है, दंडनागरी लिपि के अपनाने का अच्छा कार्य किया है । पाशीघाट, त्पनसांग और मारगोरिता में हिन्दी सीखने और पढ़ाने के लिए आदिवासी शिक्षकों को प्रशिक्षण देने के लिये तीन केंद्र खोले गये हैं । १२ हिन्दी स्नातक शिक्षक इन केंद्रों पर पढ़ाने के लिये भरती किये गये हैं और १० और भरती किये जा रहे हैं ।

EXPORT PROMOTION SCHEME

*1239. **Shri Heda:** Will the Minister of Commerce and Industry be pleased to state:

(a) the main features of the export promotion scheme for January—June, 1955; and

(b) the extent of the advantages expected thereof?

The Minister of Commerce (Shri Karmarkar): (a) and (b). A statement is laid on the Table of the House. [See Appendix VII, annexure No. 10.]

SOUTH AFRICA

*1240. **Shri G. P. Sinha:** Will the Prime Minister be pleased to state:

(a) the number of Indians affected by the "Black Spot" removal campaign of the Nationalist Government of South Africa; and

(b) the number of houses belonging to Indians and Africans removed and demolished by force?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) About 5,000 Indians are likely to be affected.

(b) No information is available, nor is it possible to obtain any due to the Indian High Commission in South Africa having been closed.

WEDDING GIFTS TO REFUGEE BRIDES

*1242. **Shri Amjad Ali:** Will the Minister of Rehabilitation be pleased to state:

(a) whether any decision to make wedding gifts to refugee brides from East Pakistan has been taken recently;

(b) whether it is a fact that a similar gift has already been made to displaced persons from West Pakistan;

(c) if so, the amount given to such persons during the year 1954-55; and

(d) whether any amount has been fixed for the gifts to brides from the Eastern region?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Wedding gifts are already being given to indigent displaced persons. Only the rate has recently been increased in

the case of those living Permanent Liability Camps.

(b) Yes.

(c) As per information available so far, approximately Rs. 98,000 have been given as wedding gifts in respect of displaced persons from West Pakistan and Rs. 54,000 in respect of displaced persons for East Pakistan in the States in the Eastern Region excluding Assam, figures for which are not available.

(d) Rs. 200 for those living in Permanent Liability Camps; and Rs. 60 for those living outside.

CIGARETTE FACTORIES

*1244. **Shri D. C. Sharma:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to unstarred question No. 65 on the 27th February, 1954 and state:

(a) how many factories for the manufacture of cigarettes are functioning in India at present;

(b) the total amount invested in these factories; and

(c) how many of them are owned by Indians?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) 17.

(b) Precise information is not available. Roughly about 20 crores.

(c) Precise information is not available. Eight factories are, however, understood to be wholly Indian-owned and controlled.

COAL

*1248. **Shri K. P. Tripathi:** Will the Minister of Production be pleased to state:

(a) whether any estimate has been made of the wastage which occurs at present by the misuse or otherwise, of high grade Indian coal due to the existing system of working it through private owners;

(b) if so, the amount of estimated wastage;

(c) whether any scheme is under consideration to prevent the wastage or its misuse; and

(d) if so, the nature thereof?

The Minister of Production (Shri K. C. Reddy): (a) and (b). Some loss or wastage of coal occurs in mining in all grades but such loss cannot be ascribed to the system of working mines through private owners. No estimate has so far been made of such losses in working.

(c) and (d). The measures taken by the Government to minimise wastage or misuse in mining are,—to compel the collieries to undertake stowing for safety and for conservation, to impose restriction on the production of metallurgical coal, control of the methods of working coalmines to prevent "selective" mining, and prohibition of depillaring operations without stowing, etc.

MEETING OF REHABILITATION MINISTERS OF INDIA AND PAKISTAN

***1249. Shri M. S. Gurupadaswamy:** Will the Minister of Rehabilitation be pleased to state:

(a) whether any date for a conference of the Rehabilitation Ministers of India and Pakistan has been decided;

(b) if so, whether any agenda for the meeting has been prepared;

(c) whether the implications of the Pakistan Government's decision to promulgate an ordinance providing for quasi-permanent allotment of urban movable property in Pakistan have been studied; and

(d) if so, how far this ordinance will affect the negotiations?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). No.

(c) and (d). Presumably, the hon. Member has in mind the Pakistan Government's ordinance for the registration and verification of claims of

displaced persons in respect of property in India and refers to quasi-permanent allotment of urban immovable property. The Government of India have not seen the scheme of the Pakistan Government for quasi-permanent allotment of evacuee immovable property in that country. It is, therefore, not possible to say how far the negotiations will be affected by the promulgation of this ordinance.

N.E.F.A.

***1251. Shri Ibrahim:** Will the Prime Minister be pleased to state:

(a) whether there have been any incidents of head-hunting in the Naga Hills during 1954; and

(b) if so, how many and when?

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) and (b). No case of 'head hunting' as such has occurred in the N.E.F.A. during 1954. However, an inter-village clash involving the loss of 57 lives did take place in November, 1954. Details of this have been given to the House already (Answer on 2nd December to Short Notice Question No. 4 tabled by Shrimati Bedavati Buragohain).

OIL AND RICE MILLS IN TRIPURA

***1260. Shri Biren Dutt:** Will the Minister of Commerce and Industry be pleased to state:

(a) the number of oil and rice mills in Tripura at present;

(b) whether their number has increased or decreased during 1954-55 as compared with the previous year; and

(c) the reason for the variation?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) to (c). Information is being collected and will be laid on the Table of the House.

BIRI-MAKING MACHINES

*1263. **Pandit D. N. Tiwary:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a majority of biri-making factories have closed down after the levy of the tax on biri-making machines;

(b) if so, their number; and

(c) the amount of tax collected from them?

The Minister of Commerce (Shri Karmarkar): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

N.E.F.A.

*1264. **Shri S. C. Samanta:** Will the Prime Minister be pleased to refer to the reply given to Starred Question No. 1177 on the 21st September, 1954 and state:

(a) whether the seven suspected Tagin leaders have been arrested so far; and

(b) the manner in which the arrested Tagin leaders have been dealt with by the Kebang.

The Parliamentary Secretary to the Minister of External Affairs (Shri J. N. Hazarika): (a) and (b). The Kebang has now decided that only six ring-leaders were mainly responsible for the tragic incident at Achingmori. They have been arrested and handed over to the Government for suitable punishment under the law.

HANDLOOMS IN TRIPURA

*1267. **Shri Dasaratha Deb:** Will the Minister of Commerce and Industry be pleased to state the amount of loans, if any, advanced to the tribal women in Tripura for equipping them with modern type handlooms?

The Deputy Minister of Commerce and Industry (Shri Kanungo): A grant of Rs. 17,500 has been given to the Tripura Government for conversion of throw-shuttle looms into fly-shuttle looms. Government have no

information as to the persons to whom the loans have actually been advanced by the Tripura Government.

APARTHEID IN SOUTH AFRICA

*1272. **Shri Raghunath Singh:** Will the Prime Minister be pleased to state whether it is a fact that in South Africa the principle of 'Apartheid in Education' against non-Europeans is being strictly implemented now?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): Enforcement of apartheid in education is one of the declared objectives of the South African Government and measures have been taken from time to time by that Government to implement this policy.

SECOND FIVE YEAR PLAN

*1273. **Shri D. C. Sharma:** Will the Minister of Planning be pleased to state:

(a) whether the estimates of the amount to be spent in Part 'A' States under the Second Five Year Plan by the State Governments are framed in consultation with the Government of India; and

(b) if not, the basis on which the proposals are formulated?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). The Second Five Year Plan will be drawn up by the States in consultation with the Planning Commission.

COMMISSION PAID TO PETROL DEALERS

*1276. **Shri M. S. Gurupadaswamy:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) the rate of commission paid to the petrol dealer per gallon;

(b) whether any representation for an increase in the commission has been recently received by Government; and

(c) if so, the decision taken in the matter?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Annas three per gallon.

(b) No, Sir.

(c) Does not arise.

UMTRU HYDRO-ELECTRIC PROJECT

*1278. **Shri Ibrahim:** Will the Minister of Irrigation and Power be pleased to state the authority who will be responsible for the technical and administrative arrangements of the Umtru Hydro-electric Project to be executed with the Canadian aid?

The Deputy Minister of Irrigation and Power (Shri Hathl): The Government of Assam.

ROURKELA STEEL PROJECT

*1281. **Shri Amjad Ali:** Will the Minister of Production be pleased to state:

(a) whether the Firm of Krupps-Demag have submitted the final project report for Rourkela Steel Project;

(b) whether it is a fact that they have been asked to submit a modified report; and

(c) if so, the reasons therefor?

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

(b) and (c). Krupp-Demags are re-examining the scheme, because it has been decided that the capacity of the Plant should be one million tons of ingots from the very start, instead of being 5,00,000 tons which would be doubled subsequently.

JUTE

*1282. **Shri Biren Dutt:** Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity and value of jute produced in Tripura in the year 1954-55;

(b) the names of the principal consumers of this jute; and

(c) whether it is transported to the consumers by air or by railways?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a)

Latest forecasts are that 46,000 bales of raw jute (each of 400 lbs.) were produced in Tripura during 1954-55. Their value on the basis of Calcutta prices is estimated to be of the order of Rs. 70 lakhs only.

(b) Indian jute mills in West Bengal.

(c) Transport from Tripura takes place by both air and rail.

IMPORT OF CONCH SHELLS

*1283. **Shri Tushar Chatterjea:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government are aware that imposition of a ban on import of conch-shells from Ceylon has resulted in considerable shrinkage of conch-shells industry in our country and consequential distress of the conch-shell cutters; and

(b) if so, the steps Government propose to take in the matter?

The Minister of Commerce (Shri Karmarkar): (a) and (b). The ban on the import of conch-shells has not, as far as the Government are aware, resulted in a shrinkage of the conch-shell industry.

IMPORT OF Chanks

*1285. **Shri S. C. Samanta:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to starred question No. 2126 on the 29th April, 1954 and state:

(a) whether there are still any restrictions on the import of chanks from Ceylon;

(b) if so, the number of representations received by Government for abolishing the restrictions and the agencies from which these have been received;

(c) whether the supply of chanks from Madras has since increased;

(d) the difference in price and quality of Madras chanks in comparison with the imported chanks at present; and

(e) whether Government have taken any final decision on the representations?

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

(b) Four representations were received by the Government for removing the ban. Of these, two have their headquarters in Calcutta and two in the Madras State.

(c) Yes, Sir.

(d) Madras chanks are reported to be better in quality. Information about price differences is not available.

(e) Since the supply from Madras is reported to be adequate to meet the demand, the present ban will continue for this Licensing Period of January—June, 1955. This will be examined again at the time of the formulation of the import policy for the period July—December, 1955.

बच्चों के लिए फिल्मों

*१२८६. डा० सत्यबादी : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) सरकारी और गैर-सरकारी प्रबन्धों के अन्तर्गत १९५२ और १९५४ के दौरान में बच्चों के लिए कुल कितनी फिल्में तैयार की गईं ; और

(ख) बच्चों के लिए कितनी फिल्में का आयात किया गया ?

सूचना और प्रसारण मंत्री (डा० कैसकर) :
(क) तथा (ख). इस महीने के अन्त तक बाल-चित्रपट परिषद् की रजिस्ट्री हो जायेगी जिस का उद्देश्य सरकारी अनुदान की सहायता से बच्चों के लिये चित्रपट बनाना है। फिल्म डिवीजन ने दो बाल-चित्र हाक्युमेंटरी बनाई हैं और व्यंग चित्रपटों के बनाने का प्रबंध किया है। निजी उत्पादकों ने जो फिल्में बनाई हैं या बाहर से जो आयात की गई हैं उन के बारे में हमें जानकारी नहीं है क्योंकि अभी तक चित्रपटों में बाल-चित्र की कोई विशेष श्रेणी

नहीं बनाई गई है ; परन्तु १९५४ में सरकारी पुरस्कार के लिये भारत में बनी नौ फिल्मों को बाल-चित्र के नाम से पेश किया गया था, परन्तु केंद्रीय पुरस्कार समिति ने उनमें से केवल एक को बच्चों के लिये विशेष रूप से घोष्य पाया।

SAND STOWING

*1287. **Shri T. B. Vittal Rao:** Will the Minister of Production be pleased to state:

(a) whether it is a fact that Government have decided to increase the level of assistance payable in respect of sand stowing for reasons of conservation from 75 per cent. to 85 per cent. of the admitted cost; and

(b) if so, when this will be brought into force?

The Minister of Production (Shri K. C. Reddy): (a) Yes; discretion has been given to the Coal Board to grant increased assistance at the rate mentioned, for stowing for conservation.

(b) It is understood that this will be brought into force with effect from the 1st April, 1955.

RELIEF AND REHABILITATION DEPARTMENT OF TRIPURA

*1288. **Shri Dasaratha Deb:** Will the Minister of Rehabilitation be pleased to state:

(a) the total strength of Surveyor's Staff in the Relief and Rehabilitation Department of the Government of Tripura;

(b) whether it is adequate for the survey work that is pending for a long time; and

(c) the steps Government propose to take in the matter?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsale): (a) 34.

(b) Yes.

(c) Does not arise.

U. N. OBSERVERS TEAM

*1289. **Sardar Hukam Singh:** Will the **Prime Minister** be pleased to state:

(a) whether all American members of the U.N. Observers Team have left Jammu and Kashmir State; and

(b) if not, the number of U.N. Observers now left in that area?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) There is now no U.S. Observer in the United Nations Military Observers Group. One U.S. national is, however, employed as Finance Officer in the Pakistan Headquarters of this Group at Rawalpindi.

(b) There are at present 15 Field Observers on the Indian side of the cease-fire line.

Pasham

*1290. { **Shri Jhulan Sinha:**
Shri Bibhuti Mishra:

Will the **Minister of Commerce and Industry** be pleased to state:

(a) whether the attention of Government has been drawn to a letter published in the *Hindustan Times* of the 2nd January, 1955 regarding the adverse effect of the ban on the export of "pasham" has had on the trade in Lahaul and Spiti; and

(b) if so, the exact position in this regard and the justification for imposing the ban in the circumstances?

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

(b) On account of the rise in internal prices and the difficulties experienced by the indigenous industry in obtaining supplies, Government banned exports of pasham. Reports have now been received about accumulations of stock at certain centres. Returns of stocks held by traders have been called for, and the State Governments have been requested to indicate what steps are being taken by them to secure adequate supplies

for the indigenous industry at reasonable prices. Their replies are awaited.

RADIO SET PARTS

*1291. **Shri D. C. Sharma:** Will the **Minister of Commerce and Industry** be pleased to lay a statement on the Table of the House showing:

(a) the names of the components of radio sets which are manufactured in India and the names of those imported from outside;

(b) whether any attempt is being made to manufacture in India the articles which are at present being imported; and

(c) if so, with what results?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) A statement is laid on the Table of the House. [See Appendix VII, annexure No. 11].

(b) and (c). Yes, Sir. Certain schemes for the manufacture of components which are now being imported have been licensed. It is too early to indicate how far they will be successfully implemented.

अफगानिस्तान की सहायता

*१२९२. **श्री रघुनाथ सिंह :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि सरकार अफगानिस्तान के उद्योग धंधों के विकास के लिए उसको सहायता तथा सहयोग प्रदान करना चाहती हैं ?

वाणिज्य तथा उद्योग उचमंशी (श्री काबुलवाली) : कुछ दिन पहले अफगानिस्तान से दिल्ली में एक शिष्टमण्डल आया था जिसने भारत सरकार के कर्मचारियों और योजना कमिशन के साथ उद्योगों के सम्बन्ध रखने वाले बहुत से मामलों पर विचार किया। यह बातचीत छोट्टे उद्योगों के विषय में खास तौर से की गई थी। यह बताने की आवश्यकता नहीं कि इन मामलों में सरकार सभी मित्र देशों को सभी सम्भावित सहायता देने की इच्छुक है।

INTER-STATE RIVERS AND RIVER VALLEYS BILL

*1293. { Shri Gidwani:
Seth Govind Das:

Will the Minister of Irrigation and Power be pleased to refer to the reply given to starred question No. 287 on the 23rd November, 1954 and state when the Inter-State Rivers and River Valleys (Regulation and Development) Bill is proposed to be introduced?

The Deputy Minister of Irrigation and Power (Shri Hathi): As early as possible; it is expected that legislation on this subject would be introduced during the current session of Parliament.

STEEL PLANTS

*1294. { Dr. Ram Subhag Singh:
Shri Wodeyar:

Will the Minister of Production be pleased to state:

(a) whether any offers for erecting steel plants have been received from the Governments of Czechoslovakia and Austria;

(b) if so, the nature and terms thereof;

(c) whether Government have considered those offers; and

(d) whether the Czech and Austrian experts will be invited to India for negotiations?

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

(b) to (d). Do not arise.

PETROL

347. Shri P. N. Rajabhoj: Will the Minister of Works, Housing and Supply be pleased to state the quantity of petrol produced in India during the last three years?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): Government are advised that it would be better if such details are not disclosed in the House resulting in the information being made available to all persons without discrimination

MICA

348. Shri Nageshwar Prasad Sinha: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity and value of mica exported in 1953 and 1954 giving separate figures for block mica, mica splittings and scrap mica, year-wise; and

(b) the quantity of each of the above grades of mica consumed in India during the above period?

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

(a) A statement is attached. [See Appendix VII, annexure No. 12].

(b) Information is not available.

EXPORTS

349. Shri Jhulan Sinha: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that export in certain commodities suffers because the supplies do not generally conform to the samples of the commodities; and

(b) if so, the steps Government propose to take in the matter?

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

(a) There have been some complaints of this nature against Indian exporters but these are not confined to any particular commodity. There can be no disagreement with the general statement that export trade always suffers unless supplies are made according to samples.

(b) In general, Government wish to have the minimum interference with the trade; and are anxious that the trade associations should themselves tackle this problem. However, the Government are, taking the following steps:—

1. Export Promotion Councils are being formed for different commodities. One of their functions will be

to investigate and settle individual complaints, and to evolve standard specifications.

2. Trade associations are being persuaded to adopt standard forms of contract, which would also provide for settlement of disputes.

3. Standard specifications are being evolved for several agricultural and industrial products. In some cases, these standards are compulsory; as in the case of raw wool, tobacco, sann hemp. In others, they are optional, as in the case of textiles, mica, sports goods etc.

4. State Governments are also operating quality marking schemes for several articles produced by small scale industries.

5. Individual complaints are also being investigated by Government through the Director General of Commercial Intelligence & Statistics, and wherever possible settlement is effected.

NAGROTA CAMP

350. **Sardar Hukam Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of families released from the Nagrota Camp when it was liquidated in 1951;

(b) how many of them were given land in the Jammu Tehsil;

(c) how many of the families referred to in part (b) above were headed by orphans, minors, widows, and physically disabled persons; and

(d) whether it is a fact that the allotment of orphans, minors and widows has been cancelled on account of their failure to cultivate the allotted land?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) 8,780.

(b) 1,406.

(c) 23 minors and 223 widows. None under the remaining categories.

(d) No.

ग्रामों में बेकारी

३५१. श्री बिभूति मिश्र : क्या बाजना मंत्री यह बताने की कृपा करेंगे कि :

(क) किन किन राज्य सरकारों ने ग्रामों में बेकारी की समस्या का अध्ययन करने के लिए १९५३ और १९५४ में जांच समितियां बनाई हैं;

(ख) जांच के बाद बेकार व्यक्तियों को कौन कौन से कामों पर लगाया गया है ; और

(ग) उन राज्यों में कहां तक बेकारी दूर हो गई है ?

बाजना उपमंत्री (श्री एस० एन० मिश्र) : अपेक्षित सूचना एकत्रित की रही है और प्राप्त होने के पश्चात् शीघ्र सभा की मंजूर पर रख दी जायेगी ।

FILMS FOR CHILDREN

352. { **Sardar Hukam Singh:**
Shri K. C. Sodhia:
Shri Naval Prabhakar:
Shri S. C. Samanta:
Seth Govind Das:
Shrimati Ila Palchoudhury:

Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of films produced so far by the Films Division of the Ministry for providing interesting information for children; and

(b) the languages in which they have been produced?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Two Children's Film Magazines have been produced. Arrangements to produce cartoons are in hand.

(b) The first magazine was produced in English and Hindi and the

AGRICULTURAL LAND IN RAJASTHAN

353. Shri Gidwani: Will the Minister of Rehabilitation be pleased to state:

(a) the total area of evacuee agricultural land in Rajasthan State;

(b) how much of the same has so far been allotted to displaced agriculturists on quasi-permanent basis in lieu of their land left in Pakistan as part of the Compensation Scheme;

(c) the area of the same allotted to non-agriculturist displaced persons as rehabilitation benefits; and

(d) the area of the same under the possession of local people?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) 8,43,103 acres.

(b) 1,37,950 acres.

(c) 2,62,613 acres.

(d) The information is being collected and will be placed on the Table of the Lok Sabha.

MOTOR CARS

354. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) the total number of motor cars imported into India during 1954 (i) on Government account and (ii) on private account;

(b) the total value of these imports under each head; and

(c) the names of the foreign countries which shared in the above imports and the extent of import from each?

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

(a) to (c). A statement showing the number of motor cars (including cars in c.k.d. and s.k.d. conditions) imported during 1954, their value and the countries of origin is attached. [See Appendix VII, annexure No. 13.]

Precise information regarding the imports on private and Government account is not available. However, the total number of cars purchased by the Directorate General of Supplies and Disposals during 1954 on behalf of the Central Government and some of the State Governments was about 570 valued at Rs. 87.55 lakhs.

INDIANS IN CEYLON

355. Shri D. C. Sharma: Will the Prime Minister be pleased to state:

(a) whether the scheme of inducement for stateless persons in Ceylon to opt for Indian nationality has been finalised; and

(b) the number of stateless persons who have taken advantage of it?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) No, Sir. According to the Indo-Ceylon Agreement of January, 1954, the Ceylon Government proposed to offer certain inducements to persons of Indian origin in Ceylon who are not registered as Ceylon citizens in order to encourage them to register themselves as Indian citizens. So far no announcement in this connection has been made by the Ceylon Government. The Ceylon Government have commenced discussing this matter with our High Commission in Colombo.

(b) Does not arise.

HOUSES FOR WORKERS RESIDING IN SLUM AREAS

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

(a) whether the Madhya Bharat Government have submitted to the Government of India a scheme for rehousing industrial workers residing in slum areas; and

(b) if so, how it differs from the Central Subsidized Industrial Housing Scheme?

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

(a) Yes, Sir; they have sent up a scheme relating to the industrial workers living in some slum areas of Indore.

(b) The subsidized Industrial Housing Scheme envisages normally the construction of whole tenements. Under the Madhya Bharat Scheme, it is proposed only to develop selected areas and provide essential standards of environmental hygiene and basic amenities like a bathing and washing platform with a tap, a latrine and an earthen platform for constructing a dwelling etc., the layout of the platforms having due regard to a reasonable density. The dwelling itself will be constructed by the tenant on the basis of aided self-help; he will be provided, for this purpose, with building materials costing about Rs. 150. On this basis, the rent liability will be restricted to about Rs. 3-8-0 per unit of accommodation as against a monthly rental of about Rs. 10 normally payable under the Subsidized Industrial Housing Scheme.

सीमेंट के कारखाने

२५०. **संत गांधिव् दास :** क्या कानिज्ब तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४ में कितनी सीमेंट फैक्टरियों का राष्ट्रीयकरण हुआ, और

(ख) १९५४ में निजी व्यक्तियों अथवा लिमिटेड कम्पनियों के कितने कारखाने थे और सरकार के कितने थे ?

कानिज्ब तथा उद्योग मंत्री (श्री टी० टी० कृष्णामाचारी) : (क) किसी का भी नहीं ।

(ख) क्रमशः २२ और २.

एमोनिचम सल्टेड

२५८. **संत गांधिव् दास :** क्या उत्पन्न मंत्री यह बताने की कृपा करेंगे कि सिंदरी खाद कारखाने में उत्पन्न किये गये एमोनिचम

सल्टेड में से १९५४ में कितना दश में खपत हुआ और कितनी राशि का निर्यात किया गया ?

उत्पन्न मंत्री (श्री कै० सी० रंजडी) : सन् १९५४ में सिंदरी कारखाने से आंतरिक खपत के लिए २,१०,६०४ टन एमोनिचम सल्टेड तन्वों में भेजा गया । और २०० टन भारत से नेपाल को निर्यात हुआ ।

MAINTENANCE ALLOWANCE OF DISPLACED PERSONS

359. Sardar Hukam Singh: Will the Minister of Rehabilitation be pleased to state:

(a) the number of displaced persons from West Pakistan who had been receiving maintenance allowance from Government;

(b) the amount given to them till the end of January, 1955; and

(c) whether the payment has been discontinued now?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle) : (a) The total number of displaced persons granted maintenance allowance was 17,268.

(b) About Rs. 129 lakhs.

(c) Yes in the case of those grantees:—

(i) who have received compensation; or

(ii) whose compensation applications have been rejected; or

(iii) who have been declared ineligible under the scheme for the continued drawal of maintenance allowance; or

(iv) whose compensation applications have been consigned to record because of the failure on the part of the grantees to comply with the Settlement Officer's directions to supply certain information or documents within the prescribed period.

**DISPLACED PERSONS IN HODAL TOWN
(GURGAON)**

360. Sardar Hukam Singh: Will the Minister of Rehabilitation be pleased to state:

(a) the number of displaced persons from West Pakistan, settled in Hodal town (Gurgaon), who have been served with an order to quit the houses occupied by them because the Muslim owners have come back; and

(b) if so, the alternative arrangements made for these displaced persons?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). No such orders have been issued. Applications for the restoration of evacuee houses and shops, which are occupied by 105 displaced families have, however, been received from the evacuee owners under Section 16 of the Administration of Evacuee Property Act. In this connection the Custodian has called upon the occupants of these evacuee buildings to state their objections, if any, to the restoration of the properties. This has apparently, caused some misapprehension. In cases where properties are restored, the interests of the present occupants will be protected.

अणुशक्ति

२६९. श्री आशु एस० तिबारी : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) अणुशक्ति के तैयार करने के लिए क्या साधन आवश्यक हैं ;

(ख) क्या केवल हँसी बाटर से ही अणुशक्ति तैयार हो सकती है ;

(ग) क्या अणुशक्ति के तैयार करने के सभी साधन भारत में मौजूद हैं ; और

(घ) अणुशक्ति के उत्पादन के लिए किस वस्तु का विदेशों से आयात करना पड़ेगा ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) यूरेनियम या थोरियम, ग्राफाइट, हँसी बाटर, या बेरिलियम,

कड़ू और भी इमारत बनाने का खास सामान जैसे ब्रिकोनिनयम ।

(ख) नहीं ।

(ग) तथा (घ). सभी कच्चा सामान जिसकी जरूरत अणुशक्ति तैयार करने के लिए है वह हिन्दुस्तान में है । लेकिन इनमें से बाज चीजें इस रूप में नहीं मिलती हैं जिस से हमारा काम चल सके । लेकिन इस बात का प्रबन्ध हो रहा है कि यह भारत में पैदा की जायें और बिलफेल बाहर से काफी संख्या में मंगवाई जायें ।

STEEL

362. Shri Amjad Ali: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of steel imported during the year 1954; and

(b) how the import figures of 1954 compare with those of 1952 and 1953?

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): (a) and (b). A statement is attached. [See Appendix VII, annexure No. 14.]

यूगेंडा सरकार के आमवासन निचम

२६२. { श्री रघुनाथ सिंह :
सरदार इकबाल सिंह :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि यूगेंडा सरकार ने भारतीयों पर यह बन्धन लगाया है कि यदि यूगेंडा वासी भारतीय स्त्री बाहर रहने वाले किसी भारतीय से शादी करेगी तो उसके पति को बिना मान्य प्रदश अनुज्ञापत्र के यूगेंडा में नहीं आने दिया जायेगा ; और

(ख) यदि हां तो इस विषय में सरकार क्या करने को सोच रही है ?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) : (क) हाँ मैं ही यूगेंडा

प्रोटोकोल की सरकार ने अपने दृश में प्रवेश करने के नियमों का संशोधन किया है। यह संशोधन किसी खास सम्प्रदाय पर नहीं, लेकिन आम जनता पर लागू होगा। संशोधन की मुख्य धारा यह है कि अगर यूगेंडा वासी स्त्री किसी यूगेंडा से बाहर रहने वाले पुरुष से विवाह करती है तो वह १८ साल से कम उम्र की न हो, और अगर ५ साल तक साथ रहने से पहले ही उनका संबंध टूट जाए या वैधानिक रूप से पति अपनी स्त्री से अलग रहने लगे या स्त्री मर जाए या वह यूगेंडा छोड़ दे, तो उस पुरुष का यूगेंडा में रहना गैरकानूनी होगा।

(ख) चूंकि संशोधन में किसी प्रकार का भेदभाव करने की धारा नहीं है, शासन ने इस मामले में कुछ कार्यवाही करना मुनासिब नहीं समझा।

LAND ALLOTTED TO DISPLACED PERSONS

364. Sardar Hukam Singh: Will the Minister of **Rehabilitation** be pleased to state:

(a) whether Government are aware of the difficulties that displaced allottees of land are experiencing by not being allowed to use wood and cut trees growing in the area under their possession; and

(b) if so, whether Government propose to grant this right to the allottees immediately?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) In Punjab and PEPSU allottees of agricultural lands may cut trees for domestic purposes or for the manufacture of their agricultural implements, provided their use is restricted to the minimum and not for profit and sale. The position in respect of other States is not known.

(b) As it is proposed to confer proprietary rights on allottees of land in Punjab, PEPSU and elsewhere, against the compensation due to them, it is unnecessary to give them immediately the right of cutting trees.

STIPENDS TO DISPLACED STUDENTS

365. Shri M. L. Agrawal: Will the Minister of **Rehabilitation** be pleased to state whether Government will lay a statement on the Table of the House showing the numbers and the total amount given as stipends to displaced students who secured admission in technical institutions during the years 1953-54 and 1954-55, State-wise?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): The information is not readily available and shall have to be collected from the State Governments and the time and labour involved will not be commensurate with the results obtained.

WRING WELLS

366. Shri Biren Dutt: Will the Minister of **Planning** be pleased to state:

(a) whether the construction of wring wells in the Community Project area is done locally in Tripura;

(b) if not, whether it is possible to do so; and

(c) the advantages accruing from importing these wrings from West Bengal?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Yes, Sir.

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

COMMUNITY PROJECT AREA

367. Shri Biren Dutt: Will the Minister of **Planning** be pleased to state:

(a) whether huge quantity of "Tukma" can be collected within the Community Project Area in Tripura;

(b) whether there is any proposal to use it as a Commercial material; and

(c) if not, the reasons therefor?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) A wild vegetation locally known as "Tukma"

grows in the State including the Community Project areas.

(b) No.

(c) The local produce has no commercial value. It differs from the true "Tukma" seeds and is not fit for the purpose for which genuine seeds are used.

COMMUNITY PROJECT

368. Shri Biren Dutt: Will the Minister of Planning be pleased to state:

(a) the number of occasions when Community Project Officers have been transferred in Tripura during 1952-54;

(b) whether it affects the progress of work of the projects; and

(c) the steps proposed to be taken to see that the progress of the works in Community Project and N.E.S. Block in Tripura does not suffer thereby?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Once.

(b) No.

(c) Does not arise.

TAPIOCA STARCH AND FLOUR

369. Shri Achuthan: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of tapioca starch and flour exported from India from the 1st January, 1954 to the 28th February, 1955;

(b) the names of the countries to which it was exported;

(c) whether the export was made by Government;

(d) if so, the price at which it was purchased for export;

(e) the quantity purchased from Travancore-Cochin State and its price level for purchase; and

(f) the number of factories which are producing starch or flour out of

4 SD

raw tapioca in Travancore-Cochin State at present?

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

(a) Only 6 cwts. of tapioca starch have been exported. No exports of tapioca flour have taken place.

(b) United Kingdom.

(c) No, Sir.

(d) Does not arise.

(e) Information is not available.

(f) Two starch factories, as far as Government are aware. Information about number of factories producing flour is not available.

SECOND SUPPLEMENTARY DEMANDS FOR 1954-55

370. Shri K. C. Sodhia: Will the Prime Minister be pleased to state the actual break up of figures of item No. (c) shown under Demand No. 23 of the Second Supplementary Demands for Grants for the year 1954-55?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The figure comprises of two items of additional expenditure not covered by the original grant, viz.—

(i) Rs. 3,00,000 on the visit of the President of Yugoslavia and party to India; and

(ii) Rs. 2,10,000 on the visit of the Prime Minister of China to India.

ANNIVERSARIES

371. Shri S. C. Samanta: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether people are invited to give radio talks on the lives and activities of great men of India on the occasion of their death or birth anniversaries;

(b) if so, their number during the years 1953 and 1954 at various A.I.R. Stations;

(c) the amount of remunerations paid therefor during the above periods; and

(d) the authority competent to select those persons and invite them?

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

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

(d) The head of the Station concerned, with the approval of Directorate-General, All India Radio and the Ministry where necessary.

INDIAN MUSLIMS IN U. P.

372. Shri M. L. Agrawal: Will the Minister of Rehabilitation be pleased to state:

(a) the number of Indian Muslims in Uttar Pradesh who have been found contravening the provisions of Section 5 of the Influx from Pakistan (Control) Act, 1949, in each of the years from 1950 to February, 1955;

(b) whether any action has been taken against them;

(c) if so, the nature of the action and the number of persons against whom such action was taken; and

(d) whether Government propose to give facilities to such persons for permanent resettlement in India?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) to (d). It is regretted that the information is not readily available and that the time and labour involved in its collection will not be commensurate with the results.

KOREAN ARMISTICE

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

(a) whether Government have received any proposal from Sweden and Switzerland to disband the work of the Neutral Nations' Commission set up to supervise the Korean Armistice;

(b) whether Government have expressed their views on the proposal; and

(c) if so, the nature of the views expressed?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) to (c). The Government have not received any such proposal from Sweden or Switzerland. While the Government are not directly concerned with this Commission, they are of the view that it would not help the present situation in Korea if this neutral body, which is the only neutral body now in Korea, were disbanded. This disbandment will require the consent of both the Commands.

पत्रिकाएँ

२७४. डा० सत्यवादी : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) 'आवाज', 'सारंग', "इंडियन लिस्नर", 'आज कल' (हिन्दी और उर्दू) और "मार्च आफ इंडिया" की कितनी कितनी प्रतियाँ प्रकाशित की जाती हैं ?

(ख) प्रत्येक के कितने स्थायी ग्राहक हैं ,

(ग) प्रत्येक प्रकाशन की कितनी प्रतियाँ बाजार में बिकती हैं ,

(घ) प्रत्येक प्रकाशन के सम्बन्ध में आय और व्यय तथा लाभ और हानि के आंकड़ें क्या हैं , और

(ङ.) यदि यह प्रकाशन घाट पर चल रहे हैं तो पिछले पांच वर्षों में कितना घाटा रहा ?

सूचना और प्रसारण मंत्री (डा० केशकर) :

(क) से (ङ.). आंकड़ें एकत्र किये जा रहे हैं और तैयार होने पर सदन की सभा पर रखे जायेंगे ।

विद्युत् शक्ति

२७५. श्री रघुनाथ सिंह : क्या सिंचाई और विद्युत् मंत्री यह बताने की कृपा करेंगे कि :

(क) देश में विद्युत् शक्ति की कितनी आवश्यकता है , और

(ख) अभी कुल कितनी शक्ति उत्पन्न की जाती है ?

सिन्धु और विद्युत उपमंत्री (श्री हाथी) :

(क) देश की विद्युत शक्ति की कुल आवश्यकता के निश्चित आंकड़े देना सम्भव नहीं है। यह कई बातों पर निर्भर है। जैसे औद्योगिक तथा आर्थिक विकास योजनाएँ, गांव में बिजली पहुँचाने की योजनाएँ तथा घरेलू खपत, इत्यादि।

(ख) सन् १९५४ के अन्त में विद्युत उत्पादन करने की प्रस्थापित क्षमता लगभग २५ लाख के० ह्यू० थी और १९५४ में ७२,५०० लाख के० ह्यू० एच० विद्युत उत्पादित की गई।

INDO-PAKISTAN INFORMATION CONSULTATIVE COMMITTEE

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

(a) whether negotiations are afoot between India and Pakistan regarding the revival of the Indo-Pakistan Information Consultative Committee which ceased to function in 1951; and

(b) whether the Government of Pakistan have expressed their willingness to revive this Committee?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Yes, Sir. The reply of the Government of Pakistan to the suggestion made by the Government of India in this regard is awaited.

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LOK SABHA SECRETARIAT
NEW DELHI

CONTENTS

	COLUMNS
Death of King Tribhuvan	1941—43
Constitution (Fourth Amendment) Bill—	
Motion to refer to Joint Committee—Not concluded	1943—2068
Shri Jawaharlal Nehru	1943—57
Shri N. C. Chatterjee	1960—75
Shri H. N. Mukerjee	1975—87
Shri Asoka Mehta	1987—98
Shri Pataskar	1998—2019
Shri Frank Anthony	2020—32
Dr. Krishnaswami	2033—44
Shri C. C. Shah	2044—58
Shri V. G. Deshpande	2058—68

CONTENTS

(Volume II, Nos. 16 to 30—From 14th to 31st March 1955.)

Columns

No. 16.—MONDAY, 14TH MARCH, 1955—

Death of King Tribhuvan	1941—43
Constitution (Fourth Amendment) Bill	
Motion to refer to Joint Committee—	
Not concluded	1943—2068
Shri Jawaharlal Nehru	1943—57
Shri N. C. Chatterjee	1960—75
Shri H. N. Mukerjee	1975—87
Shri Asoka Mehta	1987—98
Shri Pataskar	1998—2019
Shri Frank Anthony	2020—32
Dr. Krishnaswami	2033—44
Shri C. C. Shah	2044—58
Shri V.G. Deshpande	2058—68

No. 17.—TUESDAY, 15TH MARCH, 1955—

Messages from the Rajya Sabha	2069—70
Paper laid on the Table—	
Audit Report (Posts and Telegraphs) 1955, Part I—	2070
Committee on Absence of Members from Sitzings of the House—Eighth	
Report—Report Presented	2071
Constitution (Fourth Amendment) Bill—	
Referred to Joint Committee	2071—2198
Shri V. G. Deshpande	2071—75
Shri Gadgil	2075—84
Shri Tulsidas	2085—95
Shri U.M. Trivedi	2095—2102
Shri Venkataraman	2102—13
Pandit Thakur Das Bhargava	2113—26
Shri M. S. Gurupadaswamy	2126—30
Shri Punnoose	2130—35
Shri B. S. Murthy	2136—39
Shri P. N. Rajabhoj	2139—46
Shri T. T. Krishnamachari	2146—64
Shri Barman	2164—67
Shri S. N. Das	2167—72
Shri Raghavachari	2172—77
Shri Jawaharlal Nehru	2177—93
Essential Commodities Bill—Report of	
Select Committee—Presented	2198

No. 18.—WEDNESDAY, 16TH MARCH, 1955—

Motion for Adjournment—	
Stoppage of work at Calcutta Port	2199—2200

Papers laid on the Table—

Bulletin <i>re.</i> Silk Industry in Japan	2200
Notification under Central Excises and Salt Act	2200
Messages from the Rajya Sabha	2201

Hindu Minority and Guardianship Bill—

Report of Joint Committee—Laid on the Table	2201
Committee on Private Members' Bills and Resolutions—	
Twenty-third Report—Presented	2201
Statement <i>re.</i> Removal of restriction on movement of wheat	2202—03
General Budget for 1955-56:—	
General Discussion—Not concluded	2203—2320

No. 19.—THURSDAY, 17TH MARCH, 1955—

Messages from Rajya Sabha	2321—22
Leave of Absence	2322
General Budget for 1955-56—	
General Discussion —Not concluded	2322—2440

No. 20.—FRIDAY, 18TH MARCH, 1955.—

Calling attention to Matter of Urgent Public Importance—	
Strike in Pondicherry	2441—45
General Budget for 1955-56—	
General Discussion—Not concluded	2445—2501

Committee on Private Members' Bills and Resolutions—

Twenty-third Report—Adopted	2501
---------------------------------------	------

Indian Trade Unions (Amendment) Bill (*Insertion of new section 15A*)—

Motion to consider—Negatived	2501—38
Shri T. B. Vittal Rao	2502—05
Shri D. C. Sharma	2505—12
Shri Keshavaingar	2512—15
Shri Sadhan Gupta	2515—21
Shri Raja Ram Shastri	2521—29
Dr. Satyawati	2530—32
Shrimati Renu Chakravartty	2532—34
Shri Khandubhai Desai	2534—38

Prevention of Corruption (*Amendment*) Bill (*Amendment of section 5*)—

Motion to circulate—Not concluded	2539—58
Shri U. C. Patnaik	2539—48
Shri Bogawat	2549—51
Shri Sivamurthi Swami	2552—53
Shri Bagwat Jha Azad	2553—56

No. 21.—SATURDAY, 19TH MARCH, 1955—

Calling attention to Matter of Urgent Public Importance—	
Strike in Calcutta Port	2559—60

Paper laid on the Table—

Minerals Conservation and Development Rules, 1955	2561
---	------

General Budget for 1955-56—	
General Discussion—Not concluded	2561—2709
Message from the Rajya Sabha	2709—10
No. 22.—MONDAY, 21ST MARCH, 1955.—	
President's Assent to Bills	2711
General Budget for 1955-56—	
General Discussion—Concluded	2711—61
Essential Commodities Bill, as reported by Select Committee—	
Motion to consider—Adopted	2761—2818
Shri T. T. Krishnamachari	2761—67
Shri Amjad Ali	2767—68
Shri U.M. Trivedi	2768—76
Shri Venkataraman	2776—83
Kumari Annie Mascarene	2783—87
Pandit Thakur Das Bhargava	2787—2802
Shri Tushar Chatterjea	2802—05
Dr. Suresh Chandra	2806—10
Shri Raghavachari	2810—13
Shri Nand Lal Sharma	2813—15
Shri Kanungo	2815—18
Clauses 2 to 7A	2818—37
Clause 8	2837—38
No. 23.—TUESDAY, 22ND MARCH, 1955.—	
Message from Rajya Sabha	2839—40
Statement <i>re</i> . Accident to Frontier Mail	2840—41
Essential Commodities Bill—Passed, as amended	2841—56
Clauses 1 and 8 to 15	2841—56
Motion to pass	2856
Shri T. T. Krishnamachari	2856
Demands for Grants for 1955-56—	
Demand No. 99.—Ministry of Works, Housing and Supply	2856—2917
Demand No. 100.—Supplies	2856—2917
Demand No. 101.—Other Civil Works	2856—2917
Demand No. 102.—Stationery and Printing	2856—2917
Demand No. 103.—Miscellaneous Departments and Expenditure under the Ministry of Works, Housing and Supply	2856—2917
Demand No. 136.—New Delhi Capital Outlay	2856—2917
Demand No. 137.—Capital Outlay on Buildings	2856—2917
Demand No. 138.—Other Capital Outlay of the Ministry of Works, Housing and Supply	2856—2917
Demand No. 69.—Ministry of Labour	2918—72
Demand No. 70.—Chief Inspector of Mines	2918—72
Demand No. 71.—Miscellaneous Departments and Expenditure under the Ministry of Labour	2918—72
Demand No. 72.—Employment Exchanges and Resettlement	2918—72
Demand No. 73.—Civil Defence	2918—72
Demand No. 139.—Capital Outlay of the Ministry of Labour	2918—72
Accidents in Coal Mines	2972—86

No. 24.—WEDNESDAY, 23RD MARCH, 1955.—
Paper laid on the Table—

Report of Indian Government Delegation to 37th Session of International Labour Conference	2987
Committee on Private Members' Bills and Resolutions—	
Twenty-fourth Report—Presented	2987
Salaries and Allowances of Members of Parliament (Amendment) Bill—Introduced	2987-88
Business of the House	2988-90
Demands for Grants for 1955-56—	2990-3152
Demand No. 69—Ministry of Labour	2990-3040
Demand No. 70—Chief Inspector of Mines	2990-3040
Demand No. 71—Miscellaneous Departments and Expenditure under the Ministry of Labour	2990-3040
Demand No. 72—Employment Exchanges and Resettlement	2990-3040
Demand No. 73—Civil Defence	2990-3040
Demand No. 129—Capital Outlay of the Ministry of Labour	2990-3040
Demand No. 90—Ministry of Rehabilitation	3040-3152
Demand No. 91—Expenditure on Displaced persons	3040-3152
Demand No. 92—Miscellaneous Expenditure under the Ministry of Rehabilitation	3040-3152
Demand No. 132.—Capital Outlay of the Ministry of Rehabilitation	3040-3152

No. 25.—THURSDAY, 24TH MARCH, 1955.—

Correction of Answer to Starred Question No. 233	3153
Spirituous Preparations (Inter-State Trade and Commerce) Control Bill—Introduced	3153-54
Demands for Grants for 1955-56—	3154-3306
Demand No. 90—Ministry of Rehabilitation	3173
Demand No. 91—Expenditure on Displaced Persons	3174
Demand No. 92—Miscellaneous Expenditure under the Ministry of Rehabilitation	3174
Demand No. 132—Capital Outlay of the Ministry of Rehabilitation	3174
Demand No. 41—Ministry of Food and Agriculture	3174-3306
Demand No. 42—Forest	3174-3306
Demand No. 43—Agriculture	3174-3306
Demand No. 44—Civil Veterinary Services	3174-3306
Demand No. 45—Miscellaneous Departments and other Expenditure under the Ministry of Food and Agriculture	3174-3306
Demand No. 121—Capital Outlay on Forests	3174-3306
Demand No. 122—Purchases of Foodgrains	3174-3306
Demand No. 123—Other Capital Outlay of the Ministry of Food and Agriculture	3174-3306

No. 26.—FRIDAY, 25TH MARCH, 1955.—

Demands for Grants for 1955-56—	3307-67, 3383, 3347-52
Demand No. 41—Ministry of Food and Agriculture	3307-23
Demand No. 42—Forest	3307-23
Demand No. 43—Agriculture	3307-23
Demand No. 44.—Civil Veterinary Services	3307-23
Demand No. 45—Miscellaneous Departments and other Expenditure under the Ministry of Food and Agriculture	3307-23
Demand No. 121.—Capital Outlay on Forests	3307-23

Demand No. 122—Purchases of Food grains	3307—23
Demand No. 123—Other Capital Outlay of the Ministry of Food and Agriculture	3307—23
Demand No. 11—Ministry of Defence	3323—67, 3347—52
Demand No. 12—Defence Services, Effective—Army	3323—67
Demand No. 13—Defence Services, Effective—Navy	3323—67
Demand No. 14—Defence Services, Effective—Air Force	3323—67
Demand No. 15—Defence Services, Non-Effective Charges	3323—67, 3347—52
Demand No. 111—Defence Capital Outlay	3327—67
Salaries and Allowances of Members of Parliament (Amendment) Bill— Passed	3367—83, 3383—88
Committee on Private Members' Bills and Resolutions— Twenty-fourth Report—Adopted	3388—89
Resolution <i>re</i> Collective Bargaining by Workers—Barred	3389—93
Resolution <i>re</i> imbalance in Price Structure—Barred	3393—3401
Resolution <i>re</i> River Valley Schemes—Withdrawn	3401—46
No. 27—MONDAY, 28TH MARCH 1955—	
Paper Laid on the Table—	
Annual Report of the Indian Council of Agricultural Research for 1952-53	3453
President's Assent to Bills	3453
Message from Rajya Sabha	3453—55
Demands for Grants for 1955-56—	3455—3592
Demand No. 11—Ministry of Defence	3455—3592
Demand No. 12—Defence Services, Effective—Army	3455—3592
Demand No. 13—Defence Services, Effective—Navy	3455—3592
Demand No. 14—Defence Services, Effective—Air Force	3455—3592
Demand No. 15—Defence Services, Non-Effective Charges	3455—3592
Demand No. 111—Defence Capital Outlay	3455—3592
Index	3455—3592
No. 28—TUESDAY, 29TH MARCH, 1955—	
Papers laid on the Table—	
Statements showing action taken by Government on assurances etc.	3593—94
President's proclamation <i>re</i> Andhra	3594
Message from the Rajya Sabha	3594
Finance Bill—Petition presented	3595
Demands for Grants for 1955-56 —	3595—3742
Demand No. 11—Ministry of Defence	3597—3618
Demand No. 12—Defence Services, Effective—Army	3597—3618
Demand No. 13—Defence Services, Effective—Navy	3597—3618
Demand No. 14—Defence Services, Effective—Air Force	3597—3618
Demand No. 15—Defence Services, Non-Effective Charges	3597—3618
Demand No. 111—Defence Capital Outlay	3597—3618
Demand No. 5—Ministry of Communications	3619—3742
Demand No. 6.—Indian Posts and Telegraphs Department (Including Working Expenses)	3619—3742

Columns

Demand No. 7—Meteorology	3619—3742
Demand No. 8—Overseas Communications Service	3619—3742
Demand No. 9—Aviation	3619—3742
Demand No. 10—Miscellaneous Departments and Expenditure under the Ministry of Communications	3619—3742
Demand No. 108—Capital Outlay on Indian Posts and Telegraphs (Not met from Revenue)	3619—3742
Demand No. 109—Capital Outlay on Civil Aviation	3619—3742
Demand No. 110—Other Capital Outlay of the Ministry of Communications	3619—3742

No. 29—WEDNESDAY, 30TH MARCH, 1955—

Message from Rajya Sabha	3743
Committee on Private Members' Bills and Resolutions— Twenty-fifth Report—Presented	3743
Demands for Grants for 1955-56—	3743—3882
Demand No. 5—Ministry of Communications	3743—63
Demand No. 6—Indian Ports and Telegraphs Department (Including Expenses Working	3743—63
Demand No. 7—Meteorology	3743—63
Demand No. 8—Overseas Communications Service	3743—63
Demand No. 9—Aviation	3743—63
Demand No. 10—Miscellaneous Departments and Expenditure under the Ministry of Communications	3743—63
Demand No. 108—Capital Outlay on Indian Ports and Telegraphs (Not met from Revenue)—	3743—63
Demand No. 109—Capital Outlay on Civil Aviation	3743—63
Demand No. 110—Other Capital Outlay of the Ministry of Communications	3743—63
Demand No. 46—Ministry of Health	3763—3811
Demand No. 47—Medical Services	3763—3811
Demand No. 48—Public Health	3763—3811
Demand No. 49—Miscellaneous Expenditure under the Ministry of Health	3763—3811
Demand No. 124—Capital Outlay of the Ministry of Health	3763—3811
Demand No. 76—Ministry of Natural Resources and Scientific Research	3811—82
Demand No. 17—Survey of India	3811—82
Demand No. 78—Botanical Survey	3811—82
Demand No. 79—Zoological Survey	3811—82
Demand No. 80—Geological Survey	3811—82
Demand No. 81—Mines	3811—82
Demand No. 82—Scientific Research	3811—82
Demand No. 83—Miscellaneous Departments and Expenditure under the Ministry of Natural Resources and Scientific Research	3811—82
Demand No. 130—Capital Outlay of the Ministry of Natural Resources and Scientific Research	3811—82

No. 30.—THURSDAY, 31ST MARCH 1955—

Papers laid on the Table—	
Notifications under the Sea Customs Act	3883

2711

2712

LOK SABHA

Monday, 21st March, 1955.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS
(See Part I)

12 NOON

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I have to inform the House that the following Bills, which were passed by the Houses of Parliament during the current Session, have been assented to by the President:

- (1) The Working Journalists (Industrial Disputes) Bill, 1955.
- (2) The Imports and Exports (Control) Amendment Bill, 1955.
- (3) The Andhra Appropriation Bill, 1955.
- (4) The Andhra Appropriation (Vote on Account) Bill, 1955.

GENERAL BUDGET FOR 1955-56

GENERAL DISCUSSION

Mr. Speaker: The House will now proceed with the further discussion of the General Budget. Of the 20 hours allotted for the general discussion, about 18 hours have already been availed of and 2 hours now remain.

As the Finance Minister requires about 1½ hours for his reply, I would

5 LSD—1

call him at 12-30 P.M. Thereafter the House will take up the consideration of the Essential Commodities Bill, 1955, as reported by the Select Committee.

So, we have now about 30 minutes at the most—25 minutes to speak more correctly. Now, Shri D. D. Pant.

Shri Raghavachari (Penukonda): Sir, I want to make a submission for your consideration.

Mr. Speaker: Submission in respect of what?

Shri Raghavachari: The point is this. The Select Committee Report in respect of the Essential Commodities Bill was made available to us only yesterday. Under the Rules we must have two days' time. If this Bill is taken up today there is no time for us to give our amendments. Therefore, I want to submit that this may be taken up afterwards. That is the point which I wanted to submit.

Mr. Speaker: I should like to know what the Minister in charge has to say. He is not here now. The hon. Member may raise the point at the time when the Bill is taken up and when I expect the Minister will be present.

Dr. Lanka Sundaram (Visakhapatnam): When the Minister comes to the House it will not be possible for us to get time to move amendments to the Select Committee Report. That is the point, and therefore, some other Bill will have to be taken up.

Mr. Speaker: I am just sending for him now, if he can come. Then we will be able to decide. In any case, hon. Members are going to get two hours from now and the Bill was circulated yesterday. I am saying this

[Mr. Speaker]

because I have no idea of the particular urgency with which the Government wants this Bill to be put through in this Session. I am speaking only from my impression.

Pandit Thakur Das Bhargava (Gurgaon): One solution is that the amendments may now be received and they may be taken up.

Mr. Speaker: Therefore, I am telling the hon. Member, to meet his objection, that I am just trying to clarify the ground. If there is any urgency then, of course, I shall have to consider the question of waiving notice in respect of the amendment. It is for that, that I want the presence of the hon. Minister.

Dr. Lanka Sundaram: There is one other point. There is not enough time for Members of this House to study the Joint Select Committee's Report also.

Mr. Speaker: It is for that purpose that the Rule is made. The Report was circulated on Saturday and some amendments, I understand, have been received.

Shri Raghavachari: It was circulated on Saturday night.

Pandit Thakur Das Bhargava: We received the Report yesterday morning, and we gave amendments today morning.

Mr. Speaker: What I am saying is: the hon. Member has raised an objection based on Rules. I am quite prepared to uphold what the Rule provides provided I have an opportunity of hearing on the merits and considering as to whether the case is one in which the Chair should waive notice. That is why I wanted the presence of the hon. Minister in charge. Let us take it up at that time. There is no intention of evading any amendment or depriving Members of an opportunity to give their amendments. Some people have already given amendments and other Members may take advantage of the two hours now

available to give such amendments as they like.

श्री डी० डी० बन्त (जिला अलमोड़ा—उत्तर पूर्व) : बजट के ऊपर बोलने के लिये बहुत कम समय मिला था, उस में भी बहुत सा समय और बातों में चला गया है। इतने थोड़े समय में मैं जो थोड़ी सी बातें आप के सामने अर्ज करना चाहता हूँ वह यह हैं। आज तीन चार रोज से बजट के ऊपर स्पीचें सुन रहा हूँ। करीब करीब सब तरफ के लोग बोलें हैं, मगर मुझे ऐसा जान पड़ता है कि हम ने निष्पक्ष हो कर बजट को नहीं देखा है और इस समय हमारे वित्त मंत्री को जो कठिनाइयाँ हैं उन के ऊपर भी हम ने नहीं सोचा है। मैं मानता हूँ कि अगर हमारे देश में जिसे हम क्रान्ति कहते हैं वह बहुत जल्दी हो गई होती तो शायद वित्त मंत्री इस प्रकार का बजट न बनाते। पर देशवासियों की जैसी भावनाएँ हैं और जिस प्रकार का उन का आर्थिक विश्वास है उस में मैं नहीं समझता हूँ कि हमारे वित्त मंत्री इस के सिवा और किसी तरह का बजट बना सकते थे।

कई भाइयों ने कहा है कि हमारे सामने देश की आर्थिक दशा की जो तस्वीर है उसे वित्त मंत्री ने नहीं रखा है। इस सोशलिस्ट पैटर्न के बारे में तो मैं यही कह सकता हूँ कि वह इस पर निर्भर करेगा कि हम सोशलिस्ट पैटर्न के क्या माने समझते हैं। अगर सोशलिस्ट पैटर्न का मतलब यह है कि प्रत्येक मनुष्य की पहली अप्रैल से बराबर आमदनी वित्त मंत्री कर दें, तो यह बिल्कुल दूसरी बात है, मगर मैं समझता हूँ कि जो हमारा आवड़ी का प्रस्ताव है उस के अनुसार हम जिस चीज को सोशलिस्ट पैटर्न समझ रहे हैं उस की बातों को हम धीरे धीरे करना चाहते हैं। जो हमारी खास नीति है वह यह है कि देश में हम ने किसी से जबर्दस्ती रुपया ले कर बांट सकते हैं और न हम ऐसा करना ठीक ही समझते हैं।

बजट की जो मुख्य बातें हैं वह बहुत थोड़ी सी हैं मगर उन के ऊपर बहस ज्यादा हुई है।

विशेषकर यह कि हमारे वित्त मंत्री को जो २६ करोड़ रुपया चाहिये वह उस को कैसे पैदा करें, जैसे उन्होंने कहा कि एक्साइज ड्यूटी कपड़ों पर, कागज पर और ऐसी दूसरी चीजों पर लगा दी और इन्कम टैक्स स्लैब में कुछ फर्क कर दिया। मेरी समझ में उन के पास और भी तरीके थे जिस से कि रुपया इकट्ठा किया जा सकता था। अगर उनमें सेंटिमेंट्स को धक्का नहीं पहुंचता तो मैं कहना चाहता हूं कि अगर साल्ट के ऊपर ड्यूटी ह्मोज कर दी जाती तो बहुत ही अच्छा होता। मगर ऐसा हम नहीं कर रहे हैं। मैं नहीं समझता कि अगर ऐसा कर दिया जाता तो आर्थिक दृष्टि से हमारी हालत कुछ खराब हो जाती। सवाल ड्यूटी लगाने का नहीं है, सवाल तो यह रखने का है कि जो ड्यूटी लगाई जाती है उसका इंसीडेंट्स किस पर पड़ता है। जो टैक्स आप ने लगाये हैं उसका बोझा लोगों पर बहुत ज्यादा पड़ता है लेकिन साल्ट ड्यूटी अगर आप लगा देंगे तो यह एक प्रकार से ऐसी ड्यूटी थी जो कि गरीब से गरीब और अमीर से अमीर दूँ सकता था और सब लोग यह महसूस करने लग जाते कि राष्ट्र के निर्माण में हम योग्य दूँ रहे हैं और पूँजिपतियों का यह दावा कि रुपया हम दूँते हैं और राष्ट्र का निर्माण हमारी वजह से हो रहा है गलत साबित हो सकता। अगर सेंटिमेंटल रीजन्स हमारे रास्ते में न आये तो मैं समझता हूं कि अगर हम यह राय लेने की कोशिश करें कि साल्ट ड्यूटी लगनी चाहिये या नहीं तो हर कोई कहेगा कि साल्ट ड्यूटी लगनी चाहिये। क्योंकि अब हालात बदल गये हैं। जिस समय साल्ट ड्यूटी के खिलाफ सत्याग्रह किया गया था उस समय मुझे याद है 'हरिजन' में यह शब्द लिखे गये थे और वही शब्द मुझे आज याद आ रहे हैं :

The British Empire rests on a pillar of salt.

यह शुद्ध शब्द 'हरिजन' में छपे थे। आज हालात बिल्कुल बदल गये हैं। ब्रिटिश एम्पायर यहां से चली गई है, वह अब यहां नहीं रही। हमारे सामने यह सवाल है कि रुपया कैसे लायें। मैं

भी और मुल्क के लोग भी यह समझते हैं कि जब गांधी जी ने नमक सत्याग्रह किया था उस समय हालात कुछ और थे और अब हालात बदल चुके हैं और अब हमारे सामने सेंटिमेंटल रीजन्स नहीं रहने चाहिये और हमें साल्ट ड्यूटी लगाने से हिचकिचाना नहीं चाहिये।

दूसरी बात जो मैं कहना चाहता हूं वह प्लैनिंग के बारे में है। अपनी तमाम स्कीमों को पूरा करने के लिये आज हर एक स्टेट को कहा जा रहा है और इस बात के लिये मजबूर किया जा रहा है कि वह अधिक से अधिक रुपया पैदा करें लेकिन इसके साथ साथ हम उन को ठीक तरह से सोचने का मौका भी नहीं देते हैं। आज हम उनसे कह रहे हैं कि गो हत्या बन्द कर दो, प्रोहिबिशन लागू कर दो। यह चीजें गलत हैं। जैसे हमारे देश में शराब बन्दी आ रही है और जिस तरह से हम इसको लागू कर रहे हैं उसके तीन नतीजे निकले हैं। पहले तो यह कि बहुत सा रुपया जो कि हम जमा कर सकते थे वह हमें आज नहीं मिल रहा है। मैं यह नहीं कहता कि शराब बुरी चीज नहीं है और यह भी मैं जानता हूं कि यह कहा जा रहा है कि शराब बदमाश लोग पीते हैं। मुझे यहां पर एक साधू की बात याद आती है। एक मेरे मित्र ने मुझ से कहा कि बकालत बहुत बुरी चीज है और मैं बकालत नहीं करना चाहता हूं और इस बारे में मैं साधू से सलाह लेना चाहता हूं। वह एक साधू के पास गया और उससे कहने लगा कि जो बकालत करते हैं उनके पास चोरों और बदमाशों का पैसा आता है और मैं ऐसा पैसा नहीं लेना चाहता हूं। साधू जी ने कहा कि अगर तुम यह पैसा लेना नहीं चाहते तो कोई दूसरे ले जायेंगे इस वास्ते मेरी नसीहत यह है कि वह पैसा चोरों और बदमाशों से लेकर अच्छे काम में लगा दो। कुत्तों के मुँह से निकाल कर गाय के मुँह में डाल दो। इसी तरह से शराब बन्दी के बारे में हो रहा है। बहुत सा पैसा जो हमें मिलना है वह हम छोड़ रहे हैं और दूसरे यह कि प्रोहिबिशन को लागू करने के लिये हम बहुत सा रुपया फिजूल खर्च कर रहे हैं। इस का नतीजा यह हो रहा है कि

[श्री डी० डी० पन्त]

लोग गंदी शराब पीने लग गये हैं, इलिजिट डिस्टिलेशन हो रहा है और रद्दी शराब लोग पी रहे हैं। कई लोग तो कच्ची एल्कोहल भी पी लेते हैं। इस प्रोहिबिशन को लागू करने से यह सब बातें हो रही हैं। तो मैं कहता हूँ कि यह रुपया चोरों और बदमाशों के हाथ में से ले कर गाय के मुँह में डालिये। आप यह धन इकट्ठा कर के अच्छे-अच्छे कामों में लगाइयें जिस से कि देश का भला हो। मैं नहीं समझता कि वित्त मंत्री किसी और जगह से रुपया ला सकते थे इस घाटे को पूरा करने के लिये। यह जो टैक्स आप ने लगाये हैं आप कहते हैं कि कपड़े के दाम बढ़ेंगे, चीजों के दाम बढ़ेंगे, जरूर बढ़ेंगे। अगर आप खूब धन पैदा करना चाहते हैं तो मैं आपको वह तरीका जो कि अंग्रेजों ने अपनाया था बताना चाहता हूँ। उन्होंने खूब रुपया पैदा किया। आप भी शराब पर टैक्स लगा कर रुपया पैदा कर सकते हैं लेकिन जहाँ अंग्रेजों ने इतना रुपया कमा कर भी इसको भलाई के कामों में नहीं लगाया आप इस को अच्छी अच्छी जगह खर्च कर सकते हैं। नहीं तो यह रुपया बदमाशों के पास नाजायज शराब बनाने वालों के पास चला जायगा। जो बजट वित्त मंत्री जी ने बनाया है मैं ने उसको बड़ गौर से देखा है और मैं समझता हूँ कि यह बजट ठीक ही बनाया गया है और मैं इस बात में भी उनको सपोर्ट करता हूँ कि जिस तरीके से वह रुपया इकट्ठा करना चाहते हैं वह ठीक ही तरीका है और इसके सिवा उनके पास और कोई और तरीका नहीं रह गया था जहाँ से वह रुपया पैदा करते। जैसा आदर्शवाद आपने अपने सामने रखा है उस आदर्शवाद तक पहुँचने के लिये यह बजट ठीक ही बनाया गया है। जब डा० मथाई वित्त मंत्री थे उस समय मैं ने सुझाव दिया था कि डिफिसिट फाइनेंसिंग आप लोगों को ज्यादा नोट छाप कर करना चाहिये। आखिर वे मुल्क भी हैं जो लड़ाई के वक्त बीस-बीस करोड़ रुपया हर रोज खर्च कर देते हैं। वे इतना रुपया कहाँ से लाते हैं। मेरे विचार में मैकनीज्म आफ मनी एक ऐसा जाल है और उस

जाल को अभी हम अच्छी तरह से समझ नहीं सके हैं और उसके फंद में हम फंसे रहते हैं। मुझे यहाँ एक बात याद आ गई है। आज तीन साल हो गये हैं। कैम्ब्रिज यूनिवर्सिटी में प्रोफेसर डब्ल्यू (D bbs) ने रशियन प्लानिंग के ऊपर तीन बार व्याख्यान किये थे। एक बार उनसे एक हमारा प्रमुख इंडस्ट्रियलिस्ट ने पूछा कि साहब रूस वाले रुपया कैसे लाये, उन के सामने भी बड़ी बड़ी स्कीमें थीं जो कि उनको पूरी करनी थीं और उनके पास भी पैसे की कमी थी। इस के जवाब में डा० डब्ल्यू ने कहा कि वहाँ एक योजना है जिस के अनुसार वे यह जानने की कोशिश करते हैं कि किस चीज की मांग ज्यादा है और उस चीज की कास्ट एकाउंटिंग से क्या कीमत पड़ेगी और किस भाव पर उस चीज की बिक्री हो सकेगी। इस बात को जान लेने के बाद वे नोट छापते हैं उन नोटों के पीछे वह चीज रहती है जो बाजार में बिकेगी। इस तरह से वहाँ इन्फ्लेशन नहीं होती है। मैं आप से अर्ज करता हूँ कि आप भी कोई इसी तरह की स्कीम बनायें जिस से यहाँ पर इन्फ्लेशन भी न हो और आप के पास रुपया भी आ जायें। ऐसा करने से आप आगे बढ़ सकते हैं। मैं मानता हूँ कि मुल्क में अभी ऐसी भावना नहीं आई कि वे दूसरों की भलाई के लिये रुपया लगा सकें। हर कोई यह चाहता है कि मेरे पास ज्यादा रुपया हो क्योंकि इस से उसकी इज्जत होती है। उन को चाहिये कि वे इस भावना को छोड़ दें। यह भावना कि रुपये की वजह से ही बड़ा होना चाहिये गलत भावना है। हर कोई यह चाहता है कि उसके पास ज्यादा रुपया हो। मैं तो गरीबों से भी कहता हूँ कि उन में भी यह भावना नहीं होनी चाहिये। आज तो छोट के ऊपर बड़ा और बड़े के ऊपर और बड़ा आदमी है। अभी तक इन लोगों की मनोवृत्ति नहीं बदली है। मैं समझता हूँ कि जब तक आप यह अधिकार वित्त मंत्री को न दें तब तक कैसे काम चल सकता है। आप चाहते हैं कि जमींदारियाँ भी कायम रहें, महल भी रहें, एलाउसेज भी कायम रहें, शराब बन्दी भी

हो जायें, गाँ हत्या भी बन्द हो जायें तो सब बातें कैसे हो सकती हैं यह मेरी समझ में नहीं आता है ।

बजट का दिन एक ऐसा दिन होता है जब कि हर प्रकार की जो सरकार की नीतियाँ हैं उनके ऊपर आलोचना की जाती है । मगर १५ मिनट का वक्त जो हमें दिया जाता है बहुत कम है और मैं नहीं समझ सकता कि इतने थोड़े से समय में क्या कुछ कोई बोल सकता है और किस तरह से अपने प्वाइंट्स को डिवेलप कर सकता है । फिर भी मैं कहूँगा कि जो टैक्स आप लगा रहे हैं वह तो ठीक ही है लेकिन जो खर्चा हो रहा है उससे मैं संतुष्ट नहीं हूँ । इस सरकारी मशीनरी के बारे में मैं ने पहले भी आपकी तबज्जह इस तरफ दिखाई थी कि इस पर बहुत ज्यादा खर्च किया जा रहा है । हमारे एक मित्र मिस्टर जोशी थे और उनके पास जो कार थी वह एक गैलन में दो मील जाती थी जब कि बाकी कारें चालीस चालीस और पचास पचास मील जाती हैं । इस तरह से उनकी मशीनरी बहुत ज्यादा पेट्रोल चार्ज करती थी । बिल्कुल यही हालत आज हमारे एडमिनिस्ट्रेशन की है । मैं देख रहा हूँ कि कम्युनिटी प्रोजेक्ट्स में भी जहाँ बहुत ज्यादा काम हो रहा है वहाँ अफसरों वगैरह के आने जाने में, उन के रहने सहन में, रिपोर्ट निकालने में और दूसरी कागजी कार्यवाही करने में बहुत ज्यादा फिजल खर्च हो जाता है ।

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

तां १५ सब देखकर मैं सोचता हूँ कि हमारे वित्त मंत्री को एडमिनिस्ट्रेशन की मशीनरी को सिम्पलीफाई कर देना चाहिये । अगर किसी इलाके में कुछ काम होने वाला है तो बजाय इसके कि हर बार दिल्ली और लखनऊ से एक्सपर्ट जायें यह अच्छा होगा कि एक्सपर्ट वहीं मौजूद रहें और उस काम को देखें । मैं ने देखा है कि हमारे यहां मेलों में सारे हैंड्स आफ डिपार्टमेंट चले जाते हैं । उनसे पूछा जाय कि आप क्यों आये हैं तो वे कहते हैं कि यहां कम्युनिटी प्रोजेक्ट का काम होता है उसको देखने आये हैं । बाद को अगर उनसे पूछा जाय

कि आपने क्या देखा तो वे कुछ नहीं बतला सकेंगे । और सैकड़ों रुपये का टी० ए० बं खींच लेते हैं । तो इस तरह से सारा पेट्रोल दो ही मील चलने में खर्च हो जाता है बजाय इसके कि उससे गाड़ी २० या २५ मील जाती । तो हमारे माननीय वित्त मंत्री जी ने जो टैक्सेशन लगाया है वह हमारी वर्तमान मनोवृत्ति को देखते हुए ठीक ही है । बहुत से लोग कहते हैं कि यह बजट कैपीटलिस्ट्स के खिलाफ है या इंडस्ट्रियलिस्ट्स के खिलाफ है । मैं तो देखता हूँ कि अभी हमारे देश में कैपीटलिस्ट पैदा ही नहीं हुए हैं । अगर हमारे देश में कैपीटलिस्ट होते तो वे देश को अमरीका और यूरोप की तरह ऊंचा उठा देते । हमारे यहां तो मनी गृबर्स हैं कैपीटलिस्ट नहीं हैं । अगर किसी इंडस्ट्री को बरबाद करके भी उनको पैसा मिलने की सम्भावना हो तो वे उस पैसे को ले लेंगे और उस इंडस्ट्री को बरबाद कर देंगे । जब तक यह हालत है तब तक यह कहना कि यह बजट कैपीटलिस्ट्स के खिलाफ है, बिल्कुल गलत होगा । असल बात तो यह है कि जो हिन्दुस्तान का पूंजीवाद है वह बिर्दशी पूंजीवाद की नकल है । यहां की आत्मा से वह पूंजीवाद पैदा नहीं हुआ है । पूंजीवाद तो यूरोप और अमरीका में डिवेलप हुआ है, जिसने उन देशों को आगे बढ़ा दिया है । यहां के कैपीटलिस्ट तो मनी गृबर्स हैं । इसी तरह से यहां के कम्युनिस्ट सैबीटिजर्स हैं । वे रूस की नकल करते हैं । जो कम्युनिज्म हमारे देश में बन सकता था उसे उन्होंने कभी बनाया नहीं ।

यहां पर जो पद्धति प्रचलित है उसे चाहे आप गांधीवाद कहिये या मानववाद कहिये, वह यह है कि अगर किसी को कर्ज दे दिया और वह नहीं दे सकता है तो उसको और सहायता कर दी जायें ताकि जब वह संभल जाय तब दे दे, जैसे कि हम दुबली गाय को खिलाते हैं ताकि वह स्वस्थ हो कर हमको दूध दे सके । यही पद्धति हमारे देशों में प्रचलित है । यह नहीं कि अगर वह नहीं दे सकता है तो उसका मकान नीलाम करवा लें । यही पद्धति हमारे देश के लिये लाभकारी सिद्ध हो सकती है ।

[श्री डी० डी० पन्त]

अतः मैं समझता हूँ कि यह बजट तो ठीक है और मैं उसका समर्थन करता हूँ, लेकिन जैसा कि मैं ने कह दिया आप स्वर्ध को दें।

Mr. Chairman: There are only eight minutes now, before I call upon the Finance Minister. Shrimati Kale.

Shri U. M. Trivedi (Chittor): I have not spoken even once on the Budget within the last four days.

Mr. Chairman: Not only has she not spoken within the last four days, but the whole Session.

Shrimati A. Kale (Nagpur): Sir, I think on the whole the Budget is as welcome one as it tries to adjust without much affecting the common man. The cry that he is the person who has been unnecessarily taxed is a futile one. After all every citizen has to contribute to the exchequer.

The total increase in taxes on cloth is supposed to yield 9 crores. That means an increase of about 4 annas per head per annum. Now the poorer classes generally use medium or coarse cloth, so leaving the fine or super-fine cloth the increase of tax will be to the tune of three annas. This works to one pice per month per head, which cannot be said to be a burden on even the poorest of the poor. If this so called protagonists of the poor are anxious to relieve them even of this burden then they should educate the poor in the art of spinning so that eventually they will take to *Khaddar* and thus save themselves from this excise duty on cloth.

Similarly, the increase in excise duty on sugar works to less than 9 pice per head per year. I would like to know from the critics whether this is an unbearable burden.

As regards goods like electric fans, sewing machines etc. when they used to be imported Government did get custom duty. Now that the imports are more or less stopped the same has

to be recovered by way of excise duty. According to me the most hard hit people are those whose income is between Rs. 7,500 to Rs. 10,000. The income tax rate has been increased from one anna nine pice to two annas three pice or a rise of 28 per cent. which is really too much to be borne by this class of people. However the increase in the rate of income tax on the next slab is just three pice in the rupee which works to about 8.5 per cent. I would therefore, suggest that the burden on the lower-income group should be reduced and that the higher slab should bear the burden. The rate of income tax need not be the multiple of pice. I would humbly suggest to the Finance Minister that he should examine the effect on his budget by reducing two pice that is $\frac{1}{2}$ anna in the rate on the slab of Rs. 7,500 to Rs. 10,000 and increase the same on the next slab of Rs. 10,000 to Rs. 15,000 on the next slab it should be one anna three pice and thus remove the anomaly that has crept in.

Having said so much in favour of the Budget proposals I now come to the general aspect of the same. It miserably fails towards an attempt to reach a Welfare State or what is called a socialist pattern of society. You have taxed the business people that is quite correct. The Income-tax Investigation Commission is there. They have so far only probed into the hidden gains of the business community but I fail to understand what stops this Commission from looking into the hidden gains of administrators and legislators I am sure a lot of money could be had if these gains are taxed properly. Similarly I do not know why funds of each political party are not open to public scrutiny. I am told that during the Andhra elections the Communists spent lavishly. I wonder where they got the money from. Another untapped source is the astrologers. They have amassed large amount of money why should Government not tax these people.

The constitution has certain objectives. It provides for equal opportunities to all but what we find in practice is lack of opportunities everywhere. This certainly is not in consonance with the avowed policy of socialist pattern of society. This is our ideal but does not seem to have been reflected in the Budget. For instance England is a welfare state where you get free education for all upto a certain standard. Similarly every individual gets free medical aid. There should be some provision like this in the Budget so that people might be assured of our *bona fides*.

Coming to the vexed question of mixed economy I hear a lot of noise that is created by a certain section of society. India has been accustomed to mixed economy for over a hundred years. No body seems to have complained about the establishment of Railways or that of postal system. Government has been running Forest Industries side by side with the zamindars. But there was no complaint even before the advent of Independence. Factories like Sindri were established by the Government. No industrialist came forward to start the same. Even in the case of Iron and Steel for forty years no Industrialist came forward. Except two companies there was no expansion of this that the Government is with a lot of hue and cry is raised. Unless basic Industries are socialised equal opportunities for all will not be available. Baring Tatas what we find is that all the key posts of other business houses are given to their respective caste men. One of the main conditions of socialist pattern of Society is the right to work. But what have we done to proceed towards this.

Our Finance Minister has declared elsewhere that within the next five years of the employment opportunities will be doubled. With the mad increase in population and the trend of the present Budget I do not see any indication of achieving the same.

The Minister of Finance (Shri C. D. Deshmukh): Sir, the story of this

General Discussion can best be described as the story of the lion and the lamb.

Shri Lanka Sundaram: Who is the lamb?

Shri C. D. Deshmukh: The lamb is the Finance Minister who has walked into the lion's den. But I feel sure that there will be some way of co-existence in the manner indicated by the hon. Member who is not here, because, finally, I am quite sure that the lamb will be guided by what the lions have to say. In this debate the Finance Minister finds that Sinhas to the right of him, Sinhas to the left of him, Sinhas in front of him and Sinhas behind him roared and thundered. Nevertheless, there have been individual acts of kindness and understanding, among which stand out the speeches of the speakers who spoke last who seem to have supported the Budget almost unreservedly.

Sardar Hukam Singh (Kapurthala-Bhatinda): Only seem to have?

Shri C. D. Deshmukh: And I am very grateful to them.

Generally speaking, the criticism of the Budget would fall into three categories.

Firstly, there is the criticism made by the Communist Members to which this time the Praja Socialist Members seem to have lent their support. Their criticism was one which one would expect from their ideology, but this time they have attempted to make use of the Avadi Resolution as a sort of Trojan horse from behind which to direct their shafts—of course, the Trojan horse had the warriors concealed inside—of customary criticism, and in doing this, they have naturally given to the Resolution the content and significance of their own making. It seems to me that their anxiety was to prove that this encroachment on their patent was in reality a quack remedy or a sham, and much of their criticism arises, I think, from their perhaps natural annoyance, but in doing that I do not wish to ascribe

[Shri C. D. Deshmukh]

any motives because this is a natural feeling on the part of political parties, and I take this opportunity of paying my tribute to the spirit of earnestness with which Members of all parties have criticised or commented on the Budget.

Then, there was the criticism of some independent Members of the House who have spoken at great length on the so-called faults of Government in budgeting and in most cases they have used the criticism to come to the conclusion that the taxes which are sought to be levied should not have been levied.

And lastly, there is the criticism from Members of the Congress Party itself. Some of these criticisms have been of a doctrinaire kind, but in regard to the remaining criticism, it reflects the hon. Members' dissatisfaction with some points of detail or some points of emphasis. Now, I shall deal with all these as I go along.

As regards the criticism of the Communists and Praja-Socialist Party Members, much of it seems to be based on the implied assumption that in the socialistic pattern which we have adopted as our economic policy, there is no room at all for the private sector, apart from the small private sector of the cultivator and the small man and so forth, which private sector, according to them, that is to say of big business or what we recognise as private enterprise, should be relentlessly constricted, strangled and throttled, and hence their criticism of the development rebate and the concession given in regard to business losses and so on and so forth.

Now, I should like to remind the House at the outset of the Resolution on economic policy which the House passed last December. It was clearly understood there that we could not, at least for some time or some years to come, do without the private sector for purposes of the economic development of the country. That Resolution not only said that there was a place

for the private sector, but it also made it clear that as long as there is such a sector, and so long as it is subject to over-all social control, it has to be actively encouraged. Some of the provisions in the Finance Bill are calculated to do just this. The hon. Members on the other side of the House have interpreted this as a capitalistic gesture and as indicative of the Government's solicitude for big business. I am sure all reasonable Members in this House will agree that this sort of criticism is somewhat misconceived and that all we are trying to do is to be a little consistent and to carry out a policy honestly to which the House lent its support only a few months ago.

I had better deal first with this question of the development rebate, although I have already spoken at length, without any conviction I am afraid, to some Members, about this in the Rajya Sabha. Now, Members have asked why this concession has been made 'applicable to all enterprises while the Taxation Enquiry Commission recommended its use only on a selective basis. Firstly, I should like to say that the development rebate is not completely non-selective. It will not be given in respect of buildings, motor cars, typewriters, office equipment etc. As I stated in my reply to the Budget debate in the Rajya Sabha a few days ago, while the tax machinery can to a certain extent be used in directioning investment, that method has its limitations. I agree that in developmental planning, differential incentives have a place and we have at present certain devices like the capital issue control, the licensing of industries, through which investment along undesirable lines can be prevented. And in particular cases Government has been assisting industries by making loans. Now, all these are ways of directing investment, either through discouragement in some lines or through encouragement or assistance in other lines. Circumstances may conceivably arise—I think they

are almost sure to arise—in the context of the next Five Year Plan where a more detailed directing of the investment may be necessary and differential taxation or differential concessions may have to be thought of. The Taxation Commission itself has indicated only the broad criteria for differentiation and it has stated explicitly that it will be necessary—I am quoting—“for an appropriate body constituted by Government, such as the Planning Commission, to draw up a list of the industries that conform to the above criteria and which should receive the concession”. I am sure, the Planning Commission will consider this question in detail while formulating the Second Five Year Plan. For the time being, I think for the reasons that I have stated elsewhere and here, there is advantage in the case of a new measure like this in making it applicable at first on a general basis, especially in view of the fact that we are out for expanding employment opportunities all over. Later, in the light of experience and after drawing up the priorities for some period, we could if necessary consider if we should differentiate as between different types of investment.

Shrimati Renu Chakravartty (Basirhat): Are you sure it will not give place to rationalisation?

Shri C. D. Deshmukh: Prevention of rationalisation in the wrong sense can always be brought about by exercising other controls such as import control. For the last year or so I think there have been two applications pending before Government for the rationalisation of certain machinery in the cotton textile mills, and it is because we commanded that particular strategic height so to speak, namely the power to control imports, that we have been able to resist or to reject indirectly that particular application, and I am quite confident that we shall have all the powers to prevent any undesirable development apart from any question of this development rebate.

Some hon. Members quoted profusely from journals to show that the private

sector of industry had been making large profits. Now, I do not see in what way this can be a criticism of Government, when it is remembered that it is the avowed purpose of Government that the country's economy should develop, and that in this development, the private sector also has got a place. To say that industry as a whole has been faring better than before might perhaps be a vindication itself of Government's policy. What is important is that this development in the private sector should not take place at the expense of the public sector or at the expense of the general public as a whole. Now about that I can assure that Government are watchful, and if and when any steps are to be taken in this direction, they will certainly be taken. If it happens after a lapse of some time that certain individual units or industries are making much larger profits than normally because of certain windfall advantages that come to them as a consequence of the country's efforts at development, then certainly Government will not hesitate to take suitable action.

That brings me to another criticism that certain hon. Members have made, that Government's policy of deficit financing is only helping the private sector or is likely to help the private sector, and that it is a dangerous thing to indulge in deficit financing unless simultaneously we have also the provision for the excess profits tax. Now theoretically it is possible, it can be said, that deficit financing is a way of creating a profit inflation, and that this would benefit the richer classes at the expense of classes with fixed incomes. It must be borne in mind that a considerable part of the expenditure of the public sector under the Plan is likely to raise incomes over a wide area, and will not raise necessarily only the profits of big business. Such a situation may, however, arise—I mean the latter kind of situation—after a while, if deficit finance is continued and supplies do not increase quickly enough, that is when we get our profit inflation.

[Shri C. D. Deshmukh]

When such a situation arises, then corrective measures will, I agree, have to be taken. But there is no evidence so far that profits are rising rapidly or that in other words a sellers' market is developing. It is not, therefore, deficit finance as such but the inflationary spiral that makes for concentration of wealth and economic power in the hands of big business. In the economic pattern we are trying to build up, with the public sector expanding in key-places, and with various controls on the private sector, I feel that there is little danger of further concentration of wealth and economic power.

The excess profits tax is a weapon to be used when inflationary pressures develop. The Deputy Leader of the Communist Party will probably not regard the Taxation Enquiry Commission as a good guide in this matter, although they quoted whenever the arguments appealed to them. But I should like to repeat what the Commission have said:

"While the excess profits tax like taxation on capital gains may be kept in reserve for possible use in a highly inflationary period, we do not recommend the levy of the excess profits tax or the business profits tax as a normal component of the tax system."

There was some criticism that Government have done nothing to see that the large reserves that certain units in organised industry are accumulating are properly diverted to socially desirable channels. This criticism implies an assumption that these reserves are lying idle. That, I need hardly say, is incorrect. Reserves are never idle. They are put into the business itself, and if any portion of the reserves is invested in any securities for the time being, even then, they cannot be considered to be idle. But I do agree that this is a potential problem, and Government are certainly cognisant of it. We are aware

that sometimes these reserves can form the nucleus of the concentration of economic power. But to talk of this at the present juncture as if it has already become a problem of serious dimensions is, I fear, to be somewhat unrealistic, and the demand made for the armoury of control which Government have I am quite certain, is based on somewhat doctrinaire grounds. That is, if I may say so, exactly where our approach differs from that of our friends on the opposite side. It is not as if we are not aware of the problems, but we do not get obsessed with how to cross the bridge till we come to it. To our friends opposite, however, it is the paraphernalia of control that is important, and therefore, it is natural that they should ask for such things because even in the small sector where we have thought that private enterprise has a place and a role to play, they want us to adopt measures, in our opinion untimely measures, which could scare off all progress in that sector.

Shrimati Renu Chakravartty: Have we anywhere said that we want control of the small units of industry?

Shri C. D. Deshmukh: No.

Shrimati Renu Chakravartty: That is what you said.

The Minister of Defence Organisation (Shri Tyagi): He questions the meaning.

Shri C. D. Deshmukh: I said, small sector. Small sector means, of the whole of the economic sector; the public sector is the major portion, and is going to be the major portion. The small sector is the whole of it that is left to the private sector. I did not mean small people in the small sector.

I shall now turn to a criticism of the second category, that is to say, the criticism that Government have been guilty of consistent over-estimation of expenditure and under-estimation of revenue as a kind of deliberate device for raising taxation. I

cannot tell you how this criticism irritates me, because I pride myself on the honesty with which I try to frame the estimates.

Mention was made by a number of Members about the large variations between the Budget Estimates and the actuals in the past, and a suggestion was made that in the light of this, I should allow the whole of the revenue deficit to remain uncovered. I have more than once expressed, and explained, on the floor of this House the reasons for the large variations and the extent to which they were unforeseen at the time the Budget was prepared. We do our best to frame the estimates as accurately as possible, and on the data available to us. But, Sir, I am only a Finance Minister, not an astrologer; and if unforeseen changes of circumstances during the course of the year upset these estimates, I do not feel that we should be justified in framing the Budget on the basis that such variations are bound to occur year after year.

Shri Sadhan Gupta (Calcutta South-East): Is it due to the vagaries of the stars?

Shri C. D. Deshmukh: That too I would not be qualified to answer, not being an astrologer. The trouble about these variations is that they cannot be foreseen. If they could be, I would have taken care of them obviously in framing the estimates.

I have looked into the figures again and what they show. In the last seven years, the estimates have been upset not so much on the expenditure side as on the revenue side. For example, in 1949-50, revenue exceeded the estimates by Rs. 27 crores while expenditure, on the whole, was only Rs. 6 crores shorter than the Budget. In 1950-51, revenue exceeded the estimates by Rs. 72 crores while the expenditure was Rs. 13 crores more than was budgeted for. In 1951-52, revenue was, again, Rs. 113 crores more, while expenditure exceeded—again an excess—the original Budget

by Rs. 11 crores. I believe it was in this year that we got special powers to put on export duties after the Budget was passed. In 1952-53, revenue was, again, more than the Budget by Rs. 30 crores while expenditure fell short of the estimates by only Rs. 5 crores. It would seem from these figures that we have not been materially out in the framing of expenditure estimates, although we have been dealing with a situation in which there have been inescapable uncertainties about the availability of stores and equipment for defence services and a period in which the tempo of expenditure under the Plan has been steadily rising.

Shri T. N. Singh (Banaras Distt.—East): May I know if the hon. Minister is quoting these figures of savings or increased expenditure on the basis of the original Budget figures or after the supplementary grants have been made?

Shri C. D. Deshmukh: Final actuals booked.

On the revenue side, the variations have been mostly under customs and income-tax, the former due largely to developments such as the post-Korean boom, rise in the prices of imported commodities and the anti-inflationary measures—this is very important—taken at short notice, such as the levy of new export duties and so on, details of which have been given from time to time to the House, because the papers have to be laid on the Table of the House. In fact, hon. Members may remember, as I said just now, that to enable Government to cope with these uncertainties as they arose, Parliament gave Government the power to enhance export duties and raise new duties without obtaining the usual prior approval of Parliament. Having given that power, it is no use complaining that additional revenue came in.

So far as the income-tax is concerned, the improvement in the estimates which, again, could not be foreseen at the time of the Budget, was largely

[Shri C. D. Deshmukh]

due to the concentrated drive for the clearance of arrears and the introduction of the system of voluntary disclosures. I mention these figures not as any justification of any avoidable error but only to emphasise that the factors leading to these variations could not have been foreseen. The fact that such variations occurred in the past would not, I submit, justify me in making something of a gamble in my taxation policy. I must in the interest of the country's financial stability and its credit, maintain broadly—I say 'broadly', not in detail—the position which I mentioned in my Budget Speech and which, in my opinion, is basic to our financial policy, namely, that we should attempt to cover as much of our current expenditure as possible from current income. But in the economic conditions now prevailing, I have not sought rigidly to adhere to this principle, and I have left a substantial portion of the revenue gap uncovered, as I did last year. It may well be that by the time Government take a final view on their taxation measures in the light of what has been urged by hon. Members on the floor of the House, the gap left uncovered might be wider. So long as this gap is not unreasonably large, I do not mind its being left uncovered.

Shri Tyagi: Nobody would mind.

Shri C. D. Deshmukh: So I gather. But then it is difficult to accept as a proposition that because in the past for unpredictable reasons our revenues were better than estimated or our expenditure was less, I should take the risk of this happening again and just leave the whole of the revenue deficit uncovered as a matter of chosen policy.

A point was raised by Shri Bansal about the need to re-examine the classification of expenditure between revenue and capital, and he suggested that some sort of a committee should go into this question. I may inform

the House that we are ourselves keeping this under constant review and we are transferring to the capital, as far as possible, all expenditure of a productive nature or expenditure which creates some form of asset, not necessarily the property of the Central Government. We shall let our children pay for this. It is my intention to have another look into this problem and take the advice of the Comptroller and Auditor-General, but I doubt myself whether in expenditure finally borne by the Centre there is much more room for transfer from revenue to capital.

Now, one hon. Member made some scathing observations about the large variations between the revised estimates and the actuals and he asked why, since the revised estimates are based on 10 months' actuals, these variations should occur. I must, at the outset, mention that except for customs and excise duties, we really do not have 10 months' actuals to go upon, and the estimates are based largely on the actuals of 8 months. And on the expenditure side, the budgetary authorities provide for the anticipated expenditure in the last four months of the year so that so far as expenditure is concerned, the revised estimates are, I am free to admit, to some extent an exercise in optimism. So far as the development expenditure is concerned, in their anxiety to implement the Plan, the spending Ministries have pitched their hopes somewhat high. In considering the variations between the revised estimates and the actuals, the House must remember two important facts. The first is that no taxation policy is based on these estimates and the revised estimates are largely of use only as a guide to the future. Secondly, under the existing accounting system the control over expenditure is not as effective as it would be if the spending authorities themselves maintain the accounts and not the Accountant-General. Now, as the House is aware, we have ourselves recognised the need for a change in this position and we

are taking the major step in the direction of enforcing the maintenance of accounts by the spending authorities by separating accounts from audit in three big spending departments. We shall extend the scope of this experiment as we go on, but I think it will be some time before the changeover is completed, and meanwhile, we have to do the best we can with the available facilities for this control.

I should also like to place before the House some fuller details about the large variations, to which the hon. Members, Dr. Lanka Sundaram, referred. I mentioned earlier the scope of the variations between budget estimates and the actuals. In 1949-50 and 1950-51, revenue exceeded revised estimates by Rs. 18 crores and Rs. 23 crores respectively, and in both these years we were engaged in an effort to improve collections of revenue as much as possible as a counter to the threat of inflation, and the revenue from customs and income-tax was unusually buoyant. In the next two years, revenue again exceeded the revised estimates by Rs. 17 crores in each year.

Kumari Annie Mascarene (Trivandrum): Do these figures decrease or increase after five years?

Shri C. D. Deshmukh: I cannot say. We shall have to watch the trend.

Dr. Lanka Sundaram: You are not an astrologer.

Shri C. D. Deshmukh: I think the trend is in the direction of better estimation. But I shall come to the hon. Member presently.

1 P.M.

In the next two years, as I said, the revenue exceeded the revised estimates by Rs. 17 crores, accounted for largely by improved collections of income-tax. The position in all these years was that the revenue in the closing months of the year was unusually heavier than usual. I am sure, the House will realise that if revenue continued to come in a larger wave than expected, no Finance Minister

would wish to block it just to keep within the revised estimates.

On the expenditure side, there have been substantial variations, the average for the four years being roughly Rs. 23 crores, shared more or less equally between the Defence and Civil Estimates. Here again, I have explained the position a little earlier in my speech. On the civil side, the bulk of the shortfall was due to the inability of the spending Ministries to spend as much as we should have liked on the implementation of the development plans. On the Defence side, we have, in every year, been bedevilled by the difficulty of obtaining the quantity of stores and equipment that we wanted, which we have done our best to obtain in the interests of national security. But, in the last year or two—and that is an answer to the hon. Member—our revenue estimates have become much more stable. And, apart from factors affecting revenue under customs, where we have to make changes, particularly in the field of export duties, with reference not merely to revenue considerations but economic and trade considerations I do not myself think that there would be very wide variations in the future.

Dr. Lanka Sundaram: May I interrupt? Because the hon. Minister referred to the last two years, may I say in 1953-54 the budget estimates was Rs. 45 lakhs surplus, it became a deficit of Rs. 16.96 and the actuals were Rs. 8.50 crores deficit. There is not much of a change from the previous practice and the progression continues.

Shri C. D. Deshmukh: I have given the figures, Sir. The hon. Member will add up these figures. I have given the figures of both the surpluses and the difference between the revised estimates and the actuals and it is not my business to deny the figures; they are available to every one.

On the expenditure side, we are doing our best to improve the control and, to some extent, curb the enthusiasm of the spending Ministries in

[Shri C. D. Desmukh]

making provisions in the revised estimates.

I sometimes wonder whether the somewhat unusual feature in the budgetary situation and, particularly the large revenue surplus, in 1951-52 has not got the situation somewhat out of perspective. I would recall to the House the anticipation of the Planning Commission that over the five years of the Plan, the Central Budget should yield a revenue surplus of roughly Rs. 26 crores a year. That was in the Plan which was approved by the House. Against this anticipation, the surplus was Rs. 128 crores in 1951-52, due wholly to exceptional circumstances. Customs revenue in that year was Rs. 75 crores more and income-tax Rs. 23 crores more. In 1952-53, the conditions returned nearer to normal and the surplus dropped to Rs. 39 crores. In 1953-54, it dropped still further to Rs. 8 crores so that in these three years the surpluses amounted to Rs. 175 crores against the total of Rs. 78 crores envisaged by the Plan. For the current year, I expect a deficit of Rs. 5 crores and for the next year I have assumed a deficit of Rs. 8 crores so that over the five-year period the cumulative surplus would have amounted to Rs. 162 crores against the Rs. 130 crores assumed in the Plan. I suggest that this variation of Rs. 32 crores in the total gross revenue for this period of Rs. 2,600 crores or so is not anything to be scared about. After all, this additional revenue had to be raised in the earlier years of the quinquennium to keep inflationary trends under control. I admit that the situation is entirely different today and hence our deficits. The surplus has been or will be utilised in implementing the Plan and meeting the shortfall in the resources in segments of the Plan such as that relating to railways and to the States. It will be recalled that we had to consider or we shall have to consider the transfer of Rs. 84 crore to the States as a result of the Finance Commission's Award and in the railways there is a shortfall of Rs. 60

crores in the estimated surplus over these years.

Now, Dr. Lanka Sundaram has also suggested certain improvements in the Explanatory Memorandum. I shall have them examined and I should like to give him an assurance that everything practicable would be done in the way of amplifying the information available to hon. Members in the Budget papers. With reference to his suggestion for the analysis of the capital budget, I would refer him to para. 48 of my Budget Speech in which I have given a broad analysis of the overall ways and means position.

A number of hon. Members referred to the recommendation of the Taxation Enquiry Commission that a high-power body should be set up to enquire into public expenditure. So far as the State Governments are concerned, this is a matter for them to decide. But, at the same time, we are continuously keeping an eye on the growth of expenditure and securing economy even where, because of the progress of the Plan, a need to increase the expenditure has taken place. As hon. Members know, we have an Economy Unit continuously re-assessing the staff requirements of the various Ministries and an Organisation and Methods Division, which has been recently set up to look into the existing organisation and methods and to put them on a more effective and economical basis. The Estimates Committee have the problem of economy in public expenditure under continuous review. It may be that in view of all this, any *ad hoc* committee to enquire into this problem may be found to be redundant. But, Government have not taken any decision on the Commission's recommendations which will all be taken into careful consideration. I must feel inclined to invite all the hon. Members who have drawn attention to the scope of economy to come together and suggest, in concrete terms, where such economy is possible.

Shrimati Kamlendu Mati Shah (Garhwal Distt.—West cum Tehri Garhwal Distt. cum Bijnor Distt.—North): May I invite his attention to items like the deal in Burma rice in which Rs. 45 crores were spent and that has been of no use to anybody?

Shri C. D. Deshmukh: I think the hon. Member is under some misapprehension in regard to Burma rice. Part of the price was settled against the debt. The loss has not yet occurred. There were two prices, one was £48 per ton and the other was £35. £35 was the price which we should have paid in any case and that on landing came to about Rs. 17/8 per maund.

Shrimati Kamlendu Mati Shah: What I mean is the loss that occurred in the godowns.

Shri C. D. Deshmukh: That is quite right. It is not wasted; it is still here. The point is that at that time the procurement price was also such as to yield a price of Rs. 17/8 for the distribution of the same. That was part of the common problem at that time. We had no reason to believe that we shall have this embarrassment of riches. What has happened in fact is that instead of our importing from other countries we have received an unsolicited import from the heavens. In other words, with the monsoon so much better than expected or than warranted by statistical data, we have suddenly found ourselves in possession of a surplus which, at least temporarily, is proving embarrassing. I do not believe that that makes unwise a transaction which we entered into on full deliberation in the case of Burma rice.

In this connection, I would like to refer to the criticism made by Shri S. N. Das about the growth of expenditure on civil administration. The percentage of increase in this expenditure in the next year's Budget is somewhat disproportionate mainly because a large amount of development expenditure has been included in the figure under this head. I think

you will agree that it is dangerous to compare mere percentages without taking into account the changes in the contents of the estimates.

A word about the criticism of the hon. lady Member opposite. I may say that I listened with a certain amount of bewilderment to the forceful speech of the hon. Member. She referred to a number of so-called inconsistencies in the figures given in the Reserve Bank's *Report on Currency and Finance*. I have had these figures looked into and I fear that these inconsistencies exist only in the lively imagination of the hon. Member.

Kumari Annie Mascarene: No.

Shri C. D. Deshmukh: I find that she has added up the cumulative figures for four quarters to give the total revenue of a year.

Shri T. N. Singh: She has the inherent right to be inconsistent.

Shri C. D. Deshmukh: I am not saying 'inconsistent'. I am saying that she has added the cumulative figures for each quarter in order to deduce the total revenue of a year. Similarly, she has added over the indices of production for four quarters to give the total production for the year. I only mention two examples of the confusion, if I might say so with respect, on which she has based her criticism of Government policies for the last eight years.

Kumari Annie Mascarene: What about the *per capita* income, which has decreased?

Shri C. D. Deshmukh: It has not decreased; it has increased.

That is a matter which often comes again and again. There was some figures by Dr. V. K. R. V. Rao, based on no enquiry comparable to the present enquiry, some time before the war. People take that figure, then multiply it by the index of wholesale price, four or five times, then deduce a figure, and then compare it with entirely different figures that have emerged from the National Income Enquiry Committee. Those two figures are not comparable at all. If we take

[Shri C. D. Deshmukh]

the figures given by the National Income Enquiry Committee, we shall find that there has been a rise in our per capita income.

Kumari Annie Mascarene: Then, what are the Budget actuals...

Shri C. D. Deshmukh: The hon. Member has had her chance. I frankly confess that I have not been able to verify some of the figures which she gave in her speech—and in her letter she addressed to me, to which, of course, she will receive an answer as soon as possible—but I merely mention her criticism because I do not wish an impression to be created that the Reserve Bank's *Report on Currency and Finance*, with the preparation of which I have myself had something to do in another capacity in the past, is full of mistakes and inconsistencies. She used stronger words in criticising the Report, but I doubt whether she meant it. All this shows that ladies cannot be too careful in using figures and they are likely to trip the unwary. I would advise her that statistics must not be used just as sticks to beat someone else with.

In regard to improvement in Budget techniques, I should like to say a few words on some suggestions made by Shri Asoka Mehta in regard to the technique of budgeting. He raised several issues relating to the functions of the Budget and the assessment of the Budget in terms of its repercussions on the rest of the economy. As a Finance Minister, I welcome Shri Mehta's statement that the Budget is an important, indeed a principal, instrument for achieving basic social objectives. That is precisely why every effort has to be made to strengthen the receipt side of the Budget. In some advanced countries, as much as 30 or 40 per cent. of the national income is taken over into the Budget. Obviously, it is not possible, nor, I feel, is it desirable to go so far in this country. But it is not going to be possible to maintain a welfare State and a developing economy on a mere 7 or 8 per cent. of the

national income that we draw at present into the public exchequer. The hon. Member touched upon some wider questions in connection with budgeting such as, the shape, the proper form of Government accounts, the presentation of the Budget in terms of social accounting categories and re-classification of budgetary heads on more meaningful lines. The Government Budget has a number of functions and I agree with the hon. Member that different forms of presentation and of accounting are appropriate for different purposes, but the Budget, as presented now, is designed to ensure adequate Parliamentary control over Government revenue and expenditure. That is why it is an accounting Budget. In the case of Government undertakings of commercial and quasi-commercial character, accounts on a commercial basis are kept outside the general account of Budget. It would be useful, I feel, to pursue Shri Mehta's suggestion about performance Budget and I might mention that the Organisation and Methods Unit, set up recently in the Home Ministry, attempts to provide a check on performance in Government Departments. In India we also have the problem of presenting the Government Budget in a form which would make explicit the progress of expenditure on the Plan, but all these questions are receiving consideration, and I might mention that the problem is not peculiar to us; it has arisen in other countries also, because in most cases Government Budgets have hitherto been framed with a view to the limited objective of ensuring or facilitating control of the legislature over any irresponsible spending by the executive. But, now, the legislatures themselves want the executive to spend more. So long as taxation was regarded as an inescapable evil to be minimised and Government expenditure something always to be reduced, these methods of budgetary presentation might have been adequate. But now that the Budget is becoming more and more, the prime-

mover of the economy, and has a positive social import, new methods of presentation and accounting have to be devised. For us in India there is a special difficulty in that we have to take into account not only the Central Budget, but also the State Budgets, all of which are not available at the same time. The question of budgetary re-classification is under discussion at present by experts of the United Nations and there has also been some debate on whether the accounting categories used in advanced countries are applicable to underdeveloped economies. I understand that the Economic Commission for Asia and the Far East is at present studying this problem. It proposes to hold a conference at a technical level in the near future and we are keeping in touch with developments in this field.

I shall come to the portion of the other criticisms of the Budget, mostly from hon. Members in the Congress Party, some of which I consider legitimate, though perhaps not wholly justified. One hon. Member compared the economy to a patient and said that the portions prescribed by the apparently skilled physician were having no effect on the patient. I think that this is an unduly gloomy and lugubrious picture. The Indian economy now is in a much better and healthier state than when the Plan started. But, an anaemic or stunted person—and that is not our fault—does not emerge as a full-blooded wrestler overnight. Only credulous folk believe in magic-cures and only quacks can hold out the hopes of 'asthma cured in five minutes', and it is in this sense that I would request hon. Members like—he is not here—Shri Shibban Lal Saxena...

Dr. Lanka Sundaram: He is here.

Shri C. D. Deshmukh: But, he has changed his place.

Dr. Lanka Sundaram: But not his colour.

Shri C. D. Deshmukh: He is coming nearer to us.

In regard to the comparative progress of China and India, we really

have no comparable statistics. I am not quite sure if we know what China's national income is, and in any case we know that under the system that they have elected to operate, starting from their backwardness, as a result of many historical incidents, they are bound to make a better show in the beginning than we can.

An. Hon. Member: Statistics are not sticks.

Shri C. D. Deshmukh: I am not using them as such now.

Some Members have referred to shortfalls in the Plan. The reasons for these shortfalls have been explained from time to time. Everyone recognises that planning and development require strengthening of the administrative machinery all along the line. I think just this morning, one hon. Member referred to it, that it takes time to get together the necessary field staff. In some cases there is shortage of trained personnel. That is why I said in my Budget speech that the success of our effort will depend as much on organisation as on finance. Now, I think, it will depend more on organisation than on finance. In the last few years we have more than doubled the expenditure on the Plan and it is proposed that this process of acceleration should continue. As planning is a continuous process we learn as we plan and advance, and we adapt and re-adapt our Plan as we gather experience.

Then, a large number of Members made a reference to the recent fall in agricultural prices. The fall is certainly a problem in regard to which the Government will have to be watchful. A few years ago the question was being raised whether the targets of increased food production set out in the Plan were really realisable. I think, some research in our Parliament debates will illustrate this. In other words, doubt was expressed whether they were not too high. But, thanks partly to good luck, food production has exceeded the planned targets. This turn of good fortune, as

[Shri C. D. Deshmukh]

I said, left on our hands a new problem in the form of all in agricultural prices. But, I myself believe that this is a somewhat short-period problem. With expenditure in the Government sector increasing at the rate envisaged in the Budget and with deficit financing of over Rs. 300 crores, the price situation must alter. I do not mean—I must take care to explain—that no other steps are necessary to correct the immediate problem. But, I wish to point out that the reduction in the purchasing power caused by my tax proposals should be viewed together with the impact of this deficit financing on employment and incomes. I do desire an increase in purchasing power all-round—there I am at one with other Members—especially among the lower income groups. And, although it is an obvious answer, the answer to this is the Plan as a whole. We must not forget that, what we are seeking is not merely redistribution of purchasing power but an increasing in purchasing power and this in the analysis means an increase in production all-round. These are circumstances under which certain increase can be impeded by insufficiency of productive credit. That is why I take the view that deficit financing geared to a well worked out plan has a positive role to play in promoting economic development.

Sir, Government has already announced support prices for some food-grains and it is necessary to make adequate arrangements for purchase, sale, storing—to which the hon. Member attaches a great deal of importance and rightly—and grading, in order to make the policy of price support fully effective. It is possible that we shall find an answer not only for the immediate problem but also for somewhat different situations which may arise hereafter in some kind of corporation which will undertake open market operations, in grains—I just throw an idea, Sir, it has not yet been considered fully or considered at all by Government—in the same way as the Reserve Bank does in respect of government securi-

ties. Such transactions should have the effect of steadying agricultural prices. Whether we need a corporation or some other institutional arrangement and how precisely they will work will have to be considered in detail as the problem is very complex.

Then I come to another important subject. That is the question of the employment situation in the country. I have listened to all the speeches intently or at least read the notes when I was not present here; but I confess I have not come across any solution or any suggestions for a solution along lines different from those that we have been pursuing. Unemployment in an under-developed economy is not on a par with the kind of unemployment which occurs from time to time in the advanced countries because that latter type of unemployment can be cured fairly quickly. The plant and equipment needed are already in existence in that case. In an under-developed economy the question is one of building a new edifice brick by brick; of stepping up investment thereby generating incomes; of expanding supply of consumer goods on which these incomes can be spent; of again ploughing back into investment a part of the new income generated and so, by stages of stepping up, accelerating the cumulative process.

In the First Five Year Plan the investment targets were modest because of the circumstances in which that Plan was formulated. Mechanised industries were carrying a considerable amount of surplus labour. The increase that has taken place in industrial production has, therefore, not led to correspondingly increased employment for labour. The need for small-scale and cottage industries was stressed and a beginning has been made through the newly set-up boards of which, if I have time, I shall give a few more particulars later.

Promotion of small-scale and cottage industries requires—and that is the

point—a great deal of detailed organisation which takes time and this explains the lag in spending. Granting all this, I think we should be making a mistake in thinking that the Plan has had no impact whatsoever or at least no significant impact on the employment situation. In these four out of five years of the Plan, the addition to our labour force must have been of the order of 7 millions because our labour force is increasing at the rate of 1.25 millions per year, calculated at about 40 per cent. of the annual addition to the total population, that is, 4.5 millions. In the urban areas alone, additions over the five year period would be about 1.5 millions. We are handicapped in the appraisal of the situation on account of lack of data which is being collected now and it is by no means easy to isolate the new employment generated by the Plan and to assess its precise magnitude. But, I should say that even if the Plan has provided gainful occupation to 4 million people so far, some 3 million of the increase in the new entrants to the labour market are bound to be without jobs.

Shrimati Renu Chakravartty: How do you calculate that?

Shri C. D. Deshmukh: Seven million in four years at the rate of 1.8 millions a year of the new population, and if we assume—as we can—that the Plan has found employment for four million people, then obviously....

Shrimati Renu Chakravartty: How do you arrive at that four million?

Shri C. D. Deshmukh: There are methods of calculating how much investment is required on an average to employ one person. We have calculated for the Second Five Year Plan that Rs. 3,000 would be required to employ one person. That figure may be different for the First Plan, I do not know, although it is not likely to vary very considerably because there was no great emphasis on industrialisation which requires a far larger proportion of investment per man employed.

Shri K. K. Basu (Diamond Harbour): That depends on the method of spending also. You cannot just say Rs. 3,000 spent is equal to one man employed. You cannot just mathematically calculate.

Shri C. D. Deshmukh: Some kind of mathematical figure emerges.

Shri K. K. Basu: That is true; it depends on the process.

Shri C. D. Deshmukh: I am not saying 4 million exactly. I am saying it must be some millions. I am saying that it cannot be that we have spent so much money and not a single person is employed. As we have spent about Rs. 1,000 crores on investment—I am not talking of development—in the public sector and may be another Rs. 1,000 crores in the private sector, or about Rs. 2,000 crores, dividing it by some kind of figure, so much for one person, we can work out a figure. It could not be as high as 7 million which is the addition to the number of job-seekers in this country. Therefore, there is bound to be an increase in the figure of....

Shrimati Sucheta Kripalani (New Delhi): Did you take into calculation the heavy retrenchment in some industries, like jute, etc.?

Shrimati Renu Chakravartty: And eviction?

Shri C. D. Deshmukh: I have referred to the fact that many industries carried a surplus labour. That only adds to the total number of unemployed people. I am developing the point. If I am allowed to proceed, I will make my point clear. Let us not quarrel whether it has been 1 million or 2 million or 3 million, left, because if hon. Members say that it is not so much, then, obviously, it means that the Plan has worked well. Supposing you say that all the 7 million are....

Shri T. S. A. Chettiar (Tiruppur): Nobody says that.

Shri C. D. Deshmukh: I say that I put it half and half. I said about

[Shri C. D. Deshmukh]

3 million; it might have been 4 million. Therefore, 3 million are unemployed. There would be a large increase in the number seeking employment and a certain percentage of this would get registered on the Employment Exchanges. There may also be other factors making for increased registration, like people wanting to improve their lot. In other words, the conclusion is not that the Plan has not performed all that it promised, but that it did not promise enough; in other words, that it was not a big enough Plan, which is a charge to which we plead guilty together with the rest of the House. The Plan, therefore, could not attempt to tackle the problem of unemployment in a big way because, as I said, of the difficult economic conditions in the midst of which it was launched.

That brings me to the point raised by Shri Asoka Mehta regarding the relationship between investment and employment. It is evident that the amount of employment generated depends not only on the quantum of investment, but also on the pattern. That was a point which some other Members also have made. I stated on an earlier occasion that we must aim at creating 12 million jobs in the Second Plan period. This kind of target is necessary in order to provide jobs or gainful occupation to the additional labour force that would come in the next five years at the rate of 1.8 million and to make a visible impression on the existing unemployment which we do not know what it is. We shall know that in a few months time. Although we may hope to liquidate a part, not the whole, because we are working an accelerating economy, the subsequent Five Year Plan would enable us to deal not with 12 million, but a much larger figure if there is such a surplus or residue still left. How much investment will be necessary for this purpose is being worked out in terms of the employment potential of the various types of investment either on experience or a priori grounds. When

I mentioned the figure Rs. 5,000—I said 3,000, it should be Rs. 5,000—I was stating the kind of minimum that may have to be attempted, taking account of the fact that we intend to place greater emphasis on industrialisation. That matter is now being studied by the Planning Commission and an outline picture of the development envisaged in the economy as a whole and in the principal sectors will emerge shortly.

Shri Asoka Mehta (Bhandara): The point about the pattern of employment was raised by Acharya Kripalani. I hope you will say something on that question.

Shri C. D. Deshmukh: I have something to say about that.

In this year, that is, the year to which the Budget relates, I have provided an overall deficit of Rs. 300 crores. This money is not to be withdrawn from other uses because it is credit creation or deficit. It should increase the aggregate expenditure and hence employment.

The main weakness, therefore, of our economy is insufficiency of investment. The fall in food prices about which the House was rightly concerned, and the extent of unemployment and under-employment prevalent in the system are both, in a way, symptoms of this insufficiency of investment. In the Second Five Year Plan, on the preparation of which the Planning Commission is at present engaged, will. I am confident, provide for larger investment and it will attempt to work out a pattern of investment that would make an impact on the unemployment situation. That is bound to be the king-pin, as far as I can see, of the next Five Year Plan.

In this process of stepping up of investment, increasing employment and raising the living standards, the expansion of the public sector, supported by a commensurate growth of public savings has a crucial part to play and this, if I may say so, is the sum and substance of our economic policy.

I shall now come to the scheme of the Budget proposals. I have something to say about some of the other points. I must first get through some of the more important points. That also is important because many Members are interested.

श्री पी० एन० राजभाज (शालापुर—रीढ़त—अनुसूचित जातियाँ) : हमारे पदवीलित और अछूत भाइयों के विषय में भी आपके पास कुछ कहने को हैं ?

Shri C. D. Deshmukh: I have something to say about Scheduled Castes also. It all depends on the time available to me.

श्री पी० एन० राजभाज : वह बहुत महत्वपूर्ण हैं, उस सम्बन्ध में आपको अवश्य कुछ बताना चाहिए ।

Shri C. D. Deshmukh: There will be plenty of other occasions on which I may have an opportunity of saying something about some of the other points.

I maintain that the proposals that I have placed before the House are the first and very significant step towards the socialistic pattern of society that we are envisaging. In my proposals for direct taxation, I can claim that I have followed the general line indicated by the Taxation Inquiry Commission and have carried a step further the principle of sharply progressive taxation which is an essential ingredient of what has come to be called a socialistic pattern. I need hardly repeat the figures I gave in the Rajya Sabha of incomes before and after taxation. Under these proposals I have made, the taxes in the higher slabs have been raised significantly. I have made an attempt which Shri Asoka Mehta, I am glad, commended, to plug some loopholes in the existing system. If Acharya Kripalani will look closer into these proposals, he will, I dare say, find some evidence of progression in the tax structure.

That leads me to another allied issue, namely the highest incomes left

at the disposal of assesseees are still much higher than the ceiling suggested by the Taxation Inquiry Commission. Shri Gadgil and some other Members referred to this matter. I wish to point out that the Commission has not prescribed an absolute ceiling. It has recommended a certain relationship between the average incomes and the maximum income. This means that the advance towards the objective can be made as much through a raising of the floor as by the lowering of the ceiling. Secondly, the Commission itself has stated that the objective should be attained by stages and over a period of time. In this connection, I should like to quote a further observation of the Commission. There is the quotation:

"The accomplishment of this objective cannot merely be the result of tax changes, but must be related to an integrated approach along several directions."

At this stage, I do not think that I need say more on this point.

Now while on the subject of direct taxation, I must refer to the criticism voiced by a few Members that I have been rather harsh to the middle classes. Reference has been made to the increase of six pias in the slab of Rs. 7,500 to Rs. 10,000, as against three pias in the slab of Rs. 10,000 to Rs. 15,000. Now, I submit at the outset that it is misleading to take the tax effect on a particular slab. That is only a rate. One has to take the overall effect of the changes proposed. On an income of Rs. 10,000 a married person who wholly earns his income is now paying Rs. 517. In future he will pay Rs. 508, a reduction of Rs. 9. It is only when the income reaches the level of about Rs. 12,000 per annum, that is about Rs. 1,000 per month, that he will have to pay Rs. 44 more per year. That is about Rs. 3/8/- per month extra. Surely, this cannot be regarded as harsh, considering that at higher ranges the increases are much greater. I must repeat that in India we have a slab system of taxation and not a

[Shri C. D. Deshmukh]

step system. The result is that tax on persons with higher incomes depends on the cumulative tax at various slabs and an increase in a lower slab, therefore, affects not only the person in that slab but also one on a higher slab of income. Therefore, there is no discrimination to the extent of Rs. 7,500; a man of Rs. 10,000 also pays the income-tax.

Now, Sir, a word about direct and indirect taxation, although I have dealt with this subject off and on. I think that it is out of date to talk of the proportion of direct and indirect taxation and I should have hoped that the Communist Members in particular would know this. I could also have quoted quite a number of figures relating to the proportion that these two categories of taxation occupy in some of the Communist countries. For example, I could say that direct taxation in a country like Soviet Russia is only 10 per cent. of the total taxation. I could also give figures to show that with all the indirect taxation which our friends have so acidly deprecated a shirt does not cost Rs. 50, which is said to be the price of a shirt in Soviet Russia. A pair of shoes there is known to cost Rs. 150, and an over-coat some Rs. 2,000.

Shri K. K. Basu: How does it relate to income?

Shri C. D. Deshmukh: These are all verifiable figures. The average income of an unskilled worker is about 700 roubles, and a rouble is the same as a rupee.

Shrimati Benu Chakravartty: What about free education, health and other facilities?

Shri C. D. Deshmukh: One can add all this. Nevertheless, I think it is absurd to have to pay Rs. 150 for a pair of sandals! But I do not wish to make any great point of it. I do not wish to go into these figures, or make any invidious comparison. I only wish to tell the hon. Member who quoted those figures that even in the country where things are going on according

to his liking, this distinction of direct and indirect taxation is not looked upon with such exaggerated importance as he is prone to give it, in my opinion.

Now, Sir, having said this much about indirect taxation, I do not wish to go at length into the criticism that was made in regard to the individual items of new taxes, or additional taxes that have been levied in this year's Finance Bill. The appropriate occasion for going into such criticism will be at the time of the discussion of the Finance Bill. But, as I said in the other House, I had promised to keep an open mind in regard to the proposals and that I would not regard them in any way as sacrosanct and indeed my mind has been so open that it has already been acted upon by some of the observations of hon. Members. I have reconsidered some matters. As regards sewing machines it has been urged by several Members that the sewing machine is not an article of luxury and quite a large number of refugee women and others have been using it as their only means of subsistence. It has also been urged that lack of purchasing power among consumers has compelled even the larger manufacturers to reduce the prices so as to be able to create a market. The general feeling, therefore I gather is that the excise duty proposed for sewing machines should be wholly removed. In deference to this feeling...

An Hon. Member: What about coarse cloth and sugar?

Shri C. D. Deshmukh: Hon. Members are very impatient.

Government have decided to use their executive powers to notify immediately a total exemption from the excise duty proposed in the Finance Bill on sewing machines and parts of sewing machines.

Again, all sections of the House have expressed concern about the fall in prices of agricultural commodities and

there has been widespread criticism of the wisdom of levying an increased excise on cotton cloth which forms a part of the Budget proposals. My difficulty is that although we have announced support prices, obviously they have not had time to act and it is possible that the cultivators may be wishing to make their purchases, while relief to them is yet to come. Government have carefully reconsidered the matter and in the light of the various considerations urged on the floor of the House and in the other House and the various representations which have been received by them, the House will be glad to know that Government have decided that the duty proposed in the Finance Bill on the categories of cloth most used by the middle and lower classes and the agricultural section of the community, namely coarse and medium cloth, should be reduced from one anna per square yard to half an anna per square yard, exclusive of the special cess of quarter of an anna per linear yard for the benefit of the handloom industry which will continue to be charged.

An Hon. Member: Abolish it also.

Dr. Lanka Sundaram: That is, the old rate? You restore the old rate.

Shri C. D. Deshmukh: If that is understood there will be some more clapping. I have no doubt that this relief which is being given effect to immediately by an executive notification would be widely welcomed and will meet the criticism of those who shared the genuine fear that the increase in duty in the context of the fall in agricultural prices may create hardship for large sections of the community.

Therefore with the excise on sewing machines excised and the rise on cloth having been taken out of the categories below fine, may I express with a modern Sanskrit poet the hope that the poet was singing of

निदाघ काले प्रकाशेयपि देहली । रायसी ।

सकीव रेखे विशदाध्वर प्रभा ।

Even in hot summer Delhi looks as if it had an autumn sky.

निदाघ काले प्रकाशेयपि देहली ।

सकीव रेखे विशदाध्वर प्रभा ।

शरदू भवाम्बोधरमी विहस्य मिर ।

प्रसेमम्बली चेम्बर मैम्बरावरे:

Everyone will have white cloth; therefore Delhi will shine.

Now, Sir, in the time that is available to me, I should like to deal with some of the other points. Acharya Kripalani quoted extensively from the Taxation Inquiry Commission's Report and he argued that the recommendations of the Taxation Enquiry Commission were an integrated whole, so that one could not pick and choose as between them. Now, it is true that the report of a Commission must be viewed as one whole and there is a certain underlying pattern in such recommendations which one must appreciate fully if one is not to miss the woods for the trees. This does not, however, mean that all the recommendations of the Taxation Enquiry Commission could or should have been implemented at once and immediately. I had with me the recommendations of the Commission for some time before I decided on my final Budget proposals, but I cannot say that I had the time to study fully or closely all its recommendations. The report is a voluminous document, and it will serve and is intended to serve as a guide to fiscal policy, as I have already said in the Budget speech, for many years to come. For the immediate present, all I was anxious to ensure was that the proposals I made were broadly in the same direction as was indicated by the Commission. Inevitably, while implementing these proposals, it is necessary to take into account the economic conditions of the time for which any taxation is being levied. Some Members of the House, I think Shrimati Renu Chakravarty stated that they do not accept the recommendations of the Taxation Enquiry

[Shri C. D. Deshmukh]

Commission in their entirety. To them, the differences or reservations may be matters of principle, and others may have minor differences in emphasis, but even if one accepts the broad pattern and the basic approach underlying the Commission's recommendations, one may have to make adjustments in detail while implementing them. And therefore, Sir, the Taxation Enquiry Commission itself cannot have expected that all its recommendations should be implemented in this very budget, although some Members seem to be believers in the old *nyaya* which is called

अर्धं बैशसन्याय

or which says you cannot cook one half of a fowl and reserve the other half for laying eggs.

Shri Tulsidas referred to the public accountability in respect of State undertakings. In connection with the Company Law Amendment Bill which is before a Select Committee of Parliament, we are examining the question of inclusion of provisions in the Bill for the audit of these undertakings by or on behalf of the Comptroller and Auditor-General and for the placing of the accounts of these undertakings before Parliament. So, the House will have an opportunity of dealing with this matter at great length when the Bill comes before it, and therefore I refrain from making any observations on the subject, particularly as the Joint Select Committee of Parliament is already seized of the matter.

Then, some hon. Members referred to the growing volume of grants and loans to State Governments and suggested that a Committee should be appointed to go into the question of these loans and advances and scrutinise the expenditure incurred against them. And there was some reference to the Australian Grants Commission. We went into this matter in 1946 and came to the conclusion that as the Centre has not got a very large surplus to distribute, that particular

mechanism is of no great concern to us and in any case the same Comptroller and Auditor-General deals with the accounts of the States and what we cannot follow here can be followed by the Comptroller and Auditor-General in dealing with those accounts. But I admit that we should keep in close touch with the State Governments in regard to schemes financed from Central assistance or Central loans and that the Planning Commission should keep an over-all eye on this problem so far as it relates to developmental expenditure.

Then, Acharya Kripalani stressed the need for decentralisation. I agree with him that excessive centralisation is dangerous. It may even prove self-defeating. But a degree of centralisation is implicit in all planning and what we need therefore is a combination of central planning with decentralisation or devolution of administration and implementation or execution. And that is why we emphasize community projects and national extension, the development of small-scale and cottage industries, the establishment of autonomous public corporations in industry and finance to function without interference in their day to day work, then the strengthening of the co-operative movement, the programmes of local works, and association and participation of people in district and village planning, in social welfare projects and so on and so forth.

I must make a brief reference to the speech of Shri Tandonji. As I said last year, I am in very great sympathy with his ideas of the village beautiful, and I am sorry nothing very much came out of the transmission of that suggestion to the authorities concerned. I am trying another line now, to draw the attention of the Central Social Welfare Board to this. They have about a thousand centres in the rural areas. They are multi-purpose centres and each village now will have one *gram sevika* of one kind or the other, and I think myself—I

hope—that that will be the focus around which will grow his idea of a neat, orderly village, so that the villager can be house-proud. I am a great believer with Shri Tandonji in that. Once you are proud of whatever small possession you have, you will take care of it, and if everybody in the country does so, then, eureka, the work is done.

श्री श्री एन० राजभाज : वह तो सब ठीक है लेकिन वह चीज अमल में नहीं आती है। जमल न केव आयेगी ?

Shri C. D. Deshmukh: The hon. Member will be very cross if I do not say much about Scheduled Castes. I should imagine that their habitations should be those which should be first attended to. I should be greatly in favour of trying to do something about laying out those parts of the villages and to see what a difference it will make to the Scheduled Castes to live in houses which are no different from and perhaps better than those in which the other sections of the community live. The hon. Member has often referred to the grievances of the Scheduled Castes, but he will remember that one time I asked him for a concrete plan. I have not yet received it.

श्री श्री एन० राजभाज : नौ करोड़ एकड़ वॉकेंट लैंड पड़ा है। एक बॉरेस्टर है, उसको कायद की नौकरी नहीं मिलती।

Shri C. D. Deshmukh: His plan is contained in that slip of paper. I wanted a bigger kind of plan.

Then, another hon. Member referred to the scholarships and he complained that the disbursal of the scholarships was held up because of some fancied ceiling. Now, I have taken note of his complaint and I shall try and see if we cannot issue some instructions which will enable them to deal with applications as they are received or after only a very short interval. Now, therefore...

श्री श्री एन० राजभाज : आर्थिक योजना के बारे में कुछ नहीं कहा, प्लानिंग कमिशन की

रिपोर्ट में आर्थिक योजना के बारे में कुछ नहीं है।

Shri C. D. Deshmukh: There are only two minutes left.

Mr. Chairman: There will be other occasions.

Shri C. D. Deshmukh: I should like now to conclude that our objective is an egalitarian and progressive society and to this end all the real resources available have fully to be harnessed. We recognise that men will not give of their best until the structural relations within society conform to reasonable standards of equality and social justice, and for this we recognise that institutional changes are needed. The tempo of such changes may be slow in the beginning though I do not subscribe to the view that what has been achieved in this direction in the last few years is insignificant. The abolition of zamindari, the liquidation of other feudal elements in the system, the imposition of the estate duty, the steady substitution of institutional for private credit in rural areas—and we have yet to implement the rural credit survey recommendations—and the amendment of the Company Law in hand, the Stock Exchange Regulation Bill under way, all these represent an excellent beginning and they are portents of the coming times. The House has before it proposals for the amendment of the Constitution. In all this I perceive clearly the emergence of a new pattern, but institutional changes have to be made peacefully and democratically. That seems to limit our pace at first, but in reality that is not so. I do not wish to elaborate on this, but I might say that it is only an inexperienced swimmer who has to make all kinds of violent movements of his hands and legs in order to keep afloat. The skilled swimmer looks by comparison placid and inactive, but I am confident he will show better results.

2 P.M.

Mr. Chairman: The first stage of the Budget is now over. We shall take up the Demands for Grants stage from tomorrow. Now, we shall proceed with legislative business.

ESSENTIAL COMMODITIES BILL

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

"That the Bill to provide, in the interests of the general public, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities, as reported by the Select Committee, be taken into consideration."

The Report of the Select Committee is in the hands of hon. Members, and a perusal of the Report, I hope, would convince hon. Members that the Committee went into the various provisions of this proposed measure thoroughly, and as a result, certain changes have been made.

Shri S. L. Saksena (Gorakhpur Distt.—North): A question was raised as to whether amendments can be given now.

Mr. Chairman: So far as amendments are concerned, I propose to make a statement after the hon. Minister has moved for consideration. For the present, I shall just say that as a matter of fact, the Report was circulated on 19th March, and it was received by the Members probably yesterday.

Shri S. L. Saksena: Last night.

Mr. Chairman: Or yesterday morning. So, I realise that the Members had not enough time to enable them to give their amendments; yesterday, the office was closed. At the same time, the House must remember that this Bill has got to be passed by 3rd April. There is an Ordinance at present in existence, and this Bill seeks to substitute that Ordinance, and this

Bill has to be passed by both Houses before the Ordinance expires. Therefore, it is necessary that it gets passed by this House in such time that it can go to the other House and get passed by both Houses by then. From tomorrow, we have got the Demands for Grants for discussion; so, there is no other time available for this Bill. I am therefore inclined to waive the rules about notice, and every amendment that comes before me before the hon. Minister closes may be allowed to be moved and discussed in the House.

[SARDAR HUKAM SINGH in the Chair]

Shri T. T. Krishnamachari: The changes made by the Select Committee are mentioned in the Report submitted by the Chairman of the Select Committee. By and large they are not of very great consequence.

Provision has been made to place on the Table of the House every order made by the Central Government, as soon as that is made. Also a question was raised whether there would be any further scrutiny of these orders. The House is aware that there is a committee of the House sitting continuously and scrutinising what is called subordinate legislation. Nevertheless, I gave an assurance to the Members of the Select Committee, which I repeat on the floor of the House, that I shall invite criticisms of these orders from time to time from the ad hoc Consultative Committee of the House, that has been constituted, and any other Member that might be interested in this measure. I hope that assurance would satisfy hon. Members that due scrutiny would be exercised wherever necessary.

The other amendment that was made was in clause 7, which differentiated between the offences categorised in the Bill, and provided punishments of a different character in regard to such offences as were considered by the Select Committee as not being very heinous. Therefore,

sub-clause 1(a) of clause 7 has been split up into two, and a lesser punishment has been indicated in respect of orders made with reference to clause (h) or clause (i) of sub-section (2) of section 3. There has been a drafting amendment to sub-clause (2) of clause 7. That more or less happens to be the changes that have been made by the Select Committee.

Hon. Members will also note that appended to the Select Committee's Report are a number of Minutes of Dissent. One important Minute of Dissent at any rate which contains an observation of substance comes from Pandit Thakur Das Bhargava, who was a Member of the Select Committee. He placed several proposals before the Select Committee in regard to amendment of clauses 7 and 9. These proposals of his were not new at any rate to many hon. Members of this House. They formed the substance of a Bill which he had introduced in the House, and which I would say was cursorily discussed at one time, and which he did not press because of an assurance that I gave that this question of a measure to control the sale and distribution of essential commodities was being thought of by Government, and a new Bill would be brought in before long basing the provisions of the Bill on the report of the committee that sat in regard to control measures. And even the changes that have been made in the Bill, as distinct from the provisions that obtained in the original Bill of 1946 were in a measure due to the opinions expressed by my hon. friend Pandit Thakur Das Bhargava. Nevertheless, the suggestions of further discriminating between the types of offences and moderating the punishment in regard to certain offences were made by him in the Select Committee, and that was accepted. I must express my gratitude to him for the contribution that he has made in making the Bill itself perfect. But we were not in a position to accept his recommendations in regard to clause 9. The reason is this that there was a difference of

opinion amongst hon. Members of the House expressed on a previous occasion on the question whether in the case of a Bill of this nature which is a control measure we can afford to look at the punishment that is sought to be given to offenders from the point of normal law, and whether the punishment should not be more deterrent because the offences that are categorised are in the nature of anti-social acts, and therefore, the elements that indulged in these acts being more powerful, whether the punishment should not be more deterrent. That is one point of view. The other point of view was the one expressed by Pandit Thakur Das Bhargava, that no matter who the offender is, normal canons of equity must rule in the prescribing of punishments for such offences. Government's attitude adopted more or less a middle course, not because Government differed vitally from the achievement of the objects that certain hon. Members like my hon. friend Shri Venkataraman had, but because of certain practical difficulties that stood in the way of our getting convictions in these cases from courts of law, which as a rule are not prepared to discriminate between offences of this nature and normal penal offences. Our experience in regard to the administration of the Act that preceded the present measure and the Ordinance that it is intended that this measure should substitute, has been rather unhappy; because of the stringency of the punishments prescribed very often, the magistrates have not been able to take a serious view of the offences committed, and they take a light view and acquit people. In many cases where we obtained conviction in the lower court, the accused have been acquitted in the appellate court.

So we thought that the punishment prescribed should be slightly more moderate so that we will be able to by-pass or get over the prejudice that the magistracy and the judiciary have in regard to any enactment where punishments are stringent, during times which are comparatively peace-

[Shri T. T. Krishnamachari]

ful. I mentioned to the Select Committee the point of view of Government and it is after mature consideration that the Select Committee agreed to make that alteration that they have made in clause 7, and they did not agree to make the alteration that my hon. friend, Pandit Thakur Das Bhargava, suggested.

With regard to the other Minutes of Dissent, the one appended by Shri U. M. Trivedi more or less follows the pattern of what Pandit Thakur Das Bhargava had in mind originally which, subsequently, he modified in view of certain concessions made by the Select Committee in regard to clause 7, and he takes a purely judicial view of the whole situation and thinks that any punishment which is out of the ordinary should not be prescribed. As I have said, this matter has been thrashed out and the Select Committee came to the conclusion as embodied in the Report after giving all these facts due weight.

The Minute of Dissent submitted by Shri K. K. Basu and Shri Tushar Chatterjea deal with a point which, in my view, is not very essential—the question of further enlarging the scope of this measure in regard to commodities which are, to a very large extent, controlled by other enactments. Their view is that the powers under those enactments are not adequate. Well, I explained in the Select Committee that I felt the powers were adequate. It may be that because the hon. Members are not fully aware of the situation and are not in the fortunate position in which I stand, namely, having practical experience of the administration, that they hold a different view. But I must submit, in all humility, that I consider that the powers vested in Government under the Industries (Development and Regulation) Act are adequate for the purpose.

One other matter that was raised—it was not pressed—was the question

of punishment for abetment of offences. The Select Committee did not consider that amendment because we wanted further time to consider it. I see that the hon. Member, Shri Kasliwal, has proposed an amendment. I would ask the House to consider the amendment because my own initial reactions are in favour of the amendment. Well, we do propose punishment for certain offences. An attempt to commit the offence also should be punishable, but whether this question of punishment of attempts should also be extended to abetment of offences is a thing about which I am not quite sure in my mind. My hon. friend, Shri Raghavachari, has proposed an amendment which seeks to bring within the umbrella of this measure even abetment. I would put it to my hon. friends, Pandit Thakur Das Bhargava and Shri U. M. Trivedi whether they would contemplate an extension to that extent. Attempt is one thing and abetment is another. At the present moment, I think I will go as far as accepting the amendment to bring within the scope of the measure an attempt to evade the laws and leave abetment to a time when, perhaps, we need stringent measures because of circumstances, economic conditions, that prevail at that time and other circumstances that might come into play.

That is all I have to say at the moment. I have dealt with a few amendments. That does not mean Government have made up their mind to reject all other amendments, particularly in view of the assurance given by the Chairman that amendments will be received by the House until the time that we take up discussion of this Bill. I do hope no hon. Member will send in amendments after we have started discussing the Bill.

I feel that the consideration that has been given to this measure by the Select Committee has been complete and exhaustive and with the exception of that particular amendment

which has been tabled by Shri Kasliwal, which if we had a little more time, we might have considered and accepted in the Select Committee perhaps, there is hardly any room for any device that we might adopt to improve the Bill at this stage with the facts that we have before us.

Mr. Chairman: Motion moved:

"That the Bill to provide, in the interests of the general public, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities, as reported by the Select Committee, be taken into consideration."

Shri Amjad Ali (Goalpara-Garo Hills): May I seek a clarification from the hon. Minister? He referred to paragraph 10 of the Report of the Select Committee. It says:

"The Committee have noted the assurance given by the Minister of Commerce and Industry that all orders made under section 3 of this Act shall from time to time be placed before the Informal Consultative Committee for the Ministry of Commerce and Industry."

As I understand it, rules framed under section 3, from time to time, will be placed before the Informal Consultative Committee. If I understand aright, this relates only to those items that fall under the purview of the Commerce and Industry Ministry. But there is some amount of fear and apprehension for the simple reason, that, as it has been envisaged, certain categories of articles like medicine, or to be very particular, *Ayurvedic* and *Unani* systems of medicine—it was discussed in the Select Committee also—and *sharbats* or syrups that are prepared are taken offate out of the realm of the Commerce and Industry Ministry and dealt with by the Food and Agriculture Ministry. So if that has got to be done in respect of those things, what is the remedy? Those do not surely fall under 'food'. But here the Commerce and Industry

Ministry has got to deal with them under medicines etc. Will he clarify the point, in what way does he want to remove the difficulty?

Shri T. T. Krishnamachari: Government do not act in compartments. I have suggested that when we send the intimation to the Consultative Committee attached to my Ministry we would also be inviting any hon. Member to come to the informal meeting; actually the administration of this Act would be the responsibility of the Commerce and Industry Ministry. But there are quite a large number of items here which are within the purview of the Food and Agriculture Ministry and perhaps of the Health Ministry. The hon. Member may rest assured that whichever Ministry is affected, it is the administration that counts and there Government act as one body. So I do not think there will be any difficulty in regard to making a particular Ministry understand the attitude of any particular hon. Member in respect of any objection to any order made.

Shri U. M. Trivedi (Chittor): I have appended a Minute of Dissent and since in a very lucid manner the hon. Minister of Commerce and Industry has put the case....

Shri T. T. Krishnamachari: If my hon. friend will excuse me, I am sorry I made a mistake. In the amendment proposed by Shri Kasliwal, both attempt and abetment come together. Therefore, I have to withdraw what I have said about the acceptance of an amendment regarding abetment. But anyway, it is in the hands of the House.

Shri U. M. Trivedi: With all this elucidation, it appears to me that this Essential Commodities Bill before the House is a very complicated piece of legislation. It is a very simple one in that it has got very few clauses. But, today, we have not got our old Home Minister who would always say that it is a very simple measure. We have to look into it and study it and see under what provisions of law can we

[Shri U. M. Trivedi]

put this Bill through the House. To put this Bill through the House, we have to remember that the Third Amendment of the Constitution was carried out in the last session. The Third Amendment of the Constitution did not become law till the 2nd February, 1955. That Third Amendment Bill was assented to by the President only on 22nd February, 1955. This Essential Commodities Bill, in the saving clause repeals the Essential Commodities Ordinance of 1955. This Essential Commodities Ordinance was promulgated on the 21st January, 1955 and it was expressed to come into force from the 26th January, 1955. On the 26th January, 1955, this Parliament had no power to make any law whatsoever with reference to certain of the commodities which are now enumerated in this Bill.

श्री श्री एन० राजगोपाल (शालापुर-रीडित-
अनुसूचित जातिवां) : मेरे स्थान से इस वक्त
कोरम नहीं है ।

श्री ए० एन० बिबेदी : इस वक्त कोरम नहीं
गिना जाता ।

सभापति महोदय : इस वक्त सब अवसर में
कोरम की गिनती नहीं की जाती है ।

Shri U. M. Trivedi: In the commodities under clause 2, we have, cattle fodder, including oilcakes and other concentrates, foodstuffs, including edible oilseeds and oils, raw cotton, whether ginned or unginned and cotton seed, raw jute and all these things. About these Parliament had absolutely no power to enact....

Shri Bansal (Jhajjar—Rewari): The point is whether the Parliament has power now or not.

Shri U. M. Trivedi: I am coming to that. On the 26th January, 1955, when the Essential Commodities Ordinance was sought to be brought into force, because the Third Amendment of the Constitution was not assented to by the President till the 22nd February, 1955, and because the old Essential

Commodities (Temporary Powers) Act had expired, there was a void created. My submission, therefore, is this. Article 123 provides:

"If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void."

This Ordinance, having covered those points for which the Parliament was not competent to make the law on the 26th January 1955, therefore, the Essential Commodities Ordinance, which was then made by the President, was void. Once a thing is void, once a law is void, we cannot make it partially valid and partially invalid. Therefore the whole of that Ordinance was invalid. The whole of the Ordinance being invalid, the order issued under the old Essential Commodities (Temporary Powers) Act, which were continued by this Ordinance were also void. Our difficulty now begins. Under a void Ordinance which we had then, we provided in clause 15 like this:

"Notwithstanding such repeal, any order made or deemed to be made by any authority whatsoever, under any law repealed thereby and in force immediately before the commencement of this Act, shall, in so far as such order may be made under this Act...."

Shri T. T. Krishnamachari: May I ask for some clarification? What is exactly the point which the hon. Member is urging? What is the particular provision of the Ordinance which he thinks is void?

Shri U. M. Trivedi: My humble submission for the purpose of explanation is that the Essential Commodities Ordinance itself was void.

Shri T. T. Krishnamachari: Why?

Shri U. M. Trivedi: That is what I have submitted. I think you have not followed it. It is void because on the 26th Jan., 1955, when it was brought

into force, this Parliament had no power to make that law which was made by the President on the 26th January, by virtue of the provisions of article 123(3), because item 33 to which an amendment was made by the Third Amendment Act was not assented to by the President till 22nd February, 1955.

Shri T. T. Krishnamachari: My hon. friend must be extremely naïve to think that this Ordinance was passed without a recognition of the fact that the Constitution Amending Bill was not assented to by the President because it was not ratified by the requisite number of States. If my hon. friend goes through the Ordinance and sees the definition of 'essential commodity' there, he will find that the list of essential commodities mentioned in section 2 of the Ordinance are exactly those which fell within the competence of the Central Government as item 33 stood before the amendment to the Constitution.

Mr. Chairman: If Parliament could legislate in respect of those commodities....

Shri U. M. Trivedi: If Parliament could legislate in respect of those commodities, then, certainly, my point has no force.

Mr. Chairman: This is the reply of the hon. Minister that only those commodities have been included about which this Parliament could legislate.

Shri U. M. Trivedi: Then there is nothing in the point which I am raising. My only submission was that if the Parliament could not legislate....

Mr. Chairman: This information has been given to you.

Shri T. T. Krishnamachari: My hon. friend has only to compare the definition of essential commodities in the two measures and then he will find that the definition in the Bill is wider and it covers a larger number of commodities which have since been covered by the powers vested in the Union

by virtue of the fact that the Constitution (Third Amendment) Bill has now been ratified.

Shri U. M. Trivedi: Would it therefore mean that you will have to issue fresh orders under the Essential Commodities Temporary Powers Act for those commodities which....

Mr. Chairman: That will be a different affair now.

Shri U. M. Trivedi: With great respect my submission that this. My minute of dissent has pointed....

Dr. Suresh Chandra (Aurangabad): Is the hon. Member raising a point of order or is he discussing the merits of the Bill?

Mr. Chairman: We are discussing the Bill and he is taking up that point also. During discussions he can certainly do that and he is entitled to raise this point.

Shri U. M. Trivedi: It is not with a view to create any harassment.

Mr. Chairman: Now that the hon. Member has got that information....

Shri U. M. Trivedi: My only submission was this. Under this new Essential Commodities Bill you have new items added.

Mr. Chairman: Because now the Parliament is competent to legislate in respect of these commodities.

Shri U. M. Trivedi: I do not challenge the power of the Parliament to make law. Coming to this clause 15 that the orders which were made under the Essential Commodities (Temporary Powers) Act will also continue and shall be deemed to be under the Essential Commodities Ordinance and, therefore, when we have added new items which were formerly outside the list....

Shri T. T. Krishnamachari: Any order issued by Government under the Essential Commodities (Temporary Powers) Act lapsed automatically on the 25th January, 1955, and orders that were issued thereafter was by

[Shri T. T. Krishnamachari]

means of the power vested in the Government under the Ordinance. Those orders issued under the Ordinance will be saved to the extent they cover the commodities under clause 2 and with regard to commodities which have not been included further orders will be issued.

Shri U. M. Trivedi: That is the point which I wanted to draw your attention to. You will have to issue a fresh order. We will be under the impression that all these orders which were made under the Essential Supplies (Temporary Powers) Act will also continue and remain in force.

Pandit Thakur Das Bhargava (Gurgaon): May I call the attention of the hon. Member to clause 15(2):

"Notwithstanding such repeal, any order made or deemed to be made by any authority whatsoever under any law repealed hereby and in force...."

By any authority whatsoever. Supposing the State Government makes an order; it will continue.

Shri U. M. Trivedi: What I am submitting is this. We are agreed on principle. The Ordinance provides that all those orders which were made by any authority under the Essential Supplies (Temporary Powers) Act shall continue in force, but that is not so. That is one thing. I am only saying that all these may be looked into.

The other thing which I have already adumbrated in my minute of dissent is this. Here is a law where we are going out of the ordinary principles of criminal jurisprudence of fathering guilt upon a person who has no knowledge about it and who cannot have knowledge about it and who can still be held responsible by virtue of his mere neglect. This is going too far, in my humble opinion, that a man is to be considered guilty because he was neglectful. This law provides that even a manager will be held responsible. Today there is a manager; while he is the manager, a particular

act is done and a criminal offence under this law by breach of an order or anything of the kind takes place; the next day, the manager is dismissed from service by the company for some other reason not directly connected with his disobedience or breach of any other law. The poor man has lost his job and might be in search of a job somewhere and now the police would be running after him, and catch hold of him for any neglect of which he might have no knowledge whatsoever. It is on that account that I have submitted that the law always presumes—and that is the fundamental principle of all criminal law—that a criminal action is always based on the principle that *actio personalis moritur cum persona*.

Shri Venkatraman (Tanjore): Only if he is dead.

Shri U. M. Trivedi: I am coming to that, my dear friend.

Mr. Chairman: The hon. Member might address the Chair, instead of arguing with the Members, and having a cross conversation.

Shri U. M. Trivedi: I am awfully sorry, Sir. My contention is that this principle of *actio personalis* can be applied to a living person and not to a body corporate because even if the company dies or if a body corporate falls into liquidation under the present law the offence can still be tried. I do not think this principle of law will help there because the company has already gone into liquidation and we cannot say we are not going to prosecute him then. Therefore, this provision of contravention should only be applied to a living person, a living body, for I say that it comes into conflict with the ordinary principles of criminal jurisprudence of *mens rea* and you cannot therefore impose this liability on a manager of a company. This is now a measure of ordinary times, civil times, when we are not actuated with a desire that we should

be very hard upon all our citizens. Therefore, the House will give consideration to this proposition of mine that the corporate body should not be considered to be capable of *mens rea* or capable of offences under this. There must be some person who must have this liability imposed on him and imposed only by reason of any action of *mens rea*. That would be one submission.

There is another submission which I wish to make. In the past we have noticed that here in the House we might interpret a law in a particular manner according to the best of our intentions, but our judiciary in the mofussil is generally not well-trained, and they interpret it as they like. We are handicapped by this, as in most States they are merely the machinery of the executive and they have got no separate existence apart from the executive, they are not even governed by the High Courts, and they, therefore, act according to the dictates of the people in power. Under the Criminal Procedure Code, if an offence is punishable with three years' imprisonment and upwards, then it becomes a cognizable offence and it also becomes a non-bailable offence. So, whatever happens, elsewhere as far as my experience of this side of the country goes, that is, about Delhi and Punjab, the police is never willing to let off anybody on bail although the powers are there. The powers are not to be used, I suppose. The magistrates have also the powers, but they do not also use these powers and refuse to release the accused on bail, because he has committed a heinous crime, for which under this law, he may be punished with imprisonment for a period extending to three years, the interpretation generally put by weak magistrates is that it is a cognizable offence and is a non-bailable offence, and therefore the magistrates are not willing to let off any such man on bail.

As I said before, this was a war measure during the past and we should not continue to copy it in the same manner. In this provision, we are

having the imprisonment of three years and on top of it we are providing any amount of fine—there is no limit of Rs. 1,000. When these two harsh provisions exist, we should open our eyes. After all, this law is to be administered against our own people and it is not going to be administered against foreigners. This is to be administered against the citizens of India and we should not make a law which will make us look ridiculous in the eyes of the world. Everything must be in proper proportions, and this appear to me to be completely out of proportion. Not only is the corporate body to be made responsible, manager, director and all sorts of people, but at the same time, the imprisonment that is provided for is to extend upto three years and then as it becomes cognizable there is the harassment. My submission, therefore, is that this law should be so amended that the provision of its being non-bailable or cognizable or its capacity of being interpreted in that light is taken away and the sentence must be reduced to one year imprisonment. I do support this measure.

Shri P. N. Rajabhoj: May I know if there is quorum, Sir? Somebody told me that it was not necessary upto 2-30, and now the time is about 2-40 and I want you to take cognizance of this.

Mr. Chairman: It is not a question that I have to answer here. If an hon. Member says that there is no quorum, then I will find out whether there is quorum or not in the House. Now, is it the contention of the hon. Member that there is no quorum?

Shri Rajabhoj: Yes.

Mr. Chairman: I find there is no quorum. Let the bell be rung. Now, there is quorum.

2-40 P.M.

Shri Venkataraman: Sir, I would have preferred to speak after my friend Pandit Thakur Das Bhargava had placed his views before this House, but anyway he has given all his views both in the dissenting Minute to the Report as well as in the amendments

[Shri Venkataraman]

which he has circulated to the Members. Sir, as I have to go for some other Committee, I thought I might crave the indulgence of this House before actually Pandit Thakur Das Bhargava has spoken.

So far as the control of essential commodities is concerned there is practically no difference of opinion either in the Select Committee or in this House. Apart from the suggestion made by Shri K. K. Basu that you should add one or two more items there is universal feeling in this House and in the country that for proper distribution of the essential commodities within the country a certain amount of control is absolutely necessary. A Committee which went into this question and examined it elaborately—I mean the Committee presided over by the Deputy Chairman of the other House, Shri S. V. Krishnamurthi Rao—has also given its opinion that the control is absolutely necessary in the present context of our economic development. If we are all agreed that a certain amount of control is necessary for the proper distribution of essential commodities in the country, then what is the use or what is the purpose in making the law so loose that the people who violate or the people who break these laws can escape under one or other of the legal quibbles? That is the main object of the amendments which have been proposed and which water down the penal provisions of this Bill—not that I say that it was deliberately intended, but I mean that is the effect of the provisions.

Sir, orders of this kind fall broadly under two or three categories. There are control orders which have got to be very rigorously enforced. There are regulatory orders in which a certain amount of laxity can be allowed. And, there are the normal penal laws in which the fundamental principle of jurisprudence, namely that the punishment will follow only after getting complete and fullest proof of the offence committed by the individual, is observed. In all these things there is

no change in the jurisprudence, but there is only change in the emphasis on the burden of proof.

The Essential Commodities Bill, before you, does not say that a person who has not committed the offence will be held liable or would be punished. But, the Essential Commodities Bill before you says that the burden of proof in certain cases would be shifted (i) for the purpose of bringing about a deterrent effect, and (ii) for the purpose of effectively enforcing the controls. In the case of control orders, you will remember, that the Essential Supplies Temporary Powers Act followed the Defence of India Rules and in the Essential Supplies Temporary Powers Act as well as in the Defence of India Rules, the rule with regard to proof of offence was such that every director, every manager and every person connected with the company was held liable. In the amendment a change has occurred. That is to say, the burden of proving that the person who has been charged or accused, has not been responsible for the commission of the offence has been shifted from the prosecution, which is the normal thing under the law, to the accused person in that case. That is the only way of enforcing effectively a control measure. Otherwise the control measures are likely to be so watered down in their application that many people may escape under the ordinary jurisprudence with regard to proof. The Defence of India Rules and the Essential Supplies Temporary Powers Act were considered by some section of this House, notably my friend Pandit Thakur Das Bhargava, to have contravened the ordinary presumptions with regard to punishments and guilt of persons under the penal law. An elaborate enquiry was held over this matter. The views which have been heard on this subject are worth reading in this House. I am reading an extract from the Report of the Commodity Controls Committee:

“To the Committee’s question as to whether the provisions contained in the three Acts in regard

to the penalties are adequate and are having any deterrent effect, the replies received from the various interests are not uniform. The State Governments consider the provisions adequate but point out that the Courts do not take a serious view of the breach of control laws, with the result that the offenders escape lightly."

I have known instances in which the courts in spite of proof that a person has offended the control laws—either hoarded, black-marketed or sold at a price beyond the control price—have let off that person with a slight sentence of imprisonment till the rising of the court even though the Essential Supplies (Temporary Powers) Act makes it obligatory on the part of the court to give a sentence of imprisonment and a sentence of fine. Notwithstanding the strict provisions with regard to punishments we have found that the courts were a little lax in the enforcement or awarding punishment.

Then, some other class of people who gave evidence have said:

"The representatives of the Trade Unions are of the view that both the penalties provided in the Acts and the punishments awarded are inadequate."

The view of the people who represent largely the consumers, not producers and industrial interests, was that the penalties are inadequate. Even the penalty which was provided in the old law of imprisonment up to seven years was considered inadequate by a section.

When you come to the interests which are really responsible for breach and violation of the law, this is what you find:

"The view held generally by the Chambers of Commerce and Trade Associations is just the opposite: some of the Chambers of Commerce consider that the penalties provided are excessive and out of proportion to the gravity of offences."

These are the three different classes of views before the country. What is that we want? Do we want a strict enforcement of the control orders so that the distribution of controlled commodities may be made equitable and in accordance with the law, or do you want to allow a certain amount of laxity in the administration? Do you want to allow, by a theoretical adherence or allegiance to the principle of jurisprudence, a practical injustice to be committed on the society? That is the fundamental question which has got to be answered.

My submission is this. The law as it stood—that is, the law as contained both in the Defence of India Rules and in the Essential Supplies (Temporary Powers) Act—was to my taste and to my liking. Even then I objected when my hon. friend Pandit Thakur Das Bhargava brought his private Bill. I was about to oppose it so that it should not whittle down the actual provisions. The provisions now found in the present Bill is to a large extent whittling down the original provisions, but I bow to the opinion of the Committee which went into the whole question and then came to the conclusion after examining all the three interests which I have cited before, that the very severity of the punishment provided for in the Essential Supplies (Temporary Powers) Act has been its defect. That is to say, finding that the courts are obliged to give punishment by way of imprisonment as well as the punishment by way of fine, they have come to the conclusion that it is not necessary to provide such severe penalties, but a certain amount of discretion may be vested in the courts. That is carried out in this Bill. If you kindly take clause 7, what it says is this. The ordinary rule with regard to any punishment is that a person who is guilty will be sentenced to imprisonment as well as fine and a discretion is given to the court that for reasons to be recorded in writing, they may give one or the other punishment. Even if you provide the ordinary rule

[Shri Venkataraman]

with regard to this legislation, namely that the person may be sentenced to imprisonment or fine or both, a discretion vests in the court. The only difference is that, in the case of an offence or in the case of violation of the Essential Commodities Act, when this Bill becomes an Act, the court will have to say why the punishment of imprisonment was not given or why the punishment of fine was not imposed. That is to say, the normal procedure would be that the court should impose both the punishments but in certain cases where the equities of the case or the circumstances of the case so demand, it can exercise its discretion of awarding one or the other punishment. I consider that this is the most equitable thing to do, unless you want to make a fetish about the Control Order and you do not want to give it a higher status or a higher position than any other law. I am very anxious that this law should be given a higher status than any other ordinary penal law. In the case of theft, one person is robbed; in the case of violation of a Control Order, society is robbed. When a man corners....

Shri U. M. Trivedi: Theft is also an offence against society; it is not a private wrong.

Shri Venkataraman: It is an offence against society, but the person who loses money is an individual.

Shri U. M. Trivedi: That would be unjust.

Mr. Chairman: The hon. Member may continue his speech.

Shri Venkataraman: That is a theory with which you may not agree, but which has been accepted by a large number of people. This is the utmost that can be done under the Control Orders. Unless you want to nullify the Control Order, unless you have a just law which would be enforced to perfection, you cannot go beyond this.

Then, I come to the next point, namely punishment with regard to companies. My hon. friend Shri U. M. Trivedi quoted a latin maxim. I am not going to deal with that now because the question that has got to be considered is the point which Pandit Thakur Das Bhargava has raised with regard to companies, namely, whether a company may be allowed to nominate a person as the person responsible for a particular offence. The original law, as it stood, fixed the liability on every director, every manager or every secretary or every other person connected with the management. The law as introduced in this Bill makes a distinction. The distinction is very important. It says that only the person in charge of and responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty. What it now says is, even though the company may have 10 or 12 directors, nine of them may be sleeping directors and they may only get the sitting allowance and it is only the other three persons who are concerned with the conduct of the business or responsible for the conduct of the business of the company who would be liable under the law as it is now proposed, while under the previous law, every director, that is, all the 12 directors will be charged. The nine sleeping directors would go to the court and say that they are only sleeping directors, that they do not take active interest or do not participate in the management of the company and therefore they should be absolved from liability. On the other hand, the burden of proving that the person who is prosecuted before the court is the person who is responsible for the conduct of the business of the company is on the prosecution and that is being done. If the person who is placed before the court is not responsible, still it is open to him to say that notwithstanding the company nominally holding him responsible, he was not really in charge or that he was not

aware of that or that he counted any such action and this would be a relevant defence. That is provided for in the exception:

"Provided that nothing in this sub-section shall render any such person liable to any punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention."

This appears to be a balance between two conflicting views, one which insists that every director, every manager or every other person connected with the company should be liable and the other which says that only a person nominated by the company should be held liable. I have grave apprehension about nomination by a company of a person as being responsible. You know under the Factories Act there are a number of offences for which merely a punishment by way of fine is given. Under the Factories Act, somebody is nominated as the factory manager. That manager always goes and says, for violation of health laws, I plead guilty, for violation of ventilation laws, I plead guilty, for violation of working hours, I plead guilty. In short, he is called the 'plead-guilty' manager of a factory. Do you want one man to be nominated as the plead-guilty manager of a company who will merely plead guilty and protect all the other persons who are responsible for the offences? My submission is this. This provision is a radical change from the law as it stood before. This meets the opposition from my hon. friend Pandit Thakur Das Bhargava and no attempt should be made to whittle down the provisions of clause 9. Any such attempt would only make the law unworkable and punishment under the Essential Commodities Bill almost impossible.

I support the Bill as it stands.

Kumari Annie Mascarene (Trivandrum): I oppose the Bill tooth and nail. The experience of the nation is

that the Commerce and Industry Ministry is bringing in this House Bill after Bill either to impose taxes or to exploit the nation in the name of controls. We have just got rid of the controls and the country is feeling very much relieved after the control is taken away. Today, things are cheaper and the poor man can live. Here is a Bill calculated to reimpose those controls and persecute and exploit the poor man. I am surprised that this House should agree to this Bill. If this Bill is passed, it would do a great injustice to the poor classes and the national income as a whole.

I am not concerned with the punishments, etc., under this Bill. They come only after accepting the Bill. I am concerned with the first few lines and clause 1 which run as follows:

"to provide, in the interests of the general public, for the control of the production, supply and distribution of and trade and commerce...(naturally).

I can understand the hon. Minister...

Mr. Chairman: I want the hon. Lady Member to bear in mind that what is before the House is the Bill as it has emerged from the Select Committee.

Kumari Annie Mascarene: Still, I think I can just point out some defects even after it has come from the Select Committee.

Mr. Chairman: Defects the hon. Member can point out, but not oppose the very basis or principle of the Bill. The House stands committed to the principle of the Bill.

Kumari Annie Mascarene: I am opposing the Bill.

Dr. Suresh Chandra: You cannot oppose.

Kumari Annie Mascarene: At any stage, I can oppose the Bill.

Mr. Chairman: Not the principle of the Bill.

Kumari Annie Mascarene: Can I not oppose the whole Bill?

Dr. Suresh Chandra: You cannot.

Kumari Annie Mascarene: I am opposing the whole Bill. I have got liberty of expression here, have I not.....

Dr. Suresh Chandra: You cannot oppose the Bill.

Mr. Chairman: No cross-conversation, please. I would request hon. Members not to carry on cross-conversation in this way. It would not be possible to conduct the business of the House if this sort of thing goes on. I would say this to the hon. Lady Member. When a Bill has come from the Select Committee, the changes that have been made, the changes that the Committee ought to have made, but have not been made, and other things pertaining thereto are more suitable for discussion. The principle has been accepted; that stage is passed.

Kumari Annie Mascarene: I am going to point out the defects in this Bill with regard to clauses 2 and 1.

Mr. Chairman: The clauses may be referred to.

Kumari Annie Mascarene: We have now got controls on cattle, fodder, coal, cotton wool, iron and steel, paper, etc. I wish to point out, why we should have controls on these. The *Accounts relating to Foreign (sea, air, and land) Trade and Navigation of India* gives us statistics with regard to these commodities. It is said on page 4, "Oilcakes of all kinds"—we do not import. Why should we not export them and get money for that?
3 P.M.

For example, we export vegetable oil, and get foreign exchange for it. Why should we control it? Again, we are exporting, not importing, cotton textiles. Why should we control them. Why should not people be allowed to export it and get money for the country? Then, there is coal. Coal we are exporting in large quantities.

Why should you control it; for what purpose? They are all commodities essential for the nation and what we produce beyond our needs we should export and get money. Why should you control them: what is the principle underlying it? I can very well understand Government wanting to nationalise an industry. In that case let Government produce a commodity and distribute it to the people at a cheap rate. But we are supposed to follow a system of mixed economy, in which both the public and private sectors are working. Here are certain industries covered by the private sector and you should give it all encouragement. Here is a Government publication in which statistics are given. I do not understand why there should be control in the cases of those commodities which are not at all imported.

As I said this measure is very injurious to the nation. Though it has come back from the Select Committee, I am in duty bound, as a representative of the people, to point out that it is injurious to the nation and we ought not to allow Government to exercise control over commodities where it is not necessary. We in Travancore-Cochin cannot get coal and the price of firewood has gone very high. The poor man finds it very difficult to purchase firewood to cook his food. Therefore, as the Minister comes from the South.....

Mr. Chairman: The intention is to regulate their production and distribution. Does the hon. lady Member mean that it should be produced and distributed without control?

Kumari Annie Mascarene: If this Bill is meant to send coal to Travancore-Cochin it is all right. But why should you control it?

The Minister of Commerce (Shri Karmarkar): Travancore-Cochin will also be one of the beneficiaries under this Bill.

Kumari Annie Mascarene: That we have got to see: so far we have not.

My contention is that when a commodity is produced in large quantities why should it not be allowed to be exported. If the objective of this Bill is to produce in large quantities and satisfy the dire needs of my State, I shall be much obliged, but that is only a promise. Today the Travancore-Cochin does not get coal not because there is no coal, but the hon. Minister who comes from the South has no interest to see that it is transported.

Shri Karmarkar: I beg to protest: I have the deepest interest in Travancore-Cochin.

Kumari Annie Mascarene: I appreciate his heart, but not his actions. I want to know why these articles like coal, cattle fodder, food-stuffs, etc., should be controlled. Iron and steel I can understand. We have got steel plants. Control it so that nothing is imported. But to speak the truth, as a representative of the people I have been feeling all along that the Commerce and Industry Ministry is not doing its work properly by the country. We are of course in a minority. We have been pointing out now and again that the approach of the Commerce and Industry, particularly in regard to measures like this, is injurious to the nation. I want to voice my protest by again opposing this Bill.

श्रीडत्त ठाकुर वास भागवत : मैं ने बड़ शॉक के साथ यह तफ़्तीर सुनी जो अभी मेरी बहीन मिस मैस्करिन ने दी हैं। लेकिन मुझे अफ़सोस है कि बावजूद उसे बहुत हानितयाक से सुनने के मैं उनके साथ मुताफ़िक नहीं हो सकता हूँ।

यह जो बिल है यह फ़िसबाके हर एक सूबे को, बल्कि हर एक शरूब को फायदा पहुंचाने के लिये है। यह कहा जाता है कि आवनकोर-कोचीन में कोयला नहीं पहुंचता या फलां जगह फलां चीज नहीं पहुंचती, यह डिस्टर्स की बातें हैं। लेकिन मैं अर्ब करना चाहता हूँ कि शायद हिन्दुस्तान में लोग भूले मर जाते अगर यह एक्ट हमारे पास न होता। और कोयला जो कि इतनी तादाद में है वह शायद आवनकोर-कोचीन

में उस तादाद में और उस कीमत पर न मिलता अगर यह कंट्रोल की ताकत गवर्नमेंट के पास न होती। मैं ने कृष्णमूर्ति राव की सदारत में जो कमेटी बैठी थी उसकी रिपोर्ट पढ़ी है। उससे मुझे मालूम हुआ और मैंसे भी मैं ने पूछा है कि जब चीजें कम मिलती हैं तो बिल गवर्नमेंट के कंट्रोल के बें ठीक कीमत पर नहीं मिल सकती हैं। और मैं समझता हूँ कि वह गवर्नमेंट अपना एक जरूरी फर्ज अदा नहीं करती जो कि चीजों के कम मिलने के वक़्त कंट्रोल कर के उनको बाज़िब कीमत पर मुहैया नहीं करती।

इसलिये जहां तक इस बिल की अहमियत का सवाल है इसके बारे में तो कोई दो रायें नहीं हो सकती हैं। यह बिल निहायत जरूरी है और जब कि हमने इसका अर्मेन्डमेंट पास किया था तो वह भी इसी गरज से पास किया था। मैं हर एक चीज में नहीं जाना चाहता क्योंकि हमने अर्मेन्डमेंट पास किया। मैं समझता हूँ कि इस वक़्त इस पर बोलना कि इस बिल को क्यों लाया गया, यानी इसके ऑरिजिनल प्रिंसिपल पर बोलना, इस बिल के परब्ले के बाहर जाना है। इस वजह से मैं जनाबवाला की खिदमत में बही चन्द बातें अर्ब करना चाहता हूँ जो कि इस बिल से रिलेवेंट हैं।

एक जमाना था कि लोगों को कंट्रोल की वजह से बड़ी दिक्कतें होती थीं, सारे मुल्क में कंट्रोल की वजह से करप्शन फैला हुआ था। आज जब कंट्रोल बहुत कम हो गया है तो उस जमाने की याद करके लोगों के रोंगट खड़े हो जाते हैं। कंट्रोल के जमाने में जितना करप्शन था यह हर एक जानता है। लेकिन अगर जरूरी चीजें मिलना मुश्किल हो जाय तो यह जरूरी हो जाता है कि कंट्रोल लागू किया जाय। कल ही हमने सुना है कि अजित प्रसाद जैन साहब ने डॉ. जॉन्स में फूड के मूवमेंट पर कंट्रोल था उसका सिवा कुछ थोड़ी सी चीजों के खत्म कर दिया है। इससे मालूम होता है कि गवर्नमेंट खुद नहीं चाहती कि कंट्रोल हो और आहिस्ता आहिस्ता वह सब कंट्रोलों को हटा देना चाहती है। और मेरे ख्याल से बही गवर्नमेंट सबसे ज्यादा

[पीडित ठाकुर दास भार्गव]

कामयाब भी हैं जिसके बारे में लोगों को यह न मालूम हो कि कोई गवर्नमेंट हैं या नहीं। उस दिन गवर्नमेंट सबसे ज्यादा कामयाब समझी जायगी जब कि लोग यह भूल जायेंगे कि गवर्नमेंट कोई रीस्ट्रिक्टिव स्टेप्स ले रही हैं, जैसे कि इन्सान की तन्दुरुस्ती तभी ठीक समझी जाती है जब कि वह यह न महसूस करे कि उसका लिवर कहाँ है। अगर गवर्नमेंट का कंट्रोल न हो और सब चीजें ठीक तरह से चलती जायें तो वह गवर्नमेंट निहायत कामयाब है। किसी गवर्नमेंट के लिये कंट्रोल लगाना कोई प्लेजर की चीज नहीं होती है। लेकिन गवर्नमेंट का यह फर्ज है कि अगर चीजें कम हो जायें तो हर एक आदमी को बाज़ार कीमत पर चीजें मुहैया की जायें, और यह कंट्रोल के जरिये ही हो सकता है। जब हम इस बिल को देखते हैं तो हमें वह वक्त याद आता है जब कि मुन्शी साहब ने हमारी मर्जी के खिलाफ इस कानून को तोड़ने के लिये सात साल की सजा कर दी थी। इससे बड़े आदमियों को तो सजा नहीं हुई लेकिन छोटे छोटे जमींदारों और लेबरर्स को बहुत नुकसान पहुँचा। उनकी गवर्नमेंट ने हजारों की तादाद में जेल में बन्द कर दिया। उस वक्त इतना सख्त कंट्रोल था कि कोई पांच मील से बाहर का गल्ला नहीं ला सकता था। इसलिये अगर कोई बाहर से, जहाँ कि गल्ला बहुत था, अपने लिये गल्ला लाता था तो उसको उसके ट्रांसपोर्ट की कीमत गल्ले की कीमत से भी ज्यादा देनी पड़ती थी। लेकिन बावजूद इसके मुझे जरा भी यह तसलीम करने में ताम्मुल नहीं है कि मैं इस बिल के प्रिंसिपल्स के हक में हूँ और मैं चाहता हूँ कि ऐसा बिल हमारा सेंजिस्लेचर पास करे।

जहाँ तक इस बिल की दीगर बातों का सवाल है, मैं आनरबल मिनिस्टर को दिल से मुबारकबाद पेश करता हूँ कि इस बिल के अन्दर वे तमाम गंदे फीचर्स जो पुराने बिल में थे और जो डिफेंस आफ इंडिया एक्ट की तरह का पैनिकी लीजिस्लेशन था, वह इसमें मौजूद नहीं हैं। श्री वेंकटरामन और श्री त्रिवेदी ने

अभी बतलाया कि पहले कितना रीस्ट्रिक्टिव प्राविजन था कि किसी आदमी की बेल नहीं होगी जब तक कि पब्लिक प्रासीक्यूटर आ कर प्रीक्टिकली एंग्री न कर जाय। हर एक जायदाद जिसके वास्ते ज़ुर्म किया गया है, उसके लिये इसके अन्दर मौजूद है कि हर एक सूरत में सजा के सिवा दूसरी कोई चीज नहीं होगी, फूड ग्रूस के लिये सात साल की सजा होगी और हर एक जायदाद जिसके वास्ते ज़ुर्म किया गया है जन्त कर ले जायगी, आज यह प्राविजन कहाँ इसमें मौजूद है? आज के दिन यह बिल बहुत इम्पूव्ड है और जो इसके आम्बेक्शनबुल फीचर्स थे वह सब के सब तकरीबन इसमें मौजूद नहीं हैं। मैं अदब से अर्ज करना चाहता हूँ कि यह बिल नार्मल टाइम्स के वास्ते है।

आज के दिन उसकी अगर कोई ज़रूरत पड़े, ऐसा वक्त आये, देश के अन्दर इमरजेंसी हो और इन चीजों की कमी हो जाय तो मैं श्री वेंकटरामन के इस कथन से सहमत हूँ कि हमें ज्यादा सक्ती का बिल लाना पड़ेगा और इस बिल के प्राविजनस को कुछ ज्यादा सख्त बनाना पड़ेगा। वक्त के मुताबिक हम कानून बनाते हैं। आज जो हम कानून बना रहे हैं, तो ठंडे दिल से इस कानून को सोच रहे हैं। हम उस पैनिकी सूरत में नहीं हैं जो इन लड़ाई के बाद और लड़ाई के दिनों में थी, वैसी बात आज नहीं है। मैंने बहुत सारे मुकदमों इसके बाबत किये हैं, ब्लैक मार्केटिंग और इस एक्ट के मातहत किये हैं और जनाबवाला सुन कर हैरान होंगे कि मैंने देखा कि एक आदमी पर सिर्फ इसलिये मुकदमा चलाया गया था कि उसने पांच रुपये के नोट को तोड़ने में दो, ढाई आने बढ़ा ले लिया था, पांच रुपये की रंजगारी में दो, ढाई आने के पैसे कम दिये थे। अब यह सब कोई जानता है और यह कामन नासेज है कि आप किसी स्टेशन पर जाइयें या कहीं तीर्थ पर जाइयें तो एक रुपये की रंजगारी अगर आप लेना चाहें तो रंजगारी देने वाला एक पैंसा रुपये के विसाब से बढ़ा लेगा और आपको केवल ६२

पैसे ही दंगा और यह तो रंकगनाइज्ड कमीशियल प्रीक्टिस हो गयी है। तो मैं बतला रहा था कि उस सख्स ने दो, ढाई आने कम दं दिये और वह ले कर चला गया और अवालत ने इसी जुर्म पर उसको डेढ़ साल की कैद और हजार या पन्द्रह सौ रुपये जुर्माने की सजा सुना दी। जब वह आदमी अपील में गया तो मैंने जब के सामने अर्ज किया कि यह तो रंकगनाइज्ड प्रीक्टिस है, आप कहीं भी जायें रुपये की रजगारी भुनाने में एक आध पैसा बट्टर का देना पड़ता है और यह बट्टा गवर्नमेंट गजट के अन्दर जहां भाव छपते हैं, पहले वहां छपा करता था। मैंने कहा कि इसके लिये इतनी सख्त सजा देना कुछ ठीक नहीं जान पड़ता है। जब की समझ में कुछ आया और उसने डेढ़ साल की सजा को घटा कर डेढ़ महीने कर दी। मैं और भी कहीं मिसालें देता लेकिन अब वक्त नहीं है और मैं ज्यादा वक्त नहीं लेना चाहता, लेकिन ऐसे रिस्क्शंस थे जिनकी वजह से सोशल कंशंस लोगों की इसके बिस्कुल बरीखलाफ थी और आज इसके बरीखलाफ मेरी बीहन बोलती है, श्री राघवचारी ने इसका विरोध किया और यह उस जमाने में बड़ी सख्ती से वर्ता गया जब कि दूसरी गवर्नमेंट थी, डिफेंस आफ इंडिया एक्ट लागू था, आहिस्ता आहिस्ता उसका साथ कम होता गया और हमने कंट्रोल को अपने देश से हटाया, उसकी हिस्ट्री आपको बखूबी मालूम है। उसको घुड़राने की जरूरत नहीं है। कंट्रोल बड़ी मुश्किल से कहीं जा कर हम लोग अपने देश से हटा पाये हैं। बड़े बड़े कांग्रेस मिनिस्टर्स कंट्रोल के हटाने के बरीखलाफ थे, हमारी पार्टी ने एक कमेटी मुकरर की जिसने सन् १९४९ में कंट्रोल के खिलाफ रिपोर्ट पेश की, उसको किसी ने आंख उठा कर नहीं देखा। भला हो श्री राजगोपालाचार्य और स्वर्गीय श्री किशोर का जिन्होंने कि इस अपोजीशन को एक तरह से खत्म किया कि आज हम यह देखते हैं कि कंट्रोल का नाम लेते डरते हैं, हालांकि कंट्रोल उठा दिये गये हैं फिर भी कितनी ही चीजों पर जैसे कोल पर कंट्रोल है, कोल प्राइसेज कंट्रोल है, कोल प्राइसेज कंट्रोल न हों तो कोलियरी में काम करना मुश्किल हो जाय, किन्हीं खास

खास चीजों का कंट्रोल बिस्कुल लाजिम है चाहे पीस टाइम हो चाहे बार टाइम हो। मैं जहां यह कहता हूं वहां यह भी मानता हूं कि इन कंट्रोल की वजह से हमारे देश में काफी बेईमानी और भ्रष्टाचार फैला है, लेकिन जहां तक कंट्रोल के प्रिंसिपल्स का ताल्लुक है, मैं उनके बरीखलाफ नहीं हूं। जनाबवाला के रूबरू जो यह बिल आया है, इस पर मैंने एक छोटा सा नोट आफ डिसेंट लिखा है और उसकी हिस्ट्री जो श्री वेंकटरामन ने फरमाई, उसमें बहुत कुछ सदाकत है। मुझे अफसोस है कि उन्हें किसी दूसरी कमेटी में तशरीफ ले जाना था, इसलिये वह यहां पर नहीं रुक सके और जो कुछ मैं जवाब दूंगा वह उनके कानों तक नहीं पहुंचेगा।

यह कानून इतना सख्त था और इतना जुरिसप्रूडेंस के खिलाफ था और इस नुकतीनगाह से बनाया गया था कि जो हम इस हाउस में कई दफा देखते हैं, इन्साफ का तकाजा यह है, कोई मुलाजिम गरीब हो या अमीर, हम को एक्क ही निगाह से उसको देखना चाहिये। कानून की निगाह में एक जुर्म के इनग्रीडिएंट्स रखते वक्त हमको यह ख्याल रखना चाहिये कि दरअसल वह फेल जिसको कि हम जुर्म करार देते हैं वह जुर्म बनने का हकदार है या नहीं। यह दुरुस्त नहीं होगा कि अगर किसी कम्पनी के बरीखलाफ, किसी अमीर आदमी के बरीखलाफ आप जुर्म बनायें, लेकिन यह न देखें कि आया इसका कसूर है भी या नहीं। आप उसे जुर्म की सजा नहीं देते हैं, उस को अमीर होने की सजा देते हैं। कम्पनी को इस बात की सजा नहीं दी जाती है कि जुर्म किया या नहीं बल्कि इसलिये दी जाती है कि कम्पनियां आम तौर से सेबर्स के साथ इन्साफ नहीं करती हैं, मैं मानने को तैयार हूं। मैं मिस्टर वेंकटरामन के साथ हूं कि जहां तक सेबर्स का सवाल है, उनके हक की हिफाजत करें। मैं इसको एक मिनट के वास्ते भी नहीं मान सकता कि एक डाइरेक्टर या और किसी को जिसने कोई जुर्म नहीं किया, उसको आप गिल्टी करार दें, इस वास्ते कि जैसा श्री वेंकटरामन सोचते हैं कि इस डिपार्टमेंट ने गलती की है, मिनिस्टर ने गलती

[पीठत ठाकुर दास भार्गव]

की और इसको वाटर डाउन कर दिया है। मेरे विचार में दो तीन कंसेज आये जिनकी वजह से यह तब्दीली की गई है और हाउस में जोर दिया गया कि इसे तबदील किया जाय क्योंकि इसके रहते तो डाइरेक्टर, मैनेजर, सेक्रेटरी हर एक शख्स जुर्म का विकीरियसली गिल्टी है। आप ही बतलाइये कि अगर एक जगह जुर्म हो जाय, एक शख्स कम्पनी का डाइरेक्टर विलायत के अन्दर बैठा है और वह शामिल नहीं होता कम्पनी की मीटिंग में भी मैनेजिंग एजेंट कम्पनी का काम करता है, डाइरेक्टर सिर्फ उस रोज जिस रोज मीटिंग होती है चालीस पचास रुपये जेब में डाल लेता है तो वह भी शख्स गिल्टी है, जैसे मैनेजिंग एजेंट गिल्टी कहलाते हैं उसी तरह से डाइरेक्टर भी गिल्टी है। कम्पनी में एंडीमिनिस्ट्रेशन और बिजनेस की कितनी ही शाखाएँ होती हैं और मौजूदा प्राविजन से यह होगा कि ऐसे डाइरेक्टर और दूसरे अफसरान हालाँकि उनका उस गिल्ट से कोई ताल्लुक नहीं होगा लेकिन वह भी गिल्टी समझे जा सकते हैं। प्रेजेन्ट प्राविजन बेग और अनवर्कबुल है। इसकी रू से वह शख्स भी गिल्टी हो जायेंगे जिनको कि पता भी नहीं था कि क्या जुर्म हुआ और क्या जुर्म नहीं हुआ। यहां पर मैं आपको बतलाऊँ कि एक डाइरेक्टर साइब मेरे पास तशरीफ लाये कि मुझ को बचाइये, मेरा इसमें कोई कसूर नहीं है। मैंने जब उनका केस दूँला तो पाया कि एक मैनेजिंग डाइरेक्टर के बरीखलाफ पुलिस ने रंड किया और जैसा कि पुलिस का कायदा होता है सीक्रेटली उस मैनेजिंग एजेंट के पास एक आदमी को भेजा कि तुम उसके पास से वह चीज खरीद लो, ब्लैक मार्केटिंग का साँदा हुआ और उसको माँके पर रंगे हाथों पकड़ लिया गया, डिप्टी कमिशनर और दूसरे आला अफसरान माँके पर मौजूद थे, उन्होंने यह सारा प्लान सीक्रेटली अर्रज किया था ताकि उसको माँके पर रंगे हाथों पकड़ा जा सके और पुलिस हमेशा ऐसे कंसेज में सीक्रेटली ही काम करती है क्योंकि अगर ब्लैक मार्केटर को पता चल जाय कि ऐसा होने वाला है तो वह

पकड़ा ही नहीं जा सकता है और वह ब्लैक मार्केटिंग करेगा ही क्यों। पुलिस ऑफेंडर को गिरफ्तार करती है और उस सामान को और उस रुपये को अपने कब्जे में ले लेती है और उसी बीसस पर उस पर मुकदमा चलता है। ब्लैक मार्केटर को क्या मालूम कि पुलिस ने उसको फांसने का जाल बिछा रखा है। मेरा तो कहना है कि ब्लैक मार्केटिंग तो करता है मैनेजिंग एजेंट, फिर उन डाइरेक्टरों को क्या मालूम कि मैनेजिंग एजेंट चोर बाजारी कर रहा है। ब्लैक मार्केटिंग के जुर्म में दिल्ली के एक ताजिब के आदमी को यहां पर गिरफ्तार कर लिया गया और कई लोग गिरफ्तार कर लिये गये, वह मेरे पास आया, लांअर कोर्ट ने उसे सजा दी यह मानते हुए भी कि क्राइम तुम्हारे इल्म से नहीं हुआ, तुम ऐसा नहीं कर सकते थे, मैं तो हैरान रह गया कि उसको दो साल की सजा हो गयी। एक ही मामला नहीं, मैं ऐसे कई केस बता सकता हूँ। मुझे खुद भिवानी मिल्स के मुकदमे का तजुर्बा है जिसमें वहां के एक छोट अहलकार को जो एकाउंटेंट या खाजान्ची था तीन साल की सजा हुई और ६ हजार का माल जो उस कम्पनी का था वह पकड़ लिया गया और वह छह हजार का माल फोरिफट कर लिया गया। चीन कानून यह था कि वह जायदाद जन्त कर ली जाय जिसके मुताल्लिक यह हुआ हो, इस वजह से वह जायदाद छह हजार रुपये की कम्पनी की खत्म हो गई हालाँकि कम्पनी व डाइरेक्टर बंक्सर करार दिये गए। आप का कानून ऐसा बढ़िया था जो कानिस्ट्रक्शन के खिलाफ था। कानिस्ट्रक्शन में अभी दफा १६ (एफ) मौजूद है, लेकिन बाबजूद उस के रहने के आप का कानून यह था कि कोई जुर्म करे या न करे, किसी को नुकसान हो या न हो, लेकिन वह जायदाद जन्त हो जाय। मैं खुश हूँ कि आप ने उस कानून को इस बिल के अन्दर ठीक कर दिया है। मैं बहुत अदब से अर्ब करना चाहता हूँ कि उन्होंने जो तब्दीली की उस के लिये मैं मिनिस्ट्री को मुबारकबाद दूँता हूँ और अब यह पहले के मुकामले में बंटेर ला है। श्री कृष्णमाधारी और श्री वेंकटरामन इस उस्ल को अब मानने

के लिये तैयार भी हैं कि फिलवाक्या मामूली ला और कंट्रोल ला में किसी कदर फर्क हैं। कंट्रोल ला हमेशा ज्यादा सख्त होता है और अगर वह ज्यादा सख्त न हो तो अपना परपज ही डिक्रीट कर देगा। मैं तो कहता हूँ कि मैं कंट्रोल ला को मामूली ला से ज्यादा सख्त देखना चाहता हूँ, मैं बिल्कुल इस के हक में हूँ लेकिन यह दूसरी चीज है। मैं ने दो तीन एग्मेंटमेंट्स भेजे हैं और उन में, जनाबवाला सुन कर हँसाने होंगे, कि मैं ने इस उसूल को टच भी नहीं किया है कि जिस मामले में सम्बन्धित क्राइम हो उस में सजा लाजिमी हो, यह यकीनन जायज चीज है। मैं ने जिस चीज के बारे में एग्मेंटमेंट दिया है वह सिर्फ इस कदर है कि जिन सूत्रों में हिस्सा किताब का सवाल हो, जिन सूत्रों में प्लैकार्ड वगैरह लगाने का सवाल हो, जिस के अन्दर भाष वगैरह लिखा जाय या अगर कोई स्टैटिस्टिकल इन्फार्मेशन मांगी जाय और उस के भेजने में कोई कोताही हो जाय, ऐसी सूत्र में मंत्री महोदय ने मान लिया है कि तीन साल के बजाय एक ही साल की सजा दी जाय और यह भी एंग्री कर लिया कि अगर अदालत फाइन करना चाहे तो फाइन ही कर दे, लेकिन बज्हात दे। अगर जुर्म जरा सा हो तो वह (एच) था (आई) में आता है। यानी जो जुर्म स्टैटिस्टिकल इन्फार्मेशन या दूसरी मामूली बातों के बारे में हों, जिन के अन्दर जुर्म टेक्निकल टाइप का हो, उन के अन्दर आप अदालत को अख्तियार दे दे कि अदालत कैद करे या जुर्माना करे। आप उस को मजबूर न करें कि वह बज्हात दे क्योंकि अगर आप अदालत को मजबूर करते हैं तो आप इन्डिकेशन देते हैं कि वह बिना इन्साफ की तरफ देखे जरूर कैद की सजा उस के अन्दर दे दे। यह चीज गलत है।

मेरा एक एग्मेंटमेंट तो यह है जो कि बिल्कुल बिल के उसूल को टच नहीं करता क्योंकि अगर उसूल को यह टच करता होता तो मैं बहुत अदब से आनरबल मिनिस्टर इन्चार्ज से और श्री बैंकटरामन से पूछना चाहता हूँ कि उन्होंने तीन साल के बजाय एक साल को क्यों मान लिया ? उन्होंने उस को इसीलिये मान

लिया कि वह एग्मेंटमेंट बिल्कुल दुरुस्त था।

इस के अलावा मैं यह चाहता था कि जो दूसरा हिस्सा है उस के अन्दर आप ने लिखा था कि कोर्ट जरूर सजा दे और बज्हात लिखे क्योंकि वह सम्बन्धित चीज है। कंट्रोल के अन्दर पहली चीज यह है कि कंट्रोल तभी काम करेगा जब लोगों के अन्दर इस का डर रहे कि कानून की खिलाफवर्जी करने पर काफी सजा होगी, लेकिन अगर आप यह कहें कि टेक्निकल चीजों के बारे में जरूर सजा दी जाय तो यह उसूलन गलत है। मैं बँधम साहब के इस चौथे उसूल की तरफ हाउस की तबज्जह दिलाता हूँ जिस में उन्होंने फरमाया था कि जो चीज बँत से कराई जा सके उस के लिये डंडा इस्तेमाल न करो क्योंकि अगर डंडा इस्तेमाल करोगे तो लोग जुर्म ज्यादा करेंगे। हर एक जुर्म के वास्ते इंडियन पीनल कोड में सजा रंगुलेटड है। हमारे बिल में भी रंगुलेटड है। तीन साल बड़े जुर्मों के लिये और एक साल मामूली जुर्म के लिये। लेकिन जब आप ने यह किया है तो कम से कम यह अख्तियार भी तो दीजिये कि वह बिना बज्हात दिये फाइन कर दे। अगर हम कोर्ट्स के ऊपर एतबार न करें तो यह कानून कामयाब नहीं हो सकता है। यह ठीक है जो श्री कृष्णमाचारी साहब ने फरमाया कि कोर्ट्स गलत बिजु नहीं लेते हैं, और लेना भी नहीं चाहिये। अगर कोर्ट के सामने कोई किसी निरपराध आदमी को पेश कर दे तो किसी कोर्ट की कौनसे गवाही नहीं देगी कि वह छोट छोट जुर्मों के लिये किसी को जेलखाने भेज दे। यह बिल उसी वक्त तक कामयाब हो सकता है जब तक कि सोशल क्वांटिटी आफ बिपीएल इस के साथ रहेगा।

मेरा दूसरा एग्मेंटमेंट यह है और वह बड़ा छोटा सा है। मैं इस उसूल को मानता हूँ कि कम्पनी या अगर कम्पनी का प्रिंसिपल ऑफिसर, जो कि एक जिम्मेदार शख्स है, अगर वह आप का हुक्म नहीं मानता है आप उस के साथ सख्ती से पेश आइये। अगर आप उस के ऊपर बर्न आफ प्रूफ भी डाल दे तो मैं उस के खिलाफ भी नहीं हूँ। मेरा एग्मेंटमेंट तो यह है कि जो बाकी

[पीडित ठाकुर दास भार्गव]

के नीचे के लोग हैं उन को आप सजा न दें। मैं भी चाहता हूँ कि आप के हुक्म की, आप के डाइरेक्शन्स की कम्प्लायेंस हो और देश में चीजों की कमी न हो। लेकिन अगर आप किसी को बंजा तोर पर सजा दें तो यह कानूनन गलत चीज है। मैं हीरिज इस को मानने के लिये तैयार नहीं हूँ। कायदा यह है कि कानून उस वक्त माना जायेगा जो एक आदमी को तो आप मुकर्रर करें कि यह जुर्म का जिम्मेदार है। अगर किसी कानून में आप उस आदमियों को जिम्मेदार बना दें तो वह कभी काम नहीं कर सकेगा। पहले आप यह तो तय कीजिये कि किस का क़स्ूर है। चुनावे मेरा एग्मेन्ट यह है। मैं भी कहता हूँ कि कंट्रोल आर्डर सलत होना चाहिये, हम उस आदमी को पकड़ लें जो रिअल इन्बार्ज आफ दि क्राइम हो, लेकिन किसी कम्पनी में आप जायें और कहें कि यह आफेंस किया गया वह आफेंस कैसे किया गया। उस के अन्दर आप किसी एक आदमी को पकड़ सकें तो पकड़ लीजिये कि हम ने देखा कि फ्लां ने आफेंस किया है। क्योंकि आप लिखते हैं :

"If the person contravening an order made under section 3 is a company, every person, who at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company....."

मैं अर्ज करूँगा कि आप यह ग़ौर करें कि कौन शख्स वह है जो चार्ज में है, या रस्पान्सबल है डिजनेस आफ दि कम्पनी का। उस आदमी होंगे जो मल्लिलफ बांघों के एंडीमीनिस्ट्रेशन के चार्ज में होंगे। आप का जो डाइरेक्शन होगा वह एक बांघ के मुताल्लक ही नहीं होगा, उस के मुताल्लक होगा। आप किस को पकड़ेंगे और कौन सा रूल एप्लाई करेंगे। आप को यह परेशानी हो जायेगी। इस के बजाय मैं यह कहता हूँ कि आप कम्पनी को हुक्म दीजिये, कम्पनी का फर्ज होगा कि वह एक आदमी मुकर्रर करें जो कि कम्पनी के लिये रस्पान्सबल हो और डाइरेक्शन्स के कम्प्लायेंस

के लिये जिम्मेदार हो। मैं पहली बात यह चाहता हूँ कि वह इन्सान जाती तोर पर रस्पान्सबल हो, वह खुद इन्स्ट्रक्शन्स को मनवायेगा। उस के बाद अगर आप उस पर मुकदमा चलायें तो उस को यह कहने की गुंजाइश नहीं होगी कि मुझे इल्म नहीं था कि मुझे काम कराना है। इस में यह जरूर हो सकता है, बँसा कि मेरे लायक दोस्तों ने सिलेक्ट कमेटी में डर जाहिर किया था, कि एक छोटा सा आदमी मुकर्रर कर दिया जायेगा और वह डमी होगा। वह सजा पाने के लिये मुकर्रर कर दिया जायेगा। मैं ने यह समझ कर कि यह बहस की जा सकती है और फिलवाकया हो भी सकता है कि एक अमीर आदमी एक २०० रुपये तनख्वाह का मैनैजर मुकर्रर कर दें और मुकदमा हो तो वह उस को भेज दें। इसीलिये मैं ने यह लिखा है कि वह शख्स वह होगा जिसे गवर्नमेन्ट एप्रूवल दें। यह नहीं कि आप ए, बी, सी किसी को मुकर्रर कर दें। गवर्नमेन्ट कहेगी कि वह तुम्हें हुक्म देती है कि किस आदमी को रखो। किसी ए, बी, सी को गवर्नमेन्ट नहीं मानती। गवर्नमेन्ट ने शुगर फैक्ट्रीज के लिये यह रूल बना रक्खा है कि जो सब से बड़ा अफसर है वह सारं काम का जिम्मेदार होगा। जब गवर्नमेन्ट को हम ने मामूली फैक्टूरियों के लिये यह पावर दी है कि गवर्नमेन्ट उस आदमी को एप्रूब करे क्योंकि फर्म के आदमी पर गवर्नमेन्ट को एंतबार नहीं है तो यह कंट्रोल आर्डर तो सारी सांसाइटी के बचाव के लिये है। मैं और ज्यादा इसरार करता हूँ कि ऐसी हालत में वह कानून के एन्फोर्समेन्ट की तरफ ध्यान दें। यह न देखें कि मुकदमा किस पर चलेगा। एन्फोर्समेन्ट तभी मुमकिन है जब आप एक आदमी को मुकर्रर कर दें और जिसे मालूम है कि मेरी बेइज्जती हो जायेगी या मुझे कँद हो जायेगी। यह जो चीज आप ने बना रखी है इसी वजह से मुकदमे कमजोर हो जाते हैं। तेज सुनते हैं कि कोर्ट्स मुकदमे छोड़ देते हैं। मैं बहुत अदब से अर्ज करना चाहता हूँ कि कोर्ट्स आप की बेगरीज के साथ नहीं जा सकते हैं। वह हर एक आदमी को सजा नहीं दें सकते हैं। इसीलिये मैं कहता हूँ कि अगर एमा रूल

हो जायेगा तो जुडीशियरी की सारी इन्वेंपेंडेंस खत्म हो जायेगी और जुडीशियरी आप के साथ कोआपरेट नहीं करेगी जब तक आप उस को थ्रू मोका न दें कि वह यह कह सके कि फ्लां शस्स ने जुर्म किया है ।

जहां तक बर्टन आफ प्रूफ का सवाल है, मेरे एग्जाम्पल में तो वही बात रखी गई है, जैसा कि श्री वेंकटरामन साहब ने भी कहा है :

Better enforcement and compliance of the rules will secure better convictions also.

मुझे, जनाब की इजाजत से, कुछ ही अल्फाज और अर्ज करने हैं । इस कानून को और सख्त करने के वास्ते ६ (२) में एक और व्हा लिस दी :

"Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, or secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

मेरी अदब से गुजारिश है कि इस जाल को रीजतना ज्यादा फैलाये वे उतना ही लोग एन्वुड कर जायेंगे । मैं चाहता हूँ अगर किसी डाइरेक्टर की गलती है उसको सजा दो, मैं इसके खिलाफ नहीं हूँ लेकिन सार्व जुरिसप्रुडेंस को आप देखें, आई० पी० सी० को आप देखें निगलेक्ट के आप को तीन चार जुर्म मिलेंगे । निगलेक्ट में उन सुरतों में सजा दी जाती है जहां कि कॉन्सक्वेंस बड़ डिजास्टरस हैं । अगर कोई रेश इआईबग करता है तो उसको निगलेक्ट की सजा दी जाती है । लेकिन अगर आप कोई स्टैटिस्टिकल इन्कारमेशन मांगते हैं और चाहते हैं कि वह एक मुकरर तारीख तक आप को पहुंच जाये लेकिन उसके अन्दर एक रिस्पॉन्सिबल अपसर

जो है या जो इंचार्ज है वह तो परवाह नहीं करता लेकिन अगर एक बराबे नाम गलती एक क्लर्क से हो जाये उसको निगलेक्ट के जुर्म में कैद कर दिया जाये यह गलत बात होगी । निगलेक्ट में और मैसरी में कनाइवेंस में और कन्वेंट में बहुत फर्क है । निगलेक्ट में आदमी जान बूझ कर जुर्म नहीं करता कॉन्सक्वेंस उसके भले ही ऐसे हों । ६(२) के अन्दर निगलेक्ट का सवाल नहीं है । यहां पर बड़े आदमियों का सवाल आ जाता है । लेकिन जहां छोटे गरीब क्लर्क का या छोटे मुलाजिम का सवाल आता है तो वहां पर निगलेक्ट आ जाता है । ये वे आदमी हैं जिन को किसी फेल के लिये जिम्मेवार नहीं ठहराया जा सकता है । इन के केस में *the is attributable to the neglect* को भी नहीं रखा गया है । क्रिमिनल ला में भी यह चीज रियर है कि निगलेक्ट को इस तरह पनिश किया जाये ।

Shri U. M. Trivedi: This provision is unique.

पीडित ठाकुर दास भार्गव : तो मैं अर्ज करता हूँ कि अगर आप ने निगलेक्ट रखना है तो इसको कम्पेबल निगलेक्ट कर दीजिये । मैं सख्ती से अर्ज नहीं करना चाहता लेकिन इतना जरूर अर्ज करूंगा कि जो जुर्म कर आप उनको सजा दें लेकिन उसके साथ साथ आप यह भी देखें कि जो असली आदमी हैं उनको भी जब वे गलती करते हैं सजा होना चाहिये न कि सिर्फ छोटे आदमियों को जो कि इस के लिये कम्पलीटली जिम्मेदार नहीं ठहराये जा सकते हैं । इस निगलेक्ट को जैसे हैं वैसे रखना मेरे त्रिचार में हर एक प्रिंसिपल के खिलाफ है, जरायम के प्रिंसिपल के खिलाफ है । अगर इसको ऐसे ही रहने दिया गया तो मैं अर्ज करता हूँ कि जब इन छोटे आदमियों को निगलेक्ट के लिये आप सजा दें तो उनके बीवी बच्चों का क्या बनेगा जो कि रोटी के लिए उन पर निर्भर करते हैं.....

एक माननीय सदस्य : बड़े आदमी भी तो जेल जाएंगे ।

पीडित ठाकुर दास भार्गव : उन में और इन में बहुत फर्क है, उनको तो कस्ट क्लॉस मिलेगी

[पंडित ठाकुर दास भार्गव]

लीकिन इन बंधारों तो सँज में ही रहना पड़ेगा। यहाँ पर तीस चालीस या पचास रुपये माहवार पाने वाले को बिना किसी कसूर के लिये एक या तीन साल के लिये जेल भेज दिया जायेगा। कंट्रोल के जमाने में आप जानते हैं कि छोट-छोट आदमी बिना इम्तियाज के हजारों की तादाद में जेल गये लेकिन आप ने बहुत कम बड़े आदमी जेल भेजे गये सुने होंगे। मैं वार टाइम में जैसे छोट आदिमियों पर सख्तियां हुईं उन में नहीं जाना चाहता हूँ, यह आप को मालूम ही है। लेकिन अब जब आप पीस टाइम में एव प्रोविजन्स लागू करने जा रहे हैं तो मैं अर्ज करना चाहता हूँ कि आप इसको ज्यादा मत बढ़ायें। मैं ने इस वास्ते तीन चार तरमीमों इस बिल में दी हैं जो कि फिलवाक्या इस बिल के उसूलों के एन मुताबिक हैं और अगर ये उन तरमीमों को न मानें तो इन की मर्जी है। सिबीयर ला होना चाहिये इस के बार् में मेरी राय यह है कि जब कभी कोई मोजस्ट्रट सख्त आ जाता है और लोगों को सख्त सजाये देता है तब बार में यह बात दफा कई होती है कि इस मोजस्ट्रट को एक आध साल के लिये जेल भेज दिया तो इसको पता चले कि सजा देना कितना आसान है लेकिन उस सजा को काटना कितना मुश्किल है। इस बिल की प्रोविजन्स को आप ओपरेट नहीं करेंगे इनको तो पुलिस वाले ओपरेट करेंगे, इन को डिस्ट्रिक्ट मजिस्ट्रेट नाफिज करेंगा और आप पुलिस वालों को जानते ही हैं। अगर इस बिल के मातहत श्री करमरकर को सजा देने का हक होता तो मैं जानता हूँ कि वह हंसाफ करते और यह देखते कि किसी तरह इन्ठा आदमी बच कर न निकल जाये और बैकसूर आदमी को सजा न हो जाये लेकिन इसको पुलिस वाले ही एनफोर्स करेंगे। पुलिस वालों के कारनामों से आप सब बाकिह ही हैं और मुझे इस बार् में ज्यादा कहने की जरूरत नहीं है। आप ने इस में यह लफ्ज रखे हैं :

"...those who are in charge of the conduct of the affairs of the company."

यह बहुत ही वेग है और इस के बार् में जो मेरा एमेंडमेंट है उस पर गौर किया जाना चाहिये। इस बिल में करप्शन के सोर्स खुले हैं उनको भी खत्म किया जाये।

इन अलफाज के साथ मैं प्रार्थना करता हूँ कि जो तीन चार एमेंडमेंट्स मैं ने दी हैं वे कबूल किये जाने चाहियें।

Shri Tushar Chatterjea (Serampore): While generally supporting this Bill, I have to make some critical observations. Firstly, I should say that this Bill will not be viewed as a welcome measure by people in general mainly because they have got a very bad experience about controls, and that is the reason why many of the Members here also have expressed their adverse criticism.

At the very outset, therefore, I want to point out to the Government that this measure must be exercised in a very careful manner. We had experience about controls. We know how officers exercise these controls in an adverse way and how people are made to suffer.

[SHRIMATI SUSHAMA SEN in the Chair]

If you look at clause 3(2)(b), it gives the authorities very sweeping powers for bringing under cultivation any waste or arable land etc. By this provision, there is every danger of most ordinary people being put to harassment and all sorts of difficulties. Therefore, although in the interest of the people we feel it is necessary to have control over all essential commodities required by the people, yet, in view of the maladministration of control during the last many years, it is necessary that proper supervision is exercised on all these provisions.

Then I want to make some observations about clause 2, about which we have given our opinion in our Note of Dissent. In clause 2, the essential commodities which are being brought under this Bill have been mentioned

one by one. Here, a very great doubt arises in our mind as to what is exactly the definition of 'essential commodity'. If 'essential commodity' is defined in a particular way, then we can understand that only according to that particular definition these commodities can be controlled. Here it is generally stated and I also remember the Commerce Minister, while introducing the Bill originally before reference to the Select Committee said that, in the interest of the public, these things were to be treated as essential commodities. If it is a question of looking to the interest of the public, then we feel that some more commodities also should be included in this list. We do not understand why only raw jute has been included but jute product left out. Raw jute is not consumed by people and so it is not an essential commodity. But raw jute is necessary to keep up the jute industry and jute industry has a very important function in the economic life of our country in so far as it is a vital export industry. It fetches a big amount of foreign exchange. We also know that due to foreign control over jute industry, so many bunglings have taken place and it has brought to bear adversely on the economic life of our country. I fail to understand what purpose will be served only by bringing raw jute under the purview of this Essential Commodities Bill. If the intention is to ensure proper price to the jute growers or the agriculturists, then I will warn the Government that simply by bringing raw jute under the purview of this Bill, the purpose won't be served. For, we know that the supply, distribution and production of raw jute is always controlled by the big jute bosses. Therefore, we fear that by leaving out jute products from the list and only bringing in raw jute, what will happen is this. The jute industrialists will be able to bring pressure upon the Government to control in such a way as to serve their own purpose. We feel that the meaning of essential commodity should be clearly stated and the list should be widened.

The Commerce Minister, at the very outset, said that these jute products and certain other things are being controlled under the Industries Development and Regulation Act. It is true. But cotton textile and essential parts and accessories of automobiles and iron and steel are also controlled by the same Act. Then why do you bring in those things again? If the Industries Development and Regulation Act is sufficient to control the production, distribution etc. of industrial products like iron, paper etc. then these things are already under control with the help of that particular Act. Why should these things be again brought under the purview of the present Bill? I feel that we do not really understand the purpose of this list. What type of control does Government want to exercise and in whose interest and exactly what is meant by essential commodity in public interest? Is it meant only in a restricted way or should we take a broader view and take into consideration which commodity affects the general economy of our country in a particular way and should we not also consider the question of controlling that with the broader view in mind? All these things come to our mind and we have given them in our note of dissent. You will note that we have included also cycle parts. There is no explanation here why essential parts and accessories of automobiles have been included in the essential commodities and why cycle parts have been excluded. We feel that the parts of the cycle which is used by a large number of people, most of the ordinary people, its production, distribution and supply should also—and trade and commerce in that also—be brought under the purview of this control. We have also mentioned it. There is a different Act, no doubt. But, we feel that the provisions of the different Acts do not exercise that much of control as is visualised in this present Bill. Tea is a thing which is vital to the economic life of our country in so far as it fetches a large amount of foreign exchange. You know tea is now con-

[Shri Tushar Chatterjea]

trolled by foreigners. There are so many bungs with regard to it. Therefore, there must be a very general Act by which we can control all sorts of commodities which play a vital role in the economy of our country.

Another thing which we have mentioned in our Minute of Dissent is medicine. I have read the report of the Pharmaceutical Enquiry Committee and I find there a list mentioning some medicines as essential medicines, the production and distribution of which should be made properly so that people do not suffer for want of those medicines. I think, in the interests of the public, essential medicines also should be brought under the purview of this Bill.

Our feeling is, when an important Act like this is going to be made, let it be very perfect so that with the help of this people may be really benefited, people may get the benefit of control not only for some particular commodities but also for a very large number of commodities which are vital to their life, not only from the consumption point of view but also from the point of view of the general economic situation in the country.

These are some of the points I have to make and we have given some amendments and we will be able to speak on them also.

Mr. Chairman: Dr. Suresh Chandra. As this Bill has to be passed, I will call on the hon. Minister to speak after the next hon. Member.

Shri Nand Lal Sharma (Sikar): No time-limit has been fixed.

Mr. Chairman: No time-limit has been fixed. But the Minister has to reply and the Bill has to be passed by the end of the day.

The Deputy Minister of Commerce and Industry (Shri Kanungo): There are other stages of the Bill also.

Mr. Chairman: How long will the hon. Minister take to reply?

Shri Kanungo: I do not know how long I will take. But, we have got two more stages of the Bill to go through.

Shri Nand Lal Sharma: Do you want to have this passed today?

डा० सुरेश चन्द्र : इस विधेयक के सिद्धान्त के ऊपर बोलने की मुझे कोई आवश्यकता नहीं थी और न मैं सोचता था कि इस पर मैं बोलूंगा, किन्तु हमारा बहुत से लोक सभा के सदस्यों ने बहुत सी ऐसी बातें कही हैं और इतना उन बातों को आवश्यक बताया है कि मुझे मजबूर हो कर इसके बारे में कहना पड़ा। सबसे पहले उन्होंने इस के सिद्धान्त के बारे में विरोध किया। उन्होंने इस के सिद्धान्त के बारे में विरोध किया मैं समझता हूँ कि उन्होंने इस बिल को बिना पढ़ा और इस बिल के सिद्धान्त और मकसद को बिना समझे हुए उसका विरोध करने का साहस किया है। यह हाउस इस विधेयक के सिद्धान्त से सहमत है, इसके बारे में हमें कोई बात नहीं कहनी है और उन्होंने ग्रावनकोर-कोचीन के कोयले और उसकी कमी के बारे में जो जो बिफर किया, मैं नहीं समझता कि ग्रावनकोर के कोयले के प्रोडक्शन में या वहाँ की सप्लाई में किस तरीके से बाधा हो सकती है या किस तरीके से वहाँ के लोगों को नुकसान हो सकता है। इस बिल का मकसद तो जैसा कि ठाकुर दास जी ने पहले फरमाया रंगुलेट करना है, जो हमारा यहाँ का प्रोडक्शन है जो हमारा यहाँ की सप्लाई है जो हमारा यहाँ का डिस्ट्रीब्यूशन है उसको हमें नियमपूर्वक करना है। हमें यह देखना है कि हमारा मुल्क के अन्दर जो आवश्यक खाद्य पदार्थ हैं या और जो दूसरी वस्तुएँ हैं उनको किस तरीके से हम रंगुलेट कर सकते हैं जिससे कि उनका जो प्रोडक्शन है, सप्लाई है और डिस्ट्रीब्यूशन है, वह कहीं ऐसे लोगों के हाथ में न आ जाय जो कि उनका बड़ा फायदा उठा सकें और इस बिल के अन्दर ऐसे बलाजब है, जिनसे हमें पता चलेगा कि उन लोगों को सुविधायें दी गयी हैं जो कि इनको एक्सपोर्ट भी कर सकें जिससे इस देश की सम्पत्ति, इस देश की जो आवश्यक सम्पत्ति है, वह कहीं चन्द

सोनों के हाथ में न आ जाय। इसीलिये सबसे पहले तो मैं यह कहूंगा कि जो बातें इसके सिद्धान्त के बारे में कही गई हैं वे बिल्कुल अनावश्यक, फिजल और अनुचित थीं।

इसके बाद मैं उन दो तीन बातों के बारे में कुछ नहीं कहूंगा जिनका कि चित्र श्री त्रिवेदी ने किया है। मैं समझता हूं कि उनका उत्तर शाब्द कानून के तौर पर हमारे जो मिनिस्टर हैं वह दें देंगे। मैं कोई कानूनवां तो नहीं हूं, मैं कानूनी नुक्त पर तो अधारिटी से कुछ नहीं कह सकता हूं लेकिन इतना जरूर कह सकता हूं कि पीडित ठाकुर दास भार्गव ने जो अपना नोट आफ डिसेंट दिया है और जो उन्होंने दो बातें कही हैं उनके बारे में मुझे कुछ कहना है और मैं समझता हूं कि जो उनका पहला संशोधन है, उस संशोधन में कुछ हद तक मैं उनके साथ सहमत हूं क्योंकि मैं समझता हूं कि इस धारा में जो यह दिया गया है कि :

"at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly."

इसके अन्दर जो कहा गया है कि :

"...every person, who at the time the contravention was committed, was in charge of and was responsible to."

मैं समझता हूं कि यह कुछ बहुत ही अनिश्चित और वेग सी धारणा बताई गई है। हमारे यहां भी कानूनवां मौजूद हैं और बाहर भी हैं और जिस तरीके की मिसालें भार्गव जी ने दी हैं कि बाहर किस तरीके का वह कानून लागू है और कचहरियों में जा जा कर इस कानून का क्या क्या मतलब लगाया जाता है और सम्भावना इस बात की है कि जिनके पास पैसे हैं, जैसे कि किसी कम्पनी को सजा देने का मामला है जिन्होंने कि ऐसे आवश्यक स्वाध

पदाथों के बारे में गड़बड़ की है और जिनको कि हम सजा देना चाहते हैं, ऐसे बड़े बड़े और महत्वपूर्ण व्यक्तियों को हम सजा देना चाहते हैं जिन्होंने कि इस कानून को तोड़ कर राष्ट्र की सम्पत्ति को नुकसान पहुंचाने का काम किया है, उनको सजा देना चाहते हैं। सम्भव है कि वह किसी प्रकार सजा से बच जाये क्योंकि आपकी धारा के अन्दर ऐसी चीज लिखी है जिसकी व्याख्या हमारे वकील विभिन्न प्रकार से कचहरियों में कर सकते हैं और जैसा हम देखते हैं कि होती भी है। अब जैसा कि पीडित ठाकुर दास ने कहा कि गवर्नमेंट नोमिनेट कर, उससे मैं पूर्णतया सहमत नहीं हूं। उन्होंने कहा है कि गवर्नमेंट उसको नोमिनेट कर। मैं समझता हूं कि कोई ऐसी निश्चित रूप से हम उसके अन्दर बात रख सकते हैं जो कि डाइरेक्टर हो या मैनेजिंग डाइरेक्टर हो, जैसा कि पहले बिल के विधेयक में पहली धारा के अन्दर रखा गया था, ऐसे हम कोई निश्चित रूप से किसी एक या दो व्यक्तियों का नाम रखेंगे जो कि रिसपासिबल होंगे और उनको सजा दी जा सकेगी। इसमें किसी विशेष स्पेसिफिक बात के कहने से जो मकसद हम हासिल करना चाहते हैं और जिन कानूनों और कचहरियों के झगड़ों को हम हटाना चाहते हैं और जिन को हम सजा देना चाहते हैं, वह हमारा मकसद पूरा हो सकेगा, इसीलिये उस हद तक मैं उनका जो नोट आफ डिसेंट है, उससे मैं सहमत हूं, लेकिन जो दूसरी बात उन्होंने कही है और जो क्लॉक नम्बर ६ की उपधारा नम्बर २ है और जिसमें यह लिखा है कि :

"...has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager..."

इसके सम्बन्ध में पीडित ठाकुर दास चाहते हैं कि "एनी कलपेबुल नेगलेक्ट" शब्द रखे जायें। वह वकील हैं और इस नाते वह कानून

[बा० सुरेश चन्द्र]

की बात मुझ से ज्यादा जानते हैं और इस विषय में वह हम लोगों से अच्छी बहस कर सकते हैं। मैंने उनके भाषण को बहुत अच्छी तरह से सुना लेकिन मैं बड़े अदब के साथ उनसे कहना चाहूंगा कि उनकी वह बात मेरी समझ में नहीं आती है। एक तरफ तो वह कहते हैं कि इसमें गरीबों का नुकसान होगा, इसमें गरीब लोग जो हैं वह पिस जायेंगे, गरीब लोग मर जायेंगे और गरीबों की आह को से कर उन्होंने उसकी बड़ी दुहाई दी, लेकिन दूसरी तरफ वह कहते हैं कि शब्द "नेगलेक्ट" हटा दो। मेरी समझ में नहीं आता कि ऐसा वह क्यों चाहते हैं। प्रह चीज यहां पर बड़े समझदार बुजुर्गों ने सोच समझ कर और कानून की प्रचीदगियों को समझ कर यहां पर रखी है और मैं समझता हूं कि प्रह बिल्कुल ठीक है क्योंकि जो डाइरेक्टर हैं, या जो मैनेजर हैं या जो सेक्रेटरी हैं, वह गरीब नहीं हैं जिनकी कि आप दुहाई देने के लिए यहां पर आये हैं। उनको इससे बहुत नुकसान नहीं होगा। जो सजा यहां पर दी जायगी, वह उस डाइरेक्टर को दी जायगी, उस मैनेजर को दी जायगी जो कि हजार रुपये से ऊपर तनखावा पाता है और जिनके कि नेगलेक्ट से, लापरवाही से ऐसे नुकसान हो जाया करते हैं जिनसे कि समाज राष्ट्र को नुकसान होता है।

संश्लिष्ट ठाकुर कृष्ण भार्गव : वह जो बड़े आदमी हैं वह ६(१) में आते हैं :

"...those who were in charge of and were responsible to the company for the affairs."

वह बड़े आदमी उसमें आते हैं। उसके अन्दर लिखा है कि कोई भी अफसर या शख्स जो कि कम्पनी के बिजनेस के लिए उस वक्त जिम्मेदार होगा, डाइरेक्टर, मैनेजर ही खाली इसमें नहीं आते बल्कि जो छोटे नाँकर होते हैं अफसर होते हैं, उनको भी इसमें सजा दी जा सकती है।

बा० सुरेश चन्द्र : मेरा अदब से कहना यह है कि इसमें तो यह लिखा हुआ है कि :

"...it is proved that the offence has been committed with

the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company...."

यह सब है कि इसमें अदर अधिकतर का भी नाम आता है और हो सकता है कि वह एक गरीब आदमी हो तो मेरा कहना है कि हम एक ऐसा कानून बना रहे हैं जो कि इसीतक तक सफाई के बारे में है और इसके अन्दर वह इम्प्रूवमेंट किया गया है कि अगर किसी कम्पनी की लापरवाही के कारण से हमारे राष्ट्र की सम्पत्ति का नुकसान हो तो उसकी पूरी तरह से सजा मिलनी चाहिये, इसीलिए वह जो समार लेक्चरें दिये गये हैं, इसका मैं पूर्ण रूप से सम्मर्थन करता हूं और समझता हूं कि इसके सम्बन्ध में जो आवश्यकताएं रखी गयी हैं उनमें किसी प्रकार का तथ्य नहीं है और मैं आशा करता हूं कि हाउस इसकी बात करेगा।

Mr. Chairman: Will Shri Raghavachari finish his speech in as short a time as possible, because the Deputy Minister has to reply? How long will he take?

Shri Raghavachari (Penukonda): Ten minutes.

Mr. Chairman: He may proceed.

Shri Raghavachari: When this Bill originally came before the House, I was one of those who opposed the Bill on the ground that the way in which these controls were exercised and administered have left a very bad taste indeed and there is no reason to expect that the whole world has changed or that the administrators would now be different. But it is not open to me to go into that question, because I find that certainly there has been plenty of alteration in the scope and in the severity of the Bill as it has now come before us. To that extent, it is welcome, but I am unable to appreciate the argument of Shri Venkataraman and others that in the matter of punishment, and particularly under clause 7, no discretion should be given at all to the

4 P.M.

court. He wanted to contend that once it is conceded that there is need for control, and under the law for controlling commodities, any offence committed against it is conclusively against the society and, therefore, any offence, under this Act, must be severely punished. He said that any sympathy with a claim or plea for reasonable punishment or discretion to be vested in the court is itself an undesirable matter. That is a point which certainly does not appeal to me and which I cannot appreciate. Now, that we have started and want to have controls on a permanent measure in the country, it is only one of the pieces of legislation and it becomes a part of the penal law. Practically you have been making another offence or even a series of offences. Let us see what this section contemplates. If you will kindly see clause 3 you will find that under (h) it is said:

"for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;"

If the Government or the officer controlling requires some statistics of materials to be gathered and he says that another man prevents it, then he must go to jail. Most wonderful. Then the other thing is: look to (i) of the same clause. It says:

"for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order;"

These are all technical things and not very material. Even in respect of these things, not to vest the discretion in the hands of the courts and compelling them to impose imprisonment as part of the punishment is certainly going too far. Discretion must necessarily vest in the Court. I

am perfectly in agreement with the amendment proposed by Pandit Thakur Das Bhargava that in sub-clause (1) of clause 7 also the punishment to be given should be as in the latter sub-clause (2) where it is "imprisonment, or with fine, or with both" at the discretion of the court. That is one point.

I do not now wish to say anything on the amendments which I have myself given notice of. I will come to it later when the amendments are moved. One thing I must submit and that is with regard to the punishment that is sought to be imposed on the directors and other persons connected with a company. Of course, there were some very elaborate arguments advanced but I want to invite the attention of those people to the word 'director'. The explanation under clause 9 is: "'director' in relation to a firm means a partner in the firm". So, we know this 'firm' includes joint families. Almost everybody who is interested becomes a partner and all sorts of people small and big are involved in it. Therefore, we must not be misled by the words 'director' 'officer' and so on. I would certainly agree with Pandit Thakur Das Bhargava and urge that in clause 9 sub-clause (2) the words "or is attributable to any neglect on the part of", that portion of it is really against all canons of criminal jurisprudence and must be omitted from the Act itself.

Therefore, the necessity for re-investing the discretion in the court to punish or give proper punishment in appropriate cases must certainly be there and the court must not be bound hand and foot as is proposed now. In fact, from experience we have found that these punishments were unjustly used against the people. The police people used to choose courts. They would make a case and take it before a First Class Magistrate, if they found that the Magistrate was likely to be very helpful. And if they were not satisfied in the way he administered justice, then they would certainly make it a sessions case and take it before a committing court.

[Shri Raghavachari]

Things happened before like this in the old regime. Therefore, this discretion must necessarily vest in the court.

श्री नंद लाल शर्मा :

यस्याधि रणुबीजानि जनैरुप्तानि मूर्धसु ।
सद्यः सुरदुमायन्ते श्रीधरः सीधये अस्तु नः ॥

इस सम्बन्ध में बहुत समय भी नहीं लेना है क्योंकि मेरे पूर्व वक्ता महानुभावों ने इस पर काफी प्रकाश डाला है। इस विधेयक के उद्देश्य से पूर्णतः सहमत होते हुए भी मुझे इस पर मतभेद अवश्य प्रकट करना है। हालाँकि समय कम होने के कारण मैं उस में बहुत विस्तार नहीं कर सकता हूँ। कंट्रोल्लस से लोगों को बहुत दुःख हुआ और इस कारण से हमारी बहन कुमारी मैस्करिनी ने इस का विरोध किया। खाद्य पदार्थों के सम्बन्ध में जो कंट्रोल थे उन से देश की जनता को बहुत सताया गया, इस कारण से आने वाले समय में भी कहीं वैसे कष्ट न हों, हालाँकि धारा २ के अनुसार :

"for securing their equitable distribution and availability at fair prices."

यह शब्द तो कहे गये हैं पर कंट्रोल आते समय इतना अनर्थ हो जाता है कि सारी वस्तु ब्लैक मार्केट में चली जाती है और उस के बाद जनता को बड़ा कष्ट होता है। मंत्री महोदय के ध्यान में यह बात लाने के लिये ही मैं यह शब्द कह रहा हूँ। इसी कारण इस सिद्धान्त को स्वीकार करते हुए भी माननीय सदस्यों ने धारा ७ और धारा ६ के चन्द संशोधनों के सम्बन्ध में मिनट्स आफ डिसेन्ट दिये हैं। माननीय पीडित ठाकुर दास भार्गव ने जो कहा है उस को मैं बड़ा आवश्यक समझता हूँ, इस रूप में कि कम्पनी के कर्मचारियों, कम्पनी के कार्यकर्ताओं और कम्पनी के अन्दर भाग लेने वाले जितने भी व्यक्ति हैं सब को दंड देना क्रिमिनल ला के विरुद्ध है। क्रिमिनल ला में जो व्यक्ति अपराध करने वाले होते हैं वही अपराध के भागी होते हैं या जो उस की प्रेरणा देने वाले होते हैं वह अपराध के भागी हो सकते हैं, परन्तु जिस

व्यक्ति का उस से सम्बन्ध नहीं है, जिन के लिये कहा गया कि जो स्लीपिंग पार्टनर्स होते हैं, जो अपने घर पर बैठे हुए होते हैं, जिन को पता नहीं किसी बात का, उन को दंड देना या अपने को निरपराध सिद्ध करने का भार उन के ऊपर लाद देना बर्देन आफ प्रूफ उन पर डाल देना, यह निश्चय ही क्रिमिनल जूरिसप्रुडेंस के विरुद्ध है। समाज स्वयम् उस को निरपराध मानता है जब तक कि उस के विरुद्ध कोई अपराध सिद्ध न कर दे, परन्तु यहाँ पर बिना अपराध सिद्ध किये ही उस को अपराध के लिये उत्तरदायी माना जायेगा जब तक कि वह अपने आप को निरपराध सिद्ध न कर सके।

इसी प्रकार से धारा ६ के भाग २ में भी आखीर में दंड दिया गया है :

"attributable to neglect on the part of any director....."

इत्यादि इत्यादि।

कहा गया है कि निगलेक्ट मात्र पर ही दंड दिया जायेगा। निगलेक्ट मात्र जो है वह कोई अपराध नहीं है। जब अपराध का उद्देश्य नहीं है, कार्य करने में कोई दुर्भावना नहीं है, तब उस के लिये किसी को दंड दिया जाना अनूचित है।

मैं एक बात की ओर और ध्यान दिला कर इस वक्तव्य को समाप्त कर दूँगा और वह है धारा ८ के सम्बन्ध में। शायद इस ओर श्री भार्गव जी का ध्यान गया नहीं। इतने योग्य व्यक्ति होने पर भी जहाँ उन्होंने ऐसे अपराध के मुख्य भाग में पहले था कि :

"which may extend to one year and shall also be liable to a fine."

उस के लिये कहा कि 'or fine or with both' होना चाहिये, वहाँ धारा ८ में (१) और (२) दोनों जगहों पर :

"has reasonable cause to believe to be false or it is not believed to be true."

इत्यादि कह कर उस में "extend to 3 years or with fine or with both"

ही रहने दिया है। जहां तक मुझे स्मरण है, मैं निश्चित रूप से तो नहीं कह सकता, पर विश्वास से कह सकता हूं कि धारा १६२ और १८२ में पुलिस के सामने अशुद्ध बयान देने पर भी इतना दंड नहीं है जितना दंड कि यहां पर रखा गया है। और यह प्रधानतयः इस कार्य को भी लागू कर रहे हैं—

श्री कानुंगो : जान बूझ कर रखी गई है।

श्री नंभू लाल शर्मा : यह तब होता यदि आप मुख्य भाग में भी सजा तीन साल की रखते। मुख्य भाग में तो सजा एक वर्ष कर दी गई है और यहां पर आ कर भी सजा एक वर्ष ही होनी चाहिये।

इन शब्दों के साथ मैं इसके सिद्धांत के साथ सहमत होते हुए इन संशोधनों को आप के सामने उपस्थित कर के आजा लेता हूं।

Shri Kanungo: I am glad that my task has been lightened by the speakers who have preceded me. About the essentiality of the legislation, I cannot do better than our revered colleague Pandit Thakur Das Bhargava. He has explained to the House in the proper perspective the improvement that the present Bill brings over similar legislation that has been operating for quite a long time in this country. I would just mention that the hang over of the past experience is yet in the memory of most of the Members who have spoken on this measure. But, I believe that if the Government of the day had foreseen the unusual conditions which were in the country and were armed adequately with legislation, perhaps the things that happened would have been mitigated to some extent.

Kumari Annie Mascarene: With that bitter experience in the past, what is the guarantee that you will behave better hereafter?

Shri Kanungo: Because the hon. Member is a member of this House, she will bring all the moderation of

her knowledge and experience of the measures that would be passed in this House.

Shri U. M. Trivedi: There is no quorum. The quorum bell must be rung.

Shri Kanungo: I think it is only a guess.

Shri U. M. Trivedi: I have calculated. There are only 33 Members; 17 more are required.

Mr. Chairman: I am ringing the bell. Now there is quorum. The hon. Minister may continue.

Shri Kanungo: I was saying that with the experience of the legislation which had been in existence in the past and with the knowledge of its administration and its shortcomings, I hope that if, God forbid, occasions arise when powers under this legislation have got to be exercised in a wide manner, then, the administration of the Act would be better and in interests of the community and far quicker than it has been in the past. This piece of legislation is more or less in the nature of a reserve power of the Government. Government hope that they may not be called upon to exercise the powers which are being vested in them.

The main points which have been made out by Pandit Thakur Das Bhargava, in his eloquent speech, have been discussed on other occasions, particularly in the Select Committee. As the previous speaker has said, the present provision in the Bill as it has emerged from the Select Committee is a balance between two divergent views held on this matter. I need not dilate upon the merits of the particular clauses in the Bill as they stand. All I can say is, in the words of Pandit Thakur Das Bhargava, that it is an improvement upon the previous legislation. It is yet to be seen whether the provisions as they are in the Bill are not adequate for preventing misuse of power either by the executive or by the judiciary or

[Shri Kanungo]

whether they are adequate for serving the purpose of the Bill.

Regarding the quantum of punishment provided in the Bill, it is obvious, as has been pointed out by Pandit Thakur Das Bhargava, that it has slackened than it was previously. I would oppose any suggestion that it should be reduced further. After all, the provisions in this Bill will come into force when there are conditions of emergency, to serve its purpose. The punishment provided must be sufficiently deterrent to prevent people from indulging in anti-social activities.

Regarding the provision in clause 9, I would submit that in spite of the eloquence of Pandit Thakur Das Bhargava, I am not prepared to accept the proposition that he has so ably advocated. Simply because the provision, as it is now, makes ample provision that the innocent will not be harassed. After all, the prosecution takes upon it the responsibility of fastening the guilt upon persons whom they choose to prosecute and the prosecution of a particular individual for a particular offence will depend upon the circumstances of that particular incident. You cannot generalise on it. It may be quite possible that in a particular case, the managing director or the responsible director was absent physically. But there may have been communication. It is quite possible that the manager or managing director need not be prosecuted. It all depends upon the particular facts of a particular case. I submit that the Bill gives ample protection to the innocent to save themselves from harassment, and yet gives ample room for the effective administration of this emergency Act. After all, as Pandit Thakur Das Bhargava has mentioned, these are legislations which are rarely used. I hope they will be rarely used.

With these words, I commend that the Bill as it is may be taken into consideration clause by clause.

Mr. Chairman: The question is:

"That the Bill to provide, in the interests of the general public, for the control of the production, supply and distribution of, and trade and commerce in, certain commodities, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2. — (Definitions)

Shri N. B. Chowdhury (Ghatal): I beg to move:

(1) In page 2, line 3, add at the end "and jute fabrics and products".

(2) In page 2, after line 3, insert:

"(xa) tea;

(xaa) medicine declared by notification essential to the life of the community;"

(3) In page 1, line 20, before "petroleum", occurring for the first time, insert "crude oil".

The first amendment relates to the inclusion of jute fabrics and jute products. This has already been referred to by my hon. friend Shri Tushar Chatterjea. Madam, it has been our experience in the past that although the jute mills were making huge profits a minimum fair price was not ensured to the jute growers. Some time back when we approached the hon. Commerce Minister with a memorandum on behalf of the jute-growers of West Bengal, he told us that there was no Board or Committee or any machinery to ensure this price, or to deal with the commodities. Though jute has been included here, we are yet to see how far Government will make efforts to ensure minimum fair price to the jute growers. We want that Government should have a reasonable amount of control over the industry as well as the jute goods, as we feel that without that jute-growers cannot be paid a minimum economic price. That is the reason for our suggesting the inclusion of those items.

Then, we suggest the inclusion of tea. We noticed that in the West Bengal Assembly when the Estate Acquisition Act was passed, in spite of the persistent demands of the Members that the tea gardens also should be brought within the purview of the Act, it was not done. We have some suspicion that because it is under the control of foreign interests, Government is avoiding it. Otherwise, there is no reason why tea should be excluded, while jute has been included. We do not find much difference between tea and jute, so far as their utility to the community or to the economy of the country is concerned. So, we feel that tea should be included in the definitions.

We have also sought to include medicines declared by notification to be essential to the community. We know how people have suffered in the past for lack of medicines at fair prices. We do not know whether people will have to face the same difficulties in future. In view of widespread adulteration and the difficulty of getting essential medicines, we feel medicines should be brought within the purview of this measure.

Now, I come to my third amendment. I think that it is very important to include crude oil along with petroleum and petroleum products. You know, Madam, that we are going to have a number of refineries in this country. Two refineries have already been started at Trombay near Bombay. If we analyse the agreements that have been entered into with the foreign companies like Burmah Shell and Standard Vacuum, we find that Government have given a guarantee that they will not nationalise these industries for twenty-five years. These companies have been given many other rights. Sometimes we have no share; or we do not have voting rights even if we have a share in the company.

Shri Bansal: Has the Hon. Member got copies of full agreements with these companies?

Shri N. B. Chowdhury: I have gone through them in the Library.

Shri Bansal: Full agreements?

Shri N. B. Chowdhury: Yes, they are available in the Library. I have gone through them. I find that some times Government have no voting rights. If petroleum and petroleum products are considered essential to the life of the community, crude oil should also be considered an essential commodity, because it is from crude oil that petroleum and the other products are extracted. So, if we do not include crude oil, we may not have sufficient power to exercise control over these refineries. Now, it will be very necessary for us to watch the doings of these companies. So, I think crude oil must be included in the definitions.

Shri Karamo: My task is very simple. No. 1: this Bill seeks to regulate essential commodities without which the community will suffer. By no stretch of imagination can tea and jute fabrics be considered as essential to the life of the community, though I admit they are used widely. This Bill is not designed to regulate industry; this Bill is not designed to regulate the economy of the country. This Bill is designed merely to regulate distribution and prices in a given emergency. Apart from that tea and jute are taken care of by other pieces of legislation, jute products I mean.

As for medicines, there is a special legislation for that—the Drugs Act. The counterparts of that legislation are in operation in the different States. As a matter of fact there have been suggestions that it need not be there in that form. Consultation to that effect is going on between the State Governments and the Ministry of Health. But the Drugs Act as passed by Parliament and its counterparts in the States give enough power to Government to deal with this matter. It is open to the Parliament at any time to suggest any item which in a given emergency might be of such

[Shri Kanungo]

vital importance to the community at large for inclusion, and it is always open to the House to adapt or add to the items mentioned in the Acts. Today as matters stand, and in the foreseeable future, we do not think that any of the items suggested here need be taken into consideration.

Petroleum and petroleum products like kerosene, in which the bulk of the people are interested, are included in the definitions. The argument advanced by my hon. friend in regard to crude oil, does not appeal to us. Crude oil is a raw material for the manufacture of petroleum products. It can be controlled and it is being controlled in other ways. So, I am unable to accept any of the amendments suggested by the hon. Member.

Mr. Chairman: The question is:

In page 2, line 3, add at the end "and jute fabrics and products".

The motion was negatived.

Mr. Chairman: The question is:

In page 2, after line 3, insert:

"(xa) tea;

(xaa) medicine declared by notification essential to the life of the community;"

The motion was negatived.

Mr. Chairman: The question is:

In page 1, line 20, before "petroleum", occurring for the first time, insert "crude oil".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Powers to control production etc.)

Shri Raghavachari: I beg to move:

In page 4, line 28, after "Central" insert "or State".

My point is this. Sub-clause (6) of clause 3 reads:

"Every order made under this Section by the Central Government or by any officer or authority of the Central Government shall be laid before both Houses of Parliament, as soon as may be, after it is made."

So, you have stated here that the orders passed by the Central Government should be placed before the two Houses, but if you examine clause 5 you find that orders under clause 3 can be directed to be made by the States or State officers. What would happen to those orders? Clause 5 reads:

"The Central Government may, by notified order, direct that the power to make orders under section 3 shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to a State Government, as may be specified in the direction."

Therefore, orders under clause 3 can also be passed by the State or State officers. Sub-clause (6) of clause 3 has been added by the Select Committee so that all the orders should be placed before both the Houses as soon as possible. The Minister has not only undertaken to place them before Parliament but he has also undertaken to place them even before the Consultative Committee. Mostly, it is the States that

will act, though, no doubt, you can also pass orders. So, all those orders passed by the State Governments or State officers also must be laid before the two Houses.

Therefore, I propose that it should read:

"Every order made under this section by the Central Government or by any officer or authority of the Central or State Government shall be laid. . ."

Then it will include all orders passed under clause 5 also under the powers delegated to the States by the Centre.

Mr. Chairman: Amendment moved:

In page 4, line 28, after "Central" insert "or State".

Shri U. M. Trivedi: I beg to move:

In page 3,

(i) omit lines 1 to 4; and

(ii) omit sub-clause (3).

My amendment is a sort of consequential amendment to an amendment suggested by me to clause 7. Under clause 3, sub-clause (2)(f), we have a provision that an order may be passed:

"requiring any person holding in stock any essential commodity to sell the whole or a specified part of the stock to such person or class of persons and in such circumstances as may be specified in the order"

Along with this there is a provision in sub-clause (3) which reads:

"Where any person sells any essential commodity in compliance with an order made with reference to clause (f) of sub-section (2), there shall be paid to him the price therefor as hereinafter provided."

and then there is a proviso.

It so happens that such orders are generally directed against stock-holders and the stock-holders deliver

their goods to the persons in whose favour such a direction has been given. At times it happens that the payment is not immediately forthcoming for some reason or other. It is a commercial transaction in all respects except for the passing of this order. Instead of an agreement between the two parties, agreement has been entered into by a statutory provision of law or by an order and by virtue of that provisions, goods are delivered and there is some time-lag in payment, or some difficulty arises by virtue of which the price is not paid for immediately or in time as demanded. What happens? The whole machinery is set in motion and this civil case becomes a criminal offence. A man may not have funds immediately available with him. There is absolutely no doubt in any one's mind that it is merely a contractual relation, and in such cases to turn a civil liability into a criminal offence for the buyer is too much.

Shri Kanungo: It is onerous on the buyer?

Shri U. M. Trivedi: The buyer will have to pay, and if there is some delay in paying, then, immediately your clause 7 comes into play and what clause 7 says is this: that if the person contravenes any order made under section 3, then the punishment will be imprisonment and fine. The imprisonment may extend to one year in the case of an order under sub-section (2)(h) or (i) and three years in the case of any other order. He might be liable to a fine of Rs. 250 or Rs. 500 or Rs. 1,000 or Rs. 1,500. With this liability to pay fine and imprisonment, I do not know what will happen to that poor man who is the buyer.

I therefore submit that this must be looked into very carefully and my amendment may be accepted.

Mr. Chairman: Amendment moved:

In page 3,

(i) omit lines 1 to 4; and

(ii) omit sub-clause (3).

Shri Kanungo: As far as Shri Raghavachari's amendment is concerned, statutorily it is not possible to direct by legislation that the orders of the State Governments shall be placed here. All the same the Minister has promised that he will collect as much of the orders as he can and then place them before the House. Therefore, I am not prepared to accept the amendment.

As for the other proposition of Shri Trivedi, I would urge on him to remember that after all the officers and men and State Governments who will administer these things have some common sense. Under no circumstances will an order be passed as he envisages. It will be a time of scarcity and any buyer will be prepared to pay. I cannot foresee any circumstance in which every one, the officer passing the order, the parties to the transaction—that means delivery and acceptance of goods and payment of the price—and the court if any which has got to go into it, will be so devoid of commonsense that they will act in an oppressive manner. Therefore, I do not accept it.

Shri U. M. Trivedi: May I put one poser to the hon. Minister? Supposing an order is made saying alright, you deliver so many bales of cotton to this particular man, and that particular man is not prepared to pay the amount then and there, and the seller says, unless you pay me cash I am not going to deliver, then will he not be held responsible for the contravention of the order?

Shri Kanungo: Theoretically perfectly correct.

Mr. Chairman: The question is:

In page 4, line 28, after "Central" insert "or State".

The motion was negatived.

Mr. Chairman: The question is:

In page 3,

(1) omit lines 1 to 4; and

(ii) omit sub-clause (3).

The motion was negatived.

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 6 were added to the Bill.

Clause 7.— (Penalties)

Shri Raghavachari: I beg to move:

In page 5, line 8, after "contravenes" insert "or abets the contravention of".

Shri U. M. Trivedi: I would also like to move my amendment.

Dr. Suresh Chandra: There is no amendment in your name.

Shri U. M. Trivedi: I have given notice just now. You may not have got a copy of it.

Mr. Chairman: What is the reaction of the hon. Minister to these amendments?

Shri Kanungo: We are accepting an amendment by Shri Kasliwal, and that will cover Shri Raghavachari's amendment.

Shri U. M. Trivedi: I beg to move:

In page 5, after line 17, add:

"Provided that a contravention of an order under clause (f) shall not be a penal offence."

Pandit Thakur Das Bhargava: I beg to move:

(1) In page 5, lines 13 and 14, for "and shall also be liable to fine", substitute "or with fine or with both".

(2) In page 5, line 18, after "Provided that" insert "in cases relating to part (a)(ii)".

Mr. Chairman: Amendments moved:

(1) In page 5, line 8 after "contravenes" insert "or abets the contravention of".

(2) In page 5, lines 13 and 14, for "and shall also be liable to fine", substitute "or with fine or with both".

(3) In page 5, line 18, after "Provided that" insert "in cases relating to part (a)(ii)".

(4) In page 5, after line 17, add:

"Provided that a contravention of an order under clause (f) shall not be a penal offence."

पीडित ठाकुर दास भार्गव : अभी इस अमेंडमेंट के बारे में थोड़ी सी बहस हुई थी। उस बहस के दौरान मैं हमारे मिनिस्टर साहब ने यह फरमाया और उन साहबान ने जिन्होंने कि इसको अपोज किया कि दरअसल यह बेलेंस ऐसा है कि दो डिफरेंट व्यूज हैं और उन दोनों व्यूज को ले कर हमने एक एवरज व्यू बनाया है। मुझे इस एवरज के बारे में एक छोटी सी कहानी याद आ गई जो मैं हाउस को सुमाना चाहता हूँ। एक लम्बा सा आदमी था जिसकी ठिगनी सी बीबी थी और दो, तीन बच्चे थे। उनको इतिफाक से एक बड़ा दरिया क्रॉस करने का मौका पड़ा तो उस आदमी ने सोचा कि चार, पांच आदमियों को यहां से गुजरना है, यह देखना चाहिये कि इस दरिया की गहराई कितनी है और ऐसा मन में सोच कर उसने कपड़े उतार कर मुल्तलिफ जगह दरिया में गांते लगा कर पता लगाया कि मुल्तलिफ जगहों पर कितनी कितनी गहराई है। एक जगह गहराई पांच फुट निकली, दूसरी जगह साढ़े पांच निकली, और कहीं पर तीन फुट और चार फुट गहराई निकली तो उसने मन में विचार किया कि एवरज करीब साढ़े चार फुट हुई, गहराई दरिया की साढ़े चार फुट हुई। खुद उसने देखा कि मैं बड़ा नहीं हूँ और उसने जब अपने बस बच्चों और अपनी औरत को नदी में उतारना शुरू किया और नतीजा यह निकला कि आहिस्ता आहिस्ता जो उसकी ठिगनी बीबी और बच्चे थे वह सब बंधार उसी दरिया के अन्दर डूब गये उसने देखा कि आखिर मचरा क्या है और यह सब क्यों हुआ। उसने दुबारा गांता लगाया यह देखने के

लिए कि क्या एवरज है और कहने लगा कि हिसाब ज्यों का त्यों और कुनबा हुआ क्यों। यह कुनबा सारा का सारा क्यों हुआ ? उसका हिसाब समझ में नहीं आया। अब इसकी मीरिट्स पर अगर कोई बहस करे और हमें समझा दे कि यह गलत है तो मैं उसे मानने को तैयार हूँ लेकिन यह एवरज निकाला जाय कि मिस्टर बेंकटरामन यह चाहते हैं और पीडित ठाकुर दास यह चाहते हैं और उसके लिखे आनरबुक्स मिनिस्टर यह कह दें कि हमने इन दोनों की बातें मान लीं, तो न तो मिस्टर बेंकटरामन राजी होंगे और न मुझे ही तसकीन होगी। मेरा तो कहना है कि मीरिट्स के ऊपर आप कीजिये। मुझे अफसोस है कि एक लफ्ज भी न मिनिस्टर साहब ने कहा था और न ही मिस्टर बेंकटरामन ने। इशारे फरमाया है, मीरिट्स के बारे में कोई चीज उन्होंने नहीं बतलाई। मिस्टर बेंकटरामन ने जो उसल हमारे सामने बयान किये; उनके बरखिलाफ मैं नहीं हूँ, मैं तो उनके साथ सहमत हूँ कि जितने कंट्रोल्स आर्डर्स हैं उनके अन्दर वगैरे सीवियरिटी के काम नहीं चलेगा और कंट्रोल्स आर्डर्स में यह फर्क होता है कि वह इतना सख्त होता है और उसके डर से काम चलता है। इस वास्ते इसके अन्दर सजायें ज्यादा दी हैं। इस दफा का जो दूसरा हिस्सा है, उसके अन्दर हमने तीन साल की सजा का प्राविधान रक्खा है और जिसमें सजा ही दी जानी चाहिये जब तक कि कोई वजह न दे कि क्यों कॅद नहीं की गई। मैंने संवधान के उस हिस्से को छुआ है जिसके अन्दर प्राविजन यह है कि सजा कम कर दी गई है उसके वास्ते मैंने लिखा है कि कॅद भी दी जा सकती है और जुरमाना भी किया जा सकता है और दोनों भी हो सकते हैं। यही इस कानून का मंशा है। मैंने तो सिर्फ एक चीज में तरसीम की है और वह यह कि मजिस्ट्रेट को यह हाइरेशन न दी जाय कि वह जरूर उसके अन्दर कॅद कर दे। अगर स्टैटिस्टिक्स के मामले कोई गड़बड़ हो या कोई ऐसा मामला हो जिसमें जुरम इतना संगीन नहीं कि बिचले दफ्त के अन्दर कोई डिस्टर्बेंस पैदा होता हो या सराबी पैदा होती हो, टैकनिकल चीज को ले कर जुरम हुआ

[पंडित ठाकुर दास भार्गव]

हो तो मैंने लिखा है कि ऐसे जुमों में एक साल की सजा हो। इस दफे conferable-provision में I. P. C. में एक महीने या तीन महीने की सजा १९६/१९८ दफे हैं। मैं नहीं समझता कि कोर्ट को क्यों मजबूर किया जाय कि वह बज्हात लिखे कि उसने किसी शख्स को कैद की सजा क्यों नहीं दी। कोर्ट को तो आपने पावर द रसी हैं और उसको एक लाइन लिखने की जरूरत है कि यह आदमी गरीब मालूम होता है, कोर्ट को सारा मामला जायगा, कोर्ट को यह कहने का अधिकार होगा, कोर्ट को सारा अधिकार होगा और उसको वह चेतावनी द कर छोड़ द इस बिना पर कि यह उसका पहला जुर्म है। कोर्ट को बज्हात लिखने के लिये मजबूर न करने में आपके किसी उसूल की खिलाफ वरजी नहीं होगी। मैं अदब से अर्ज करूंगा कि आप मीरट्स पर इस अमेंडमेंट को दखें और मेरा अमेंडमेंट ऐसा नहीं है जिसके मंजूर किये जाने से आपके जो प्रिंसिपल्स आफ दी एक्ट हैं, उनमें फर्क पड़ता हो। मैं अर्ज करना चाहता हूँ कि मीरट की बीसस पर मेरा अमेंडमेंट को मंजूर किया जाय।

Shri U. M. Trivedi: Every word that has fallen from the mouth of my hon. friend Pandit Thakur Das Bhargava is very valuable, and it must be considered in its proper light. When we are on clause 7, we have to consider that we should not open the flood-gates of corruption wide. Up-to-date, corruption was limited by virtue of the previous provisions only to the police. Now, we are extending those things to the magistracy. It is under this clause 7 that a provision exists for imposing a fine of unlimited amount. There is no limit placed upon it, and we also provide that he shall be punished with imprisonment along with fine; the proviso that we have added gives such a wide discretionary power putting temptation in the way of the man, that he may excuse a rich man from a sentence of imprisonment and then give him a punish-

ment of fine only, and that punishment of fine may vary according to a yardstick of which we have got no knowledge. This proviso, therefore, ought not to be there. On the contrary, the amendment suggested by Pandit Thakur Das Bhargava may be accepted. I have suggested one further proviso and, as I said before, that proviso is merely a consequential one. As I said before, and as the hon. Minister in charge was frank enough to admit, as the law stands, it is possible that mere contractual relations between the parties may land one-self....

Shri Kanungo: It is not contractual; it is involuntary.

Shri U. M. Trivedi: He says it is not contractual. When a suit has to be filed, it has to be filed as between seller and buyer and Government will never be a party to it. That is my reading.

Pandit Thakur Das Bhargava: Agreed price.

Shri U. M. Trivedi: I know this, and I have indulged in these things. This is my very humble submission, that you will learn it from experience that it is so. Therefore, I submit that where it is merely a question of non-payment or delayed payment, where any breach of this provision in (f) is there, please pause and consider and do away with this provision of three years' rigorous imprisonment for not making payment in time or delaying payment or not delivering the goods in time, whatever it may be. Both things will go together and clause 3(2)(f) read with sub-clause (3) will open out the floodgates of oppression also. Therefore, my submission is this. I do not know why this measure was rushed through, as we felt it. But anyhow, since we are here today we will pause and consider and give our second thoughts to it to find out whether or not this should be embodied. I pray that they will apply their mind to it and see that the amendment is accepted.

Shri Raghavachari: My amendment is to this effect, I want to add the words 'or abets the contravention of' after the word 'contravenes', that is to say, 'If any person contravenes or abets the contravention of any order.....'

Shri Kanungo: May I suggest this? There is Shri Kasliwal's amendment which I am going to accept. That covers Shri Raghavachari's amendment.

Shri U. M. Trivedi: Is it correct that we are not agreeing to his amendment?

Shri Kanungo: I am accepting it.

Shri U. M. Trivedi: Both attempt and abetment?

Shri Kanungo: Yes.

Shri U. M. Trivedi: But the Minister said during his speech that he is not accepting it. He was not agreeable to it.

Dr. Suresh Chandra: Now the Minister in charge is saying it is acceptable.

Shri Kanungo: I am authorised to accept it.

Shri U. M. Trivedi: That will be too dangerous.

Shri Raghavachari rose—

Mr. Chairman: Is it necessary now for Shri Raghavachari to speak?

Shri Raghavachari: I am not agreeable to that amendment. I only wish to submit this. My amendment is no doubt for adding the word 'abet' and the other amendment which is going to be moved includes the word 'attempts' also, which Government are going to accept. Therefore, the argument is that my amendment should be put off. Well, I wonder what particular charm there is in a particular amendment that is going to be moved rather than the amendment which is actually moved.

Shri Venkataraman: The charm is that the amendment of Shri Kasliwal covers two things—attempt and abetment—while the amendment of Shri Raghavachari covers only 'abetment'. Government want to cover both attempts at contravention and also abetment of contravention. They would like to have that amendment which covers both.

Shri Raghavachari: What prevents Government from accepting my amendment and also accepting that portion of that amendment which is not here, except that you prefer your own man to another Member who makes a suggestion? (Interruptions.)

Mr. Chairman: Order, order. I think Shri Raghavachari has spoken on the point.

Shri Raghavachari: I have not yet completed. I am really opposed to the intended amendment to add 'attempt'. As you know, attempt is not generally punishable with the same quantum of punishment that is provided for the principal offence because attempt is something much less serious than the offence. The rule under the Indian Penal Code and general criminal law is that the punishment for attempt is half and is not equal to punishment for the principal offence. Therefore, unless the Government want to accept it because it comes from a Government side Member, I am unable to understand it, because it goes against the very fundamental principle of criminal jurisprudence if an attempt made is equated with the offence itself. Apart from that, I only want to say that the expression 'contravenes or abets the contravention of' is certainly a thing which is understandable. Therefore, I request the House to accept it, in spite of the fact that the Government wish to make an invidious distinction between their own favourite person and the Opposition.

Shri Venkataraman: I want to speak on this amendment in view of the very serious allegation made by Shri Raghavachari.

Mr. Chairman: There is no time.

Shri S. S. More (Sholapur): It was only a passing statement.

Shri Venkataraman: My point is this. In the old law, that is, the Essential Supplies (Temporary Powers) Act, there was a section which punished both attempt as well as abetment with the same punishment as for the original offence. The Indian Penal Code may be different. Now, by some oversight that particular section was omitted when the Bill came before the Select Committee.

Shri U. M. Trivedi: Was it by oversight or was it by deliberation?

Shri Venkataraman: We know the view of Government from what they have expressed. My friends are able to divine them better and draw contrary inferences from words. I must point out that by oversight that section has not been put in. The amendment which is tabled by Shri Kasliwal, restores the position to what it was in the Act which has expired and there is no unfair or, what I would call, fraudulent preference under the Insolvency Act that another Member's amendment was accepted in preference to that of Shri Raghavachari's. If Shri Raghavachari brings forward an amendment which is capable of acceptance by the Government, then certainly the Government would accept it. It is unfair on his part to ascribe motives and say that his amendment is not accepted but Shri Kasliwal's amendment is accepted. Shri Kasliwal's amendment is complete and comprehensive while Shri Raghavachari's amendment is partial and cannot, therefore, be accepted.

Shri Kanungo: I have nothing more to say.

Shri U. M. Trivedi: On a point of order. Whatever explanation has been given was given by the Chairman of the Select Committee. It is not at all coming from the Government. So is he entitled to speak on behalf of Government like that?

Shri Kanungo: What is wrong? I accept all the position which he has stated.

Mr. Chairman: There is no point of order.

The question is:

In page 5, line 8, after "contravenes" insert "or abets the contravention of".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, lines 13 and 14, for "and shall also be liable to fine", substitute "or with fine or with both".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, line 18, after "Provided that" insert "in cases relating to part (a) (ii)".

The motion was negatived.

Mr. Chairman: The question is:

In page 5, after line 17, add:

"Provided that a contravention of an order under clause (f) shall not be a penal offence."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill

5 P.M.

Shri Bansal: It is five o'clock. Let us adjourn.

Mr. Chairman: This Bill has to be passed. So, we shall sit a little longer till it is finished.

New Clause 7A.—(Attempts and Abetment)

Shri Keshavlal (Kota-Jhalawar): I beg to move:

In page 5, after line 32, insert:

"7A. Attempts and abetment.—Any person who attempts to contravene or abets a contravention of any order made under section 3 shall be deemed to have contravened that order."

Shri Kanungo: I accept it.

Shri Raghavachari: I rise to a point of order that this amendment is out of order, in view of the fact that this House, just a minute ago, has rejected in principle incorporating into the clause, abetment as an offence. Abetment has been overruled and this amendment includes both abetment and attempt.

Shri Venkataraman rose—

Shri Raghavachari: I am very sorry; this is not the way in which a Member should be dealt with. I have been actually stating what I feel on a point of order and, Madam Chairman, it is for you to decide. You may hear any Member. I am not standing in the way. Let him be heard about the point of order. I cannot be silenced in this way. (*Interruption*). I simply wanted to place before you the point that the principle of punishing abetment of the offence has been decided against by the House and the new amendment includes that also. That portion will certainly be out of order.

Shri Venkataraman: I beg to submit a few words on the point of order (*Interruption*). There is liberty of speech on this side also. It is not confined to the opposition always.

The point of order which my hon. friend Shri Raghavachari has raised stands on the footing that the House has decided on the principle that abetment should not be included as an offence. The clause which is now before the House is more comprehensive and it includes both attempt and abetment. If the House is not pre-

pared to accept a portion but is prepared to accept a larger and wider connotation, it cannot be deemed to have decided against the whole. The House might have decided against a part of it being incorporated. When a larger area is sought to be covered it cannot be said that because it has not accepted a smaller portion of it, it is against the wider field. There is no point of order.

Shri Raghavachari: I shall invite your attention to a previous ruling given by the hon. Speaker, in respect of the Criminal Procedure Code, where it was held to be out of order even if a thing was inferentially voted against earlier. It was held to have decided a principle and subsequent amendment was declared out of order.

Pandit Thakur Das Bhargava: May I submit a word about the point of order? We cannot ignore what has happened in the House. When the amendment of Shri Raghavachari was put, Shri Venkataraman raised a point and the hon. Minister agreed with him and said that another amendment is coming and it was in view of that amendment that the amendment of Shri Raghavachari was rejected. As a matter of fact, the House did not apply its mind to that particular amendment. The real fact was that Mr. Venkataraman said that the other amendment was coming and that it was all-embracing and that it was going to be accepted. It was on that basis that that amendment was rejected. We cannot ignore what has happened in the House. If that was the reason for rejecting that amendment, it cannot be argued that on merits it was rejected. It was only rejected on the ground that an all embracing amendment was coming. I do not think, on this ground, the House is not entitled to consider the new amendment.

Mr. Chairman: I give my ruling on the point of order raised. I agree with what Pandit Thakur Das Bhargava has said that there is no point of order. So, I rule it out.

In page 5, after line 32, insert;

The question is:

In page 5, after line 32, insert;

"7A. Attempts and abetment.—

Any person who attempts to contravene or abets a contravention of any order made under section 3 shall be deemed to have contravened that order."

The motion was adopted.

New Clause 7A was added to the Bill.

Clause 8.—(False statements)

Mr. Chairman: Clause 8; there are no amendments.

Shri K. K. Basu (Diamond Harbour): There is no quorum in the House; how can we discuss?

Shri Raghavachari: We cannot sit after five.

Shri U. M. Trivedi: There is no quorum; we cannot sit.

Shri Kanungo: The bell can be rung.

Mr. Chairman: The bell can be rung because the Bill has to be finished today. The Minister should arrange for the quorum. I shall have the bell rung.

Shri T. T. Krishnamachari: Madam, may I suggest that you direct the Lok Sabha Secretariat to put this Bill as the first item in the Order Paper tomorrow notwithstanding the fact that tomorrow is reserved for other business?

Pandit Thakur Das Bhargava: If that is not done, this Bill will not be passed in time.

Mr. Chairman: What is the sense of the House?

Hon Members: Yes.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 22nd March, 1955.