

Tuesday  
4th December, 1956



# PARLIAMENTARY DEBATES

## HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers )

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Volume VIII, 1956

1956

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PARLIAMENT SECRETARIAT  
NEW DELHI

299 L 8D



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LOK SABHA DEBATES Dated..... 15.04.2015  
(Part I—Questions and Answers)

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LOK SABHA

Tuesday, 4th December, 1956

The Lok Sabha Met at Eleven of the Clock

[MR. DEPUTY SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Strike at Bhilai Steel Plant

\*741. Shri Bansal : Will the Minister of Iron and Steel be pleased to state :

(a) whether it is a fact that nearly 2,500 labourers went recently on strike at the Bhilai Steel Plant and the Works connected therewith ;

(b) if so, for how long the strike continued ; and

(c) its effect on the time-schedule of the Plant ?

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari) :

(a) to (c). No, Sir. There was however an attempt by a few outsiders on the 16th of September to force the workers at the site of the Bhilai Steel Works to strike work. Some of the labourers who resisted were reported to have been manhandled. On the morning of the 17th September, there was another attempt to picket the entrance to the works site. There has been no trouble since then. The incident has not affected the time schedule of construction.

Iron Ore Mines at Taldih

\*742. Shri T. B. Vittal Rao : Will the Minister of Iron and Steel be pleased to state :

(a) whether the Project Report submitted by the American firm in regard to development of Iron ore mines at Taldih has been examined by Government ;

(b) if so, when the work on these mines will commence ;

(c) the total amount paid to the American firm ; and

(d) what would be the annual output of these mines ?

The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari) :

(a) The Project Report is under consideration of the Government.

(b) Preliminary developments works construction of access roads, bridges etc. have already commenced. Work on mining to township and mine installations is scheduled to commence early next year.

(c) \$52,211 (Rs. 2,50,610 approximately).

(d) 3 million tons per annum approximately.

Shri T. B. Vittal Rao : May I know whether these mines will be worked departmentally or a joint stock company will be formed ?

Shri T. T. Krishnamachari : The mines will be worked as part of the Hindustan Steel Company.

Shri T. B. Vittal Rao : May I know when this Project Report was received by the Government ?

Shri T. T. Krishnamachari : Some time about middle of June.

Shri T. B. Vittal Rao : May I know why there is considerable delay in examining this Project Report when it was submitted in June ?

Shri T. T. Krishnamachari : There is no call for any quick action. The action is according to the time schedule needed and I think there has been no delay at all in having the Project Report examined and action taken thereon. It is not a matter in which a party is affected and Government is delaying decision, it is a matter for the authorities of the Hindustan steel works *inter se*.

Shri T. B. Vittal Rao : May I know whether the iron ore from these mines will be entirely used by the Hindustan steel plants or some portion will be exported ?

Shri T. T. Krishnamachari : It is very difficult to say the total quantity of ore that is expected to be available in this particular mine. As it is, it is said to be about 110 million tons. We have a lot of other sources from which we get ore. It is only the necessities that occur from time to time which will have to decide whether we are going to use it up for the Rourkela Plant, or other plants or, perhaps, even for export.

### State Undertakings

\*745. **Shri Gidwani** : Will the Minister of Home Affairs be pleased to state :

(a) whether it is a fact that some Ministers of the Government of India have assumed Chairmanship of the State Undertakings under their Ministries;

(b) if so, which are those State Undertakings ; and

(c) what are the reasons for their doing so ?

**The Minister in the Ministry of Home Affairs (Shri Datar)** : (a) Yes.

(b) A statement is laid on the Table of the House [See Appendix III, annexure No. 75].

(c) This was considered necessary in the interests of the State.

**Shri Gidwani** : I find from the statement that the Minister for Heavy Industries is the Chairman of the Board of Directors of the Nahan Foundry, and the Vice-Chairman of the Board of Directors of the National Industrial Development Corporation. It is also stated that a Minister is the Chairman of the Employees' State Insurance Corporation and another Minister is the Chairman of the Board of Directors of the National Coal Development Corporation. May I enquire whether the Ministers will not find it difficult to revise the decisions arrived at by the Board of Directors on which they are either Chairmen or Vice-Chairmen? Will it not preclude them from doing so?

**Shri Datar** : On the other hand, the Ministers will be in a position to explain the whole position to the Board of Directors. Therefore, the decision that is taken under the chairmanship of the Minister can be very easily implemented.

**Shri Gidwani** : Is this principle not opposed to the theory of delegation of responsibilities as pointed out in the Appleby Report?

**Shri Datar** : These are only few cases where it is considered that the Minister's direct guidance will be of great use.

**Shri L. N. Mishra** : In view of the fact that our industrial policy of both 1948 and this year laid definite emphasis on the fact that State undertakings will be managed by autonomous corporations, may I know why departmental management is preferred?

**Shri T. T. Krishnamachari** : There is a little confusion, Sir, so far as these corporations are concerned. Except in the Nahan Foundry which is of a different type altogether, the National Industrial Development Corporation and others are expected to prepare projects and to assign them to a body to work. If a project is undertaken, it may be either worked through a department of the Ministry, or they may have a separate corporation. Preparation of projects is in the nature of an exploratory work and for this purpose the association of the Minister in the initial stages is considered to be desirable and valuable. It does not fit into any theory that Mr. Appleby or somebody else has propounded, because it is entirely *sui generis*.

**Shri T. S. A. Chettiar** : May I take it that in other ordinary corporations which are really State undertakings it will be the policy of the Government to discourage State Ministers from becoming Chairmen or members of the Board of Directors?

**Shri T. T. Krishnamachari** : The question of discouragement or encouraging a particular thing is not a matter of theory, it is a matter of practical experience. Normally, Ministers do not find time for a work of this nature, unless it be something very important as it is in the case of the National Industrial Development Corporation, or it may be of a temporary character only where until the whole thing gets going the Minister's personal guidance is necessary. It does not fit into any particular theory propounded by anybody.

**Shri L. N. Mishra** : Am I to understand from the reply that after the initial stages are over the management of these industries will be handed over to autonomous corporations?

**Shri T. T. Krishnamachari** : That will be a safe presumption to make.

### Scientific Education

\*746. **Shri Jhulan Sinha** : Will the Minister of Education be pleased to state :

(a) whether attention of Government has been drawn to the necessity and desirability of making the profession of teaching in the schools and colleges more attractive to the science graduates in the interest of development of scientific education in the country; and

(b) if so, whether anything is being done to achieve the objective?

**The Deputy Minister of Education (Dr. K. L. Shrimali)** : (a) Yes, Sir.

(b) The matter primarily concerns State Governments. So far as the Government of India is concerned, they have recently selected forty science teachers for training abroad.

**Shri Jhulan Sinha :** May I enquire if the Government of India has any proposal of giving any special impetus to science graduates to take to teaching of that subject in the schools and colleges?

**Dr. K. L. Shrimali :** The greatest impetus which the Government of India can give is to improve the salary scales of teachers, and that question is being examined by the Ministry.

**Shri T. S. A. Chettiar :** It is true that the matter primarily concerns State Governments but there are many things which the Central Government does. May I know whether the Government will suggest any difference in the scales of pay of science and arts teachers, especially because science teachers are not available?

**Dr. K. L. Shrimali :** The whole question is whether the pay-scale attracts qualified men in the teaching profession. That is a very big question which the Government of India has to tackle. Once that question is tackled I am quite certain that science teachers will be attracted towards this profession.

**Shri Shree Narayan Das :** May I know whether any State Government has submitted any proposal in which it has requested the Central Government to give some help in this matter?

**Dr. K. L. Shrimali :** No, Sir.

**Shri D. C. Sharma :** Is it not the policy of the Government to make the teaching of all subjects equally attractive and if so, why is it that science teaching is given such preferential treatment over others?

**Mr. Deputy-Speaker :** He has already answered that.

**Dr. K. L. Shrimali :** I have already explained that.

**Mr. Deputy-Speaker :** That is what I said.

#### Jail Reforms in Kerala

\*748. **Shri A. K. Gopalan :** Will the Minister of Home Affairs be pleased to state how far the recommendations made by the Jail Reforms Committee, Travancore-Cochin State, have been carried out in Kerala State?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** The required information is given in the statement laid on the Table of the House. See Appendix III, annexure No. 76].

**Shri A. K. Gopalan :** May I know what the other recommendations are which have not been carried out, and may I know when they will be carried out?

**Shri Datar :** The other recommendations are under examination, and such of them as are accepted will be implemented soon.

**Shri A. K. Gopalan :** May I know whether there is a uniform jail code for all the States of India or whether there is any difference? If there is any difference, may I know whether the Government propose to have a uniform jail code throughout India?

**Shri Datar :** As I said the other day, the question whether we should have a uniform jail manual is under consideration.

**Shri Kamath :** As far as I can recollect, the first Home Minister, Sardar Vallabhbhai Patel, promised in 1949 or 1950 that a committee was going to be appointed to go into this matter of jail reform and having a uniform jail code all over India. Am I to understand from the answer given by the Minister in the Ministry of Home Affairs that no such proposal is under consideration and that no action has been taken on that matter so far?

**Shri Datar :** I may point out to the hon. Member that this question was taken up by the various State Governments. They appointed Jail committees and a number of reforms have already been introduced in various jails in the States.

So far as the Centre is concerned, a conference of all the I.Gs. of Prisons was held, and they made certain suggestions and those suggestions are under the consideration of the State Governments. In addition to this, I have already pointed out that a small committee of I.Gs. of Prisons is going to be appointed to consider to what extent there can be a uniform Jail manual for the whole of India.

**Shri Punnoose :** Is it not a fact that one of the recommendations of the committee referred to was that the under-trial prisoners should on no account be kept in police lock-ups or under police custody and that they should be kept in jails under the custody of jail warders? What has happened to that recommendation?

**Shri Datar :** That matter also is under consideration. That is one of the points.

**Shri Nambiar :** A pool of considerations.

**Indian Insurance Companies Abroad**

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**\*749. { Shri Bishwa Nath Roy:  
Shri Anirudha Sinha:**

Will the Minister of Finance be pleased to state whether any step is under consideration for the transfer of the foreign business of the Indian Insurance Companies to the Insurance Corporation which is being registered abroad?

**The Minister of Revenue and Civil Expenditure (Shri M. C. Shah):** Under Section 7(1) of the Life Insurance Corporation Act, 1956, the entire life business of the erstwhile Indian Insurance Companies, whether in India or abroad, vested in the Life Insurance Corporation on the 1st of September, 1956. Where, however, the local laws require some formalities to be fulfilled before the Corporation can take over the business, suitable action is being taken to effect a formal transfer of the business to the Life Insurance Corporation.

**Shri Bishwa Nath Roy:** May I know the amount of money invested in this business by the Indian Insurance Companies in other countries—countries outside India?

**Shri M. C. Shah:** The total amount of business is Rs. 92,20,46,000. For two or three companies the latest figures are not available, and they are not included in this amount.

**Shri Bishwa Nath Roy:** May I know whether there is any insurance company having Indian capital, but which is working outside India and not in India?

**Shri M. C. Shah:** There are certain branches of Indian insurance companies.

**Mr. Deputy-Speaker:** He wants to know whether the capital of Indian insurance is exclusively utilised for foreign insurance in any case.

**Shri M. C. Shah:** We are not aware of it.

**Shri Anirudha Sinha:** May I know the names of those countries where Indian insurers were carrying out life insurance business prior to the date of nationalisation?

**Shri M. C. Shah:** There are various countries. Mainly, they are British East Africa, Malaya, Burma, Ceylon, Pakistan and other countries such as Fiji Islands, Mauritius, Tanganyika and other colonies.

**Shri Sadhan Gupta:** May I know in how many of these foreign countries have difficulties been encountered in the way of taking over the insurance business by the Corporation, and in such cases, may I know what steps are being taken to set over those difficulties?

**Shri M. C. Shah:** There are certain countries where we have to get the Insurance Corporation registered, and there was difficulty so far as Pakistan is concerned. So far as Burma and Ceylon are concerned, we are taking steps but the hopes are very slender. Regarding the other Commonwealth colonies, we have in certain cases, got the Corporation already registered, and there will be no difficulty.

**Shri M. S. Gurupadaswamy:** Is it not a fact that subsequent to nationalisation of life insurance, foreign business has suffered considerably?

**Shri M. C. Shah:** It is but natural that foreign business would suffer.

**Shri M. S. Gurupadaswamy:** Why, 'it is but natural'?

**Mr. Deputy Speaker:** That question need not be answered.

**Shri A. M. Thomas:** There are many Indian nationals who have got themselves insured in companies which now happen to be in Pakistan. Have the Government taken any steps to protect the interests of those people who have got insurance policies in companies which are now situated in Pakistan?

**Shri M. C. Shah:** Yes; about servicing we are taking all possible steps.

**Shri Anirudha Sinha:** The fact that the Government of Pakistan, Ceylon and Burma have refused permission for the Corporation to open offices in their countries, may I enquire as to what arrangements have been made for servicing of the existing policies of Indian nationals in the meantime?

**Shri M. C. Shah:** The central office of the Life Insurance Corporation has taken all action necessary in the matter.

**Shri Heda:** What was the insurance business that the Indian companies were obtaining in the foreign countries in the last two or three years and what has been the business after nationalisation, and how are prospects?

**Shri M. C. Shah:** So far as foreign business is concerned, in 1951, the business was Rs. 49,94,00,000. It has gone up now, and in 1955, the business is to the extent of Rs. 96 crores odd.

**Traffic Regulations in Delhi**

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**\*750. { Shri Dabhit:  
Shri D. C. Sharma:  
Sardar Iqbal Singh:  
Sardar Akarpuri:  
Shri Bhakt Darshan:  
Shri Matthen:**

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 1255 on the 2nd

August 1956 and state whether Government have since taken any decision regarding the introduction of some of the provisions of the Bombay Police Act in Delhi with a view to take effective steps against cyclists violating the traffic regulations?

**The Minister in the Ministry of Home Affairs (Shri Datar):** The proposal is under active consideration.

**Shri Dabhi:** May I know whether it is a fact that the habit of double-riding and riding without cycle lamps in the night, etc., still continues in Delhi, and that such things endanger not only the lives of the riders but those of other passengers on the roads?

**Shri Datar:** To a certain extent what the hon. Member has stated is true, and that is the reason why Government are anxious to apply to Delhi certain provisions of the Bombay Police Act for the purpose of giving enhanced powers to the police here in enforcing traffic regulations very rigidly.

**Shri D. C. Sharma:** May I know which of the provisions of this Act are offering obstacles so far as their implementation in Delhi is concerned?

**Shri Datar:** The question of the application requires certain considerations as to what particular act the provisions can be applied here. The hon. Member is also aware that there has been a reorganisation, and therefore, the whole question has to be considered now. Now, we are advised that those provisions can be extended, and they will be extended very soon.

**Dr. Rama Rao:** May I know whether, in view of the fact that the public transport in Delhi is very unsatisfactory, the Government has any programme to improve the public transport, before restricting double-riding and other things?

**Shri Datar:** I am concerned with Delhi traffic, and so far as that is concerned, the provisions of the Bombay Police Act would be more than sufficient for our purpose.

**Mr. Deputy Speaker:** The hon. Member wanted that, because there are not adequate arrangements for giving good transport facilities for the public so far as Delhi traffic is concerned, these restrictions should not be imposed, namely, the restrictions on double-riding, treble-riding.

**Shri Namblar:** And even charpoy-riding.

**Shri Kamath:** Considering that the Bombay Police Act is going to be enforced or some provisions of it would be enforced in Delhi, is the Minister in a position to tell the House whether the former Chief

Minister of Bombay State will lend a helping hand in the matter, or not?

**Mr. Deputy Speaker:** Why should the hon. Member raise that point? That is a matter which may be settled among themselves.

**Shri Datar:** The provisions of the Bombay Police Act, as applied to Delhi, will be more than sufficient for regulating the traffic properly.

**Shri Kamath:** I referred to the ex-Chief Minister of Bombay.

**श्री भक्त दर्शन:** क्या गवर्नमेंट के ध्यान में यह बात आई है कि कभी कभी तो पुलिस वाले इतने सतर्क हो जाते हैं कि कई साइकिल वालों के चालान हो जाते हैं और कभी वह महीनों तक खुद गायब रहते हैं। क्या इस प्रकार की व्यवस्था में कोई सुधार किया जा रहा है?

**श्री दातार:** मैं आप से कहूँगा कि साइकिल वाले तंग करते हैं पुलिस वाले नहीं।

#### Education Minister's Conference

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\*751. { **Shri Bhakt Darshan:**  
**Shri Ram Krishan:**  
**Pandit D. N. Tiwary:**

Will the Minister of Education be pleased to lay a statement on the Table giving:

(a) the nature of decision taken, resolutions passed and recommendations made by the Education Ministers' Conference held in New Delhi in the first week of September, 1956;

(b) whether Government have considered their recommendations; and

(c) if so, the nature of decisions taken thereon?

**The Deputy Minister of Education (Dr. K. L. Shrimali):** (a) to (c). A statement giving the required information is placed on the Table of the House. [Placed in Library. [See No. S-518/56.]

**श्री भक्त दर्शन:** इस विवरण की आइटम (मद) ७ से यह जात होता है कि इस कानकस (सम्मेलन) ने यह सिफारिश की है कि सैकंडरी (माध्यमिक) स्कूलों और यूनिवर्सिटी स्टेज (विश्वविद्यालय स्तर) में श्रद्धेजी को एक अनिवार्य विषय बना दिया

जाये। मैं जानना चाहता हूँ कि क्या इस सिफारिश को स्वीकार कर लिया गया है और क्या गवर्नमेंट ने इस पर विचार किया है कि राज भाषा आयोग की रिपोर्ट पर विचार करने से पहले इस पर कोई निर्णय नहीं किया जाना चाहिये?

**डा० का० ला० श्रीमाली :** जहाँ तक इस कानकेस का सम्बन्ध है इसमें इस विषय में निर्णय दुआ था और अब यह सिफारिश सेंट्रल एडवाइजरी बोर्ड (केन्द्रीय मंत्रणा बोर्ड) के सामने जायेगी जिसकी मीटिंग जनवरी में होने वाली है।

**श्री भक्त दर्शन :** गवर्नमेंट ने पिछले दिनों एक राज भाषा आयोग की स्थापना की थी और उससे इस बात की सिफारिश करने को कहा था कि हिन्दी को राज भाषा के रूप में प्रयोग म लाने के लिये क्या कदम उठाये जाने चाहिये और उसने अपनी रिपोर्ट पेश भी कर दी है। मैं जानना चाहता हूँ कि उस आयोग की सिफारिशों पर विचार करने से पहले इस सम्बन्ध में क्यों कोई निर्णय किया जा रहा है?

**डा० का० ला० श्रीमाली :** उससे इस प्रश्न का कोई सम्बन्ध नहीं है। शिक्षा की दृष्टि से क्या उचित है इस पर विचार किया गया है। हिन्दी भी रखी गई है और अंग्रेजी भी उस फार्मले (सूत्र) में जो तय दृष्टा है।

**Shri Shree Narayan Das:** May I know whether the decision regarding making English compulsory in secondary schools was taken unanimously or whether there was any difference of opinion; and if so, what was its nature?

**Dr. K. L. Shrimali:** The decision that was arrived at was not voted. The decision arrived at is given in the statement.

**श्री भक्त दर्शन :** क्या मैं जान सकता हूँ कि कितने वर्षों के लिये इसको अनिवार्य विषय रखने का विचार किया गया है, अनन्त काल के लिये या कोई अवधि निर्धारित की गई है?

**डा० का० ला० श्रीमाली :** शिक्षा के संबंध में कभी कोई बात निश्चित रूप से हमेशा के लिये नहीं कही जा सकती है। जैसे जैसे समाज की आवश्यकताएँ होती रहती हैं वैसे वैसे शिक्षा का जो कार्यक्रम है उसका भी निर्धारण होता रहता है और होना चाहिये।

**Shri T. S. A. Chettiar:** May I know what are the definite resolutions that have been passed on the recommendations of the Basic Education Standing Committee?

**Dr. K. L. Shrimali:** It is given in the statement.

#### Historical Finds at Thaneshwar

\*754. **Shri D. C. Sharma:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that 'some material of historic importance has been found recently at Thaneshwar; and

(b) if so, what is its nature?

**The Deputy Minister of Education (Dr. M. M. Das):** (a) No, Sir.

(b) Does not arise.

रूपकुण्ड के नर-कंकाल

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\*756. **{ श्री भक्त दर्शन :**  
**{ श्री काजरोलकर :**

क्या शिक्षा मंत्री ३१ जुलाई १९५६ के तारांकित प्रश्न संख्या ५४२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि रूपकुण्ड में पाये गये नर-कंकालों के सम्बन्ध में गवेषणा करने के लिये नरतत्व विभाग के संचालक के नेतृत्व में विशेषज्ञों के एक दल ने इस बीच उत्तर प्रदेश के गढ़वाल जिले में स्थित रूपकुण्ड झील की एक यात्रा की है;

(ख) यदि हाँ, तो क्या उक्त यात्रा और वहाँ प्राप्त सामग्री के ब्यौरे का एक विवरण लोक-सभा के पटल पर रखा जायेगा; और

(ग) मनुष्यों के इन अवशेषों के बारे में विशेषज्ञों ने क्या राय दी है?

शिक्षा उपमंत्री (द्वारा म० मो दास):

(क) जी हाँ।

(ख) एक विवरण सभा पटल पर रखा दिया गया है। [देखिये परिशिष्ट ३, अनुबन्ध संख्या ७७.]

(ग) विशेषज्ञों द्वारा लाये गये कंकाल अवशेषों के विषय में गवेषणा चल रही है और लगभग एक वर्ष में पूर्ण होने की अपेक्षा है।

श्री भक्त दर्शन: क्या गवर्नर्मेंट के ध्यान में यह बात आई है कि बहुत से इतिहासकारों ने सरदार जोरावर सिंह की लौटी हुई सेना का इससे सम्बन्ध बताया है और कुछ ने यह भी बताया है कि किसी मुगल समाट की सेना तिब्बत जाती हुई वहां दब गई थी? क्या इसके बारे में भी कोई निश्चित जानकारी प्राप्त हुई है?

Dr. M. M. Das: The tentative report that we received from the Director of Anthropology who visited this place recently does not refer to the matters just now spoken by the hon. Member.

श्री भक्त दर्शन: क्या गवर्नर्मेंट को इसका पता है कि अभी तक जितने भी दल वहां गये हैं उन्होंने केवल ऊपर के नर-कंकालों की खोज की है लेकिन उस मलबे के नीचे जहां पर सैंकड़ों लाशें दबी बताई जाती हैं खोज नहीं की है? क्या उन लाशों को निकलवाने के लिये खुदाई का भी कोई प्रबन्ध किया जा रहा है?

Dr. M. M. Das: The Director of Anthropology and his expedition brought some skeletons, one female body and a few other remains. According to him, the tentative conclusions are that the human remains at Rup Kund seem to be those of a large party of pilgrims who joined one of the ancient and traditional 12 to 20 yearly pilgrimage processions known as *Nanda Jat* in order to pay homage to the Goddess Nanda Devi at a spot called Trisuli at the base of the Trisul mountain.

श्री भक्त दर्शन: मेरे प्रश्न को शायद माननीय उपमंत्री जी समझे नहीं हैं। मैं यह जानना चाहता हूँ कि पत्थरों के नीचे

बहुत से हमन स्केलेट्स (मानव पिंजर) दबे पड़े हैं और जब तक वहां पूरे तौर से खुदाई कराने की व्यवस्था नहीं होती, तब तक पूरा पता नहीं लग सकता है इस लिये क्या अच्छी तरह से खुदाई कराने का इंतजाम किया जा रहा है?

Dr. M. M. Das: One of the skeletons had been removed from below....

Mr. Deputy Speaker: The question is, whether there was a proposal to take out the other skeletons that are still lying underneath.

Dr. M. M. Das: So far as the Government of India is concerned, their Anthropology Department does not propose to take out the other skeletons from that place unless and still the skeletons that have been taken are examined and some conclusions are arrived at.

#### Grazing Grounds in Manipur

\*758. Shrimati Renu Chakravarty: Will the Minister of Home Affairs be pleased to state:

(a) whether long recorded grazing grounds at Nachou, Yawaburg, Kakching, Heirok villages in Manipur State have been given away by Government for settlement to a few persons; and

(b) how many families and heads of cattle will thereby be affected?

The Minister in the Ministry of Home Affairs (Shri Datar): (a) No. Only portion of the common ground of the Yawaburg village admeasuring  $7\frac{1}{2}$  acres has been settled with 15 local families for their residence. The remaining area has been retained as grazing ground for the village.

(b) None.

Shrimati Renu Chakravarty: Is it a fact that although the various courts of the S. D. C., the D. C. and the C. C. have declared that the settlers in these areas are encroachers and notices have also been served upon them, up till now they have not been evicted and that the grounds have not been returned for grazing purposes to the villagers?

Shri Datar: It is true to a certain extent but Government are taking steps to see that in proper cases, eviction orders are issued.

Shrimati Renu Chakravarty: My point is, as far as the law is concerned already they have been termed "encroachers"

and notices have also been issued to them. Still nothing has been done to evict them. In view of the fact that in some areas almost the total grazing ground has been encroached upon and thousands of cattle are now in difficulties for want of grazing grounds how early is the Government going to see that these people are evicted and the ground returned to the villagers?

**Shri Datar:** May I point out to the hon. Member that the policy of the Government is to have some land for grazing in each village. There are certain cases where there are encroachments. In some cases these encroachments are condoned because they have no other land to live in. In such cases the lands which have been formerly reserved are de-reserved. But so far as the requirements of grazing are concerned they have been duly attended to.

**Shrimati Renu Chakravarty:** In view of the answer of the hon. Minister may I know whether there have been cases of condonation in the four villages mentioned in my question?

**Shri Datar:** I am not aware whether it is there.

### रिजर्व बैंक भवन

\*७६०. श्री नवल प्रभाकर : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १० अक्टूबर, १९५६ को आये भूचाल के कारण पार्लियामेंट स्ट्रीट, नई दिल्ली पर स्थित रिजर्व बैंक के नवनिर्मित भवन में दरारें पड़ गई हैं;

(ख) यदि हाँ, तो कितनी ; और

(ग) क्या यह सच है कि भवन के निर्माण में काम में लाई गई घटिया सामग्री के परिणामस्वरूप ये दरारें पड़ी हैं ?

**राजस्व और प्रतिरक्षा व्यवंहारी (श्री अ० च० गुह) :** (क) और (ख). जी हाँ; भचाल के बाद एक विस्तार-संघि (एक्स-पैशन ज्वाइंट) में मामूली सी दरारें देखी गयीं पर इनसे इमारत की मजबूती किसी प्रकार कम नहीं हुई।

(ग) रिजर्व बैंक को उसके वास्तुकला-विशेषज्ञ (आर्किटेक्ट) और भवन निर्माण परामर्शदाताओं की एक फर्म से जो रिपोर्ट

मिली उनसे यह मालूम होता है कि घटिया सामान के उपयोग से ये दरारें नहीं पड़ीं। ऐसा मालूम होता है कि दरारें कुछ तो तापमान के परिवर्तनों से और कुछ भूचाल के कारण चढ़ीं। पर कोई अन्तिम सिद्धान्त निकालने से पहले रिजर्व बैंक का विचार है कि किसी विशेषज्ञ भवन निर्माण इंजीनियर से और जांच करा ली जाय।

**Mr. Deputy Speaker:** The English answer may also be read out.

**Shri A. C. Guha:** (a) and (b). Yes Sir; some cracks of a minor character which have in no way impaired the structural stability of the building were noticed in one expansion joint after the earthquake.

(c) Reports obtained by the Reserve Bank from their Architect and from a firm of structural Consultants indicate that the cracks cannot be attributed to the use of defective material. They appear to be partly due to temperature variations and partly to the earthquake tremors but before arriving at final conclusions the Reserve Bank propose to have a further survey carried out by an expert Structural Engineer.

**Shri Kamath:** We are none the wiser.

**श्री नवल प्रभाकर :** क्या मैं जान सकता हूँ कि विशेषज्ञ की नियुक्ति कर दी गई है और यदि कर दी गई है तो उसकी जांच के परिणाम कब तक सामने आ सकते हैं ?

**श्री अ० च० गृह:** अभी तक उस की नियुक्ति नहीं की गई है इसलिये अभी इस सम्बन्ध में किसी परिणाम के विषय में कहना कठिन है।

**Shri C. D. Pande:** It is said that the crack is due to variations in temperature. Has the Government taken care to see whether the buildings built near about these dates with the same materials have these cracks or is it the effect of temperature on that particular building alone?

**Shri A. C. Guha:** Some other buildings also in Delhi have similar cracks in their expansion joints. As I have stated, these cracks are what may be called hair cracks and they have not affected the stability of the building.

**Shri Kamath:** Has the Government received reports in recent years, since 1947, that new buildings constructed in various parts of the country have developed cracks for some reason or other, and if so, whether the Government will ask the P. W. D. to tighten their checks over the contractors?

**Mr. Deputy-Speaker:** A good suggestion for action.

**Shri Kamath:** The first part may be answered.

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

**Shri A. C. Guha:** The first part of the question may be put to the other Ministry of Works, Housing and Supply.

**Shri Bhagwat Jha Azad:** May I know what is the basis of this report that this crack is not due to the use of inferior material when there is no expert like an Engineer called upon to examine this crack?

**Shri A. C. Guha:** I have stated that the reserve Bank has consulted its Architect and also the structural consultants. It is their report.

**Shri Bhagwat Jha Azad:** Architect of the Reserve Bank?

**Shri A. C. Guha:** And structural consultants also.

**Mr. Deputy-Speaker:** He wants to know whether he was the same architect who was responsible for the construction that gave the advice.

**Shri A. C. Guha:** I am not aware.

**Dr. Rama Rao:** Just now, the hon. Minister said that one of the causes of this crack is temperature variation. May I know if temperature variations have come after the constructions of this building or the Engineers know that temperature variations are there and they provide for the necessary things?

**Shri A. C. Guha:** Temperature variation alone is not the cause. It has also been accentuated by the earthquake tremors.

**Mr. Deputy-Speaker:** Are these factors known to the architects before the building was constructed?

**Shri A. C. Guha:** Before, there were no earthquake tremors of that dimension for the last few years.

#### Short Service Regular Commissioned Officers

\*761. **Shri B. D. Pande:** Will the Minister of Defence be pleased to state:

(a) whether Short Service Regular Commissioned Officers are not allowed to use their ranks after retirement;

(b) whether there is a vast disparity in Short Service Regular Commissioned Officers' pension as compared with that of Regular Commissioned Officers;

(c) whether a Short Service Regular Commissioned Officer gets a maximum pension of Rs. 150 P.M. while a regular officer gets Rs. 350 P.M.

(d) whether Short Service Regular Commissioned Officers are not allowed to commute their pensions; and

(e) if so, the reasons therefor?

**The Minister of Defence Organisation (Shri Tyagi):** (a) to (e). A statement is laid on the Table of the Lok Sabha. [See Appendix III, annexure No. 78].

**Shri B. D. Pande:** I want to know—I have not seen the statement, of course—

**Mr. Deputy-Speaker:** I would advise the hon. Member first to study the statement and then put down any question.

**Shri B. D. Pande:** I could not lay my hand on the statement. Why does the Government not allow these S. S. R. C. people to use their titles after retirement?

**Mr. Deputy-Speaker:** That us what would have been put in the statement.

**श्री भक्त दशन :** क्या मैं जान सकता हूँ कि क्या सरकार ने इस बात पर विचार किया है कि इन शॉर्ट सर्विस कमीशन होल्डर्ज को पेन्शन पर भेजने के बजाय रेगुलर कमीशन क्यों न दिया जाय ?

**श्री त्यागी :** रेगुलर कमीशन देने के बास्ते एक खास प्रकार की परीक्षा होती है और उसमें इन लोगों को भाग लेने का अधिकार है। कई बार इन लोगों को देखा जा चुका है और इन में से जो लोग उत्तीर्ण हुए उन को रेगुलर कमीशन मिल गए हैं।

**Shri Nambiar:** May I now whether there is any possibility of the S. S. R. C. people being confirmed and taken as Regular Commissioned staff ?

**Mr. Deputy-Speaker:** That is the answer given. There is a regular machinery for testing, etc.

**श्री ब० द० पांडे :** जब और लोगों को पेन्शन कम्यूट करने का हक है तो इन को वह हक क्यों नहीं दिया जाता है ?

श्री त्यागी : इन को पेन्शन कम्पूट करने का अधिकार अभी तक नहीं दिया गया था और वह इसलिए कि ये कन्ट्रक्ट बेसिस पर थे और अधिकांश लोग अपनी गैंचुइटी नकद से लिया करते थे । अब चंकि नई पेन्शन कोड के हिसाब से इन को पेन्शन ज्यादा मिलेगी इसलिए इन को कम्पूट करने का प्रश्न पर मैं विचार करूँगा ।

General Election  
 +  
 Thakur Jugal Kishore Sinha;  
 Shri Asthana;  
 Babu Ramnarayan Singh;  
 \*762. Shri Bibhuti Mishra;  
 Shri Ram Krishan;  
 Shri Deogam:

Will the Minister of Law be pleased to lay a statement on the Table showing:

(a) whether during the next General Elections arrangement will be made for a separate booth for women voters of the rural areas;

(b) which of the parties were invited by the Election Commission for the discussion of election matters during the last six months; and

(c) the subject discussed and the decisions taken thereon?

The Minister of Law and Minority Affairs (Shri C. C. Biswas): (a) Yes, Sir, separate polling stations will be provided for women voters, where necessary.

(b) The following four All-India Political Parties were invited:—

(i) the Indian National Congress;  
 (ii) The Praja Socialist Party;  
 (iii) The Communist Party of India;  
 and

(iv) The All-India Bharatiya Jan Sangh.

(c) Two statements containing the required information are laid on the Table of the House. [See Appendix III, annexure No. 79].

ठाकुर युगल किशोर सिंह : स्टेटमेंट नम्बर २ के प्रथम पृष्ठ पर बताया गया है कि चीफ इलेक्शन कमिशनर ने यह आश्वासन दिया था कि नवम्बर के आखिरी सप्ताह में वह चुनाव की तारीखों को निश्चित कर के घोषणा कर देंगे । क्या मैं जान सकता हूँ कि दोनों नहीं किया गया है ?

Shri Biswas: Election dates have not yet been fixed. The latter is under discussion between the Election Commission and the Government and the announcement may be expected within the next few days.

Shri Sadhan Gupta: It has been stated that separate polling booths for women are being contemplated. Has any decision been taken at what distance the women's polling booths would be located?

Mr. Deputy Speaker: Distance from each other?

Shri Sadhan Gupta: At what distance from the place of residence.

Shri Biswas: That must be left to the local authorities. You cannot have a definite measure that there must intervene so much\* distance between one booth and another.

Some Hon. Members rose—

Mr. Deputy-Speaker: I have requested hon. Members not to begin to speak unless they have been called upon. I have tried to accommodate as large a number as possible.

Shri Kamath: Is the Minister in a position to assure the House that not merely separate polling booths will be provided, but also where there is a considerable number of *purdanashin* women voters, there will be appointed a separate Polling Officer or assistants at that booth?

Shri Biswas: There will be female assistants there to help the voters.

Shri Gidwani: Is it a fact that while fixing the dates the Election Commission had communicated to the various State Governments and some of them have not indicated their views to the Election Commission?

Shri Biswas: As a matter of fact, all the States were written to by the Election Commissioner. Unfortunately, replies have not been received from all of them.

Shrimati A. Kale: May I know whether these women's booths will be manned by women?

Mr. Deputy-Speaker: The answer has been given that assistance would be provided there.

Shrimati Tarkeshwari Sinha: In view of the statement made by the hon. Minister that election dates will be announced in the next few days, may I know whether, before making this announcement, Government expects to have the Delimitation Commission's report all over the country?

Shri Biswas: The Delimitation Commission's report is also expected to be

issued in about two weeks' time. That is all I can say. Whether the one will come before the other, I cannot guarantee.

**Shrimati Sushama Sen :** During the last elections, there were many women voters who were excluded, especially in Bihar. May I know if we have got a correct list now, and whether the women voters are on the list?

**Mr. Deputy-Speaker :** The question relates to polling booths, not to registration.

**श्री बिभूति मिश्र :** क्या सरकार ने विभिन्न पार्टियों से यह दरियापत्त किया है कि हिन्दुस्तान में चुनाव करने के लिए कौन सा समय सर्वोत्तम होगा, फरवरी, मार्च, अप्रैल या मई?

**Mr. Deputy-Speaker :** The question is whether the States have been consulted as to which time would be best suited for the elections.

**Shri Biswas :** The political parties were consulted, the States were consulted. Unfortunately, different opinions have been given by different bodies, and the matter has now got to be settled.

**Shri Nambiar :** May I know whether it is a fact that the district officials have been instructed by the State Governments that that they must get ready to conduct the elections in March? Is it with the previous permission of the Election Commissioner or of the Central Government?

**Shri Biswas :** As I said, I do not know which particular officer gave any particular opinion. I cannot say that, but different opinions were expressed. Some said it must be before the beginning of March, that is in the last week of February. Another party or another authority said it should be between the 1st and 15th or 16th of March when the *dal* ceremony begins. Another party said it should be towards the end of March. All these different opinion were expressed, but no decision has yet been taken. The matter is under active consideration by the authorities concerned.

**Mr. Deputy-Speaker :** The question was whether any instructions have been issued to the officers to get ready to have these elections in March, and if such instructions have been issued, whether that has been done by the Election Commission or the Central Government.

**Shri Biswas :** I cannot say. Any instructions about these matters ought to issue from the Election Commissioner. That is all I can say.

**ठाकुर युगल किशोर सिंह :** क्या सरकार को यह मालूम है कि पिछले चुनावों के अवसर

पर इमररसोनेशन को रोकने के लिए जो स्थाही इस्तेमाल की गयी थी . . .

**उपाध्यक्ष महोदय :** जो सवाल प्राप्त रखा था उससे यह सवाल बहुत दूर होगा।

**Shri Biswas :** I think we are trying to do away with indelible ink.

**Shri Gidwani :** May I enquire whether after coming to a tentative decision about the dates, the State Governments will again be consulted before arriving at the final dates?

**Shri Biswas :** The dates will be fixed by the Election Commission and that will final.

**Shri Bibhuti Mishra rose—**

**Mr. Deputy-Speaker :** Next question. We have had enough of this general election.

**Shri Bibhuti Mishra :** One more question.

**Mr. Deputy-Speaker :** The hon. Member will leave it to me to decide when to call the next question.

#### Ballot Boxes

**\*763. Shri Kamath :** Will the Minister of Law be pleased to state:

(a) whether any successful demonstration of opening a ballot box without breaking the seals has been given before the Election Commission;

(b) if so, by whom; and

(c) the safeguards that have been devised to make ballot box absolutely tamper-proof?

**The Minister of Law and Minority Affairs (Shri Biswas) (a) No.**

(b) Does not arise.

(c) I understand from the Election Commission that the ballot boxes are not tamperable if they are properly closed and sealed according to its instructions. The instructions for closing and sealing the ballot boxes have recently amplified and made clearer. During the coming month the Election Commission will also be arranging election rehearsals at which polling personnel will be trained to apply these instructions properly.

**Shri Kamath :** During and after the last general elections were complaints and allegations of tampering with ballot boxes received from various States, and if so from which States, and were those complaints and allegations kept in view and

considered seriously before these new safeguards were devised?

**Shri Biswas** : As a matter of fact, loose talk had gone on about this tampering business.

**Shri A. M. Thomas** : Mainly from defeated candidates.

**Shri Biswas** : Actually if the instructions which were given by the Election Commissioner had been followed, there could not be any tampering. It all depends on whether the instructions are carried out or not. For that purpose elaborate safeguards are being taken this year. As a matter of fact, at four centres pilot elections—mock elections if we may call them—are being organised. One has been held at Agra. Another was to have been held yesterday possibly at Bangalore, I do not know the exact place. Others will be held. The Chief electoral officers from the different States will be required to attend these pilot elections. Then these electoral officers will go back to their States and hold rehearsals. After the last dates of nominations are over, these election officers will be required to hold such rehearsals in every constituency, and the polling personnel, not only the polling personnel but the candidates and their representative will be all invited to come and watch how this is done, how the boxes are sealed and so on. To guard against any possible misadventure on their part, all these precautions are being taken.

**Shri Kamath** : Arising out of the Minister's loose talk—I mean the expression used by him—is the Minister .....

**Mr. Deputy-Speaker** : The question should be very short and precise, and so will be the answer.

**Shri Kamath** : Yes Sir, particularly the answer. Is the Minister sure that in none of the election petitions filed during the last three or four years after the general elections, the allegations of tampering were proved, not even in a single election petition?

**Shri Biswas** : I cannot give that assurance because I do not know how many election petitions were filed in which these questions were raised. So, I am not going to venture an opinion, but....

**Mr. Deputy-Speaker** : That is all, I think.

**Shrimati Tarkeshwari Sinha** : In answer to part (a) of the question, the hon. Minister said that there was no demonstration before the Election Commission, but does the Minister know that almost all over India, perhaps in all the important newspapers these reports came out, and whether the Government

cared to issue contradictions of these reports, so that public opinion may not be created otherwise?

**Shri Biswas** : I do not know whether contradictions were issued on these questions, but what I do know is this that every effort is being made with the co-operation of the parties, the prospective candidates and their prospective agents, to make sure that there is no tampering at all or no breakage of these ballot boxes and so forth.

**Shri Tek Chand** : Was a single allegation as to the defective mechanism of the ballot boxes ever found to be well founded?

**Shri Biswas** : No, Sir.

**Shri M. S. Gurupadaswamy** : With a view to help the voters to choose the candidates of their choice, will the Government or the Election Commission consider fixing the photos of candidates on the respective boxes?

**Shri Biswas** : No, Sir. There is no such proposal.

**Shri Kamath** : Is the hon. Minister in a position to assure the House that the safeguards referred to in part (c) of the question that have been now devised will make these boxes, to use the expression of his predecessor Dr. Ambedkar, fool-proof and knave-proof, not merely tamper-proof?

**Shri Tek Chand** : But not allegation-proof.

**Shri Biswas** : They have already fool-proof, knave-proof and proof against anything.

**Dr. Rama Rao** : In the pilot elections or the so-called rehearsals, is the Government inviting political parties also?

**Mr. Deputy-Speaker** : That has been said.

#### Houses for Scheduled Castes/Tribes in Kerala

\*764. **Shri L. Eacharan** : Will the Minister of Home Affairs be pleased to state:

(a) the amount provided to Kerala State as grants for building of houses for Scheduled Castes and Scheduled Tribes during 1956;

(b) whether the grant will be given in a lump sum or by instalments; and

(c) what percentage of money spent in building of houses will be Central Government's share?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) and (c). A grant of Rs. 35,750/- has been given to the erstwhile Travancore-Cochin Government on 50:50 basis for the construction of Houses for Scheduled Tribes. It is proposed to give a further grant of Rs. 45,000/- for this purpose under the Centrally Sponsored programme which will be entirely financed by the Centre.

No housing scheme for Scheduled Castes for the current financial year has so far been received from the State Government.

(b) The grants will be paid in two instalments. The first instalment in respect of the State Plan has already been paid with the issue of sanction.

**Shri I. Eacharan :** May I know the terms and conditions to be satisfied for the giving of this grant?

**Shri Datar :** The conditions are that the schemes have to be approved by the Central Government, and fifty per cent of the charges are to be borne by the State Government.

**Shri Velayudhan :** May I know whether the plans for the houses are given by Government or the houses can be built by the allottees themselves according to their own plans?

**Shri Datar :** There are a number of plans. Model plans have been prepared and supplied to the State Governments.

**Shri Punnoose :** It was stated that a certain amount was allotted for the Travancore-Cochin State during the last year. Was that amount paid? May I also know how many houses were constructed? Has the Minister got any report about it?

**Shri Datar :** I am not in a position to give that information at present.

**Shri Velayudhan :** May I know the amount that has lapsed in respect of the housing grants for these communities during the last year, and whether that amount is being carried over to the current year?

**Shri Datar :** I am not aware whether any amount had lapsed at all, so far as Madras Government were concerned.

**Shri I. Eacharan :** May I know the approximate cost of each house?

**Shri Datar :** It may be either Rs. 250, or Rs. 500, or Rs. 750 or Rs. 1000.

चोर की सूचना देने वाली धंटी

\*७६६. श्री रघुनाथ सिंह : क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि इलाहाबाद के जगदीश प्रसाद मायूर नामक व्यक्ति ने चोर की सूचना देने वाली एक धंटी का आविष्कार किया है; और

(ख) यदि हां तो इस आविष्कार की क्या उपयोगिता है?

**प्राकृतिक संसाधन मंत्री (श्री के० दे० मालवीय) :** (क) जी हां।

(ख) रिपोर्ट है कि यह आविष्कार चोरों से रक्खा करने के लिये लाभदायक सिद्ध होगा।

**Shri Punnoose :** It is a very important question. May we have the answer in English?

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

**Shri K. D. Malaviya :** (a) Yes, Sir.

(b) It is reported that the invention will prove useful for safety against burglars.

**Shri Tek Chand :** May I know whether this burglar alarm is an alarm for the burglar or for the householders?

**Mr. Deputy-Speaker :** Perhaps, for both.

**Shri K. D. Malaviya :** It is reported that it is an alarm for both.

**श्री रघुनाथ सिंह :** मैं यह जानना चाहता हूँ कि क्या आपके विभाग ने इस नये आविष्कार को ऐज्जामिन (परीक्षण) किया है और यदि हां तो इसको कहां तक यूजफुल (लाभदायक) पाया है और इस धंटी की कोस्ट क्या होगी?

**श्री के० दे० मालवीय :** हमारे विभाग को इसकी सूचना नहीं है। इस धंटी का श्री जगदीश प्रसाद मायूर ने अपनी व्याकेतगत हैसियत से आविष्कार किया है और इस प्रश्न के पूछने के बाद यह जानकारी हासिल की गई थी जो मैं ने सभा पटल पर रख दी।

**श्री सिंहासन सिंह :** क्या सरकार इन मायुर साहब को कोई इमदाद दे रही है और क्या उस आविष्कार का उपयोग करके देश का लाभ कर सकती है इस पर भी क्या सरकार ने विचार किया है ?

**उपाध्यक्ष महोदय :** अभी इस तरह का कोई सवाल नहीं है। चूंकि यह सवाल आया था इसलिए उसके मुताबिक सिंह यह सूचना भी गई है।

**श्री के० दे० मालवीय :** उन्होंने स्वयं इसका आविष्कार किया और उसके बास्ते सरकार से कोई मदद नहीं मांगी।

**श्री कामत :** इस क्षेत्र म श्री मायुर का गूर्वानुभव क्या है ?

**श्री के० दे० मालवीय :** मुझे कुछ नहीं मालूम।

**Shri Velayudhan :** [May I know how many of these alarms have been put into use so far, and whether Government have tested these alarms and are completely satisfied with them ?

**Shri K. D. Malaviya :** Government know nothing about it, nor do they make any claim about it.

#### Rural Credit

\*768. **Shri Shree Narayan Das :** Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 2574 on the 28th May, 1956 and state :

(a) whether the Reserve Bank of India has since finalised the plan envisaging a suitable machinery which will operate in collaboration with the Central Government, the state Governments and selected Co-operative Institutions, for recurring investigation, research and check up of the credit situation in the rural sector; and

(b) if so, the importance features thereof?

**The Minister of Revenue and Defence Expenditure ( Shri A. C. Guha ) :** (a) and (b). The plan referred to is not yet ready. It is expected that it will be completed in time for the first follow-up survey being taken up early in 1957. The machinery to be set up will generally be on the lines indicated by the All India Rural Credit Survey Committee.

**Shri Shree Narayan Das :** May I know the reasons for the delay in this matter? Is it due to the fact that the Rural Credit Wing of the Reserve Bank of India is not fully manned?

**Shri A. C. Guha :** I do not think that suggestion is correct because the Reserve Bank has to contact the State Governments, the different co-operative societies and also some other bodies such as the research institutes, the economic bureaus in the universities and so on. It is rather an elaborate process that has to be gone through before the Reserve Bank can come to any definite decision. I think the period that has elapsed is not also so long as the hon. Member seems to apprehend. The plan will be ready by early next year.

**Shrimati Tarkeshwari Sinha :** Despite the best efforts of the Reserve Bank of India and Government to encourage rural credit, the interest rate charged by the different co-operative societies is still beyond the capacity of the pocket of the rural population. May I know whether Government propose to lower the interest rate and also maintain a uniform interest rate all over the country?

**Shri A. C. Guha :** That question has nothing to do with this. Anyhow, that matter is always engaging the attention of the Reserve Bank and the State Governments. The State co-operative societies are to effect this uniformity of rates.

**Shri B. K. Das :** How many branches of the State Bank of India have so far been opened?

**Shri A. C. Guha :** That is outside the scope of this question.

**Shrimati Renu Chakravarty :** May I know whether, as a result of the setting up of this machinery for finding out what the position of the actual credit situation in the rural sector is, areas which have hardly got any credit institutions will be checked up and compared with those that have comparatively better rural credit facilities?

**Shri A. C. Guha :** If the hon. Member goes through the relevant para of the report of the committee, she will find that it will make a general survey every year as to the quantum and the necessity of rural credit and other relevant aspects. So, any areas which have not been covered so far will also come within the purview of the annual review.

**Shrimati Renu Chakravarty :** Will it be done on the basis of a sample survey or will it be on the basis of the State Governments being asked to undertake it in the various districts?

**Shri A. C. Guha :** I think it is rather too premature to make any definite answer. It will have to be left to the State Governments. The State Governments will be consulted.

**ri L. N. Mishra :** One of the osmitimporant recommendations of that tee was the provisions of land mtgge banks in rural areas. May I aw whether any concrete steps have en taken by any of the States in that direction?

**Shri A. C. Guha :** That is completely outside the scope of this question.

### Secondary Education

\*769. { **Sardar Akarpuri :**

**Sardar Iqbal Singh :** Will the Minister of Education be pleased to state:

(a) whether it is a fact that an ad-ditional grant has been allocated by the Central Government to the Government of Punjab during 1956-57 for the reorienta-tion of Secondary Education;

(b) if so, the amount thereof (item-wise); and

(c) the reasons for this additional grant?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :** (a) Yes, Sir.

(b) A statement is laid on the Table of Lok Sabha. [See Appendix III, annexure No. 80]

(c) The grant was made to cover fresh proposals for 1956-57 and for meeting the expenditure on proposals sanctioned during 1955-56 for which no amount was actually released.

**सरदार अकरपुरी :** क्या मैं जान सकता हूँ कि जिन स्कूलों को यह सहायता दी जाती है उनके सेलेक्शन के वास्ते कोई हिदायत सेंटर से जारी होती है या स्टेट गवर्नमेंट ही इसको करती है?

**डा० का० ला० श्रीमाली :** सेलेक्शन स्टेट गवर्नमेंट करती है।

**सरदार अकरपुरी :** क्या मैं जान सकता हूँ कि रुपया लिये जाने के बाद केन्द्रीय सरकार का कोई इंस्पेक्शन उन स्कूलों के मुतालिक होता है कि वह रुपया ठीक इस्तेमाल होता कि नहीं?

**डा० का० ला० श्रीमाली :** जिम्मेदारी तो स्टेट गवर्नमेंट की होती है लेकिन कभी कभी हमारे अफसरान भी स्कूलों में देखने के वास्ते जाते हैं।

### Short Notice Question and Answer - Lockouts in Jute Mills

**S.N.Q. 1. Shri Ramananda Das :** Will the Minister of Labour be pleased to state:

(a) whether Government are aware that some Jute Mills namely Meghna Jute Mill, Alexandra Jute Mills, Weaverly Jute Mills and other Jute Mills in the Jagatdal Thana of 24 Parganas District in West Bengal have declared lockouts in their mills for the last three weeks and more;

(b) if so, the reasons therefore;

(c) the number of workers affected by the lockout;

(d) the loss of total wages suffered by the workers and the loss of production; and

(e) the action taken by Government in the matter?

**The Deputy Minister of Labour (Shri Abid Ali) :** (a) and (b). It is re-ported by the State Government that owing to stoppage of work by workers in the Weaving Departments, the managements of the Weaverly, Alexandria and Meghna Jute Mills declared lockouts on the 12th, 15th and 17th October 1956, respectively.

(c) 10,000.

(d) Information is not available.

(e) The State Government conciliation machinery held a number of joint meetings with the parties and further attempts are being made to arrive at a settlement.

**Shri Ramananda Das :** Is it a fact that since the establishment of jute mills in West Bengal, only one Weaver works in one loom and the introduction of two looms for one weaver at present is detrimental to health and life of the workers?

**Shri Abid Ali :** It is a fact that formerly there was one worker for each loom. But since the Tribunal's award, one worker can work two looms and get higher wage. But it is not compulsory for the workers to work on two looms. Even the employers are not making it compulsory for the workers to work on two looms.

**Shri Ramananda Das :** May I know the total number of man-days lost by this lock-out up to date?

**Shri Abid Ali** : That information is not available at present.

**Shri Ramananda Das** : Will the Minister consider the possibility of nationalising all these four jute mills in order to safeguard the interest of workers?

**Mr. Deputy-Speaker** : That is too wide a question.

**Shri T. B. Vittal Rao** : May I know whether the Tribunal, which has been referred to by the Minister, did go into the question of work-load also?

**Shri Abid Ali** : I have said only that if one worker is made to work on two looms, he is entitled to a higher wage. But again, the employers are not making it compulsory for a worker to work on two looms. Subsequently, the Chief Minister of West Bengal also intervened in the matter and it has been agreed that those workers who are willing to accept the proposition of working on two looms may do so, and there should be no retrenchment without the previous permission of the Government. A large section of workers is prepared to resume work, but for political reasons, a particular party is intervening and making it impossible for the workers to resume work.

**Shri Nambiar** : An answer was just now given saying that it was a political party or parties who were interested in this. May I know what steps Government have taken to go into the question of which are the parties and what section of workers is not prepared to work, and the reasons therefor?

**Shri Abid Ali** : I have already stated that the Government have done all that they could do. The conciliation machinery has been helpful. The Chief Minister himself has been helpful and a large section of workers is prepared to resume work, but a particular party is coming in the way.

**Shri Kamath** : Name the party.

**Mr. Deputy-Speaker** : Have Government or the officer concerned found out which is the party responsible for this?

**Shri Abid Ali** : Yes, it is the Communist Party. Because they insist, I mention it here.

#### RITTEN ANSWERS TO QUESTIONS

##### Special Police Establishment

\*743. **Shri Bhagwat Jha Azad** : Will the Minister of Home Affairs be pleased to state:

(a) how far Special Police Establishment has been able to secure departmental or other punishment for the Government servants for various lapses since July, 1956; and

(b) whether this department has been able to discover any bogus firms dealing

with various contracts on Government level?

**The Minister in the Ministry of Home Affairs (Shri Datar)** : (a) A statement is laid on the Table of the House. [See Appendix III annexure No. 81].

(b) No.

#### Transfer of Bank Accounts etc. from Pakistan

\*744. **Shri Bahadur Singh** : Will the Minister of Finance be pleased to state:

(a) whether further time limit was allowed to individuals from certain specified areas in Pakistan who had failed to apply for transfer of their accounts from banks within the prescribed date;

(b) the number of such individuals who availed of this extension of time; and

(c) what steps have been taken for redeeming jewellery and other valuables pledged with banks in Pakistan by evacuees?

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha)** : (a) and (b). The question of extending the time is under consideration in consultation with the Government of Pakistan.

(c) Subject to the concurrence of the two Governments, it was recommended by the Joint Implementation Committee on the Indo-Pakistan Banking Agreement that the evacuees might be given the option to redeem jewellery and other valuables pledged with banks within three months from a date to be specified by mutual agreement. On their failure to do so, the Custodian of Evacuee Property would be free to dispose of the pledged articles to the extent required to satisfy the banks' claims, the remaining articles being transmitted to the concerned. The Government of India have conveyed their approval of the above proposal to the Government of Pakistan, and their acceptance is now awaited.

#### Archaeological Finds in Tamluk

\*747. **Shri S. C. Samanta** : Will the Minister of Education be pleased to state:

(a) whether the coins and other articles found as a result of archaeological excavations carried on in Tamluk in the district of Midnapur, West Bengal have been fully examined;

(b) if so, the details thereof;

(c) whether the excavations indicate that the Chinese travellers Fa-Hein and Heuin-Tsang studied Buddhism and Sanskrit and Tamluk;

(d) whether the existing Bargabhima Temple at Tamluk has some Buddhistic and other architectures of old; and

(e) whether further excavations are to be conducted there?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) Yes, Sir.

(b) The coins and other finds at Tamluk revealed four cultural periods from the neolithic to modern times with occasional breaks. Further information is contained in a Department of Archaeology Publication "Indian Archaeology 1954-55—A Review", a copy of which is available in the Parliament Library.

(c) The excavations conducted so far by the Department of Archaeology have not thrown any light on this point.

(d) The construction of the Bargabhima Temple does not clearly suggest its association with Buddhism. The temple is of Orissan style of architecture and modelled after the temple at Puri.

(e) No, Sir.

#### Geological Survey

**\*752. Shri R. P. Garg :** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the recommendations made after the recent survey in the Jammu and Kashmir State undertaken by the Geological Survey of India;

(b) the steps taken to implement them; and

(c) the number of new Geological Survey of India offices opened in the country in 1956-57 besides the one at Srinagar?

**The Minister of Natural Resources (Shri K. D. Malaviya) :** (a) and (b). Reports on the recent surveys carried out by the Geological Survey of India are still under preparation and samples of the minerals collected recently are being analysed.

A list of the investigations included in the Second Five Year Plan is laid on the Table of the House. [See Appendix III annexure No. 82].

(c) None.

#### Corruption in Kerala State

**\*753. Shri Velayudhan :** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Government of India have sent an officer to investigate into the malpractices and corruption in the Kerala State administration; and

(b) if so, whether he has submitted any report?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) No Sir.

(b) Does not arise.

#### Oil in Assam

**\*755. Dr. Ram Subhag Singh :** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that the probable reserves of oil in the Naharkatiya area are enough to plan a production of about 2½ million tons of oil per year;

(b) if so, whether the plan to exploit these oil resources has been finalized;

(c) whether oil finds have also been discovered in Hugrijan and Moran areas of Assam; and

(d) if so, the estimated quantity of oil reserves in those areas.

**The Minister of Natural Resources (Shri K. D. Malaviya) :** (a) Yes, Sir. It appears likely that the reserves of crude oil in Naharkatiya, Hugrijan and Moran areas are sufficient to support a production of 2½ million tons per annum.

(b) The formation of a Rupee Company for production of oil in Assam is under consideration of Government.

(c) Yes, Sir.

(d) A separate estimate of reserves in Hugrijan and Moran has not been made.

#### I. A. S. Recruitment

**\*757. Shri Bheeka Bhai :** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 1620 on the 31st August, 1956, and state how far the proposals for promotion of State Officer to I.A.S. Cadre against the allotted quota to each State have materialised?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** A statement giving the present position is placed on the Table of the House [See Appendix III, annexure No. 83].

#### Insurance Workers

**\*759. Pandit D. N. Tiwary :** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that a large number of Insurance workers from the State of Bihar have been displaced as result of reorganisation of Insurance business; and

(b) if so, their number ?

**The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) :** (a) No, Sir.

(b) Does not arise.

#### Bhatinda Fort

\*765. { **Shri M. Islamuddin : Dr. Ram Subhag Singh :**

Will the Minister of Education be pleased to state:

(a) whether it is a fact that a "burj" of the historic Bhatinda Fort collapsed due to "earthquake shocks" on the 12th October, 1956; and

(b) whether no repairs have been undertaken by Government since it was taken over from the Government of Pepsu?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) Yes, Sir. Two bastions along the outer faces of the Fort collapsed, one completely and the other partially, during October 1956 owing to incessant rains and earthquake tremors.

(b) A sum of Rs. 1703/13/6 was spent on the repairs and maintenance of the Fort after the Fort was taken over by the Union Department of Archaeology in 1951.

#### Indian Life Insurance Business in Pakistan

\*767. **Shri Shivananjappa:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Life Insurance Corporation of India will not book any further life insurance business in Pakistan.

(b) if so, the reasons thereof, and

(c) whether the Corporation will continue to serve its present policy holders in Pakistan ?

**The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) :** (a) Yes Sir.

(b) On the ground that Pakistan Insurance Companies would not be able hereafter to transact life insurance business in India, the Pakistan Government has cancelled the registration of the Indian Life Insurance Companies which were operating in Pakistan, with effect from 1-10-1956. In view of this position the Life Insurance Corporation of India has decided not to seek registration for writing new business in Pakistan.

(c) Yes.

#### World Theatre Conference

\*770. **Shri Gadilingana Gowd :** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the first World Theatre Conference was held in Bombay in the first week of November 1956; and

(b) the subjects dealt with by the Conference ?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) Yes, Sir.

(b) Government have no information.

#### Composition of Delegations

\*771. **Shri Wodeyar :** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that it has been suggested to all the other Ministries of Government to include Administrative Service Officers in a suitable capacity in delegations, sent abroad by them; and

(b) if so, the benefits of this scheme ?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) Yes.

(b) The scheme provides an opportunity to the Indian Administrative Service officers to widen their outlook by travel in foreign countries and to gain experience in certain fields of administration at no extra cost to Government.

#### Re-employment of Retired Majors

\*772. **Shri Buchikotaiah :** Will the Minister of Defence be pleased to state:

(a) how many retired Majors of the Army were appointed in development works during the last six months; and

(b) the nature of work entrusted to them ?

**The Minister of Defence Organisation (Shri Tyagi) :** (a) and (b). The information is being collected and will be laid on the Table of the House.

#### Scheduled Class Colony at Kariampatti

\*773. **Shri Balkrishnan :** Will the Minister of Home Affairs be pleased to state:

(a) whether any amount was sanctioned for the construction of a Scheduled Class Colony at Kariampatti village, Palni Taluk Madras State; and

(b) if so, the amount thereof ?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) Yes, Sir,

(b) Rupees 15,000/-

#### Excise Duty on Vegetable Oils

\*774. **Shri Tulsidas :** Will the Minister of Finance be pleased to state :

(a) whether there are procedural difficulties in claiming refund of excise duty on non-essential vegetable oils exported out of India;

(b) if so, the nature of the difficulty; and

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

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) :** (a) and (b). It has been represented that certain difficulties are being experienced by the trade in claiming rebate of excise duty on non-essential vegetable oils chiefly relating to the procedure followed to ensure identification of the oil presented for export with the oil on which excise duty had actually been paid.

(c) Relaxations have been already made in the statutory export refund procedure. As a long term solution the possibility of evolving a simplified procedure, doing away with the need for such close identification is being actively explored.

#### Central Technical Institute, Kerala

\*775. **Shri A. M. Thomas :** Will the Minister of Education be pleased to state :

(a) whether any steps have so far been taken to set up the Central Technical Institute provided in the Second Five Year Plan of the erstwhile Travancore-Cochin Government?

(b) the total amount provided for the Scheme during the Second Five Year Plan Period; and

(c) the estimated expenditure for the year 1956-57?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :** (a) The details of the scheme are being worked out.

(b) Rs. 19 lakhs.

(c) A sum of Rs. 9.5 lakhs has been provided for the scheme in the current year's budget.

#### Nagarjunakonda Sagar Excavations

\*776. **Shri C. R. Chowdary :** Will the Minister of Education be pleased to state :

(a) the total amount so far spent

for excavations of Nagarjunakonda Sagar; and

(b) whether Government will lay on the Table a statement showing the result of excavations ?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) The following expenditure has been incurred since the commencement of the excavations at Nagarjunakonda :—

Year	Amount spent. Rs.
1954-55	80,359
1955-56	1,46,503
1956-57	1,81,900
(upto 31/10/56)      TOTAL	4,08,762

(b) The information is available in the publication of the Union Department of Archaeology "Indian Archaeology A-Review 1955-56" copies of which are available in the Library of Parliament.

#### Registration of Displaced Persons in Tripura

\*777. **Shri Biren Dutt :** Will the Minister of Home Affairs be pleased to state :

(a) the number of cases in which the registration of displaced persons as citizens in Tripura, has been refused during 1956 so far; and

(b) the main reasons for such refusal?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) 108 upto the 26th November, 1956.

(b) Ineligibility for registration under the provisions of the Citizenship Act, 1955, and the Citizenship Rules, 1956, made thereunder.

#### Pension Circulars

\*778. **Shri P. Ramaswamy :** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the printing of pension circulars under the Controller General of Defence Accounts has been abolished and the technical hands absorbed in other than the jobs they are qualified for; and

(b) whether it is also a fact that Government propose to consider such personnel for suitable vacancies which are existing or may exist in other departments of the Government?

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) :**

(a) The printing of pension circulars was

abolished in 1951. The printing was done by private printing presses on contract. So no technically qualified men of the Department were employed on work connected with the printing of these circulars. The question of the absorption of technical hands in some other jobs does not, therefore, arise.

(b) Does not arise in view of the position explained at (a) above.

#### Multi-purpose Schools in Bihar

\*779. **Shri Deogam** : Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 1651 on the 11th September, 1956 and state:

(a) the manner in which the grant of Rs. 37,02,188/- sanctioned to the Bihar Government for the purpose of establishing Multi-purpose Schools during the First Five Year Plan period was spent by them;

(b) whether the above grant was allowed to lapse;

(c) whether detailed proposals have since been received from the Bihar Government for establishing such Schools during the Second Five Year Plan period; and

(d) if so, the amount sanctioned for this purpose?

**The Deputy Minister of Education (Dr. M. M. Das)** : (a) to (d). A statement is placed on the Table of Lok Sabha [See Appendix III, annexure No. 84].

#### Trainees in Basic Training College, Trichur

\*780. **Shri Mathew** : Will the Minister of Education be pleased to state:

(a) the number of graduates who are undergoing training in the Post-graduate Basic Training College at Trichur in Kerala State and the number among them who are receiving any stipend;

(b) whether the non-stipendiary trainees have to pay any tuition fee and if so, the amount; and

(c) whether the trainees, who pass out of this college after successfully completing the course will be given preference in the matter of appointments in the Government Secondary Schools in the State?

**The Deputy Minister of Education (Dr. M. M. Das)** : (a) 48, of whom 36 are receiving stipend.

(b) The non- stipendiary trainees have to pay the following fees for the whole course :—

Regular Fee Rs. 150/-

Athletic Fee Rs. 4/-

Health Service Fee Re. 1/-

(c) The question is under consideration.

#### Tribal Students in Manipur

\*781. **Shri Rishang Keishing** : Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1026 on the 31st March, 1956 and state:

(a) whether the Manipur Government have taken any action so far regarding the exemption of the school fees of the Tribal students; and

(b) if not, the reasons therefor?

**The Deputy Minister of Education (Dr. K. L. Shrimali)** : (a) Yes.

(b) Does not arise.

#### Central Overseas Scholarships Scheme

\*782. **Shri Veeraswamy** : Will the Minister of Education be pleased to state the number of Scheduled Castes among 34 candidates selected for study abroad under the Central Overseas Scholarships Scheme, 1957-58?

**The Deputy Minister of Education (Dr. M. M. Das)** : One only.

#### Fertilizer Factory, Rourkela

\*783. **{ Shri T. B. Vittal Rao : Shri D. C. Sharma :**

Will the Minister of Iron and Steel be pleased to state:

(a) the progress made up to the end of October, 1956 in the matter of installation of Fertiliser Factory at Rourkela;

(b) when the plant is likely to go into production;

(c) whether the order for the machinery to be imported, has been placed; and

(d) if so, the firms on which it has been placed and the value thereof?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari)** :

(a) In February, 1956 it was decided that a Fertilizer Plant be set up at Rourkela using the gases from the Rourkela Steel Plant. A firm of consultants Messrs. Bochako of West Germany have been appointed and have been asked to submit their Project Report and prepare tender specifications of the plant. The project report is awaited.

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

#### Anthropological Investigation in Andamans

**\*784. Shri Bhagwat Jha Azad :** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1470 on the 27th August, 1956 and state:

(a) whether the report of the Anthropological investigations on Andaman Islands has since been submitted; and

(b) if so, whether any investigations were made regarding the Andamans tribe as well?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) The final report regarding the investigations has not yet been received, but a preliminary account of the investigation was published in January, 1952 in the Bulletin of the Department of Anthropology, Volume, I, copies of which are available in the Library of Parliament.

(b) Government are not aware of any such tribe.

#### Pakistan Nationals

**\*785. Shri Gidwani :** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that a number of Pakistan Nationals who hold Visas issued to them by Indian High Commissioner, refused to go back to Pakistan and over-stayed after the expiry of their period;

(b) whether it is a fact that some of them approach the Indian Courts and obtain injunctions claiming that they are Indian Nationals; and

(c) what steps Government propose to take to make them go back to Pakistan?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) Yes.

(b) Yes.

(c) Necessary legal powers are being taken.

#### Survey of Folk-Arts and Crafts

**\*786. Shri Dabhi :** Will the Minister for Education be pleased to refer to the reply given to Starred Question No. 1998 on the 11th September, 1956 and state:

(a) whether the report on the survey work done by the Lalit Kala Akademi in West Bengal in connection with folk-arts and crafts has been considered by Government; and

(b) if so, the main recommendation contained in the report?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :** (a) The preparation of the report has not yet been completed.

(b) Does not arise.

#### UNESCO Conference

**\*787. Shri Velayudhan :** Will the Minister of Education be pleased to lay a statement on the Table showing:

(a) the number of officials in the various categories recruited by Government for the U. N. E. S. C. O. Conference; and

(b) whether there was any Board to select them?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) A statement is laid on the Table of the House. [See Appendix III, annexure No. 85].

(b) Yes, Sir, except in the case of some Gazetted officers who were appointed either by promotion or by transfer from within the Ministry or other offices.

#### I. A. F. Research Wing

**\*788. Shri D. C. Sharma :** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that research wing has been organised for the benefit of the Indian Air Force; and

(b) if so, the estimated expenditure thereon for the year 1956-57?

**The Minister of Defence Organisation (Shri Tyagi) :** (a) and (b). No Research Wing as such has been organised in the I. A. F. There is a small cell of the Defence Science Organisation in Air Headquarters working on scientific problems of interest to the Air Force. The estimated expenditure in regard to the staff for the year 1956-57 is Rs. 34,400/-.

#### Backward Classes Commission Report

**\*789. Dr. Ram Subhag :**  
**Shri Ramachandra Reddi :**

Will the Minister of Home Affairs be pleased to state:

(a) whether some members of the Backward Classes Commission have questioned the propriety of inclusion in the report of a note by the Commission's Chairman; and

(b) if so, what is the Government's decision in that regard?

**The Minister in the Ministry of Home Affairs (Shri Datar):** (a) and (b). The reference is presumably to the matter which is found at pages i—xxxiii in Volume I of the Report of the Backward Classes Commission and is referred to in the table of Contents as "Forwarding letter of the Chairman". It is neither a Note included in the Report as an integral part thereof, nor even a Foreword to the Report; on the other hand, it is manifestly a letter of the Chairman of the Commission to the President enclosing a copy of the Report and has been treated by the Government of India as such.

### विदेशी शासकों को मूर्तियां

\*760. श्री भक्त दर्शन : क्या गृह-कार्य मंत्री ३१ जुलाई १९५६ के तारांकित प्रश्न संख्या ५२८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि संघीय राज्य क्षेत्रों में सार्वजनिक स्थानों से विदेशी शासकों की मूर्तियों को हटाने के बारे में इस बीच क्या प्रगति हुई है?

गृह-कार्य मंत्रालय में मंत्री (श्री दातार) : पिछले चार महीनों में कोई प्रगति नहीं हुई है।

### State Social Welfare Advisory Boards

\*791. Shri A. K. Gopalan : Will the Minister of Education be pleased to state:

- the term of membership of the State Social Welfare Advisory Boards;
- how many State Social Welfare Advisory Boards were reconstituted in 1955-56;
- whether the accounts of these State and Central Social Welfare Boards are audited by Government yearly; and
- if so, whether Government will lay the audit report for the last four years on the Table?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) to (d). A statement is laid on the Table of the House. [See Appendix III, annexure No. 86].

### History of Freedom Movement

\*792. { Shri S. C. Samanta :  
Shri Shivananjappa ;

Will the Minister of Education be pleased to refer to the replies given

to Starred Question No. 1267 on the 22nd August, 1956 and state;

- whether all the materials for the History of Freedom Movement up to 1919 have been collected and catalogued according to the target dates;
- if so, when it is going to be published;
- the progress made with regard to the third phase; and
- the amount spent on different heads after August 1956 (month by month)?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) to (d). A statement is laid on the Table of the House. [See Appendix II, annexure No. 87].

### Enquiry into Kalka Firing

\*793. Shri Bheekha Bhai : Will the Minister of Home Affairs be pleased to state:

- whether the enquiry against the police officers responsible for the firing on the railwaymen at Kalka has been completed;
- if so, the findings of the enquiry, and
- the steps taken to implement the findings?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) and (b). A statement is laid on the Table of the House showing the terms of reference of the Commission of Inquiry appointed by the Government of Punjab and its findings. [See Appendix III, annexure No. 88].

(c) This is a matter for the Government of Punjab.

### Delegations sent Abroad

\*794. Shri R. P. Garg : Will the Minister of Education be pleased to state:

- the number of official delegations, cultural or otherwise sponsored by his Ministry, that were sent abroad during 1956 so far;
- the purpose for which these delegations were sent and the countries which they visited; and
- the total expenditure incurred on these delegations?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :** (a) to (c). A statement is laid on the Table of the House [See Appendix III, annexure No. 89].

**Delegation of Educationists to U.S.S.R.**

\*795. **Shri Shivananjappa** : Will the Minister of Education be pleased to state :

(a) whether the Government sponsored delegation of Indian Educationists have come back after studying the Soviet system of education ;

(b) if so, whether they have submitted a report to the Government about their impressions of the Soviet system of education ; and

(c) the main features of their report ?

**The Deputy Minister of Education (Dr. K. L. Shrimali)** : (a) Yes.

(b) Not so far.

(c) Does not arise.

**National Flag**

\*796. **Shri Shree Narayan Das** : Will the Minister of Home Affairs be pleased to state :

(a) whether the question of preparation of National Flag of standard size and colour woven into one texture has been considered by Government ; and

(b) if so, the nature of decision taken in this respect ?

**The Minister in the Ministry of Home Affairs (Shri Datar)** : (a) Yes.

(b) Government do not propose to make any change in the present mode of preparation of the National Flag.

**Aligarh University Engineering College**

\*797. **Shri Gadilingana Gowd** : Will the Minister of Education be pleased to state :

(a) whether it is a fact that the Union Government have sanctioned recently a grant for further expansion of the Aligarh University Engineering College ; and

(b) if so, the details of the expansion schemes to be covered by this grant ?

**The Deputy Minister of Education (Dr. M. M. Das)** : (a) and (b). A statement giving the requisite information is laid on the Table of Lok Sabha. [See Appendix III, annexure No. 90].

**Basic Training Schools in Kerala**

\*798. **Shri A. M. Thomas** : Will the Minister of Education be pleased to state :

(a) whether the Central Government has contributed its quota to the Kerala

Government for running the basic training schools ;

(b) the number of training schools that are being run in the erstwhile Travancore-Cochin area of Kerala ;

(c) whether these schools are equipped for training purposes ; and

(d) whether it is a fact that all the teacher pupils are not given free accommodation within the precincts of these Institutions ?

**The Deputy Minister of Education (Dr. M. M. Das)** : (a) Yes, Sir.

(b) 17 basic training schools (12 continued from 1955-56 and 5 started during 1956-57).

(c) Yes, Sir.

(d) A statement is laid on the Table of the House. [See Appendix III, annexure No. 91].

**National Atlas**

\*799. **Thakur Jugal Kishore Sinha : Babu Ramnarayan Singh : Shri Kamath : Shri Deogam** :

Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) the break-up of the estimated cost of preparation of the National Atlas ; and

(b) how much money has so far been spent and what progress has been made in its preparation ?

**The Minister of Natural Resources (Shri K. D. Malaviya)** : (a) and (b). A statement giving the required information is laid on the Table of the House. [Placed in Library. See No. S-519/56].

**Oil**

\*800. **Shri M. Islamuddin** : Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether India hopes to be self-sufficient in oil in future ; and

(b) if so, by what time ?

**The Minister of Natural Resources (Shri K. D. Malaviya)** : (a) Yes, Sir.

(b) it is too early to say.

**Welfare Extension Projects in Kerala**

\*801. **Shri I. Eacharan** : Will the Minister of Education be pleased to state :

(a) the number of Welfare Extension Projects allotted by the Central Socia

Welfare Board for Kerala State for the Second Five Year Plan period ; and

(b) the criterion adopted for distribution of these projects ?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) Fifteen.

(b) On an average three welfare Extension Projects are proposed to be started per district during the Second Plan period.

### Purchase of Jeeps

**\*802. Shri Kamath :** Will the Minister of Defence be pleased to refer to the reply given to Unstarred Question No. 1637 on the 11th September, 1956 and state what further progress has been made in the proceedings against the four defendants connected with the purchase of Jeeps ?

**The Minister of Defence Organisation (Shri Tyagi) :** According to our solicitor's report, the defendants have been pressed to deliver their defences. Their applications for further time to deliver defences have been granted until 3rd December 1956.

### Community Organisers and Social Workers

**\*803. Shri Deogam :** Will the Minister of Education be pleased to refer to the replies given to Starred Questions Nos. 1686 on the 24th December 1954, and 1401 on the 23rd March, 1955, and Unstarred Question No. 1466 on the 25th April, 1956 and state :

(a) whether the information regarding the training of Community Organisers and Social Workers has since been collected ; and

(b) if so, the details thereof ?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :** (a) Yes, Sir.

(b) The assurances given in reply to the question No. 1686 answered on 24-12-54 and question No. 1401 answered on 23-3-55 have already been fulfilled. A statement giving the requisite information relating to Question No. 1466 answered on 25-4-56 is laid on the Table of Lok Sabha. [See Appendix III, annexure No. 92].

### Indian Council of Cultural Relations

**\*804. { Sardar Iqbal Singh : Sardar Akarpuri :**

Will the Minister of Education be pleased to lay a statement on the Table showing :

(a) the amount given to the Indian Council of Cultural Relations in 1954-55, 1955-56, 1956-57 (so far) ; and

(b) the main activities of this organisation ?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :**

Year	Amount
(a) 1954-55	Rs. 2,00,000.-
1955-56	Rs. 2,85,000.-
1956-57	Rs. 2,00,000.- (till November, 1956).

(b) Exchange of eminent scholars, savant and students, maintenance of chairs of Indology in foreign Universities, appointment of cultural lecturers and teachers of Hindi abroad, presentation of books and films about India, reception and entertainment of distinguished visitors from abroad.

### Mubarak Shah Gate, Delhi

**\*805. Shri T. B. Vittal Rao :** Will the Minister of Education be pleased to state :

(a) whether it is a fact that the South Delhi Municipal Committee has sought the permission of the Department of Archaeology for demolishing the Mubarak Shah Gate in Kotla Mubarakpur, Delhi; and

(b) if so, the decision taken thereon ?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :** (a) No, Sir.

(b) Does not arise.

### I. A. S. Recruitment

**\*806. { Shri Gidwani : Shri Gadilingana Gowd :**

Will the Minister of Home Affairs be pleased to state :

(a) whether separate marks are allotted for written test and personality test for regular examination for I.A.S. and I.F.S. ;

(b) whether it is a fact that no marks have been allotted for personality test for the Special Emergency recruitment for L.A.S.

(c) if so, the reasons therefor ?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) Yes.

(b) Yes.

(c) The scheme of selection for the Special recruitment to the I. A. S. is entirely different from that for the annual recruitment to that Service. Unlike in the case of the regular recruitment there is no comprehensive written examination

to test the comparative merits of the candidates. A simple written test of two papers has been prescribed for the Special Recruitment and is intended largely for the purpose of selecting candidates for the final interview. The final selections for the Services will be on the comparative assessment made by the Selection Board on the basis of the Interview.

### Steel Board

\*807. **Shri D. C. Sharma** : Will the Minister of Iron and Steel be pleased to refer to the reply given to Unstarred Question No. 791 on the 20th August, 1956 and state.

(a) whether the proposal to set up a Steel Board to co-ordinate the work of all the three steel plants in the Public Sector has since been considered ; and

(b) if so, what will be the constitution of the Steel Board ?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari)** : (a) and (b). The question of co-ordination of the work of the three steel plants is under consideration. The constitution of Steel Board is not needed for this purpose.

### दिल्ली में आत्महत्या की घटनाएं

\*808. **डा० राम सुभग सिंह** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि बेरोजगारी के कारण गत वर्ष दिल्ली में किनते व्यक्तियों ने आत्महत्या की ?

**गृह-कार्य मंत्रालय में मंत्री (श्री दातार)** : सात।

### Cut in Privy Purse

\*809. **Shri Bheekha Bhai** : Will the Minister of Home Affairs be pleased to state.

(a) the names of princes and rulers who have agreed to voluntary cuts in their privy purses in pursuance of the appeal issued by the Prime Minister ; and

(b) the amount already surrendered as voluntary cuts ?

**The Minister in the Ministry of Home Affairs (Shri Datar)** : (a) and (b). Some Rulers have approved of the idea of using some part of their privy purse amounts for development purposes in their States. Many of them have

subscribed to the National plan Loan. The matter is still under correspondence with the rulers and the whole question is under consideration.

### शारीरिक शिक्षा का विकास

श्री भक्त दर्शन :  
\*८१०. सरदार इकबाल सिंह :  
सरदार अकरसुरी

क्या शिक्षा मंत्री २२ अगस्त १९५६ के तारांकित प्रश्न संख्या १२७८ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) द्वितीय पंचवर्षीय योजना के अन्तर्गत शारीरिक शिक्षा के विकास का विस्तृत कार्यक्रम तैयार करने के लिये जिस उप-समिति की नियुक्ति की गई थी क्या उसने अपनी रिपोर्ट पेश कर दी है ;

(ख) यदि हाँ तो क्या रिपोर्ट की एक प्रति टेबल पर रखी जायगी ; और

(ग) सरकार ने उस पर क्या निषंय किये ?

**शिक्षा उपमंत्री (डा० म० म० दास)** :

(क) जी हाँ।

(ख) और (ग). शारीरिक शिक्षा तथा मनोरंजन के केन्द्रीय सलाहकार बोर्ड को जिसने उप-समिति को नियुक्त किया है प्रतिवेदन प्रस्तुत किया जायेगा और जब बोर्ड अपने प्रस्ताव प्रस्तुत करेगा तो सरकार उस पर आवश्यक कार्यवाही करेगी।

### Practical Training Stipends Scheme

\*811. **Shri M. Islamuddin** : Will the Minister of Education be pleased to refer to the reply given to starred Question No. 1736 or. 4th September, 1956 and state :

(a) the number of hostels that are being or are proposed to be constructed for trainees of Practical Training Stipends Scheme during the year 1956-57 ? and

(b) the names of the places where they are being constructed or proposed to be constructed ?

**The Deputy Minister of Education (Dr. M. M. Das)** (a) and (b). During the current year, it is proposed to provide hostel accommodation for 160—200 trainees. The number of hostel units to be constructed and their location are under consideration.

#### Sulphur Deposits

\*812. { Sardar Iqbal Singh :  
Sardar Akarpuri :

Will the Minister of Natural Resources and Scientific Research be pleased to state whether steps have been or are being taken to exploit the sulphur deposits found in Kangra district in Punjab ?

**The Minister of Natural Resources (Shri K. D. Malaviya)** No economic deposits of sulphur have so far been reported in Kangra district. However, investigation of sulphur occurrences in this area has been included in the programme of the Geological Survey of India for the Second five year plan.

#### Taj Mahal

559. **Shri Ram Krishan** : Will the Minister of Education be pleased to state.

(a) the amount spent on the maintenance of the Taj Mahal, Agra during 1955-56 ; and

(b) the amount proposed to be spent during 1956-57 ?

**The Deputy Minister of Education (Dr. K. L. Shrimali)**: (a) Rs.73,884/-

(b) Rs. 73,084/-

#### Qutab Minar

560. **Shri Ram Krishan** : Will the Minister of Education be pleased to state :

(a) the amount spent on the maintenance of the Qutab Minar during 1955-56 ; and

(b) the amount proposed to be spent during 1956-57 ?

**The Deputy Minister of Education (Dr. M. M. Das)** : (a) and (b). A sum of Rs. 7,793 was spent during 1955-56, and a sum of Rs. 6,702 is proposed to be spent during 1956-57 on the Qutab Minar and the group of monuments situated in the protected area around it. It is not possible to give the exact expenditure incurred on Qutab Minar exclusively.

#### Diploma Institutions in Punjab

561. { Shri Ram Krishan:  
Shri D. C. Sharma:

Will the Minister of Education be pleased to refer to the reply given to the Unstarred Question No. 1178 on the 31st August, 1956 and state:

(a) whether Government has finalised the scheme for opening of new diploma institutions in Punjab during the Second Five Year Plan; and

(b) if so, the details thereof?

**The Deputy Minister of Education (Dr. M. M. Das)**: (a) Not yet

(b) Does not arise.

#### Tax Evasion

562. **Shri Ram Krishan** : Will the Minister of Finance pleased to state :

(a) the number of cases of tax evasion during the current year detected by Government ; and

(b) the action taken by Government in such cases ?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari)**: (a) The information is not available from any published records or compiled statistics. If it were to be compiled, it would be necessary to make a reference to every Income-tax Officer all over India and the labour involved would not be commensurate with the results likely to be achieved by gathering this information.

(b) Section 54 of the Income-tax Act precludes disclosure of such information. Generally where concealment is detected, penalty is eligible under section 28 of the Income-tax Act which may extend upto  $\frac{1}{2}$  times of the tax evaded.

#### Appointment of Geologists and Geophysicists

563. **Shri Ram Krishan** : Will the Minister of Natural Resources and Scientific Research be pleased to refer to the reply given to part (b) of Unstarred Question No. 61 on the 18th July 1956 and state :

(a) whether selection of candidates for the posts of Apprentice Geologists and Geophysicists has been finalised ; and

(b) if so, the names of the selected candidates, University-wise ?

**The Minister of Natural Resources (Shri K. D. Malaviya):** (a) Yes, Sir.

(b) Statements showing the names of the selected candidates University-wise are laid on the Table of the House. [See Appendix III annexure No. 93].

### Gold Smuggling

**564. Shri Bheekha Bhai:** Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 444 on the 28th July, 1956 and state :

(a) the action taken against the smugglers who were involved in gold smuggling worth rupees four lakhs ; and

(b) the punishment awarded ?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari):** (a) and (b). The total quantity of gold seized was confiscated. The 3rd and 4th Engineer namely Joyson and Paterson from whom the gold was seized, were arrested under section 173 of the Sea Customs Act and prosecuted under section 23 of the Foreign Exchange Regulation Act and section 167(81) of the Sea Customs Act before the Chief Presidency Magistrate Bombay. Both the accused were found guilty and sentenced to imprisonment and fine as stated below :

**Joyson**—(i) One year's Rigorous Imprisonment and a fine of Rs. 1,000/- In default four months' R.I. under the F.E.R. Act.

(ii) One year's R.I. under the Sea Customs Act. Both the sentences to run concurrently.

**Paterson**—(i) Nine month's R.I. and a fine of Rs. 500/- In default two months' R.I. under the F.E.R. Act.

(ii) Nine months' R.I. under the Sea Customs Act. Both the sentences to run concurrently.

### Study of Taxation System Abroad

**565. Shri Bheekha Bhai:** Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 395 on the 28th July and state :

(a) whether the team of experts sent to U.S.A. and other countries to study the system of taxes on wealth, capital and gains and other taxes have since submitted the report ;

(b) the main recommendations contained in the report ; and

(c) the extent to which the recommendations have been accepted by the Government ?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari):** (a) No. Out of the three officers sent abroad only one has returned to India very recently. The other two are expected back shortly.

(b) and (c). The Officers were sent to U.S.A. and other countries to study direct tax systems of those countries so that the knowledge so gained may be made use of. They are not expected to make commendations as such for acceptance of Government.

### Teaching of Geology

**566. Shri Hem Raj:** Will the Minister of Education be pleased to state :

(a) the names of the institutions, where facilities for the teaching of Geology exist in the colleges and universities and upto what standard ;

(b) whether the Government have any scheme to expand and upgrade any of these institutions in view of the expanding exploitation of the Natural Resources of the country during the Second Five Year Plan period ;

(c) the financial assistance which Central Government gives to the States for the expansion of the science of Geology ;

(d) whether any representations have been received from the public organisations of Punjab for affording help to such institutions ; and

(e) if so, the action taken thereon ?

**The Deputy Minister of Education (Dr. M. M. Das):** (a) to (e). A statement giving the required information is laid on the Table of the House [See Appendix III, annexure No. 94].

### Survey of Archaeological Sites in Afghanistan

**567. [Shri Bahadur Singh : Shri Bhagwat Jha Azad :**

Will the Minister of Education be pleased to state whether it is a fact that a proposal was sent by the British Academy for a joint survey of sites in Bactria (Balkh) in Afghanistan ?

**The Deputy Minister of Education (Dr. M. M. Das):** No formal proposal for such a joint survey has been received from the British Academy. It was however, informally mentioned to the Prime Minister, when he was in England last, that some joint excavation work might be done. There was no question of a joint survey or exploration.

### Tourists' Visas

**568. Shri Krishnacharya Joshi :** Will the Minister of Home Affairs be pleased to state :

(a) the total number of tourists' visas issued by Indian Representatives abroad after the simplification of the procedure this year upto the end of October, 1956 ; and

(b) the names of countries from which the foreigners came to India during the same period ?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) and (b). A statement giving the information is laid on the Table of the House. [See Appendix III annexure No. 95].

### Insurance Corporation Employees

**569. Shri Barman :** Will the Minister of Finance be pleased to state :

(a) the number of employees in the Insurance Corporation, grade-wise, at present ; and

(b) the number of Scheduled Caste and Scheduled Tribe employees amongst them ?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari) :** (a) and (b). The required information is not at present available because the process of classification of all the employees of the Life Insurance Corporation into separate grades has not yet been completed.

### Migration from Pakistan-held Kashmir Area

**570. { Shri D. C. Sharma :  
Sardar Iqbal Singh :  
Sardar Akarpuri :**

Will the Minister of Home Affairs be pleased to state :

(a) whether people are still migrating from Pakistan-held Kashmir area to the State of Jammu and Kashmir ;

(b) if so, the total number of persons who have migrated during 1956 so far ; and

(c) the steps taken by Government to rehabilitate them ?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) to (c). The information is awaited from the Jammu and Kashmir Government. It will be placed on the Table of the House when received

### Socio-economic Survey

**571. Shri Gidwani :** Will the Minister of Education be pleased to state :

(a) whether any Socio-economic survey of the Delhi University Post-Graduate Students residing in the Gwyer Hall, was carried out in April, 1956 ;

(b) the number of students interrogated ; and

(c) the result of the survey ?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) Yes, Sir. The Survey was carried out by Shri Ashish Bose, a Research Fellow at the Delhi School of Economics on his own initiative while he was the President of the Gwyer Hall Union.

(b) There was no interrogation of students. Out of 93 students residing in the Gwyer Hall at the time of survey, 69 replied to the questionnaire.

(c) The result of the survey has been summarised in these words :

"A young man who spends about Rs. 200 per month while a student naturally views with concern the prospect of getting a job worth Rs. 300-350 per month (when for accommodation alone he will have to spend Rs. 60-100 in a place like Delhi; and if he gets married he will have to face a life of poverty) and he shudders at the thought of not getting a job at all. The result is that frustration greets most of the young men when they leave the University. No wonder they want to prolong their stay there as long as possible and are always on the lookout for a scholarship to go abroad."

### Gypsum

**572. Shri Bansal :** Will the Minister of Natural Resources and Scientific Research be pleased to state what is the estimated quantity of gypsum deposits in Uttar Pradesh ?

**The Minister of Natural Resources (Shri K. D. Malaviya) :** About two lakh tons.

### I.A.F. Dakota Crash

**573. Shri Gidwani :** Will the Minister of Defence be pleased to state :

(a) whether it is a fact that an Indian Air Force Dakota crashed a mile and half away from Bhuj aerodrome on the 2nd October, 1956 and all the occupants were killed ;

(b) if so, whether Government have enquired into the accident ; and

(c) whether instructions were issued from the Control Office against the Plane's taking off from the field owing to prevailing weather conditions ?

**The Minister of Defence Organisation (Shri Tyagi) :** (a) Yes.

(b) and (c) Yes, a Court of Inquiry has been ordered but the proceedings have not yet been finalised.

#### Tours Abroad by Officers

**574. Shri Velayudhan :** Will the Minister of Home Affairs be pleased to state :

(a) the number of I.C.S. Officers sent on tour abroad on official business between the 1st February and the 31st August, 1956 ; and

(b) whether the Ministries sent Officers other than the I.C.S. Officers also abroad for official purposes during this period ?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) and (b). The information is being collected and will be laid on the table of the House.

#### Re-insurance Corporation

**575. Shri D. C. Sharma :** Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 1165 on the 17th August, 1956, and state :

(a) whether the Re-insurance Corporation has since been set up ; and

(b) if so, its main features ?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari) :** (a) No Sir, necessary preliminaries are still being completed.

(b) The main features of the Corporation when set up will be :—

(i) The registered office of the Corporation will be located at Bombay.

(ii) Its authorised capital will be Rs. 10 crores divided into one lakh shares of Rs. 1000/- each. The issued capital will be Rs. 2,50,00,000/- of which 80% will be subscribed by Indian insurers carrying on general insurance business in India according to the size of each insurer.

(iii) The number of directors will be twelve, of which 2 will represent foreign insurance interests.

(iv) Every member will compulsorily cede to the Corporation an agreed percentage of its direct premium income in India during the year.

#### Civilians in Defence Services

**576. Shri D. C. Sharma :** Will the Minister of Defence be pleased to state ;

(a) how many civilian personnel recruited during the War in the Defence Services have been made permanent or quasi-permanent during 1956 so far ; and

(b) how many of them do not belong to either of the categories ?

**The Minister of Defence Organisation (Shri Tyagi) :** (a) and (b). The information is being collected and will be laid on the Table of the Sabha.

#### All India Educational Service

**577. Shri D. C. Sharma :** Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1254 on the 22nd August, 1956, and state further progress made with regard to the introduction of the All India Educational Service ?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :** Replies since received from the larger States are not generally favourable to the proposal to set up an All India Educational Service. A modified scheme is now under the consideration of the Ministry. As soon as the details regarding recruitment, scales of pay, etc. have been worked out, it will be sent to the State Govts. for their comments.

#### Central Reference Library

**578. Dr. Ram Subhag Singh :** Will the Minister of Education be pleased to state :

(a) whether Government propose to establish a Central Reference Library in Delhi ;

(b) if so, whether the plan for the same has been prepared ; and

(c) the cost involved in working out that plan ?

**The Deputy Minister of Education (Dr. K. L. Shrimali) :** (a) Yes.

(b) Yes.

(c) Rs. 50 Lakhs during the 2nd Five Year Plan.

### Central Institute for Training of Librarians

**579. Dr. Ram Subhag Singh:** Will the Minister of Education be pleased to state :

(a) whether there is any proposal to set up Central Institute for training of Librarians in the country ;

(b) if so, when and where that institution is likely to be set up ; and

(c) the estimated cost of setting up of the Institution ?

**The Deputy Minister of Education (Dr. M. M. Das):** (a) to (c). The matter is still under consideration.

### Pay Scale of Tehsildars

**580. Shri Dasaratha Deb:** Will the Minister of Home Affairs be pleased to state :

(a) whether the pay-scale of Tehsildars of Tripura is very low as compared with other services of similar category ; and

(b) if so, whether Government contemplate revision of the scales of pay of the employees of Tehsil offices in near future ?

**The Minister in the Ministry of Home Affairs (Shri Datar):** (a) The duties of a Tehsildar in Tripura correspond to that of a Patwari in other States. His main duties are (1) collection of land revenue and (2) submission of statistical information as and when called for from him. His pay scale *viz.* Rs. 50-1-68-2-80 is, therefore, not lower as compared with the pay scales of officials performing the same duties in other States. For instance, the pay scale of a Patwari in Rajasthan is Rs. 40-1-50-2-60.

(b) Does not arise so far as Tehsildar is concerned. With regard to employees of Tehsil office, there is no such proposal.

### Company Law

**581. Shri M. Islamuddin:** Will the Minister of Finance be pleased to state :

(a) whether the cases of violation of the amended Company Law have been investigated by Government ; and

(b) if so, the general nature of violations ?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari):** (a) and (b). Since 1st April, 1956, there have been six cases involving appointment of Inspectors under sections 235 and 237 of the Companies Act, mainly relating to complaints about non-observance of the

provisions of the pre-existing Act. From the commencement of the new Act, it has been noticed that most companies have taken care to comply with the law. The approximate number of companies against which complaints have been filed in court for failure to submit the annual returns to the Registrars and other routine defaults, as reported by the Registrars, comes to 102, from 1st April to end of October, 1956.

### Ban on Double Riding on Bicycles in Manipur

**582. Shri Rishang Keishing:** Will the Minister of Home Affairs be pleased to state :

(a) whether the Chief Commissioner of Manipur has restricted double riding on a bicycle from the month of September, 1956 and the offenders are being punished under section 279 of I.P.C. ;

(b) if so, the number of cases registered and fines realised so far ;

(c) how far the order of the Chief Commissioner of Manipur has encroached upon the jurisdiction of the Imphal Municipality; and

(d) the special reasons for which the Chief Commissioner has taken this action ?

**The Minister in the Ministry of Home Affairs (Shri Datar):** (a) The Chief Commissioner, Manipur has issued no orders restricting double riding on cycles. Offenders have, however, been prosecuted under section 279 of I.P.C.

(b) Between July 1956 and 10th November 1956, 81 cases were registered and sent up for trial under section 279 of I.P.C. by the police. Of these, two ended in conviction and 79 are pending in courts. The fines realised so far amounts to Rs. 40/-.

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

### Diamond Industry

**583. Shri B. S. Murthy:** Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) the steps taken to improve the diamond industry at Vajrakaroor in Andhra;

(b) the amount of annual output; and

(c) the quality of diamonds found there ?

**The Minister of Natural Resources (Shri K. D. Malaviya):** (a) Preliminary investigations for diamonds in Andhra have been conducted by



**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari):**  
(a) the amount of Income-tax realised from

Ferozpur District during the years 1952-53 to 1955-56 was:

	(Rupees in lakhs)			
	1952-53	1953-54	1954-55	1955-56
	5.17	8.33	11.21	13.72

(b) the amounts realised from persons falling under the various income-groups during the period was:

	(Rupees in lakhs)			
	1952-53	1953-54	1954-55	1955-56
Assessors with Business income over Rs. 25,000/- . . . . .	2.28	2.89	5.78	7.75
Assessee with Business income from Rs. 10,000/- to Rs. 25,000/- . . . . .	1.36	2.85	2.73	3.23
Assessee with Business income from Rs. 5,000/- to Rs. 10,000/- . . . . .	0.89	1.71	1.94	1.72
Other cases with Business income below Rs. 5,000/- . . . . .	0.48	0.53	0.53	0.94
Salary, Property and Dividend income cases: . . . . .	0.16	0.35	0.23	0.08
<b>TOTAL</b>	<b>5.17</b>	<b>8.33</b>	<b>11.21</b>	<b>13.72</b>

(c) the number of cases in which realisation of income-tax is pending at present is:

	1952-53	1953-54	1954-55	1955-56
	524	504	1063	1043

**Scholarships to 'Other Backward Classes' Candidates**

587. **Shri M. Islamuddin:**  
**Shri Ramachandra Reddi:**  
**Shri N. R. Muniswami:**

Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 1323 on 4th September, 1956, and state:

(a) whether the selection of 'Other Backward Classes' candidates for scholarships has been finalised for all the States and the payments made accordingly; and

(b) if not, the reasons therefor?

**The Deputy Minister of Education (Dr. K. L. Shrimall):** (a) and (b). The selection of 'Other Backward Classes' candidates has not yet been finalized. The matter is under consideration.

**Houses for Scheduled Castes**

588. **Shri I. Eacharan:** Will the Minister of Home Affairs be pleased to state:

(a) the number of acres of land acquired as per the scheme sanctioned in

1949 by the Madras Government to give 15 per cent. of house sites to Scheduled Castes who have no house sites of their own in Malabar District; and

(b) the reasons for not completing those schemes of work since the last seven years?

**The Minister in the Ministry of Home Affairs (Shri Datar):** (a) and (b). The information is being collected and will be laid on the table of the House in due course.

**Medium of Instructions in Tribal Areas**

590. **Shri Deogram:**  
**Shri Bheekha Bhai:**

Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 1415 on the 23rd March, 1955, regarding tribal languages as medium of instruction in tribal areas and state:

(a) the names of the States which did not reply when original reference was made to them;

(b), whether the States concerned have now replied when a further reference was made to them regarding encouraging various tribal languages as the medium of instruction in Primary Schools and the publication of text books in tribal languages ;

(c) the names of States which have taken steps to encourage the education of tribal children through the medium of tribal languages ;

(d) names of tribal languages so encouraged by each State ; and

(e) the amount of money sanctioned by Central Government for each of the above languages (separately) during 1956-57 so far ?

**The Deputy Minister of Education (Dr. M. M. Das):** (a) Bihar, Bombay, Madras, Orissa, Punjab, Madhya Bharat Rajasthan and Andhra.

(b) Yes, Sir.

(c) and (d). A statement is laid on the Table of Lok Sabha.

(e) Ministry of Education have no scheme for the encouragement of such languages. The matter concerns the State Government.

#### Statement

Name of the State	Names of the Tribal Language
1. Bihar	Santhali, Ho, Oraon, Mundari and Kharia.
2. Madhya Bharat.	Bhilli.
3. Punjab	Bodhi.
4. Hyderabad	Goni and Banzara.

#### Estate Duty Cases in Punjab

519. { **Sardar Iqbal Singh : Sardar Akarpuri :**

Will the Minister of Finance be pleased to state :

(a) the total number of estate duty cases registered upto the 31st October, 1956, in Punjab ; and

(b) the number of cases disposed of and the amount collected therefrom ?

510 L.S.D.—3.

**The Minister of Finance and Iron and Steel (Shri T.T. Krishnamachari):** (a) and (b). A statement is laid on the Table of the House.

#### Statement

No. of cases registered	173
No. of cases disposed of .	59
Amount of duty collected .	3,24,559

#### Tobacco

592. { **Sardar Iqbal Singh : Sardar Akarpuri :**

Will the Minister of Finance be pleased to state :

(a) the area of land in the district of Ferozepore in the Punjab brought under tobacco cultivation during the years 1951-52 to 1955-56 each year separately ; and

(b) the total amount realised from excise duty on tobacco during these years separately ?

**The Minister of Finance and Iron and Steel (Shri T.T. Krishnamachari):** (a) and (b). The area and the total revenue realised during the period are as follows —

Year	Acreage	Amount of Duty	Rs.
1951-52 .	117	97,000	
1952-53 .	190	1,64,924	
1953-54 .	171	2,09,798	
1954-55 .	199	2,06,411	
1955-56 .	80	2,41,867	

#### Mao-Maram Government High School, Manipur

593. **Shri Rishang Keishing :** Will the Minister of Education be pleased to state :

(a) when the Mao-Maram Government High School at Tadobi was taken over by Government of Manipur ;

(b) the number of qualified graduate teachers who are working in the school at present ;

(c) whether it is a fact that classes are either amalgamated or let off every day for want of teachers ; and

(d) the steps taken by Government to appoint the required number of graduate teachers ?

**The Deputy Minister of Education (Dr. M. M. Das) :** (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

#### Nomadic Tribes

**594. Sardar Iqbal Singh :**  
**Sardar Akarpuri :**

Will the Minister of **Home Affairs** be pleased to state :

(a) whether the Central Government have given any aid to the Punjab Government for the settlement of nomadic tribes; ; and

(b) if so, the amount and the nature thereof?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) and (b). The Central Government have not given any grants to the Government of Punjab specifically for the settlement of nomadic tribes. Those nomadic tribes that are included in the lists of Other Backward Classes maintained by the State Government will be eligible for the benefits of the schemes included in their 2nd Five Year for the welfare of Other Backward Classes. The Government of India have given a grant-in-aid of Rs. 2,18,000/- to the Government of Punjab this year for the implementation of the following combined schemes for the welfare of Scheduled Castes and Other Backward Classes of which the nomadic tribes will get their due share :

Sl. No.	Name of the Scheme	Amount of grant-in-aid in rupees.
1.	Wells . . . . .	30,000
2.	Housing . . . . .	1,20,000
3.	Community Centres . . . . .	42,000
4.	Training in Mills and Factories . . . . .	19,000
5.	Publicity . . . . .	7,000
<b>TOTAL</b>		<b>2,18,000</b>

#### Company Law Department

**595. Sardar Iqbal Singh :**  
**Sardar Akarpuri :**

Will the Minister of **Finance** be pleased to state :

(a) whether the Company Law Department has given any instructions to non-evacuee companies for the distribution of dividend ; and

(b) if so, the nature thereof ?

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari) :** (a) and (b). Yes, Sir.

A copy of the Press Note, which the Department of Company Law Administration issued on the 17th August, 1956, together with a copy of the Press Note dated the 1st November, 1955, issued by the Ministry of Rehabilitation, is laid on the Table of the House. [See Appendix III, annexure No. 96].

#### Class IV Staff in Central Secretariat

**\*596. Shri Gopi Ram :**  
**Shri Naval Prabhakar :**  
**Shri Bahadur Singh :**

Will the Minister of **Home Affairs** be pleased to state :

(a) whether it is a fact that Government have recently issued a sixth panel for promotion of permanent Grade IV Staff of Central Secretariat Service to Section Officers (Grade III) ; and

(b) if so, how many officers are there in the list who belong to the Scheduled Castes and who have been promoted as Section Officers ?

**The Minister in the Ministry of Home Affairs (Shri Datar) :** (a) Yes, Sir.

(b) There are two officers belonging to the Scheduled Castes. Both of them have already been appointed as Section Officers. The cases of two other officers belonging to the Scheduled Castes are under consideration.

**DAILY DIGEST**

[Tuesday, 4th December, 1956].

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742.	Iron Ore Mines at Taldih	899-900	770.	World Theatre Conference	934
745.	State Undertakings	901-02	771	Coosition of Delegations	934
746.	Scientific Education	902-03	772.	Re-employment of retired Majors	934
748.	Jail Reforms in Kerala	903-04	773.	Scheduled Class Colony at Kariam patti	934-35
749.	Indian Insurance Companies abroad	905-06	774.	Excise Duty on Vegetable Oils	935
750.	Traffic Regulations in Delhi	906-08	775.	Central Technical Institute, Kerala	935
751.	Education Ministers' Conference	908-10	776.	Nagarjunakonda Sagar Excavations	935-36
754.	Historical finds at Thaneswar	910	777.	Registration of Displaced Persons in Tripura	936
756.	Rup Kund Skeletons	910-12	778.	Pension Circulars	936-37
758.	Grazing grounds in Manipur	912-13	779.	Multi-purpose Schools in Bihar	937
760.	Reserve Bank Building	913-15	780.	Trainees in Basic Training College, Trichur	937-38
761.	Short Service Regular Commissioned Officers	915-17	781.	Tribal students in Manipur	938
762.	General Elections	917-20	782.	Central Overseas Scholarships Scheme	938
763.	Ballot Boxes	920-22	783.	Fertilizer Factory, Rourkela	938-39
764.	Houses for Scheduled Castes Tribes in Kerala	922-23	784.	Anthropological Investigations in Andamans	939
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752.	Geological Survey	931	792.	History of Freedom Movement	941-42
753.	Corruption in Kerala State	931-32	793.	Enquiry into Kalka Firing	942
755.	Oil in Assam	932	794.	Delegations sent abroad	942
757.	I.A.S. Recruitment	932	795.	Delegation of Educationists to U.S.S.R.	943
759.	Insurance workers	932-33	796.	National Flag	
765.	Bhatinda Fort	933			

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4th December, 1956  
Tuesday

# LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)



LOK SABHA SECRETARIAT  
NEW DELHI

SIX ANNAS (INLAND)

TWO SHILLINGS (FOREIGN)

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## LOK SABHA DEBATES

23.03.2015

### (Part II—Proceedings other than Questions and Answers)

1789

#### LOK SABHA

Tuesday, 4th December, 1956.

The Lok Sabha met at Eleven of the Clock.

[Mr. DEPUTY-SPEAKER in the Chair]

#### QUESTIONS AND ANSWERS

(See Part I)

12.03 hrs.

#### PAPER LAID ON THE TABLE

##### HIGH COURT JUDGES (PART A STATES) TRAVELLING ALLOWANCE RULES

The Minister in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table, under sub-section (3) of section 24 of the High Court Judges (Conditions of Service) Act, 1954, a copy of the High Court Judges (Part A States) Travelling Allowance Rules, 1956, published in the Ministry of Home Affairs Notification No. S.R.O. 2401, dated the 27th October 1956. [Placed in Library. See No. S-512/56.]

#### COMMITTEE ON ABSENCE OF MEMBERS FROM THE Sittings OF THE HOUSE.

##### EIGHTEENTH REPORT

Shri Altekar (North Satara): I beg to move:

'That this House agrees with the Eighteenth Report of the Committee on Absence of Members from the Sittings of the House presented to the House on the 3rd December, 1956'.

508 L.S.D.—1.

1790

Normally, when a report of the Committee on Absence of Members from the Sittings of the House is presented, the Chair ascertains the pleasure of the House by putting the question from the Chair. Now, I am coming with this Motion at this time because the Committee has recommended leave for 6 Members of the House and has not recommended leave in the case of Shri Sibnarayan Singh Mahapatra.

The circumstances of this case are that this hon. Member was granted leave by this House from time to time for long periods, amounting in all to 484 days upto 7-3-56. On 5th April 1956, the Member sent an application and asked for leave from the 8th March 1956 to the end of the Twelfth Session, that is, for 83 days, adding the ground "marriage in the family". The Committee in its sitting on the 3rd of May 1956, felt that marriage in the family was too vague a reason and not sufficient ground for granting such a leave, and asked the hon. Member's explanation of the ground. The letter was sent on the 10th May 1956. Reminders were sent on the 17th May, 3rd July and 13th July 1956, but no reply was given by the hon. Member.

At its meeting held on the 25th July 1956, the Committee considered the case and thought that the fact should be brought pointedly to the notice of the hon. Member that if he continued to remain absent for more than 60 days together, his seat was liable to be declared vacant by this House, and that he should give proper reasons. This is stated in the Report itself. Several reminders were given, but no reply was sent by him.

[Shri Altekar]

Then at the meeting of the Committee held on the 10th September, it came to the conclusion that no recommendation for leave could be made but that the fact should be brought to the notice of the hon. Speaker. When it was so brought, the hon. Speaker suggested that the hon. Member should be served with the views of the Committee through the State Government and an acknowledgement should be taken from him. It was so done. Then on 7-11-56, the hon. Member sent an application stating that leave should be given to him for the whole period on the ground of 'ill health and some domestic troubles'. One does not know what 'ill health' is. One might suffer from some catarrh and still that might be called ill health. No explanation was given of 'domestic troubles'. In any case, no regret was expressed as to why so many reminders remained un replied.

Under these circumstances, the Committee, at its sitting held on the 21st November 1956, felt that the Member had disregarded the Committee and had given no reply to its letters, and the reasons given by him were unsatisfactory, and therefore, no leave should be recommended. It also decided to recommend that the seat of the hon. Member should be declared vacant.

I commend the Report to the acceptance of the House.

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

'That this House agrees with the Eighteenth Report of the Committee on Absence of Members from the Sittings of the House presented to the House on the 3rd December, 1956'.

**Shri Kamath (Hoshangabad):** As the Mover of the Motion has already pointed out, this Report departs from other reports presented by the Committee to this House, and I believe for the first time in the history of this Parliament, a recommendation to the

effect that the seat of a Member be declared vacant has been made in paragraph 9, sub-paragraph (9)—I am sorry the same numerals have been used; I wish different numerals had been used; but that is a minor point. This recommendation has been placed before the House for its approval.

While we are anxious to set up and establish very good parliamentary precedents and conditions we must also ensure that no action is taken or no approval is given to a recommendation made by the Committee before a detailed examination of the same has been made by the House. Therefore, I would crave your indulgence and the indulgence of my hon. colleagues for a little more detailed discussion of this matter in this House today.

You will be pleased to refer to page 4 of this Report, sub-paragraph (7) of paragraph 9. It says:

"The Member subsequently sent an application for leave of absence on 7-11-56 stating that he could not attend the House because of ill health and some domestic troubles".

Now, two documents have been appended to this Report. One is a letter that went from the Lok Sabha Secretariat to the Chief Secretary to the Government of Orissa. The second is one from the Lok Sabha Secretariat to the hon. Member concerned. The two documents have been appended and also a third one giving the details of the hon. Member's absence from the House. It is a serious matter, of course, for the House that a Member should remain consistently absent from successive sittings of the House. I agree. But, may I submit that this letter to which reference has been made in sub-para (7) of para 9, a letter sent by the hon. Member concerned or rather an application sent by him stating that he could not attend the sittings of the House because of ill-health and domestic troubles, has not been appended to the Report, and has not

been placed before the House so that we can have a clearer idea.

**Shri U. M. Trivedi** (Chittor): It has been mentioned.

**Shri Kamath:** But, so many documents have been appended. In fairness to the hon. Member his application should also be before the House for its consideration because we want to know the details mentioned by him as regards his ill-health and domestic troubles. In fairness to our colleague that application must also be before the House before we approve of the recommendation made by the Committee.

**Mr. Deputy-Speaker:** It has been said that no mention has been made about the nature of the domestic troubles or ill-health; that nothing has been given and, therefore, it is difficult to assess what those troubles are and how serious is that ill-health.

**Shri Kamath:** The hon. Mover said that there is no reference to the nature of the domestic troubles and the kind of troubles that he has had to face. But in the previous application the reason given by the hon. Member was 'marriage in the family'. He had also mentioned illness. I do not like to dilate on that point. But I reiterate that in fairness to the Member as also in fairness to all of us we should know exactly the contents of the second application. If the hon. Mover wants to keep it as a secret document which he cannot disclose to the House, then he may give the contents of the letter which was sent to the Committee.

**Shri Altekar:** It is an application of three or four lines in which he says that he should be given leave on grounds of ill-health and domestic troubles and says that the reason to be mentioned is 'ill-health' only. I would just read that.

"Because of my ill-health and domestic troubles, I have not been able to attend the sessions of the Lok Sabha so far. I would request you, therefore, to kindly

grant me leave for the period of my absence on the ground of reasons of ill-health."

So, there are some domestic troubles and also ill-health. These are the contents of the letter. No explanation is given of these vague terms.

**Mr. Deputy-Speaker:** There are so many hon. Members on their legs. Let one hon. Member finish.

**Shri Kamath:** I will finish in one minute.

I would urge one more point and that is the last one. This colleague of ours belongs to the Scheduled Tribes—an Adivasi. I think we should give some consideration and some latitude to our Harijan and Adivasi colleagues. In the Constitution also we have provided some concession to these people. I would ask the hon. Mover to tell us.....

**Mr. Deputy-Speaker:** The motion does not require so much time.

**Shri Kamath:** Only five minutes. Under the Rules, half an hour is allotted for the entire discussion.

**Mr. Deputy-Speaker:** I would only request the hon. Member to be brief.

**Shri Kamath:** I would request the hon. Mover of this motion to say whether the motion to be made under Rule 284 will come before this House this session, because, presumably, this is the last session of Parliament. I think this matter should be considered in all its aspects in this very session; if not today, at least when the motion is made.

**Shri Tek Chand** (Ambala-Simla): May I very briefly submit that the remissness of the hon. Member should not be visited with the drastic action proposed. So far as the ground of domestic trouble is concerned, there can be matters of certain delicacy and matters of certain embarrassment the divulgence of which may not necessarily be insisted upon. The same thing about ill-health also. If the importance of furnishing these details

[Shri Tek Chand] had been brought to the notice of the hon. Member, perhaps, he might have been in a position to furnish more details. I, therefore, would hesitate to counsel my colleagues that they should accept the recommendation which entails a disability of the nature that is being proposed.

Shri Gidwani (Thana): I rise to support the motion. I am surprised that we are asked to be lenient in this matter. After all, if a Member does not attend so many sessions—and out of a total number of 753 days that the Parliament has sat, he has remained absent for more than 636 days....

Mr. Deputy-Speaker: He has remained absent for 484 days and that absence was condoned.

Shri Gidwani: That has been condoned. But we have to realise that there are two aspects in this matter. One is, the tax-payer's money is being paid to him. He is being paid a salary. If there was no question of salary, I can understand that one can sit away.

The other is the political aspect. The constituency remains unrepresented. If we are going to be lax in such matters, then we might say 'good-bye to democracy. We are ourselves the makers of law and so shall we be so lenient? I therefore agree with the Committee and congratulate them on their courage for taking this step. Otherwise, we would be stultifying ourselves.

Shri U. M. Trivedi: Mr. Deputy-Speaker, Sir, I very strongly support this motion. Those of us who are working in this Committee—although I was not present when this Committee took this decision—know how leniently we consider all the applications that come before us for granting leave of absence. Our Constitution is very clear on this point that if a Member continuously absents himself for more than 60 days without leave, certainly, his seat can be

declared vacant. That is the predominant thing in our minds whenever we sit to consider all these applications. We have relaxed the Rule to such an extent that we had done away with the idea of any Member producing any certificate about his ill-health provided he did state that he is suffering from such and such a malady. We always took the word of the hon. Member as correct—that he is suffering from rheumatism or malaria or something else.

We even went to the extent of saying that if an application is received before the expiry of 60 days giving some valid reason for the absence, we would agree to grant leave. From time to time we have been telling hon. Members that for their own sake and for the decorum of this House, they must state briefly what are the reasons which prevent them from attending the House and that they must be very specific about it. We have condoned many cases where we ought not to have condoned to the extent that we did. But, in this particular case, what has happened is that the Member has not even given any indication whatsoever.....

Shri C. D. Pande (Naini Tal Distt. cum Almora Distt.-South-West cum Bareilly Distt.-North): It is there already.

Shri U. M. Trivedi: I know that he has applied. On what grounds does he want leave? He says for reasons of ill-health and for family troubles, but he also says, 'Treat my application as only for purposes of ill-health'. We should presume that he is ill and not that he has any domestic troubles. All this is far-fetched. At the same time, let us be honest to ourselves. Sitting here not only as legislators but also as the highest sovereign body, we have to be honest to the Constitution and also the public at large. It is high time that we must decide that sympathetic and sentimental considerations should not weigh with us so much as to outdo all the good work that is being done by the Parliament.

**Shri Nambiar (Mayuram):** I very strongly support this motion. I submit that the motion must be accepted. I do not want to repeat the arguments already brought forward, but I have to submit to you that behind the screen there is something else. Shri Mahapatra was not willing to stand for election even during those days. It is the Congress Organisation that forced him to do so, and ever since he was elected, he did not want to come to the Parliament. But the Congress Organisation wanted him to continue so that there should not be a bye-election if his seat is vacated, and that was why they permitted him to continue.

**Mr. Deputy-Speaker:** We have to consider the report of this Committee which has now reported that this leave or absence of the Member concerned should not be condoned.

**Shri Nambiar:** The Congress body as such was behind the screen and was trying to pamper his membership till the next election. Now since they found it impossible, they had to take some other decision. My submission is that for the reasons already advanced, there cannot be any consideration whatsoever; he must be permitted to be absent permanently from this House and we must support the motion. Otherwise, there is no reason whatsoever to allow the Congress body to behave in such an irresponsible manner.

**Shri C. D. Pande:** On many occasions we have had to grant applications for leave; there were applications for long leave on account of ill-health also; there were also applications on the ground that the Member did not get a particular communication to attend the Parliament.

**Shri U. M. Trivedi:** That is reasonable.

**Shri C. D. Pande:** There is a Member who belongs to the Scheduled Tribes, whose education is absolutely meagre or perhaps nil. He has applied for leave, and you are putting

so much legal interpretations on his reasons or grounds of ill-health. He might not have understood what he had said or stated. I think it is absolute cruelty on him at the fag end of this Parliament to debar a Member from his membership of the House. Let his constituency take the decision. If he has not served his constituency well, he will not be returned. I think it will be going too far to demand from him the reasons and details of the malady etc., and I think we are taking things too far, and this matter should be dropped. I request the hon. Member who has made this motion to reconsider whether it is necessary.

**Mr. Deputy-Speaker:** Now it is for us to consider.

**Shri Joachim Alva (Kanara):** It is difficult to be in the strange company of my active friend, Shri Kamath; but for once I feel I should support what he has said. My friend, Shri Gidwani, is a happy bachelor and he does not know the liabilities of rearing up a family. I want to know how any hon. Member can state in detail his "domestic reasons" in an application for leave of absence from the House. I am going to quote an extreme case. If my wife is of unsound mind or my daughter is of unsound mind, am I going to state all that in my application? When I state "domestic reasons," I think the House should bear me up my acts of commission and omission. Declaring a man insolvent, sentencing him to jail or striking him off the roll as an advocate or striking him off from membership of Parliament—these are all drastic steps like sentencing him to death! Above all, my hon. friends must remember that this particular hon. Member has had not even the average ability or intelligence as other Members of Parliament. He is not so fortunately circumscribed as some of us are in the matter of education, training and experience. As such, the senior members of a family should bear with the infirmities or weaknesses of the lesser members of

[Shri Joachim Alva]

the House. In a spirit of liberality we should condone his absence when an hon. Member says that it was due to domestic reasons that he could not attend, and the matter should end there. All I suggest is that this matter should be held over till the next session and we should not take the drastic step of striking him off from the membership of the House.

**Pandit Fotedar (Jammu and Kashmir):** This is a very important matter in which Parliament is called upon to give a decision regarding vacating a seat by a Member of Parliament. Some points have been raised by Shri Gidwani that he has not been representing his constituency. It is too late now to think about it when fresh elections are to be held within three or four months' time.

Secondly, there is only one technical flaw in the whole thing, which is that he has not submitted his medical certificate along with his application. All that he has said is that he has domestic troubles and that he was not feeling well. As you have yourself been pleased to say, about 400 days have already been condoned and it is only a question of certain other days. I feel that deliberately the Member concerned has not flouted either the dignity or the prestige of the House. It is perhaps the ignorance of a certain procedure that has not permitted him to attach a medical certificate along with the application that he has made.

I agree with my hon. friend, Shri Alva, that this absence should be condoned, but in the meanwhile the Committee should once again ask him that if he was ill, he should submit a medical certificate in substantiation of his contention and permit the House to condone his absence. I agree with my hon. friend that in a matter like this we should not take up decision in a summary manner and ask a Member to vacate his seat. It will be setting up a sort of precedent which will affect the dignity and

prestige of the House. Therefore, I do not agree with the motion.

**Shri Altekar:** If the dignity and prestige of the House are to be maintained under the circumstances of the case which have been fully narrated, the only conclusion that the House can come to is not to grant him leave. An absence of 636 days out of 753 days speaks for itself, and no further comment is needed. The argument that because he was granted leave for about 480 days, he should be granted this further leave, is not right, and I think no such right of prescription can be claimed.

The hon. Member belongs to the Scheduled Tribes, and from a perusal of Who is Who one will find that he has served as member in several committees and institutions for public works and that *prima facie* he should know his responsibilities and ought to have replied to the several reminders that were sent to him. He failed to reply to about 8 or 9 letters and reminders. That in itself is sufficient to show that he is not showing proper respect to this House.

If you say that "domestic troubles" or "ill-health" is a sufficient reason, then I think there will be no case in which any leave can be refused, because the term "ill-health" is so broad that anything can come under it. When enquiries were made with regard to the details of the grounds, he should have stated them sufficiently in a way which could convince the Committee and the House. He has not done so. Under these circumstances it was only a flimsy letter he has addressed stating that on account of ill-health and domestic troubles, he might be granted leave. I think it amounts to rather showing disrespect to the House without understanding his responsibilities properly. Therefore, no further concessions should be shown to him. The Committee has been over-lenient to him. Under the circumstances, the Member concerned should not be given any further leave.

**Pandit Thakur Das Bhargava** (Gurgaon): Just a word, Sir. A suggestion has been made by many Members here that the Member concerned should be asked to send a medical certificate and also give reasons for his absence (*Interruptions*). There is a proverb—

“धापको मे रक्तानियो ने गुस्ताल कर दिया”

For action being taken against any Member, has he been asked to submit a medical certificate, and does he know that the production of a medical certificate is necessary? Now in the fag end of this Parliament I would rather like an opportunity to be given to the gentleman to send his reasons as also a medical certificate if he can procure one.

It may be that he is not ill; somebody else is ill; the way this man is behaving may be objectionable, but what is the punishment that we are giving? This is a solitary instance in all these 5 years when a recommendation has been made in this manner. Everybody knows that these matters are taken not in a very strict way. If anybody has made any submission whatsoever, we have without enquiring whether they are correct or wrong always been granting this leave of absence. What does our Constitution say? It says that if a person comes here once in 60 days, then it is all right. The thing can go on and if you kindly take a census of the attendance of all these Members, how many have attended this House and in what way, it would be interesting. It would appear that all this talk about duty by attending here and doing something in the constituency will vanish. I submit that this is not a case in which such drastic punishment should be given. At least, he should be asked to explain the position. Supposing he sends an application and gives you a medical certificate, it should satisfy us. Supposing it transpires that his wife, daughter or somebody is ill, what then? I therefore think that his having written in his application

certain reasons should not become the subject matter in which we should take such a drastic action. I would submit to all hon. Members at least to hold their hands and not set this example in this last session. At the same time, if any action is to be taken, I would respectfully submit to you personally that you may kindly just adjourn this discussion and give him an opportunity of stating what he has to say in respect of this matter. He has not been heard on the matter; no question has been put to him. We cannot punish a member unheard. This will not be fair.

(*Interruption*).

Is there any rule on the subject? If there is, the Constitution does not say that we should not ask him to explain the position. We are condemning a man unheard.

So far as this gentleman is concerned, he does not know English; he does not know what drastic action can be taken. Such absence has been condoned so far.

**Mr. Deputy-Speaker:** On account of these disabilities, he has the right to continue?

**Pandit Thakur Das Bhargava:** I am not asking the House to agree to this. After his reply is received, if the House thinks that it is not satisfactory, or that he is not really ill, I think the House can take action then. I submit that we should adjourn the discussion and I consider that no person should be punished without being heard.

**Mr. Deputy-Speaker:** I suppose there has been enough discussion. I would propose that the House might take a decision as it likes; it is for the House to do so. I would not give any opinion of mine, nor is it my business. I might inform the House that some hon. Members have expressed doubts whether such action has been taken before. In 1950 that action was taken against 3 Members of the House and the seats were declared vacant. Some hon. Members

[Mr. Deputy Speaker.]

have made certain observations which rather reveal that attention has not been sufficiently drawn to para (4) of the report which reads thus:

"At its sitting held on the 25th July, 1956 during the Thirteenth Session the Committee desired that the member be informed that his continuous absence for more than 60 days without permission of the House would attract the provisions of Article 101 (4) of the Constitution. This was duly done on the 2nd August, 1956. Three reminders were sent to him on the 14th August, 23rd August and 31st August, 1956, but no reply was received from the member."

I am not giving any opinion but only bring it to the notice of hon. Members. I will put the motion before the House, for its decision.

**Shri Kamath:** May I request, you to put the first and the last parts separately to the House?

**Mr. Deputy-Speaker:** Yes; this is correct. I shall put motion in two parts.

The question is:

"This House agrees with the Eighteenth Report of the Committee on Absence of Members from the sittings of the House presented to the House on the 3rd December 1956 recommending leave of absence to certain Members."

The motion was adopted.

**Mr. Deputy-Speaker:** The Members who have been granted leave of absence will be informed accordingly. So far as Shri Mahapatra's case is concerned, I shall now put separately the motion regarding him.

The question is:

"This House further agrees with the recommendation of the Committee on Absence of Members in respect of Shri Sibnarayan Singh

Mahapatra contained in the Eighteenth Report of the Committee."

**Shri C. D. Pande:** I would suggest that before the motion is placed before the House, the matter should be referred to the Committee again for re-consideration. You may place that before the House for voting and then this. That is the best thing.

**Mr. Deputy-Speaker:** No amendment or formal proposal had come up to me; otherwise, I would have put it as desired.

Those in favour of this motion say 'Aye'. Several Hon. Members: "Aye".

**Mr. Deputy-Speaker:** Those against this motion may please say "No".

Some Hon. Members: "No".

**Mr. Deputy-Speaker:** The "Ayes" have it.

Some Hon. Members: No; the "Noes" have it.

**Mr. Deputy-Speaker:** Would the House like to divide on this issue? Very well. The bell is being rung.

Order, order. The hon. Members may resume their seats. I am going to put this motion to the vote of the House.

The question is:

"This House further agrees with the recommendation of the Committee on Absence of Members in respect of Shri Sibnarayan Singh Mahapatra contained in the Eighteenth Report of the Committee."

The motion was adopted.

**Mr. Deputy-Speaker:** We will now proceed to the next business....

**Shri V. G. Deshpande (Guna):** I challenge the result, Sir....

**Mr. Deputy-Speaker:** Order, order. The hon. Member is very late. He was not serious enough even to stand up in his seat and say, as an hon. Member ought to do when he

wants to object. He was sitting in his seat without any seriousness and I too heard something but I never considered that they were meant to be serious. We will take up the next business.

ELECTION TO COMMITTEE

INDIAN INSTITUTE OF TECHNOLOGY,  
KHARAGPUR

**The Deputy Minister of Education**  
(Dr. M. M. Das): I beg to move:

"That the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve on the Board of Governors of the Indian Institute of Technology, Kharagpur, from the date the Indian Institute of Technology (Kharagpur) Act, 1956, comes into force, in pursuance of the provisions of clause (h) of Section 11 of the said Act."

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

"That the members of the House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve on the Board of Governors of the Indian Institute of Technology, Kharagpur, from the date the Indian Institute of Technology (Kharagpur) Act, 1956, comes into force, in pursuance of the provisions of clause (h) of Section 11 of the said Act."

*The motion was adopted*

CENTRAL SALES TAX BILL

**The Minister of Revenue and Civil Expenditure (Shri M. C. Shah):** Sir, I beg to move\*:

"That the Bill to formulate principles for determining when a sale or purchase of goods takes place in the course of inter-State trade or commerce or outside a State or in the course of

import into or export from India, to provide for the levy, collection and distribution of taxes on sales of goods in the course of inter-State trade or commerce and to declare certain goods to be of special importance in inter-State trade or commerce and specify the restrictions and conditions to which State laws imposing taxes on the sale or purchase of such goods of special importance shall be subject, be taken into consideration."

The House has had an opportunity of discussing the recommendations of the Taxation Enquiry Commission on the subject of Sales Tax when the Constitution (Sixth) Amendment Bill was taken up in the Budget Session. You are aware that the Commission, after going very carefully and in detail into the problem of sales-tax, came to the conclusion that it must be a State tax and its levy, distribution, etc. must rest with the State. But, they also stated that the power and responsibility of the State should end and those of the Union must begin when the tax falls administratively on the dealers and financially on the consumers of another State. The House is also well aware that the Taxation Enquiry Commission recommended that there must be some control of the union over the sales-tax when it is imposed on certain raw materials which are very necessary for the manufacture of certain goods, whether those raw materials are produced in one State and the goods are also manufactured in the same State or the raw materials are exported to another State and the goods are manufactured in that State. It added that the question of the cost of the manufactured goods is a matter of concern for the Central Government, and if no restriction is placed on the powers of the States to impose sales tax on the raw materials going into the manufacture of certain goods, then the cost will be rather increased and the consumers will be affected. Therefore, it has stated that six articles of raw materials are

\*Moved with the recommendation of the President.

[Shri M. C. Shah.]

of special importance to inter-State trade. There should be a declaration by the Parliament and there should be restrictions on the imposition of the sales-tax on those commodities.

All these recommendations required certain constitutional changes. As the Constitution stood before the Sixth Amendment, article 286 dealt with inter-State sales tax as well as sales-tax on items of export and import. On 30th March, 1953 the Supreme Court gave a judgment. It declared that when there is an inter-State transaction or a transaction in commerce or trade of inter-State nature, under article 286(1) (a) explanation, the sellers of those goods which were sent to other States for delivery and consumption in those States, can be taxed; that is, those States can levy tax on the non-resident dealers of another State which had sent those goods.

There were many representations from the traders. There were harassments. They had to study the sales tax laws of so many States and appear before so many States' authorities. They had to prepare so many returns. All these difficulties dropped up and they represented to the Central Government.

The Central Government had a provisional scheme whereby these harassments were rather minimised. At that time the Taxation Enquiry Commission was looking into the question of sales-tax. Before the Government could undertake any legislation, there was another judgment of the Supreme Court on the 6th September 1955. It has been decided there that unless a law is enacted by the Parliament, no State can levy tax on the inter-State transactions of commerce and trade. So, a lacuna was created and it was found necessary that the Centre should undertake some legislation for this purpose. Some constitutional changes were also necessary at that time and so the Government came to the Parliament with the Constitution (Sixth) Amendment Bill.

We added one more item—item No. 92(a)—in the Central list in order to authorise the Central Parliament to pass laws with regard to sales tax on inter-State trade and commerce. We also amended item No. 54 in the State List. We amended article 289 and added two clauses. One was with regard to sales-tax on inter-State trade and commerce. Parliament was authorised to formulate principles on which these sales took place, either in the inter-State trade and commerce or outside the State. We deleted the explanation in article 286(1) (a). The Judgment of 1953 enunciated certain principles. This Judgment was considered not to be on sound principles by the Supreme Court in its later judgment of September, 1955. Therefore, we had to delete the explanation in article 286(1) and put in revised sub-sections (2) and (3) to article 286. Under these circumstances, it became important and urgent to bring in legislation as early as possible, because of the lacuna, created by the Supreme Court judgment of 6th September, 1956 saying that no State can levy a tax on these transaction in inter-State trade and commerce. Because of that lacuna, the States also lost a good deal of income. The House is well aware that in the second Five Year Plan, it has been provided that for the resources, the States should get an additional income of Rs. 112 crores through sales-tax. So, unless we give powers to the State to levy the sales-tax on transactions in the course of inter-State trade or commerce, revenue will be lost to the States. A very intriguing situation had arisen after the Supreme Court judgment of 6th September, 1955, whereby some of the people who had already paid taxes on these transactions just gave notice to the States for the refund of the tax. Therefore, we had to bring in the Sales-tax Laws Validation Act of 1956, to validate all those taxes that were imposed by those States and were collected from the traders in order to avert the difficulties that were experienced by the States.

Now, by the present legislation, we are just going to have principles determining as to when the sale or purchase takes place in the course of inter-State trade or commerce, when the sale takes place inside the State or outside the State, etc. Chapter II deals with these points, and Chapter III deals with the rates, incidence of tax, etc. on inter-State sales. It is a small Bill of 16 clauses.

We passed an Essential Goods Act declaring certain goods as essential to the life of the community according to which, whenever any tax was to be levied on those articles, the permission of the Centre had to be obtained before levying the tax, but after the Constitution (Sixth Amendment) Act of 1956, which came into effect in September 1956, after getting the assent of the President, that Act had become void and it had no effect whatsoever. Therefore, we have provided in clause 16 of this Bill that the Essential Goods Act be repealed.

We are aware that there were very strong feelings on the part of some people and on the part of some sections of this House, when the Constitutional amendment was discussed, that over and above those six items which were recommended by the Taxation Enquiry Commission as of special importance, certain other articles also should be added, particularly, food, salt, etc. We stated before the House that we would consult the States in the matter. We called a conference of the representatives of State Governments and we put this matter before them. The States advance the argument that the Centre should not expand this list of six items of raw materials. They stated that they are Governments representing the people of the States and that they would take care to see whether a certain tax on those articles would be rather heavy or not and whether a tax should be imposed or not. They said that the legislators of the State Assemblies were elected by the electors of those States concerned and the State Gov-

ernments were responsible to those electors and that therefore it must be left to them as to whether there should be any tax on these commodities such as food, salt, etc. They said that it must be left to them to see whether they will impose any tax, or how much tax should be imposed, etc. All these things must be left to the State legislatures because they are responsible to the people of the States. They were therefore, strongly opposed to any expansion of the list of these articles. Therefore, we have brought in six items only as goods of special importance. For these articles too, we have placed restrictions, saying that the tax shall not be more than two per cent at one stage in a State. So far as inter-State trade or commerce is concerned, we have generally restricted it to one per cent.

Thus, this is a Bill which vitally affects the revenues of State Governments and the recommendations of the Taxation Enquiry Commission have been generally accepted by the House when the Constitution (Sixth Amendment) Bill was discussed and the Constitution amended accordingly, in order to facilitate this legislation. I hope the House will support this motion and will pass this Bill in due course.

Mr. Deputy Speaker: Motion moved:

"That the Bill to formulate principles for determining when a sale or purchase of goods takes place in the course of inter-State trade or commerce or outside a State or in the course of import into or export from India, to provide for the levy, collection and distribution of taxes on sales of goods in the course of inter-State trade or commerce and to declare certain goods to be of special importance in inter-State trade or commerce and specify the restrictions and conditions to which State laws imposing taxes on the sale or pur-

[Mr. Deputy-Speaker.]

chase of such goods of special importance shall be subject, be taken into consideration".

The total allotment of time for this Bill is 10 hours as recommended by the Business Advisory Committee and approved by the House. May I know the sense of the House as to what time we could allot for general discussion and what time for the rest?

**Shri U. M. Trivedi (Chittor):** Six hours for general discussion.

**Shri Heda (Nizamabad):** Certain clauses are very important.

**Shri M. C. Shah:** It is a very simple measure.

**An Hon. Member:** Seven hours and three hours.

**Mr. Deputy-Speaker:** I think seven hours for general discussion and three hours for the remaining stages would be all right. I take it as the general sense of the House. There is also an amendment that the Bill be referred to a Select Committee. It is by Pandit Thakur Das Bhargava. Is he moving it?

**Pandit Thakur Das Bhargava (Gurgaon):** Yes, I wish to move it.

**Mr. Deputy-Speaker:** He may move it now, so that the motion and his amendment may both be taken up for discussion.

**Shri U. M. Trivedi:** That will be exclusive of the time allotted.

**Mr. Deputy-Speaker:** Even if the does not move it, the total allotment of time is there.

**पंडित थाकुर दास भार्गव :** जनाब डिप्टी स्पीकर साहब, मैं यह प्रमेडमेट मूव करता हूँ :

"That the Bill be referred to a Select Committee consisting of Shri Shree Narayan Das, Shri Fulsinhji, B. Dabhi, Shri Jhulan Sinha, Shri U. M. Trivedi, Shri N. B. Chowdhury, Shri C. P. Gidwani, Shri N. P. Damodaran,

Rajmata Kamleelu Mati Shah, Shrimati Uma Nehru, Shri Sarangadhar Das, Shri Resham Lal Jangde, Shri N. C. Chatterjee, Shri Krishnacharya Joshi, Shri P. T. Punnoose, Shri B. P. Jhunjhunwala, Shri Mohanlal Sakseena, Shri K. S. Raghavachari, Shri G. L. Bansal, Shri S. S. More, Shri T. T. Krishnamachari and the mover, with instructions to report by the 12th December, 1956".

जनाब जाला, जिस वक्त यह आया था..  
श्री डॉ मू० प्रिवेदी : पंडित जी, सब आप की बात सुनना चाहेंगे इस लिए अप्रेंजी में बोलिए तो ज्यादा अच्छा रहेगा ।

पंडित थाकुर दास भार्गव : अच्छा, आप के हुक्म की तामील करूँगा ।

When I received a copy of this Bill, the Central Sales tax Bill, I was, at that moment, extremely busy, with some work. So, the first thing I did was to find out if the wishes of the House in this matter had been taken notice of and accepted by the Government. I only read one line—clause 14—and I wanted to find out whether foodgrains have been included here or not. To my great astonishment and dismay, I found that foodgrains had not been included.

I would very humbly request the hon. Finance Minister kindly to look into the debates which took place at the time of the Constitution (Tenth Amendment) Bill. At that time, many Members stood up in their seats and requested the Government to be kind enough to include foodgrains. A perusal of those discussions would show that though we did not want any undertaking to be given by the hon. Finance Minister at that time, yet, we were vociferous in expressing our wishes and in asking him to consider the question sympathetically. At that time, he also asked us to realise the situation, and said that

he was not in a position to give any undertaking. We really did not want an undertaking from him.

13 hrs.

With your permission, I would like to quote certain portions of his speech delivered on the 29th May 1956 in connection with the Constitution (Ninth Amendment) Bill. Soon after he concluded his speech moving the consideration of the Bill, the question of allotment of time for the different stages of the Bill arose. In the meantime, I put him the following question. (Page 26, 681 of stencilled Lok Sabha Debates of 29th May 1956) :

"May I be allowed to put one question to the hon. Finance Minister? He himself has been pleased to indicate that so far as the question of articles of special importance are concerned, they will be considered later. In the Joint Committee also, there was mention about it and I want to know from him specifically if he is agreeable to include foodgrains among articles of 'special importance'.

Shri C. D. Deshmukh: It will be for Parliament to decide when the second Bill is brought before it. I have indicated the possibility of including one or two articles. In other words, I have not ruled out the inclusion of articles like foodgrains."

In the earlier portion of his speech, he had stated that one or two things more could be included in the list. On the basis of this I told him :

"If there is any likelihood of foodgrains being included, much of the criticism will go away."

Shri C. D. Deshmukh: It would not be right and proper for me to give an undertaking in this respect."

To this I stated—

"We do not want any undertaking."

The discussion proceeded, on when Shri C. C. Shah interrupted:

"Foodgrains are of special importance in inter-State trade and commerce so that Parliament can include it."

Upon which I remarked :

"I am sorry I put the question only to the hon. Finance Minister."

To this Shri C. D. Deshmukh replied—

"What I say is that I do not think it right to make a statement as to what Parliament will do on a further occasion."

Then I put it to him again—

"I do not want that. I am also a part of Parliament and I know what it will do or not do. I only wanted to know from the hon. Finance Minister if, in his opinion, there is any likelihood of the inclusion of foodgrains in articles of special importance. That is the only question. If he wants, he can give us a reply."

Shri C. D. Deshmukh: The question is not so easy as to say whether foodgrains will be included in the Bill to be brought forward before the next House. What he is asking is whether there is a likelihood of foodgrains being included in the next legislation to be passed by Parliament.

Pandit Thakur Das Bhargava: In the Bill and not by the House.

Shri C. D. Deshmukh: So far as the proposal is concerned, what I have undertaken is to communicate to the State Government the views of my hon. friend and others in this matter. I am not aware myself of any strong reasons why foodgrains should not be included. Therefore, there is the likelihood of foodgrains being included in that Bill that will come before the House, provided we carry conviction to the State Governments concerned."

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In the course of his reply to the debate on the Motion for consideration the Finance Minister said (Page 26, 796 of the stencilled debates of the 29th May 1956):

"Circumstances may easily arise where it would not be difficult to prove that foodgrains movements are of great importance in the inter-State trade and commerce. If so, I do not expect any great difficulty in carrying this message, shall we say, to the State Governments. This view is shared by some of my colleagues in the Cabinet, if I may disclose it. So, I would advise that we leave this particular matter there and for the moment proceed with this piece of legislation as we have it before us."

The Bill then entered clause by clause consideration. When clause 4 which related to amendment of article 286 came up for discussion, I said (Page 26, 809)—

"From that very standpoint, my stand is this. Let the Finance Minister go to any part of the country and take the opinion of the people who are concerned. As I said before, so far as necessities of life are concerned, 99.9 recurring per cent. will be found to favour the point of view which I am submitting. I am very glad that some of the Cabinet Ministers think like me. I am further glad and I believe in my heart of hearts that the hon. Minister is one of them who thinks like me that necessities of life are the last things which should be taxed so far as the poorest people in the land are concerned. On the contrary, we have changed our opinion in deference to the opinion of the Finance Minister."

As the discussion on the Constitution (Amendment) Bill proceeded, though there was no specific undertaking given, yet high expectations were raised and we did believe that

foodgrains would be included. I was not the only person; I have gone through the entire debate and I find that Member after Member rose and put forward this suggestion, and even Members who hold views contrary to those held by me suggested that foodgrains at least should be included in the list.

I would in this connection make a reference to the Report of the Taxation Enquiry Commission. The President of the Commission, Dr. John Matthai was of the view that so far as foodgrains are concerned they are in a peculiar position. Now I find that foodgrains have been excluded. The hon. Shri M. C. Shah just now said that the States held the view that this is a matter to be decided by the representatives of the States and that they were not willing to accept the suggestion by Members of this House. It would have been much better if the whole correspondence between the States and the Central Government as well as the opinions of the various States had been circulated to us. This would have enabled us to know which of the States did not accept the proposal. It is quite clear that this House can if it so likes include foodgrains among the declared articles. There is no doubt about it. This House should have been given an opportunity to exercise its sovereign right of enacting this law. It is this Parliament alone which is competent to enact a law of this nature and the House should have been allowed to have its say. That can only be done when there is a Select Committee. This would have given us an opportunity to know the intensity of feeling among the States and whether the Members of the State Legislatures were consulted or only the executive part of the Government took up this stand. After all it is a question of agreement between the States and the Centre and the Members of this House should have been allowed to have their say in the matter. If the Government agreed with the States

in a matter of this kind behind the back of this Parliament, I do not think they were justified in doing so. Even when the Constitution (Amendment) Bill was under discussion in the House, I pointed out that the hon. Finance Minister was not right in coming to an agreement with the States and facing us with a *fait accompli*. The hon. the Finance Minister made it clear to us that he would communicate the view of the Members of this House to the States. When I pointed out that it was not merely the view of the House, but of his colleagues in the Cabinet, he did not contradict me. I therefore thought that foodgrains would not be the first casualty so far as this Bill is concerned. The matter may be taken to the Select Committee and debated there. We may be shown how the States have reacted to this proposal and we may also be able to impress upon the Finance Minister our feelings in this matter, because it is not a question that has dropped up now. When this question was debated in the Constituent Assembly, some of us had occasion then to take part in the debate. I sent in about 20 amendments so far as this matter is concerned and you know the whole history; you know how this thing developed and how ultimately we accepted the provisions which were existing in our Constitution before this Constitution (Tenth) Amendment Bill was passed.

Originally, in the chapter on fundamental rights, there was clause 16 which said that "trade and industry throughout the whole of India shall be free" though the Parliament was given the power to make any laws it liked. That was not alone; there were other articles in the Constitution scattered all over and ultimately these were all incorporated in articles 301 to 307 as also article 286. At that time all these arguments were gone into and it so happened that our present Finance Minister participated in the debate and gave the final reply. I had moved an amendment that the word "temporary" may be put in one of the

sub-clauses. Then the hon. Finance Minister expressed his opinion that I was perfectly wrong in asking for the word "temporary" to be put in that particular clause. At that time he said that he could not see in the near future any time when we would be self-sufficient in the matter of foodgrains. This is what he said:

"Let me take one particular amendment of my hon. friend Pandit Thakur Das Bhargava. He objects to the wording of clause (2) of article 274C. He says that a situation arising from scarcity of goods must be qualified by the word "temporary". I am asking my hon. friend if he can today say that the scarcity of goods in this country which manifests itself in various parts of this country is going to be a temporary affair. Is it not a matter which is going to be more or less permanent, certainly for a period of years, probably decades?".

I said, "Certainly not". Then, he continued:

"If my hon. friend holds that opinion I can only agree to differ. I for my part do hold that our present position in the matter of food and certain other essential commodities—the scarcity that is attached to them—is a thing which it will be difficult for us to get over even in a period of a decade and over. If my hon. friend is an optimist, I have no quarrel with him, but I am not one of the category that holds such opinions. I have a right to say that the fundamental purpose of this Constitution is that it should enable the citizens of this country to live. On this fundamental principle there can be no difference of opinion. I do believe that we cannot fetter the right of a State to order the economy of the country in such a way that the maximum number of people will be benefited by it."

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He proceeded further and it was at his instance that article 274 etc. which are now articles 301 to 306 were put in the Constitution. I may humbly point out to the hon. Finance Minister that in the matter of food, his predictions have not proved true. On the contrary, I maintain that we have attained self-sufficiency in the matter of food. Originally the Government proposition was that it shall attain self-sufficiency in 1951. But did not succeed according to the Government; according to some of us, it did succeed and the controls were not justified. Ultimately the controls were removed. The Government used to say that there was only 10 per cent. deficiency. But now as a result of the Five Year Plans and other efforts made by Government after spending hundreds of crores of rupees, the food situation has improved a lot. During the last five years, the increase has been more than 10 per cent. With regard to certain articles like rice, we began exporting also. So, I maintain that we have attained self-sufficiency in food and that we are not deficient, though I know that Government is even now importing these articles. That is an enigma to us. Outside, in the country, they say, "we have solved the food problem"; but, when we come to the House, we find that there are so many articles imported from America etc. and there are rice deals with Burma. The Government say, it is for the purpose of storage that they are importing foodgrains. So far as the exponents of the Government view are concerned, they say from the housetops that self-sufficiency has been attained. We do not find the deficiency in the country which we used to find before. I should say that we have attained, if not full sufficiency, a tolerable state of sufficiency and we need not worry for the future. There is also the second Five Year Plan and we find that efforts are being made to increase the food production still more. Foodgrain is a stuff which concerns the poorest man; this is an essential thing which should

go into the category of declared goods.

If you look at the Essential Goods Act, 1952, you will find that the first place of importance was given to cereals and pulses and other things came subsequently. It appears to me now that there is a certain kind of competition between articles of food and raw materials and manufactured articles. Manufactured articles are not found in the category of declared goods. Some of the raw materials are included in this category. When the Constitution Amendment Bill was being considered, the hon. Finance Minister told us that he had received some telegram from the Finance Minister of some other State saying that manufactured goods ought not be included in the list. I thought at that time that some Minister from Bombay might have sent that telegram; I did not know anything; it was a mere surmise. I do not know whether it is correct. I brought to the attention of the House that cotton was included, but not cloth. This means that the Government is favouring the richer people, the manufacturers, at the cost of the producers of raw materials.

So far as all these articles are concerned, I am conscious that there must be uniformity of prices in the country. Even at the very start when we were discussing this in the Constituent Assembly, I submitted these arguments for the consideration of the House. Even at the risk of repetition, I would humbly request the House to consider this matter from the standpoint of the ordinary man. I have submitted those arguments before and I repeat them now. What is the use of your Bhakra Dam, Hirakud and the Tungabhadra Dam? How do these dams enthuse the people who have not got enough foodgrains. The country is one and there should be uniformity of price. The advantage of all these things should be given to each and every person in the country. In regard to

manufactured articles, supposing Bombay Mills produce very good cloth and if it is supplied to me not at the price at which it is supplied in any other place, how do I stand to benefit by it? The first requisite of one unit or one country is that ordinarily speaking, the prices at least of the necessities of life should be the same all over India. Otherwise, I feel that so far as provincialism or parochialism is concerned, they will get better of us. I therefore think that this matter should be reconsidered and debated before a Select Committee and we should be told why the Government are unable to accept this one recommendation, which we thought would be accepted by the Government. Ordinarily, all the Bills that come before this House are taken to the Select Committee. Because, it is in that cool and collected atmosphere that all arguments are made, and the pros and cons are considered. Here, in this House, when an amendment is moved, the Government takes a stand and then we know what the result is. Even the most reasonable amendments are lost in the heat of the moment. When we are in a Select Committee, it happens, every question is thrashed out, arguments are advanced and every one has at least the mental satisfaction that the hon. Minister in charge of the Bill has convinced him or tried to convince him. We may differ, I can understand that. But, we get the satisfaction that everybody is tried to be convinced. We have found that in spite of strong feelings, the feelings of the House have not been cared for by the Government and they have, perhaps, cared for the views of the Executive policy of the State Governments. I am very much doubtful if the State legislatures have been consulted in this matter. If the State legislatures had been consulted, my own view is, they would have said, let the Centre keep this power. We are not opposed to the State legislatures. We know they are very responsible people. At the same time, under the stress of circumstances, when you want money

for a particular purpose, the easiest course is to just include an article in the sales tax. You get the money. This is the difficulty. In the Centre we know that there are certain limitations beyond which no Government could go, be it the Central Government or the State Governments. That caution is likely to be removed if the matter is debated in the State legislatures. Not that I deny the responsibility of the State legislatures. They are responsible people. They can certainly have their say in a matter like this. It was on this account that we enacted article 286(3). Otherwise, all these arguments were there even then. When we enacted article 286(3), we said that so far as essential articles are concerned, only those States which already had taxes like this, were exempted. They were not entirely exempted. In regard to all the other States, we enacted that no law could be passed by a State legislature unless it received the assent of the President. That was a very great check. In respect of even those States where these taxes are already there, they could not increase their taxes. We are now giving a *carte blanche*. One effect of this law will be, in regard to articles which are not declared goods, the State legislatures will get full, complete, unrestricted authority to do what they please. When this Constitution was drawn up, I did not accept this position. When we were going into this matter, I even submitted an amendment for the consideration of the House, saying that even in regard to articles which are not essential, the Centre should be given power in order to ensure uniformity of taxation and freedom from taxation of essential articles. My amendment was not accepted. That is a different matter. Even now, I submit that you should discharge your responsibility to the whole of India. The Central Government is no less responsible than the State Governments. I should say they are more responsible. After all, all the people are Citizens of India and not citizens of particular States. The

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Central Government has got more responsibility. So far as the poorest people are concerned, I think the Central Government is not only more responsible, but, at the same time, in my humble opinion, it is in the position of a trustee. The people in the States and elsewhere look up to the Central Government for protection from the vagaries of the State legislatures. It was for this reason that in articles 300 to 307 we enacted that the States will not be able to put even reasonable restrictions unless and until they get the sanction from the Central Government. You will find in article 307 that we have enacted that some Authority will be appointed to see that these provisions are not contravened. Article 307 says:

"Parliament may by law appoint such authority as it considers appropriate for carrying out the purposes of articles 301, 302, 303, and 304, and confer on the authority so appointed such powers and such duties as it thinks necessary."

I do not know if any action has been taken under this provision. No authority has been appointed and nobody has cared to find whether these articles 301 to 304 have been utilised or not and whether in the States there has been excessive taxation. People have complained and complained bitterly. We know of the agitation that took place in the U.P. when the Government of India agreed to allow them to levy certain taxes on foodgrains. We know what took place there. No authority has so far been appointed. I do not know whether the States have, as a matter of fact, behaved in such a wrong fashion that the Government of India might have to take any action. I wish now, when they are giving this kind of power to the States that the authority under article 307 is appointed so that it can see that in regard to necessities and other articles, there is no discrimination and apart from discrimination, there is no excessive restriction. In article

304, the words are:

"impose such reasonable restrictions on the freedom of trade, commerce or intercourse with or within that State as may be required in the public interest."

But, the rider is very strong. It says:

"Provided that no Bill or amendment for the purpose of clause (b) shall be introduced or moved in the Legislature of a State without the previous sanction of the President."

Even now, the Government of India is charged with the responsibility of seeing that, so far as article 304 is concerned, the State legislatures do not outstrip those bounds, which are, as a matter of fact, restrictions of the authority to an extent. Unless the Government of India agree, they cannot put any unreasonable restrictions.

As I was submitting, article 307 requires the appointment of this authority. The rights given in articles 301 to 305, according to me, are justiciable. The matter can be taken to the Supreme Court whether the States have behaved correctly in this matter. Even in respect of Parliament, this matter can be taken to the Supreme Court. I agree with the view of the previous Finance Minister—probably these are the views of the present Finance Minister also—that we shall have to put tax on the common man, if our Second Five Year Plan is to succeed. I know that we cannot but tax the common man. I am not averse to taxing him. After all, the Second Plan is for this benefit and for the benefit of the coming generations of India. At the same time, as I submitted before, and with your permission I am repeating it, the question of questions is whether in doing this you are going to tax the poorest in this land. We have been told in this House by hon. Ministers of the Government of India that people in Orissa and other places do not get even five annas a day. This is an average, which means that some of them must be getting probably half of this amount. Similarly, the old

story that we used to trot out when the Britishers were there was that one-third of the population does not even get two full meals a day. It is not an old story now. Probably it is true that many people do not get two square meals a day.

**Shri V. P. Nayar (Chirayukil):** One-third may have changed to one half.

**Pandit Thakur Das Bhargava:** Last time, the hon. Finance Minister, as his first gift to the people of India brought in the duty in respect of cloth, etc. I do not know how far he has succeeded in his effort. This House passed the Bill though some of us very humbly requested him to take such measures as would not impose a tax on the poorest in the land. Today also, I have submitted an amendment that coarse cloth should be regarded as a declared article. I only plead for one kind of people. I do not want that the Government may not realise his full taxes. These two Bills are already before us, for Rs. 16 crores or more. He is entitled to do what he likes and take as much tax as he likes from the rich people and from the middle class people, and I would go further and say, even from those people who are called ordinary people, but with very great respect I submit that such persons about whom it is said that they get five annas a day and who are getting a very meagre amount of cloth should not be taxed, whatever may happen.

Some time back we were given some figures about indirect taxation etc. The broad question does not come in. I only want that he may take whatever steps he likes to ensure that these poor people are not affected by these provisions. I do not see how this can be done unless you bring foodgrains and coarse cloth within the definition of "declared articles".

An amendment has been put in by Shri Tulsidas to enact back all the various provisions of the Central Supplies Act and include them in the category of declared goods. I am not going so far. I am only submitting that apart from other things, at least

foodgrains and fodder and coarse cloth must be regarded as declared articles. I know these are the very things which can give you large income if you tax them in the manner that the State Governments may like to tax them. Therefore, so far as this aspect is concerned, I am anxious that the matter may go to the Select Committee, and all the provisions and all the various views may be put before us. As I said, Shri M. C. Shah and the previous Finance Minister were really agreeable in their heart of hearts not to tax the poor people. I hold the same opinion about our present Finance Minister, that so far as the poor people of this country are concerned, he has a soft corner for them. If the two Finance Ministers and the hon. Members agree and if the State Governments do not agree, it will be a good medicine, and a wholesome medicine, that we are giving to the State Governments to see that they do not utilise the powers which we are giving for the purpose of adversely affecting the poorest in the land. This is my humble justification. I was under the impression that this will be done, and I find that my hopes have been frustrated. I am extremely sorry to see that we have not succeeded, that this Parliament has not succeeded, because I know every Member of this Parliament is anxious that so far as foodgrains, fodder and coarse cloth are concerned, they may be considered declared articles. Of the State Governments defeat us in our purpose, we will only say that we are defeated because of our own hon. Finance Minister. If he agreed with us, I think the State Governments would not have been so bold. After all, as between the State legislatures and the Central Legislature, I think it is the Central legislature which is much more powerful. I need not remind the Members of the provisions of articles 356 and 365 of our Constitution. If I am correct in my appraisal of the views of the hon. Members of this House, I would only beg of the hon. Finance Minister to take this Bill to the Select Committee, and there at least include these two

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or three things in the category of  
"declared articles".

As regards other matters which are included in this Bill, unfortunately I am neither an industrialist, nor a manufacturer, nor a trader, and I do not know much of the ins and outs of these things.

Shri Kamath (Hoshangabad): You are much more than that.

Pandit Thakur Das Bhargava: It is very kind of you to say that. So far as the principles are concerned, the hon. Finance Minister, while speaking on the previous Bill, stated that the matter of financial principles is of great importance and complexity and that there will be ample opportunity to go into these matters and see whether the right principles are evolved. I do not think when the Government brings forward this Bill, they should have this kind of haste. It does not allow the Members of this House to understand those principles and to see that the principles are evolved in the right manner. It is only in the Select Committee that this can be done. Otherwise, when the Government has come forward with an *ipso dictu* and wants to enforce it in the House, the Members are helpless. I have never seen Bills of this importance being rushed through like this, even a Select Committee not being allowed. What is the use of Select Committees at all if in regard to a Bill of this kind we cannot have a Select Committee? In the Select Committee all these matters can be gone into and all these principles can be.....

Shri V. P. Nayar: Who are the Members of the Select Committee which the hon. Member proposes?

Pandit Thakur Das Bhargava: I am quite agreeable to increase the number of Members, and if some of them are not acceptable to the hon. Member, let the names be deleted. This motion is before the House.

Shri Kamath: He wants to be on the Committee.

Pandit Thakur Das Bhargava: Certainly, he will be in the Committee. I only request the hon. Finance Minister kindly to agree to this motion for reference to the Select Committee. If he thinks any other Members should be here, I have absolutely no objection to include them.

At the same time, I have seen that the matter is not delayed. After all, it is a good Bill and the Government and the States think that it is a good Bill and should be passed as soon as possible. I have therefore fixed 12th December for the Select Committee to report so that the Government may be able to get this measure passed in both the Houses. It is in no spirit of idleness or cavilling or something like that I am moving this motion. I am moving this with all respect to the Finance Minister and this House. I want that this House should be enabled to consider all these matters in the right spirit and that we may be able to discuss and understand rightly all these questions which are the subject matter of this Bill.

13-38 hrs.

[MR. SPEAKER in the Chair.]

As a matter of fact, there are persons who do not have sufficient knowledge of these subjects, they do not also follow these matters. Their willing consent, their intelligent and understanding consent should be taken for this Bill. For instance, there are certain offences the gravamen of which we have not been able to understand. I would therefore submit that this Bill may be referred to a Select Committee, not with a view to prolonging this process of enacting this law, but with a view to fully understand all the principles which are hidden or explicit in this Bill.

I would also have liked that certain figures had been circulated to Members of this House so that we could know what was the revenue to the

Government from these taxes on foodgrains in the States where foodgrains are taxed, and other relevant figures also, what would be the effect of this two per cent or one per cent which is proposed, what are the present rates, how in the various States the revenues will be affected—all these matters are very pertinent, and in the absence of these, it is very difficult to come to a conclusion whether two per cent or one per cent is correct. I have given notice of an amendment that it may be one per cent. It is only with a desire to see that the tax is as little as possible. I do not want to put it less than that. At the same time, I do not know what amount the Government will be collecting, if you make it two per cent or one per cent. In the absence of these figures, it is most difficult to give any opinion which is an intelligent opinion. If you want to have the Bill passed in this way without the hon. Members of the House fully understanding the implications of it, that is another matter, but if you want that we may understand and go with you, then the best thing is kindly to give these figures, enlighten us, take the matter to the Select Committee and convince us that this is necessary. I stated last time, and I am repeating it now, that if we understand that the only way in which the Second Five Year Plan can be put through is the one which is proposed by Government, then we shall hesitate before saying anything adverse to this measure, though I feel very strongly that so far as the poorest in the land are concerned they should not be taxed. So far as these poorest people are concerned, I do not want to give any graphic description of their condition. But I would submit that with all your plans on the one side and with the interests of these poor people on the other, I would rather say that these poor people should not be taxed than that I should have all your plans etc. Your plans are for the other people, for the richer people, for the middle-class people and even for the ordinary people, but so far as these poor people are concerned, they are more concerned with

the two loaves of bread and the ten or eleven yards of cloth that they have.

**Shri Kamath:** Sixteen yards.

**Pandit Thakur Das Bhargava:** Ten or eleven yards is the average. If even these are to be taxed, I do not know what the meaning of this welfare State is.

**Shri Kamath:** 'Farewell State'.

**Shri M. S. Gurupadaswamy (Mysore):** But not well-fed State?

**Pandit Thakur Das Bhargava:** That is for Shri Kamath to say. So far as I am concerned, I do wish and I do believe that it is a welfare State, and everything will be done by this Government to see that the welfare State is there not in name only, as Shri Kamath says, but in spirit also.

**The Minister of Finance and Iron and Steel (Shri T. T. Krishnamachari):** What does Shri Kamath believe in?

**Pandit Thakur Das Bhargava:** He says 'Farewell State' as if he is going to America or England.

**Shri Kamath:** I said 'Fare well State', not 'Farewell State'.

**Pandit Thakur Das Bhargava:** With all the emphasis at my command, I have to make this last appeal to you to accept my amendment for reference of this Bill to a Select Committee, for, I feel that nothing will be lost in the seven or eight days that will elapse before the Select Committee present their report. When the Bill comes up again, if you convince us, we shall be with you.

But, for the moment, I can only say that we do not understand the full implications of the Bill. We are not convinced that it is right not to include foodgrains and coarse cloth within the category of declared articles, in spite of the opinion of this House declared in an unequivocal manner. In fact, this fact has also been accepted by the Mover of this motion. The previous Finance Minister had also

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stated categorically that most of the Members wanted it. So, if, in spite of all this, you do not want to include foodgrains, coarse cloth etc. within the category of declared articles, then it is tantamount to saying that the will of this House and the opinion of most of the Members of this House will not be given effect to and democracy will be balked of its due.

**Shri K. C. Sodhia (Sagar):** In order to be able to support the motion, I want to put one or two questions to the Minister of Finance.

**Mr. Speaker:** He may put them later on.

Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri Shree Narayan Das, Shri Fulsihji B. Dabhi, Shri Jhulan Sinha, Shri U. M. Trivedi, Shri N. B. Chowdhury, Shri C. P. Gidwani, Shri N. P. Damodaran, Rajmata Kamlendu Mati Shah, Shrimati Uma Nehru, Shri Sarangadhar Das, Shri Resham Lal Jangde, Shri N. C. Chatterjee, Shri Krishnacharya Joshi, Shri P. T. Punnoose, Shri B. P. Jhunjhunwala, Shri Mohanlal Saksena, Shri K. S. Raghavachari, Shri G. L. Bansal, Shri S. S. More, Shri T. T. Krishnamachari and the Mover with instructions to report by the 12th December, 1956."

The discussion on the original motion as well as the amendment thereto will proceed now.

Now, Shri V. P. Nayar.

**Shri K. C. Sodhia:** I may kindly be allowed to put my questions.

**Mr. Speaker:** Why should the hon. Member not wait? Does he want that unless his questions are answered, no discussion should proceed in the House?

**Shri V. P. Nayar:** Before I heard the Minister, I thought that I knew something about the Bill, but after

his speech I must confess that I did not know what I thought I did.

After hearing my revered friend Pandit Thakur Das Bhargava, I am inclined to think that he has very successfully made out a case for the reference of this Bill to a Select Committee, because the issues which my hon. friend Shri M. C. Shah posed before us as very simple and non-controversial do not really seem to be so simple and non-controversial. For example, so far as the inclusion of food is concerned, we want to study it in all its aspects, and I am certain that much better work can be done on this, as suggested by my esteemed friend, if we were to have a thorough discussion in the Select Committee. After all, there should be no objection raised to this course, because the Mover of the motion for reference of the Bill to a Select Committee has laid down a date which comes happily well within this session. I am, therefore, inclined to put in a word of recommendation for the acceptance of this motion, and I request hon. Members to support this motion.

I want to make only a few observations of a general nature in regard to this Bill. It is good that after the assumption of power under the Constitution (Sixth Amendment) Act, Government have now come forward with the formulation of certain principles which should guide inter-State tax. That does not commit me in any way, nor do I agree, to the provisions as contained in this Bill.

From the Statement of Objects and Reasons, we find:

"This Bill seeks to provide for the legislation authorised by the Constitution as amended above with a view to enabling the State Governments to raise additional revenues by levying tax on inter-State transactions which are at present immune from tax under their respective sales-tax laws."

This, I presume, is the primary purpose for which this legislation has now

been brought forward. But on going through the provisions of this Bill, I am inclined to think that if this Bill is implemented as it is—I am reminded of the favourite expression of my hon. friend Shri Kamath who often says that it should not be by hook or by crook—Shri Kamath will be justified; the collection of revenue will be more by crook than by hook.

**Shri U. M. Trivedi:** Rather, by hook.

**Shri V. P. Nayar:** On going through the provisions of this Bill, I find that the incidence of the new taxes on the common people of our country has not been considered in a manner which it deserved. We know, for example, that despite the revenue-yielding capacity of this tax, it is certainly an indirect tax, and the common man will have to bear the burden.

If we analyse the recent trends in the revenues, we find that the revenue from general sales tax of all the States together—according to my calculation; I am subject to correction by my hon. friend opposite—has increased from Rs. 56.32 crores in 1950-51 to about Rs. 70.69 crores in 1956-57 (as seen from the Budget). In the Second Five Year Plan, there is a further increase of Rs. 112 crores. We must think of this Bill only in this context, namely, that taxes on income, including the corporation tax, which stood at Rs. 173.22 crores in 1950-51 have only risen to Rs. 190.3 crores in 1956-57. This was the position just before the recent proposals which my hon. friend the Finance Minister has introduced. If you take into account the total percentage, then you will find that while, on the one hand, the indirect tax by way of sales tax has been mounting up in a progressive way, what Government have collected by way of direct taxation, especially income-tax, has been gradually on the decline. The percentage of the total tax revenue of the Central Government, I find, has declined from 42.8 per cent. in 1950-51 to a mere 37 odd per cent. in 1956-57. These figures reveal that while

Government go on increasing the burden on the vast masses of our people, that burden is not allowed to be shared by the richer classes from whom no tax is collected.

Then, we must also consider these figures in another background. The Finance Minister—if I have understood him aright; perhaps, I may be wrong—made out the point\* that the exemptions which are sought to be made under Chapter IV of this Bill were exemptions which were guided by the desire of Government to make available industrial raw material so that the prices of manufactured goods may not go up. If that be so, I want the Minister to consider whether this has been considered as an isolated point or whether it has been considered in the perspective of various factors of our present economy. I fail to understand that it has been so considered, because if it had been considered like that, these provisions would not have been there, in the way in which we have them. Let us, first of all, take an example. Especially because the hon. Minister pinpointed the fact that this is actuated by a desire to make available industrial raw materials in order to see that the cost of production is not increased, I want him to consider how it works in view of the analysis of profits which we have. Take raw cotton, for example, "cotton, that is to say, all kinds of cotton (indigenous or imported) in its unmanufactured state, whether ginned or unginned, baled, pressed or otherwise, but not including cotton waste". I can certainly see that by a provision like this, the cost of manufactured goods in which cotton is used will be favourably affected, that is to say, cotton textiles. Then the question boils down to this whether the incidence of this has to be borne by them only or whether we could make other arrangements to see that it will not be increased.

I submit that this is not the only way—that is, by exempting it from sales tax—by which you can arrest the rise in cost of manufactured goods. I was particularly interested in the cotton textile industry. I must confess

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that I did not have enough time to work out the details of the industries which use the raw materials which are listed here. But take, for example, this one industry, about which I have some figures. In the overall picture of India, I find that in 1950-51, the index of net profits of all industries, if we were to take 1939 as the base, stood at 246.6, but in 1955-56, the index has leapt up to 319.6, about 30 per cent in the course of three or four years. Then the profits of the cotton textile industry, as taken by themselves, stood at 356.6 in 1950-51—the base being the same, namely, 1939—and went up to 403.6 in 1955-56. That means that although the desire of the Government, as expressed by the hon. Minister in his speech, is to see that the price of manufactured textiles does not increase on account of the levy of an inter-State tax on the movement of raw cotton used by the mills, it is not as much the desire of Government to see that all possible steps are exhausted to keep the price at a level which is suitable to the consumer. We could very easily make adjustments in the profit. This profit aspect must be considered when you consider the advantage of giving a tax-free raw commodity in order that the industry may function well.

Therefore, the question of exempting such goods—I am open to correction—should not be decided independent of all other factors which we find in our economy. The point which deserves supreme consideration when we consider a legislation so difficult as this, according to me, will be the general impact of this measure on the broad masses of our people.

My hon. friend, Pandit Thakur Das Bhargava, was referring to foodgrains. I certainly do not say that these are not articles which are not important. These are very important articles, on the price of which and on the tax on which many millions of people might depend. But by giving a special treatment of this industrial raw material, I think we should also in a way control the industrial profits. As I

submitted earlier, this is not the only way to arrest the increase in cost of production. Profits can certainly be sealed. We have been crying for it times without number in this House. I should not be mistaken to mean that by saying this I want the cost of production to go up. It should not go up. I am very positive about it. But you will find that the corresponding aspect of it, that is, the profit aspect of the industry, is also involved.

Government have levied a 6 per cent. tax on dividends. In so far as it goes, it is very good. We welcome it. But that does not satisfy all the necessary requirements of controlling profits in a manner which our economy today warrants. They have also to think seriously of levying other taxes, e.g. excess profits tax, a ceiling on the profit percentage varying from industry to industry—I do not suggest that all industries should have the same ceiling on profits; it might depend on a variety of circumstances—and so on. But we must have figures of how it is very necessary to make this exemption in sales tax with the sole criterion of assuring that the manufacturing costs do not go up. We are also entitled to consider what ways and means Government have taken in order to keep the manufacturing costs at what they are, by reducing the profits which we know have been swelling out of all proportion in the last few years.

Again, I find a distinction is drawn between goods and goods on the basis of essentiality or otherwise. I remember having read in the Report of the Taxation Inquiry Commission—which I do not have here with me—that they were not very much in favour of goods being distinguished on the basis of luxury goods or otherwise. I remember that they were against any special levy of sales tax on luxury goods. I do not agree with that proposition at all, because luxury goods certainly ought to be treated on a particular footing and should be made the subject of the highest possible tax in our land.

Reading through this Bill, I have some other doubts which I would like the hon. Minister to clear, if he finds time to answer my questions. For example, in the definition clause 'sale' has been defined thus:

"'sale' with its grammatical variations and cognate expressions, means any transfer of property in goods by one person to another for cash or for deferred payment or for any other valuable consideration, and includes a transfer of goods on the hire-purchase or other system of payment by instalments, but does not include a mortgage or hypothecation of or a charge or pledge on goods".

Shri U. M. Trivedi: Not a barter.

Shri V. P. Nayar: Not a barter and not many other things. Unfortunately, 'purchase' is not defined, although the words 'sale' and 'purchase' are used together in most of the other sections.

Shri U. M. Trivedi: They want only to tax us.

Shri V. P. Nayar: Probably what is the opposite of sale is intended to be purchase.

Mr. Speaker: I heard the hon. Member read out something about 'other considerations'. What is it about?

Shri U. M. Trivedi: The Transfer of Property Act is a different Act. The definition of 'exchange' is different. Will it cover exchange?

Shri V. P. Nayar: I did not say 'other considerations'. I said: 'deferred payment or for any other valuable consideration'. He said barter was not included.

Shri U. M. Trivedi: Exchange is something else which has been defined.

Mr. Speaker: Exchange is not defined in the General Clauses Act.

Shri U. M. Trivedi: Not in the General Clauses Act, but in the Transfer of Property Act.

Mr. Speaker: It relates to immovable property.

Shri V. P. Nayar: It will not be covered by the provisions in the Transfer of Property Act, because it is a fundamentally different matter altogether. But when sale is described, it will not cover all the transactions which might possibly be considered to be sales.

I pose this question of the branch organisations of certain distributing firms. I may particularly refer to some firms which have a monopoly of the import of certain articles given by the Government. Take, for example, the import of so many chemicals by a firm like the Imperial Chemical Industries or the Tata Industries. They have a network of organisations. Hon. Ministers have been saying in this House that it is because of their very efficient and widespread sales service that these firms have been nominated to distribute certain vital commodities on behalf of Government.

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I want this proposition to be considered by the hon. Minister. For example, the Imperial Chemicals have a monopoly for the import of soda ash. They import soda ash to the port of Bombay. They have branches all over the country. There are other companies functioning in Calcutta. This Imperial Chemicals being a monopoly firm, other companies will necessarily have to place indents on this firm for their supplies from Bombay. That is certainly covered by the definition of 'sale'. But a branch of the same organisation, the Imperial Chemicals in Calcutta, have not to purchase from Bombay. From their headquarters in Bombay they can have the entire quantity transferred. That would not come within the ambit of 'sale' or 'purchase'. Undoubtedly, it is movement of goods but that movement as such is not taxable. The movement, only if it is accompanied by sale or purchase becomes taxable. The movement by mere transfer of one item from a particular firm to a branch organisation at a different

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place in a different State does not amount to sale at all.

Shri M. C. Shah: It cannot.

Shri V. P. Nayar: The hon. Minister has clinched the issue.

I submit that in the case of certain monopoly firms, the monopolies having been given either by the Government of India in respect of certain vital commodities like sodium hydroxide and others or the monopolies having been acquired by virtue of their very long trade with very immense finance to back them, these All-India organisations having a network of distributing agencies in India will have a positive advantage over other traders.

If a company A of Calcutta orders goods from the Imperial Chemicals at Bombay, than A will have to pay 1 per cent. But a branch of the Imperial Chemicals functioning in Calcutta need not purchase it but can have all its stocks transferred from Bombay head office to the Calcutta branch. In that case, the State is not entitled to get that one per cent, the result being that in the market of Calcutta the position of the Imperial Chemicals, with this advantage of 1 per cent., will be absolutely unassailable and difficult for the others to dislodge.

This is only one instance. As we all know—and you know much better—many of these big firms have branches at every important place. Whenever you pass a law defining sale as what it is, you are throwing the door open to certain monopoly firms which, you will see, may not become liable under the expression which is found here for paying this duty which would come to the Central Government under the proposed impost.

Shri U. M. Trivedi: Does the hon. Member want taxation at every place for every movement?

Shri V. P. Nayar: That is not at all my point. When you apply a tax law with a possibility or an avenue for

the escape of some persons with very big organisations in this country, that avenue should be closed. I have not applied my mind in greater detail to these problems but I wanted only to pose this, in which I have very serious misgivings, knowing as I do and knowing as the hon. Minister also does the ways and means by which all possible taxes are or can be evaded by certain firms. I want the hon. Minister to give me an idea as to how this malpractice, if it is resorted to by certain firms who are in control of the distribution of certain very vital commodities and in which there is bound to be an inter-State trade and transfers from one State to another, can be checked to the positive advantage of Government.

I want to focuss the attention of the hon. Minister and also this House to another matter also of very particular importance. As in the case of every other Act, here also you will find that the State of Jammu and Kashmir is exempted. I do not say that it should not be exempted. It must be. But I submit that it is exempted by virtue of certain special considerations peculiar to that State. I am submitting the case of another State which deserves very special consideration and which should be exempted; that is the State of Delhi. I have had discussions with Delhi traders. You know that Delhi has developed in the course of a few hundred years in a very peculiar manner. Today Delhi is a very important trading centre in the north. Unfortunately, . . . .

Shri M. C. Shah: May I just intervene? We have already given notice of an amendment and if the hon. Member reads that notice he will see that the Central Government takes powers to exempt Union territories if they are satisfied etc.

Shri V. P. Nayar: I have just seen the amendment which was thrust into my hands as I was speaking.

Mr. Speaker: The hon. Member is intelligently anticipating.

**Shri V. P. Nayar:** I do not claim that. I want the hon. Minister to answer this because this amendment has been given. If the hon. Minister is able to give me an assurance....

**Shri M. C. Shah:** If the hon. Member reads that amendment proposed, he will not take some time.

**Mr. Speaker:** All the same he can go on.

**Shri V. P. Nayar:** I am submitting that if the hon. Minister is in a position to give me the assurance that Delhi will be exempted, then, I have no case at all. I shall gladly resume my seat.

**Shri M. C. Shah:** There is no such assurance. The Central Government has taken the power...

**Shri V. P. Nayar:** I want this assurance by virtue of this amendment and anticipating that it will be passed by this House. I submit certain views for Government.

You know that Delhi is very peculiar, unlike Bombay for which Shri Bansal has made out a case. That also requires very close examination. Bombay, Calcutta and other importing centres have also to be treated as special cases. But the case of Delhi is very much different from that of Bombay or Calcutta. You know that this small city with a population of 22 lakhs—as estimated in 1950—has 20 lakhs staying in the city. I was very much surprised to know that in this small city 7 lakhs of people depend only on trading enterprise. I was reliably informed that the dependents of those who have government and other jobs will come only to about 5 lakhs. That is the reason why I say that trading has come to stay as the backbone of Delhi's economy. If Delhi is not exempted, the backbone of the economy of the State will, certainly, be broken. I am speaking on the basis of certain information and the hon. Minister will certainly agree that I have no axe to grind. In the case of Delhi, trade has developed owing to historic reasons. I submit it is not

only due to historic reasons. It has a very peculiar pattern. Delhi has no hinterland of consumers. All the cloth merchants in Delhi, the grain merchants, the cycle merchants or the chemical merchants must necessarily depend for their custom on people who come from the adjoining districts of U.P., Punjab and even up to Himachal Pradesh. The Delhi population cannot even consume one-tenth of the imports into Delhi. I am informed that every month 65,000 bales of cloth come to Delhi, worth about Rs. 6 to 7 crores. Like that, it is the distributing centre for cycles, for chemicals, foodgrains, etc. about which my friend Pandit Thakur Das Bhargava was saying so much. All these make it incumbent on Government to treat Delhi as a special case.

Delhi is treated as a special case for most of the other matters. For example, Delhi has no Municipal Act of its own. I think the Punjab Municipalities Act is extended to Delhi. Delhi has no Provincial Civil Service cadre. It is being borrowed from the U.P. cadre or the Punjab cadre. It has no Police service of its own; it is taken from the Punjab Police. I do not dispute that it should have special treatment in all these matters. I only say that Delhi with an urban population of 20 lakhs out of a total population of 22 lakhs is entitled to very special treatment by virtue of its special position. It should be completely exempted from the inter-State tax. Otherwise, we will be faced with various difficulties. One per cent. in the case of the wholesale trade is not a very little amount at all. I know that it is not fair to demand this because ultimately the price for the consumer will not vary. But, here is a case in which a city has developed under very peculiar circumstances—being the seat of the Government of India—during a period of years, and in a peculiar manner. That peculiar development does certainly make Delhi have a claim for a special treatment. If we think of the other circumstances which might possibly result from the extension of this Act, I would

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submit that let us have no illusions about this, that Delhi will have to face a very serious retrenchment of shop workers and shop assistants. The leading merchants will have to pay one per cent. extra and will thereby lose the customers because they will no longer be in the competitive market in their trade with portions of U.P., Punjab or Himachal Pradesh. They will certainly have to make up this much loss by resorting to other means, and the inevitable evil which will result out of the levy of one per cent. will be that they will throw out a section of the shop employees. I would very much like Shri Radha Raman, who has the good fortune to represent this place, to give more details and press the case of Delhi. I am also certain that Shri Bansal, who has so many contacts, especially in the business locality, will supplement my argument and plead further the case of Delhi being exempted.

The cases of Calcutta and Bombay are also deserving of consideration—I do not dispute it—but certainly the State of Bombay or West Bengal is not so small, and there is a very large population in those States which can take away the goods. Maybe it is not the case with respect to the Bengal collieries or Bihar collieries, or again in the case of the import of heavy machinery it may be different. But obviously both the States of West Bengal and Bombay do not stand in this respect in the same position as Delhi. They might require some exemptions in the case of certain articles—I have not applied my mind to it yet—but the fact remains that they are placed in a more advantageous position because they have got a huge hinterland and population to sell their wares to. That is not the case with Delhi. One lakh of people are supposed to come to Delhi every day to purchase articles. I am astonished that this city can accommodate so many people. The natural result will be that the hotel business will go down, even the pan shops will have no business, all other small trades

which subsist because of Delhi's cloth market, and Kirana market, will all be affected.

I hope the Government will give sympathetic consideration to the claim of Delhi for a complete exemption from this tax. I would also request the hon. Minister, who says that he has now got ample power to make such exemption, to come out with a declaration that he will consider the case of Delhi as he has considered the exemption of Jammu and Kashmir—of course on different grounds—so that Delhi will not at all be troubled by the imposition of this new sales tax.

I would once again commend, having said all this, the motion of Pandit Thakur Das Bhargava because it has, in spite of the hon. Minister's explanation at first, shown to us that there are many important questions on which controversies are bound to occur, and the solution of which is better done by sitting in a Select Committee and ironing out the different points of view.

**Shri U. M. Trivedi:** Today we have a strange picture of Shri V. P. Nayar coming out to support capitalism.

**Shri V. P. Nayar:** Why? What is there? Traders are not all capitalists.

**Shri U. M. Trivedi:** Sometimes it is said that politics is a very strange thing, and strange things can come out of the mouths of politicians.

The Central Sales Tax Bill is not a very pious measure and not moved by pious considerations. It is out and out due to a desire on the part of the Government to raise further revenues, although a big preamble has been given "A Bill to formulate principles for determining when a sale or purchase of goods takes place.....". Then arguments have been given that because a judgment was given by the Supreme Court one way at one time and in another direction at another time, the Government was actuated by a desire to bring about a harmonious working of this proposition.

All of us go to the market and know this irksome feeling that we get of the dealer selling us goods for Rs. 5 and then on the top of the bill adding five annas. We want to pay him Rs. 5, but we have to pay through our nose the other five annas, or else we go out and do not purchase. I have yet to see the real meaning of this sales tax. It is a purchase tax in all its concomitants with which we are very familiar. If it were a purchase tax, it would have been something. But although it is called a sales tax and is being tried to be imposed on the seller and is collected from the seller, the sellers are merely made the agents of the Government to collect this revenue from the purchasers, and the purchasers have got to pay it through their nose. In other words, this tax does not in the least hit the rich persons, but it hits the poor man and he has got to pay it through his nose. Therefore, this tax has become an obnoxious tax and nobody likes it. The merchants do not like it, perhaps for the reason that they have to keep their books of account very up-to-date and have chances of being caught either by the Sales Tax Department or the Income-tax Department. But so far as the ordinary consumer is concerned, he certainly hates the idea of sales tax. If the desire of the Government is to raise more and more revenue, as they try to do in every session, it is because they are obsessed with this idea of having Plans. It is just like a man who wants to get his son married, whether the bride is a lame one or blind one or a one-eyed one or any such thing, but there is marriage and therefore he has to spend the money. Whether the Plans will ultimately result in any good to the country nobody knows. We want to raise money because we have the Plans; because we have Plans, we have to spend money; because we have to spend money, and money is not forthcoming, the people have to be taxed. In this vicious circle we go on taxing the people as much as we like—Rs. 16 crores from one side, Rs. 20 crores from another side, and

Rs. 25 crores from a third side. When we are confronted with this fact that people are not going to lend us money cheaper or the World Bank is not going to lend us money or we are not able to get money from U.S.A. as we expected, our own people must be sucked—is that the idea?

Two Bills have already been introduced and we will have that taxation. Now this sales tax is an additional measure for taking away all this money.

Sir, you remember very well when the Sales Tax (Validation) Act was passed, we thought at that time that we would be very honest just in the sense that if our High Courts or Supreme Court had come to a conclusion that a certain levy had been illegal or had not been a levy according to law—our Constitution provides that no tax shall be levied without the authority of law—then that levy was declared to be without the authority of law. The Sales Tax (Validation) Act has made that whatever we have swallowed, we have swallowed and we would not like to give it back. That attitude indicated that the Government's only desire was to get as much money as possible. To use the phrase which, I think, Shri Kamath is very fond of using, by hook or crook, they must have money. If that is the real desire of the Government—to raise money—it must apply its mind not to these pin-pricks and thus create more trouble for the people making them feel the pinch. It causes irritation in the day-to-day affairs.

We have been very self-sufficient in salt. If we like we can increase our production in salt and even export salt. The sentiments of Gandhiji no longer come in our way so far as these questions are concerned. I do not believe that his sentiments ever count at all with the present Government. When the decimal coinage was sought to be introduced and when that Bill came here, I read out to this House his sentiments on the decimal coinage.

**The Minister of Revenue and Defence Expenditure (Shri A. C. Guha):** There was a letter which Gandhiji wrote later on and that letter was also produced. His idea was that till the national Government was established, it should be postponed. That letter was also read out in the House.

**Shri U. M. Trivedi:** I do not know whether that letter was read out in the House. If I remember aright, the hon. Minister refused to read out the article written by Shri Mashruwala wherein all the arguments were given. It was published in the *Harjan* of February 1946. There was only a proviso in the second letter and it is not as if he was agreeable to the proposal of having the decimal coinage in the country. Anyway, what I meant to say was that the sentiments of Mahatma Gandhi were not very much uppermost in the minds of the Government. The Government wants more and more money. The salt tax, if it can be levied, even on an ordinary calculation, with the least amount of irksomeness, can bring Rs. 26 crores. But, that is not being done. We had the Estate Duty Bill and we have thought that crores will pour forth; but unfortunately it has not. It happens to be so with this tax. It causes so much irritation. The Taxation Enquiry Commission perhaps has found that the people can be fleeced because there is some blood still left in them.

Those of us who were living in the native States have had some experience of the customs. Even if you were to go just ten miles, if you were to cross from one territory into another, you have to open your goods and the customs will inspect. In another State, you have again to pay those taxes because the customs duties will be there also. That irritation was the greatest goading factor and it was only on account of that irritation that people felt that there must be homogeneity. They wanted the Union of India. The people of the States clamoured that somehow or other these territories should go. We felt that the people living in British India were not obsessed with these things;

they were not to pay customs duties except when they entered some ports. That is why we readily agreed to accede to the Union of India and form a big State.

What do we find now? The proposals of the Taxation Enquiry Commission are there. Every little panchayat levies octroi duties; each little municipality is doing the same thing. We cannot travel by the railways all along. We have to travel by the bus when we want to go to the interior parts which are not accessible by the railways. At every little station, the octroi man comes and sees whether there are taxable goods. If you are simply passing through that territory, you have to deposit the money and make a declaration and he gives a receipt for the money. You have to go to the border and then have to send somebody to go to the other end of the town and get the money back. These are all irksome things and these must go.

On top of all these things, comes this sales tax. The value of the commodities go up and up. Somehow the American method of sales is now being introduced in the country and fictitious figures are put down as prices. I know these things from certain traders and big merchants and dealers in motor accessories. The prices are marked by more than one hundred per cent. or sometimes by two hundred per cent. There is all the huge profit. But, the tax is on the value of the goods as sold. Something worth only Rs. 50 ultimately passes on for Rs. 175, and that only on account of this process of taxation. There are these customs duties, octroi duties, sales tax. Then, the merchant includes even his income-tax. He calculates all these things and includes them all there. The ultimate result is that the consumer has to pay heavily for what he buys.

This law is going to affect all and sundry in the country. Nobody is

going to escape. There is an amendment for the grant of certain exemptions which reads:

"Notwithstanding anything contained in this Section, the Central Government may, if it is satisfied that it is necessary so to do in the public interest, by Notification in the Official Gazette, direct that in respect of such goods or classes of goods as may be mentioned in the notification, no tax under this Act shall be payable by any dealer having his place of business in any Union territory in respect of the sale....."

I do not know whether article 14 will come to the rescue of the other citizens of India. This exemption is being granted to the citizens of the Union territories. I see absolutely no reason why Delhi should have this advantage while people in Bombay, Madras or Calcutta do not have it. There are so many cities which were formerly Union territories and they were formerly governed by the Central Government. They may clamour to give this equal protection to them. For instance, we have Ajmer. It was always Centrally administered but today it is not; it has gone into Rajasthan. It will claim similar treatment as is given to Delhi. I see that the Communists having their chief desire for self-advertisement are agreeing in keeping these areas exempt. There should not be any exemption whatsoever in any place.

The Bill is of a far-reaching character and so it is desirable that it should be studied threadbare in a Select Committee. Although I support Pandit Thakur Das Bhargava's amendment strongly, I would desire, instead of having a Joint Committee, that we should have a Select Committee of this House. After so many Joint Committees, it has been my experience—without making any detrimental remarks to the Members of the other House—that in the Joint Committees, these gentlemen are generally absent. So, I would like that we should have

Select Committees of Members of only this House. This is a money Bill and it must come to us and it is we who should decide whether taxes should be levied or not. I say, therefore, that a Select Committee consisting only of Members of Lok Sabha, must be constituted for the purpose of going through this Bill. Most of the provisions require a good deal of consideration.

Now, the definition of the word 'sale' has been given in clause 3 of this Bill. Clause 3 says:

"A sale or purchase of goods shall be deemed to take place in the course of inter-State trade or commerce if the sale or purchase—

(a) occasions the movement of goods from one State to another; or

(b) is effected by a transfer of documents of title to the goods during their movement from one State to another."

"Sale" is all right, but then the whole difficulty is created by the definition of "place of business" in the definition clause. "Place of business" means—

"(i) in the case of a sale of good in the course of inter-State trade or commerce falling within clause (a) of section 3, the place from which the goods have been moved by reason of such sale;"

Now, by reason of such sale or by reason of having entered into a contract, the commodity may move, and yet, the commodity will have to be paid for only when it reaches the destination, and when it reaches the destination the sale may fall through and the man may not take it. Yet, the poor man will be mulcted in taxation. Therefore, while defining 'sale' we must put in "completion of an agreement" or a "completion of the sale". The place of business must be that place where the actual payment for the sale of the goods takes place and

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not the place from which the movement starts. Therefore, I would suggest that the Government should take note of this position, namely, the definition in clause 3 read with the definition of "Place of business" is not a wholesome definition of the word "sale".

I have not fully understood the implication of clause 3(b). Clause 3(b) says as follows:

"(b) is effected by a transfer of documents of title to the goods during their movement from one State to another."

I do not see what is the underlying idea about this. I do not know whether the hon. Finance Minister will take the trouble of explaining what he means to suggest by saying that the sale "is effected by a transfer of documents of title to the goods during their movement from one State to another". Supposing, some goods travel from one State to another and through five intervening States, supposing the goods pass through one State at a particular stage and at a particular place, and the transfer of document is made, where is the sale said to take place? The sale might have taken place in one of the intervening States, say, in Vindhya Pradesh, through which the things were passing or in Madhya Pradesh if goods were passing through Madhya Pradesh or Uttar Pradesh or through Bihar or in Bengal or at Calcutta—where the goods ultimately reach.

**Shri M. C. Shah:** The sales-tax will have to be paid by that person who has sold the goods and has sent those goods by train or by carrier.

**Shri U. M. Trivedi:** That is not my point. My point is, the tax may be collected only where there is an inter-State sales. The tax is paid only to those States where the sales take place. Therefore, this is a very important point to decide. It must be made very clear. It must be decided clearly as to where the sales actually takes place and wherefrom the sale takes place. As it is, it is just like the Estate Duty

business, which is doing a good deal of harm to Rajasthan. The Marwaris belonging to Bikaner, Jaipur and Jodhpur go and die in Calcutta, and the coffers of Bengal are filled at the cost of Bikaner and Jodhpur and Jaipur. Therefore, I should say that in this case also, the sale may fill the coffers of those States where actually the sale does not take place and not of those States where actually the sale has taken place. So, the definition of these words must be of such a nature as not to be vague, so that things may not be allowed to escape to the detriment of the States concerned. The definition as given in clause 3(b) will allow things to escape.

As an example, I may quote one thing. Satna is now in Madhya Pradesh, and goods travelling from Rajasthan have to pass through Satna. If the documents relating to the goods are handed over there, at Satna, the sales are deemed to have taken place at Satna. Therefore, something definite must be put down. These are matters which may be again discussed when we come to the clause-by-clause consideration of the Bill. But my contention in this House now is that this measure being a very important measure, which is going to affect the lives of thousands and thousands of merchants and the lives of all of us, it deserves to be put before the Select Committee where proper consideration can be given to it. I support the motion moved by Pandit Thakur Das Bhargava.

**Shri Bansal (Jhajjar-Rewari):** After listening to the speeches made by my friends Pandit Thakur Das Bhargava, Shri V. P. Nayar and Shri U. M. Trivedi, I think I should say that the Bill does show an improvement over the existing situation, that is the situation as it existed before the latest judgement of the Supreme Court. At the time when we were discussing the Constitution (Sixth) Amendment Bill, I had stated on the floor of this House that the amendment of the Constitution was a retrograde step. In my opinion, it was retrograde, because firstly, the Government were taking

powers to levy sales-tax on inter-State transactions which was prohibited under the Constitution. It was also retrograde from the point of view that Government were depriving themselves of the authority which they had under the then Constitution, to place certain restrictions on the powers of the State Governments to levy sales-tax on certain items essential to the life of the community. At that time, you were good enough to intervene and explain to the House that it was not necessarily so and that under the amended provisions of the Constitution, the Government of India were retaining to themselves the power of regulating or restricting the powers of the State Governments from levying sales-tax on certain items. The difference between the two, namely, between the items essential to the community and the items which were important from the point of view of inter-State trade, which I wanted to draw then was somehow thought to be an unnecessary hair-splitting. But, when I see this Bill, I am convinced that Government and this House in amending the Constitution, did not do a wise thing. Although I cannot go to the entire length to which Pandit Thakur Das Bhargava has gone, I do feel that there must be some power vested with the Government of India, so that they can exercise a restraining influence over the tendency of the State Governments to impose sales-tax on all and sundry items to any extent they desire.

The first object of this Bill which we are discussing is to have some sort of uniformity of tax on the sale of commodities which pass from one State to another State, that is, tax on sales which involve inter-State transactions. The present position is that there is no sales-tax on inter-State sales or purchases, but, after the amendment of the Constitution, the Government of India are armed with the power to define what will be an inter-State transaction and also to prescribe what will be the rates of sales-tax on such transactions. The Bill provides that as regards the trans-

actions between registered dealers, there would be a uniform levy of one per cent. It also provides that in the case of those items which are of special importance, the State Governments can impose a sales-tax of two per cent. and not more.

Now what is troubling me is whether this 1 per cent. will be over and above that 2 per cent. or whether 2 per cent. will be levied or not levied where 1 per cent. is levied. I am making this point because, the Taxation Enquiry Commission was quite emphatic on this point. They have suggested that there should be no purchase tax by the State on the specified goods on which the control tax on inter-State trade has already been levied at the rate of one quarter anna in the rupee. In the Bill it is 1 per cent. now. I am quoting from the report of the Commission:

"For the goods specified as of special importance in inter-State trade as distinguished from all other goods which figure in inter-State trade, the point of levy of tax will be only one; that is, the point at which such goods, raw materials etc. are taxed by the State in which they are produced. As we proceed to mention below, it will be a condition in respect of such goods that no other sales tax shall be levied on them either by the exporting State or by the importing State."

The clear meaning of this is that the State will be able to charge this tax which is now not more than 2 per cent. or 1 per cent., which is the tax on inter-State transactions. On going through the Bill, I find that the only provision which deals with this is clause 15. I will read it:

"Notwithstanding anything contained in the sales tax law of any State, the tax payable by any dealer under that law in respect of any sales or purchases of declared goods made by him inside the State shall not exceed 2 per cent. of the sale price thereof, and

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such tax shall not be levied at more than one stage in a State."

The difference is, while the Taxation Enquiry Commission has said that the same commodity will not be taxed twice if it forms part of an inter-State transaction, the Bill which we have before us says that although 2 per cent. tax has been paid, it will also be subject to 1 per cent., which will be the inter-State sales tax.

Suppose one of these categorised items is imported in a particular State. It has paid a tax of not more than 2 per cent. in the original State; it has also paid 1 per cent. inter-State sales tax. Supposing one wholesale registered dealer imports it in another State and that wholesale registered dealer sells it again to another retailer, at that point also 2 per cent. will be charged.

Shri M. C. Shah: No.

Shri T. T. Krishnamachari: Clause 15 is complete; let him read it once again. The limitation on tax on a commodity is "at one stage in a State". It does not mean "at one stage in the whole country". I think the interpretation of the hon. Member is correct. I do not find any point in labouring on the interpretation; it is fairly self-evident.

Shri K. C. Sodhia: Will it not be 5 per cent. when it changes hands in two States?

Shri T. T. Krishnamachari: That is an arithmetical progression which I am not in a position to follow at the moment. I am only confining myself to the hon. Member Shri Bansal's point, namely, on specified goods, the tax shall be not more than 2 per cent. leviable at only one stage within the State. Once it leaves that State and goes to another State, the wording of clause 15 will not cover except it be that the tax of 1 or 2 per cent. shall be leviable at only one stage within the second State and so on. It is not possible to identify an article which moves from one State to another and

say that it has paid a tax here and so it cannot pay a tax there. It can only be done with regard to one transaction in one State.

Shri Bansal: I am grateful to the hon. Minister for clarifying the position. What I was trying to point out was that this Bill is a complete departure from the recommendations of the Taxation Enquiry Commission.

Shri T. T. Krishnamachari: I would again like to interrupt my hon. friend. The Taxation Enquiry Commission has not given any method by which we can identify the goods all along the line. So long as the goods cannot be identified all along the line, it ends with the last sale in a particular State and then goes on to another State. It might perhaps change form and shape and be subject to taxation in other States. The Taxation Enquiry Commission certainly has not projected its mind to the extent the hon. Member now visualises.

Shri Bansal: I do not know whether what the hon. Minister has said is correct, because the Taxation Enquiry Commission did go into the whole problem in great detail and came to the conclusions which I have just read out.

I am only trying to say that this Bill is in no way based on the recommendations of the Taxation Enquiry Commission. All that it does is that it asks the State Governments not to levy more than 2 per cent. on certain commodities which are important from the point of view of the country's trade. Secondly, it says that on all inter-State sales transactions, there will be a tax of 1 per cent.

As I said in the beginning, this is an improvement over the chaotic situation which prevailed in the country before we amended the Constitution in the wake of the Supreme Court's judgment in the Bengal Immunity Case in September, 1955. But even then, I do think that I could embrace this Bill with both my hands and say, "Ah! Here it is; we have come to the end of

our troubles. Here is the Sales Tax Bill of the Government of India which puts an end to all the troubles with which the country was faced ever since sales tax came to be imposed in the various States of the country".

My suggestion would be that some ways should be found, so that on the same commodity in inter-State taxation tax is not levied more than once. In fact, I am surprised that the hon. Minister says that the wording of this clause 15 is absolutely clear. What I gathered from the interjection of the hon. Minister in charge of the Bill was, that what I was saying was perhaps not correct. But the hon. Minister said that what I said was correct. Leaving that apart, my suggestion is that some ways should be found by which on those commodities which are supposed to be important from one point of view or the other, there should not be more than 2 per cent. tax at any stage. That is to say, if they have paid 2 per cent. tax in a particular State, there should not be an additional tax of 1 per cent. when they are exported to another State; and further, they should not be subjected to another 2 per cent. tax when they are being sold in the importing State. It is not for me to say how that can be worked out. It is for the Finance Ministry to do it, because I am sure the Taxation Enquiry Commission did go into this question very carefully with the officers of the Ministry and I think they were not talking nonsense when they were making that suggestion.

I also agree with Pandit Thakur Das Bhargava that in this list of six or seven commodities, certain other items ought to have been definitely added. I won't say straightaway what commodities ought to have been added. But, at least there is a good case for adding certain items which are essential to the life of the community. As I said, when this Constitution was being amended, some sort of an indication of that was given

by the hon. Finance Minister and he said that by making this amendment, we are not depriving ourselves of the power of doing that. I think the Minister should make a statement that if and when it is thought necessary, he will add to this list such commodities which are supposed to be essential to the life of the community and on which the State Governments, for some reason or other, are levying very high sales tax.

I was disappointed by the omission of one particular item from this Bill. Apart from this difficulty of inter-State sales tax, there is another which certain States feel and that is in regard to the differing rates of sales tax. Recently, I had the honour of attending a State Sales Tax Conference where I was told that on a particular commodity, the sales tax in the border State was two pies while in the State where the Conference was being held, it was one anna, with the result that smuggling was going on unabated. The dealers were saying with one voice that the smuggling is not done by the dealers, but by the people who think that it is a profitable business to just smuggle something across the border and sell it in the State. My suggestion to stop this kind of thing is that there should be an Inter-State Sales Tax Commission, which should sit down, examine the difficulties which the sales tax legislations of the various States are causing to the traders and to the economy of the country and find out ways and means of ironing out those difficulties. I think such Commissions exist in other countries which have a pattern like that of our own. It would be a good thing if this is done. Even now I hope that the Finance Minister will consider the advisability of instituting some such machinery which could meet once in six months or so, go into all the sales tax legislations of the various States and try to streamline the types of difficulties which may arise, one of which I have pointed out.

There is another point which has a bearing on the Sales Tax Bill and that

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is the question of amalgamating excise duties with sales tax as regards certain items. We heard quite a lot of this about two years back and it was being said freely that at least in respect of certain commodities, this idea is being considered and it is receiving the attention of the Government of India, who were in correspondence with the State Governments concerned. I think if this policy is adopted, and sales tax and excise duties are amalgamated and the excise duty is levied at the point of production, quite a number of difficulties which are being experienced will not be there and I also think that the revenues will certainly be more than what the various State Governments are receiving nowadays from sales tax, because, it cannot be denied that there are a large number of loopholes and the State Governments are not getting all that they should by way of sales tax.

The case of States like Delhi has been dealt with very exhaustively by my friend Shri V. P. Nayar. The figures which I have in my possession have already been handed over to the Finance Minister as to the value of imports in the city of Delhi and how much is again exported. I think there are items which are exported to an extent of even 80 per cent. or more after they have been imported from the manufacturing centres. If that should be the situation, it is quite obvious that the trade and the position of Delhi will suffer greatly, if the dealers have to pay again one per cent. on the items which they have imported from certain other States while they export them out of Delhi. Delhi is a marketing centre for almost the whole of North India. There are other cities also which are in a similar position. But I think Delhi somehow occupies a unique position in that regard. I have seen the amendment which the hon. Minister has tabled to clause 8. I do think that it goes to a certain extent to meet the demand of the people of Delhi. But, merely taking powers to exempt or vary the

rate of tax on such items as the Government of India, after examination may find desirable, may not satisfy the traders in Delhi for the time being in their highly agitated mood. I think it will act as a great salve if the Minister also made an announcement to the effect that this proviso will not remain merely a by-word, but will be actually given effect to so that at least the eminent position of Delhi as a distribution centre for the whole of North India will be adequately safeguarded. I am sure this assurance will be forthcoming from the hon. Minister and the fears of the people of Delhi that their entire trade will be ruined will not prove justified.

In the end, I will say that no harm will be done if the Bill is referred to a Select Committee as my hon. friend Pandit Thakur Das Bhargava has moved, because, in the Select Committee we would be able to thrash out the various ticklish provisions on which, as you have already seen, there is even difference of opinion between the two Ministers as to their implications.

**Shri M. C. Shah:** I am sorry, I made a mistake.

**Shri Bansal:** I am sure the House will agree to the motion of Pandit Thakur Das Bhargava to refer the Bill to a Select Committee.

**श्री रावा रमेश (दिल्ली नगर) :** अध्यक्ष महोदय, सब से पहले मैं यह कहना चाहता हूँ कि इस बिल के सम्बन्ध में यहां पर जो विरोध किया गया है, उस को मैं गैर-मुनासिब (अनुचित) समझता हूँ। जब हमारे संविधान की धारा २८६ के संशोधन के विषय में यहां पर चर्चा हुई, उस समय और उस के बाद इस विषय पर काफी बहस की जा चुकी है और हम सब ने इस बात को माना है कि समाज-कल्याण की दृष्टि से विस्तीर्णी भी राज्य में इस प्रकार के टैक्सों का लगाया जाना आवश्यक है। उन बातों को ध्यान में रखते हुए इस बिल का विरोध मुझे गैर-मुनासिब मालूम होता है। मैं यह विश्वास करता हूँ कि इस विषयक

के द्वारा हमारे देशवासियों को—चाहे वे किसी भी राज्य के हैं—विक्री-कर के सम्बन्ध में जो बहुत सी कठिनाइयां उठानी पड़ती थीं, वे कुछ हव तक दूर हो सकेंगे। यह मैं मानता हूं कि अब तक जो आपत्तियां हमारे सामने आई हैं, इस विवेयक से वे सारी दूर नहीं हो जायेंगी, बल्कि यह केवल कुछ ही कठिनाइयों को दूर करता है, जोकि हमारे अनुभव में आई हैं। लेकिन मैं यह समझता हूं कि वे कठिनाइयां हमारे देशवासियों को इस अवस्था में कुछ हव तक बर्दाशत भी करनी पड़ेंगी, क्योंकि सेल्स-टैक्स (विक्री-कर) जहां तक मैं समझा हूं, हर एक उस पारां पर, जो खरीदा जाता है या जिस की विक्री होती है, लगाया जाता है और उस के मायने ये होते हैं कि हमारे देशवासी अपने मन में इस बात का कुछ विचार रखें कि हमारा देश उन्नति की ओर या प्रगति की ओर अग्रसर हो रहा है। प्रौढ़ उस में उन का भी कुछ हिस्सा है, उन का भी कुछ सहकार है। जो एक परसेंट सेल्स टैक्स (प्रतिशत विक्री-कर) केन्द्रीय सरकार या आस पास की राज्य सरकारें लगायेंगी, उस एक पर सेंट टैक्स से हर एक वह व्यक्ति जो कोई चौंड़ी खरीदेगा उसे यह मूल्यसूस होगा कि उस बड़े भार को हलका करने में जोकि सारे देश को सरकार पर मौजूद है वह भी कुछ हिस्सा बंटा रहा है। उस को यह अनुभव होगा। इसलिये अगर कोई भी देशवासी इस सेल्स टैक्स के विरोध में अपनी आवाज उठावे तो वह गैर-मुनासिब (ग्रन्तिवाल) मालूम होती है।

15 hrs.

| यह जरूर है कि जो विवेयक अब हमारे सामने आया है उस में हम को कई बातें देखनी हैं। एक बात तो यह है कि जितनों भी ऐसी चौंड़ी हों जोकि एक गरोब आदमी के लिये अति आवश्यक हैं उन पर केन्द्रीय सरकार अधिकार राज्य सरकारें विक्री

कर न लगायें, जैसा कि पहले भी किया गया था, ताकि वे चौंड़े उन गरोब आदमियों को कम से कम दामों पर उपलब्ध हो सकें। लेकिन मैं देखता हूं कि इन बस्तुओं के बारे में हम ने अपनी राय को बहुत सोमित रखा है। मैं यह समझता हूं कि अपने देश की आजकल की स्थिति को देखते हुए, जो ऐसी चौंड़ों की फहरिस्त (सूची) हम ने मौजूद को है उसे बढ़ायें। मैं अपने दोस्त बंसल जी श्री श्री ठाकुर दास जी की इस बात की ताईद (सहमत) करता हूं कि जो कहरिस्त इस बक्त मौजूद है उस को बढ़ाने की आवश्यकता है क्योंकि हम चाहे कितना भी कहते हैं कि इस कर के वसूल करने से चौंड़ों के मूल्य नहीं बढ़ते लेकिन यह बात सही नहीं है। जितना भी विक्री कर वसूल किया जाता है उसका सारा भार खरीदने वाले पर ही पड़ता है। वह सारा पैसा खरीदार को ही देना पड़ता है और विक्रेता तो उसे वसूल कर लेता है, उसे उससे कोई हानि नहीं होती। तो एक बात तो यह है जोकि मैं अब जरूर करना चाहता हूं।

दूसरी बात यह है कि हमारे देश में यह जो इजाजत दी गई है कि हर राज्य अपने तरीके से इस कर को लगा सकता है, उस व्यवस्था को भी एक सार बनाने का हम को प्रयत्न करना चाहिये। हमारे दिल्ली राज्य से एक यू० पी० को सरकार लगी हुई है और दूसरी पंजाब की। कुछ कर ऐसे हैं जोकि यू० पी० की रियासत में लगे हुए हैं जोकि पंजाब की रियासत में लगे हुए हैं और कुछ कर दिल्ली में लगे हुए हैं। इस का नतीजा यह होता है कि एक गांव या इलाके में एक चौंड़ी सत्ती मिलती है और दूसरे इलाके में महांगी मिलती है। इस का नतीजा यह होता है कि दिल्ली में चारों तरफ ऐसी तिजारत पैदा हो गई है जोकि एक गांव या इलाके से दूसरे गांव या इलाके में सामान पहुंचाने का काम

## [श्री राष्ट्र रमण]

कहती है। इस से सरकार को भी बहुत नुकसान होता है और आम लोगों को नैतिकता पर भी बहुत काफी असर पड़ता है। इसलिये मैं यह मुनासिब समझता हूँ कि हम को ऐसा प्रयत्न करना चाहिये कि सब राज्यों में जो कर लगाये जायें उन में समानता तथा सामंजस्य रहे। मैं समझता हूँ कि अगर हमारे मंत्री महादेव बंसल साहब की इस तजबीज को मंजूर कर लें, कि एक छोटी कमटी या कमीशन (आयोग) बनाई जाय जोकि कर वृद्धि के विषय में विचार करने के लिये समय समय पर मिलती रहे और इस बात का जायजा (प्रनुमान) लेती रहे कि तमाम राज्यों में किस प्रकार कर लगाये जाते हैं, तो बहुत सुविधा हो सकती है। अभी यू० पी० में इसेंशियल (अत्यावश्यक) चीजों पर कर लगा दिया गया था जिस का नतीजा यह हुआ कि सारे राज्य में आरी असंतोष फैल गया और उस की वजह से सरकार की काफी बदनामी हुई। मैं अब करना चाहता हूँ कि ऐसी बातें बहुत से राज्यों में हुई हैं। उन को मिटाने के लिये या कम करने के लिये यह अति आवश्यक है कि हम कोई निगम कायम करें जोकि इस मामले पर विचार किया करे, जाहे वह साल में एक ही बार क्यों न बैठे। पर उस को चाहिये कि वह इस बात का निरीकण करे कि विभिन्न राज्यों में जिस तरीके से कर लगाये गये हैं उन से आम जनता में असंतोष तो नहीं हो रहा है या उस को उन से हानि तो नहीं हो रही है। और अगर इन करों से आम जनता को हानि होती हुई मालूम दे तो उन करों में संशोधन तथा सामंजस्य और समानता लाने का प्रयत्न किया जाये।

अभी हमारे मित्र त्रिवेदी जी ने यह बात कही कि हम इस प्रकार के छोटे छोटे करों के जरिये कुछ रुपया वसूल कर के अपनी प्लान को कामयाब बनाना चाहते हैं, या जो प्लान हमारे सामने है उसे पूरा करना चाहते हैं। उन्होंने कहा कि आप

नमक जैसे पदार्थ पर कुछ कर लगा कर कहीं ज्यादा लाभ उठा सकते हैं। मैं इस बात को बिल्कुल गैर मुनासिब समझता हूँ क्योंकि जो चीज़ हर इन्सान के लिये परम आवश्यक है और उस की जिन्दगी उस पर ही निर्भर है तब उस पर किसी प्रकार का कर लगाना न्याय अथवा इस्तानियत नहीं कहा जा सकता। इसलिये ऐसा हम को नहीं करना चाहिये। हां ऐसे ऐसे पदार्थों पर कर लगाना निहायत उचित है, और दुनिया के सभी सम्य देशों में इस प्रकार के कर लगाये जाते हैं केवल हमारे यहां ही नहीं लगाय जा रहे हैं, कि जिन से मनुष्यों को प्रति दिन के जीवन में किसी प्रकार की कठिनाई और आपत्ति न हो, और जिन को वह आसानी से दे सकें। ऐसा होने से उन को यह महसूस होगा कि वह भी अपने मुक्त का भार उठाने में अपनी सरकार का हाथ किसी हद तक बंद रखे हैं और बेलफेर स्टेट (कल्याणकारी राज्य) के निर्माण में कुछ बोझा उठाये हुए हैं।

इस सिलसिले में मैं यह भी अर्ज करना चाहता हूँ कि दिल्ली के विषय में हमारे दो तीन भाइयों ने कुछ चर्चा की और वह चर्चा का विषय भी है क्योंकि दिल्ली कभी भी कोई इंडस्ट्रियल टाउन नहीं रहा। यहां सिवाय तिजारत के और किसी तरीके से लोगों का भरण पोषण नहीं होता है। या तो नोकरी पेशा या तिजारत में लोगों की यह नगरी यूनियन टैरीटरी बन गई है। इसलिये पहले तथा अब जहां हिन्दुस्तान के अलग अलग राज्य अपना इन्तजाम अपने आप करते हैं। वहां दिल्ली के शासन में हम को बहुत सारी असुविधायें नजर आती हैं। क्योंकि यहां का शासन न तो उस तरीके पर चलता है जैसा कि यू० पी० में, और न उस तरीके पर चलता है जैसा कि पंजाब में। नतीजा यह होता है कि जो कानून यू० पी० चाहता है यू० पी० बना लेता है और जो कानून पंजाब चाहता है पंजाब बना लेता है और दिल्ली इन दोनों राज्यों के

कानूनों से अलग शासन की बहुत सारी असुविधायें बरदास्त करती हैं। जब से मुझे होश है मैं कह सकता हूँ कि दिल्ली में चार पांच चीजों का व्यापार बहुत बड़े पैमाने पर होता था और उस की बजह से सारे देश के लोग यहां पर आते थे। मसलन (जैसे) 'यहां पर हार्ड बेअर, मैटल बेअर, टैक्सटाइल और किराने का काम बहुत ऊंचे दर्जे का होता था, हजारों तिजारत बाले लोग यहां पर रहते थे और उन से हजारों परिवार पलते थे। लेकिन जब से यह बिक्री कर का सिलसिला जारी हुआ है तब से व्यापारियों को अनेक प्रकार की असुविधायें होने लगी हैं और अन्य व्यापार तो क्या इन के व्यापारी भी बड़े दुशी हैं और अपना व्यापार उजड़ा देखते हैं। मैं यह नहीं चाहता कि उन ट्रेडस को जो आज बेजा तरीके पर सरकार को नुकसान देना चाहते हैं, या बिक्री कर नहीं देना चाहते हैं या कोई कायदा उठाना चाहते हैं, उन की मैं तरफदारी करूँ लेकिन मैं यह जरूर समझता हूँ कि जब देहली केन्द्रीय सरकार के मातहत शासित होती है तो यहां के तिजारत करने वालों का या यहां के लोगों का जो एक नक्शा है वह उस के दिमाग के सामने रहना चाहिये और उन की भ्राई के सिलसिले में बड़ी गम्भीरता से हमारे मंत्रियों को सोचना चाहिये।

मंत्री सदन के सामने एक संशोधन हमारे मंत्री महोदय ने रखा है। इस संशोधन से देहली की तिजारत करने वालों का या देहली के व्यापारियों की जो कठिनाइयां हैं वे दूर हो सकती हैं, यह मैं मानता हूँ और इस संशोधन का अभिप्रायः भी यही है लेकिन मैं यह देखता हूँ कि पिछले ४, ५ सालों से बराबर यह चीज़ हम ने अपने मंत्री महोदयों के सामने या जो अधिकारी बर्ग हैं उन के सामने रखती है कि व्यापार को सदा दृष्टि में रखना आवश्यक है और यहां की तिजारत को बराद करने का मतलब यह है कि

देहली की आधिक दृष्टि से जो इस बत्त तक बढ़होनी हुई है या उन्नति हुई है उस को हम रोकते हैं और उस का लाजिमी नतीजा यह होगा कि यहां अनेम्प्लायमेंट दिनों दिन बढ़ता जाता है। इस समय मेरे पास फ़ीगर्स नहीं हैं लेकिन अगर आप उन को देखेंगे तो आप को मालूम हो जायेगा कि पिछले ४, ५ सालों में कितना जबरदस्त अनेम्प्लायमेंट यहां पर बढ़ा है। आप छोटी छोटी इंडस्ट्रीज की बात करते हैं या कुछ और इंडस्ट्रियलाइजेशन की बात करते हैं लेकिन देहली का जो सब से बड़ा दारोमदार है वह उस की तिजारत है और अगर इस प्रकार के सेल्स टैक्स या बिक्री कर लगा लगा कर हम उस तिजारत को आहिस्ता आहिस्ता बर्दाच कर दें तो लाजिमी तौर पर उस का असर आम लोगों पर होगा और उस से जो असत्तोष फैलेगा उस का परिवारम अच्छा होने वाला नहीं है। इसलिये मैं मंत्री महोदय से यह कहूँगा कि जहां वह इस चीज़ को मूलायिद समझते हैं कि यूनियन टैरिटरीज में ऐसी जगहें हो सकती हैं, ऐसे पदार्थ हो सकते हैं कि जहां बिक्री कर न लगाया जाय और इन स्थानों के आधिक ढांचे को कायम रखा जाये। ऐसा करने से हम उन लोगों की जो असत्तोष रखते हैं संतोष दिलायें विशेष कर देहली में यहां के बारे में हर एक आदमी को मालूम है और केन्द्रीय सरकार को भी मालूम है कि यहां का जितना भी आधिक ढांचा है वह तिजारत पर कायम है, और तिजारत के उजड़ने से असत्तोष और आधिक संकट बढ़ता है तो फिर सकाई से बर्गों न मान लिया जाय और यह कह कह दिया जाय कि यहां बिक्री कर Inter-State sales पर नहीं लगाया जायेगा। मंत्री महोदय का संशोधन यह भंजूर करता है कि देहली राज्य में कुछ वस्तुओं पर बिक्री कर नहीं लगाया जा सकता है परन्तु इसे भूष्ट में रखते हुए कि यहां का ७०-८० की सदी व्यापार distribution पर चलता

[बी राष्ट्र रमण]

है और स्थानीय खपत बहुत कम है उन तमाम पदार्थों को इस बिक्री कर से एक्जेम्प्ट करना प्रच्छा है। अगर इतना नहीं माना जा सकता तो कम से कम यह घोषणा करनी चाहिये कि उस को हम जल्द से जल्द एक छोटी कमेटी बना कर या किसी के सुनुर्ख कर के इस संशोधन के अनुसार कार्यवाही करेंगे। इस संशोधन की देहली के व्यापार पर लागू करेंगे। मैं समझता हूँ कि इस में सरकार की एक बहुत उदारता प्रकट होगी और साथ ही यह जो यहाँ के व्यापारियों को पिछले ४, ५ वर्षों में बराबर कठिनाइयां पेश आ रही हैं, उन में भी कमी हो जायगी और उन्हें यह विश्वास हो जायगा कि हमारी सरकार अब जबकि यहाँ पर स्टेट लेजिस्लेचर नहीं है जहाँ आवाज उठाई जा सके, उन के मालों पर ध्यान देती है और उन की इस बात का विश्वास दिलाया जा सके कि अगर दिल्ली की सरकार नहीं है तो भी यहाँ उन की बात सुनने वाले मीजूद हैं और जो उन की जायज़ और मुनासिब बात होगी वह मान ली जायेगी। इसलिये मैं बारबार मंत्री महोदय से प्रार्थना करूँगा कि इस बात को ध्यान में रखते हुए कि देहली के व्यापारियों का मामला कुरीब कुरीब स्वर्गीय डा० श्यामा प्रसाद मुकर्जी के जमाने से जबकि वह केंद्रीय सरकार में कामसं एंड इंडस्ट्रीज मिनिस्टर होते थे पेश होता आया है, उन के सामने यह चीज़ आई, देशमुल काशब के सामने कही बार यह चीज़ आ लाई गई, उस के बाद स्टेट लेजिस्लेचर में कही बार यह कहा गया कि देहली के व्यापार को इन खतरों से बचाया जाय परन्तु इस पर ध्यान नहीं दिया गया। इस कारण मैं मंत्री महोदय से विषयक में ऐसी गुजायश रखते की अपील करता हूँ जिस से देहली के व्यापार को हानि न पहुँचे। मैं समझता हूँ कि अब तक जो कुछ हुआ है वह भी बहुत काफी तकलीफ़ है। यहाँ का जो आर्थिक ढांचा है वह

दरहम बरहम होने से बचाया जाये। इस का विश्वास मंत्री महोदय से मिलना चाहिये। मैं उम्मीद करता हूँ कि जिस उदारता से इस संशोधन को लाने का प्राप्त हमारे मंत्री महोदय ने किया है, उसी उदारता से काम लेते हुए और इस पर और अधिक रोशनी आलते हुए वे इस बात को मंजूर करेंगे और कोई न कोई इस प्रकार को गुजायश निकालेंगे कि जिस से बहुत जल्दी यहाँ के लिजारटी लोगों का या यहाँ के व्यापार करने वालों को संकट दूर हो और उन को विश्वास हो कि जो उन की जायज़ बात सरकार के सामने रखली गई है उस को वह मानने को तैयार हो गई।

इन शब्दों के साथ मैं इस विषयक का जिस को कि मंत्री महोदय ने सदन के सामने रखा है, स्वागत करता हूँ।

**Shri K. C. Sodhia:** This question of Inter-State sales tax has been agitating our trading community for the last six or seven years and they were eagerly looking for some Central legislation so that their difficulties might be minimised in this matter. At last this Bill has come before us.

I have studied the Bill. I have also studied the report of the Law Commission that was circulated to us and the relevant portions of the Taxation Enquiry Commission's report bearing on the subject. I find that the difficulty which our traders experience on account of rendering accounts to different State Governments has been removed by this Bill. Now, they will have to pay an inter-State tax of one per cent when the goods are moved from one State to another.

Looking to the report of the Law Commission I find that there is disagreement on what constitutes a sale and whether movement is necessary from one State to another. And from the speech that my friend on the opposite side gave, I also feel that

those interests which have got a country-wide organisation to distribute things will be in an advantageous position, they will be in a better position *vis-a-vis* the smaller traders. Therefore, on that account we want to interchange ideas with the Minister and for this reason I should be glad if the Bill went to the Select Committee.

Then, looking to the various provisions of the Bill, especially clause 15 and the whole of Chapter II which deals with the principles of inter-State sales tax, there is not that clarify which will give satisfaction to us and which will help us to come to definite conclusions. We want that especially the clauses in Chapter II and certain clauses in the Chapter dealing with goods of special importance in inter-State trade and commerce should be discussed with the Minister and our doubts removed.

As regards the inclusion of foodgrains and certain other articles in the list of these declared goods, I do not think any good is likely to come out of it, because, as clause 15 has been interpreted by the Minister, besides an inter-State sales tax of one per cent being payable to the Central Government, the various State Governments can, even on these goods of special importance, levy two per cent sales tax. So, when foodgrains go from Madhya Pradesh to Bengal, for instance, the Madhya Pradesh Government can charge two per cent as sales-tax; then, one per cent will be payable as inter-State sales tax to the Central Government, and then two per cent sales tax will be levied by the Bengal Government, and altogether it will come to five per cent. I think no State Government would dare to levy five per cent in all as sales-tax on foodgrains. Therefore, to include foodgrains in this category will not do much good to the consuming people. So, I am not much in favour of adding foodgrains or any other articles to the list that has been given.

But I would like to bring to the notice of the Minister one very important thing. The object with which the words 'of special importance' have been put down is to see that commerce and industry flourish in the country, and goods manufactured out of the articles specified in the list are sold at prices which do not vary much from one end of the country to the other. While, with that object in view, the rate of sales tax allowed to the State Governments has been put down at two per cent, yet I feel sure that that object of the Minister will be defeated.

I have, therefore, given notice of an amendment wherein I have proposed that only one per cent of sales tax on these specified goods should be allowed to be charged by the State Governments. That would bring it to the order of three or four per cent. And even if one or two States exchange goods, we shall be doing justice to the object in view. Even the Taxation Enquiry Commission have said that the rate of inter-State sales tax and the sales-tax allowed to the State Government on these specified goods should be at the same level, or in other words, they should be equal. That has been specifically stated by the Taxation Enquiry Commission. So, I see no justification on the part of Government to vary the rate of taxation as recommended by that commission.

In this connection, I would also like to bring to the notice of the Minister the proposal of that commission for the establishment of a Central body to look into the various sales tax rates prevailing in different States and to give advice to the Central and State Governments regarding the rates so that there may not be any great diversity between the rates applying in the different States. I do not see why Government should not set up such a body simultaneously with the passing of this Bill.

I, therefore, support the amendment moved by Pandit Thakur Das Bhargava that this Bill should be referred to a Select Committee. so

[Shri K. C. Sodhia]

that the matter may be gone into threadbare, and we may also have our minds quite clear on this question. If that is done, then we shall be able to convince our trader friends, when we go to our constituencies from Parliament, that, by this measure, we have obviated their difficulties to a certain extent.

**Pandit C. N. Malviya** (Raisen): I rise to support this Bill. Although I appreciate the importance of sending this Bill to a Select Committee, yet after hearing the speech of the hon. Mover, I do not think that any useful purpose will be served by doing so, because the reasons that have been given do not warrant its being sent to a Select Committee. The Mover has stressed that if the Bill is sent to a Select Committee it will thrash out the whole matter and the list that has been given in clause 14 may be increased, and the essential goods may be included in the list. If there are other suggestions which have been put in by way of amendments, then those amendments are before the House now. Considering that fact that this Bill has been brought forward in pursuance of the recommendation of the Taxation Enquiry Commission, and considering the importance of the amendments that have been tabled, I would say that these amendments are not such as to warrant this Bill being referred to a Select Committee; they can be considered in the House itself, when the clauses are taken up.

There is a presumption that the absence of the inclusion of essential goods in clause 14 would mean that they will not be exempt from sales tax. I do not think that is correct, because this Bill has been brought forward to meet a judgment of the Supreme Court and to implement the recommendations of the Taxation Enquiry Commission. After the judgment, the position has been that no sales tax can be imposed on inter-State trade and commerce.

My hon. friends Shri U. M. Trivedi and Shri Bansal have opposed this Bill in spirit. Shri U. M. Trivedi has

said that Government are just collecting money by hook and crook. I do not agree with him. I agree that Government want to collect money, but they have got certain objectives before them. I think Shri U. M. Trivedi does not believe in socialism. I do not think Shri Bansal too personally believes in socialism, although by discipline he may. I am at a loss to understand why every time a new taxation proposal is brought forward by Government it is opposed by Shri U. M. Trivedi. I have not seen him supporting a taxation proposal even once. It is true that nobody is pleased to pay any taxation, and yet it is very easy to play on the sentiments of the people. After all, this House consists of the representatives of the people. The State Governments consist of the representatives of the people. They also take into consideration the sentiments of people. It is easy to play on the sentiments of people, but it is not the characteristic of leadership. Leadership is no leadership if it is at the tail; leadership is leadership when it leads the people to certain objectives. Do my hon. friends who have opposed the Bill or who have a general tendency to oppose any proposal for taxation mean to say that no taxation should be levied? What should be the principle of taxation? Whenever there is an announcement in this connection by the Finance Minister, they say it will have a very bad effect. If it is a question of sales tax, they say no, there should not be any sales tax'.

In this way, I think they are supporting the cause of anarchists. Anarchy is mobocracy where everybody is free to do anything. Do they mean to say that there should not be any sales tax? Sales tax has become necessary now in view of the developmental needs of our economy. It is now more than 20 years since it was started and people have, more or less, become accustomed to pay sales tax. So are the traders. After the experience of 15 to 20 years, there was a problem and this Bill have been brought forward to meet that problem.

Shri U. M. Trivedi has pointed out the lacunae in the definition of 'sales tax' I do not want to take the time of the House; I will only refer to a passage in the Report of the Taxation Inquiry Commission, vol. II, pages 9 and 10, where it has been shown that the definitions given in the various State Sales Tax Acts have been so different that sometimes some commodities may not be included in the Sales Tax Acts:

"The actual meaning attached to the word 'sale' in the Acts of different States may now be illustrated. In Madras, Mysore, Travancore-Cochin and Hyderabad, sale means transfer of property in the course of trade or business. By implication, all other sales are excluded. Casual sales by individuals, sales of food by hostels attached to educational institutions, sales of old furniture, for example, by firms not dealing in furniture, and so on are, therefore, not liable for the tax in these States. The States of Bengal and Delhi define sale as transfer of property in goods for money consideration, which accordingly excludes transfers for other consideration like exchange or barter. According to the Acts of certain States, the sale is deemed to have taken place in the territory of the State, if at the time when the contract of sale or purchase was made, the goods were actually in those States. In certain States, the transfer of property in goods supplied in the execution of a contract is also included in the definition of sale".

Shri U. M. Trivedi must have gone through the Law Commission's Report, and the Note of Dissent by Shri N. C. Sen, which has been circulated to all hon. Members. Shri Sen has given his reasons for the discrepancies in the definitions of sale and also in determining the *locus standi* of sale. Therefore, when we go through the definition of 'sale' in this Bill, all these objections have been

met and it has been made more comprehensive. In clause 3, the arguments given by Shri N. C. Sen have been met by laying down a comprehensive principle—I do not want to read the whole paragraph from the Note of Dissent of Shri N. C. Sen to the Report of the Law Commission.

Then I would like to make certain observations which, I hope, the hon. Minister will take into consideration. I am sorry I shall not be here to move my amendments. Therefore, I will just put my views before Government so that if they think them to be proper, they may adopt them. Clause 16 reads:

"The Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Act, 1952, is hereby repealed".

15-37 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

This repeal does not mean that State Governments are not empowered to exempt essential goods. So far as this Bill is concerned, the list given here is supported by the Taxation Inquiry Commission. In the Report of the Taxation Inquiry Commission, Vol. II, paragraph 22(6), it is said:

"Subject to the limitations mentioned below, the States should have full powers to tax sales or purchases of goods, including goods declared at present as essential for the life of the community under Article 286(3). In regard to the levy of a tax by the States on sales or purchases of 'specified goods', the Central Government should take power to impose conditions subject to which the States can levy the tax. These conditions should be that, in replacement where necessary of existing systems and levies,

(i) the States shall levy only a single-point tax (at the last stage of sale or purchase) on these goods, and

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(ii) the rate shall not exceed  $\frac{1}{4}$  anna in the rupee, i.e. the same rate at which the Central tax will be imposed on these goods in the course of inter-State trade.

The following goods should be specified in the Central legislation: (i) coal, (ii) iron and steel, (iii) cotton, (iv) hides and skins, (v) oilseeds; (vi) jute.

We would emphasise that this list should not be expanded except in the light of the principles we have elsewhere mentioned; we would further strongly recommend that no addition should be made to this list without consulting the Inter-State Taxation Council, for the establishment of which proposals are made in another part of our Report"—

and for which my hon. friend, Shri Bansal, has also pleaded. I also agree that this Council should be established.

I have tabled certain amendments and in the light of those amendments, I will point out one or two things. In the rule-making powers, the Central Government have laid down the punishment for the same kind of offences, whereas the States are precluded from laying down the same penalty, as it is evident from sub-clause (5) of clause 13. It reads thus:

"In making any rule under this section the State Government may direct that a breach thereof shall be punishable with fine which may extend to five hundred rupees and when the offence is a continuing offence, with a daily fine which may extend to fifty rupees for every day during which the offence continues".

In clause 10, the Bill itself lays down the penalty.

"If any person—

(a) fails to get himself registered as required by section 7; or  
(b) being a registered dealer, falsely represents when purchasing any class of goods that

goods of such class are covered by his certificate of registration; or.....

he shall be punishable with simple imprisonment which may extend to six months, or with fine, or with both; and when the offence is a continuing offence, with a daily fine which may extend to fifty rupees for every day during which the offence continues."

I am not able to understand why this distinction and discrimination has been made. The States should have the right to prescribe the penalty to the same extent as the Central Government as proposed in the Bill. The Central Government may have to deal with a number of traders. But the State Governments have also to deal with a number of traders and collect the sales tax and carry on the administration. They are more responsible and cases might occur where the State Governments might feel difficulty in dealing with evasions or other sorts of corrupt practices. At least the States should not be debarred from laying down these penalties.

Then, there is the obligation of registration. There are traders who are liable to pay tax and they have to apply. There are traders who are not liable to pay. But they may apply. There is an authority who will decide whether a certain application may be rejected, refused or cancelled. The Taxation Enquiry Commission have pointed out certain defects on the part of the Administration and they have referred to certain administrative rules and have suggested the rules should be made in such a way that there should not be any opportunity, as far as possible, for the people to evade taxes or for submitting accounts or in getting registered.

I have, therefore, suggested one amendment in which I propose that no application should be rejected or refused unless the authority gives the reasons for such refusal in writing. As it is laid down here, it is not necessary. Experience has shown

that the authorities do not go into the reasons but they just repeat the words of a particular section and reject or refuse it. It is necessary that such things should be incorporated in the body of the Bill itself.

I will make one other suggestion also. The collection and administration of sales tax has created some sort of patronage. There have been petitions from the traders that the behaviour of the officials sometimes is not helpful. They are more technical; they have not got the human approach. After the passing of this measure, the Central Government will also become part of the administrative machinery and it will entrust the administration to the respective States.

**Mr. Deputy-Speaker:** The hon. Member is taking so long.

**Pandit C. N. Malviya:** I will be finishing in 5 minutes. The Taxation Enquiry Commission on page 75 of their Report say this about Sales Tax Advisory Committees.

"For the maintenance of a proper liaison with the trade and industry, it is necessary that the Sales Tax Department should maintain some contact with the chambers and associations of different trades, industries and commerce and get their advice and help in administering the tax. It is obviously neither possible nor desirable that sales tax officers should directly deal with all such associations. A small Committee representing the important sections of trade, industry and the consumers would serve this purpose much better. Such Committees have been established in one or two States and are reported to have proved successful in meeting the grievances of traders and ensuring their co-operation in the administration of the tax. We recommend that in each State there should be a Sales Tax Advisory Committee consisting of the representatives

of different trade interests. It is necessary to lay down that the sales tax matters discussed by these Committees should be those of general interest to the trade and not items of individual dispute or grievance relating to particular assessments or particular dealers."

Therefore, I strongly suggest that Sales Tax Advisory Committees should be appointed in each State.

Then, there is the problem of submitting memos and vouchers. Rule-making power has been taken by the Central Government and the State Governments will also be making rules. The rules of the Central Government will be laid on the Table of the House here. Why not the rules made by the State Governments also be laid on the Tables of the Assemblies? I think it should be made obligatory on the States and this should be incorporated in the body of this Bill, so that they may be looked into and suitable amendments made.

The Taxation Enquiry Commission say, so far as these memos and vouchers are concerned:

"It seems to us desirable, in these circumstances, that separate mention of the tax in the bill should be discouraged by State Governments, or at any rate, not seem to receive their specific approval. The law of demand and supply and the price levels in the market will themselves be limiting factors on the dealers' attempts to overcharge. Issue of vouchers and cash memos, however, should be made compulsory for registered dealers, or at any rate, for such of them as have a turnover which exceeds a prescribed level. This would be specially appropriate for the single-point levy."

I think that, while making the rules, these things should also be given consideration.

Lastly, I venture to suggest that in spite of our 15 or 20 years' experience

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with the payment of sales tax, with the realisation and collection of sales tax, with the administration of sales tax, the harassment of the people has not stopped and tax evasion has not stopped. Therefore, I would like to suggest, as it has also been recommended by the Taxation Enquiry Commission, that wider publicity should be given to rules and instructions of the Sales Tax Department, and, if possible, I think this is the time when we should have some new means for publicity. The Sales Tax Department, with the co-operation of the Broadcasting Ministry, should have certain documentaries prepared to show throughout the country how the sales tax administration should go on, what are the responsibilities of the people or the consumers, what are the responsibilities of the trade and commerce, how we should contribute to the national fund and should not indulge in tax evasion and other corrupt practices. I think it will help a great deal to publicise this intricate and complex administration of sales tax and educate the public in a better way, so that it will lead us to the objective which we have laid down for the betterment of our country.

**Shri M. S. Gurupadaswamy:** Tax inequalities often constitute an unfair factor in an economy—I say an unfair factor because tax variations give an unfair advantage to a group of people in business and it will upset normal trade relations. If you apply this view to the taxation field, you will see many discrepancies. Sales tax has come into vogue and it has become a very important tax, especially in the States. But till today no attempt has been made either by the States or by the Centre to co-ordinate sales tax and to bring about a uniformity. The Centre seems to be very indifferent and lukewarm in this particular matter. This measure does not seriously make an attempt in this direction. According to the provisions in the Bill, the whole inter-State sales tax comes under the purview of the Centre. Till recently

there has been very much uncertainty about this fact, and even as my friends have pointed out, the Supreme Court gave a judgment and there was no alternative but to bring forward this measure. So, this measure was forced on us, so to say, by the judgment of the Supreme Court. There is, therefore, no systematic attempt on the part of the Government to co-ordinate sales tax. An hon. friend pointed out the recommendation made by the Taxation Enquiry Commission for the setting up of an advisory body for coordinating policies in regard to sales tax. I also feel that such a step is eminently most desirable at the present moment, but I may say that instead of an advisory body, as our friends in the Taxation Enquiry Commission have suggested, I prefer a Taxation Council, as found in some Western countries, which takes up the responsibility of not only research but also the responsibility of advising the States as well as the Centre in various taxation proposals. So, I would suggest that the Central Government may think it over and set up a Taxation Council for the purpose of advising the Government in regard to all taxes.

I have pointed out that sales tax varies from State to State, and this variation in taxation, especially sales tax, has resulted in giving an unfair advantage to a few people in business. There are two or three kinds of variations. There is variation from State to State. Further there is variation in the rate of taxation and the methods of levy.

As a result of the variation and the different methods in the imposition and collection of sales tax, two or three evils have resulted. The most important evil is tax evasion—fiscal fraud, as I would put it. In the matter of goods which are taxed heavily, there is less trading. People who were trading in those goods give up trading in those goods and take up to other business of trade where sales tax is not so very

heavy. So, there has been so much of evasion and so much fiscal fraud committed. But there is also a disturbance in the normal trade relations. The fiscal regimes both at the Centre and the States have only followed such policies which hamper our economy, and these fiscal policies or taxation proposals or measures have only hindered the normal development of trade and commerce. These have been responsible for very many evils other than the fiscal fraud that I have pointed out.

I, therefore, expected that the Central Government would come forward with a measure which would co-ordinate all the systems of sales tax found in the various parts of the country. It has failed completely to do this. Now what do we find according to this measure? According to this piece of legislation, only goods which are sold or purchased in the course of inter-State trade are brought under the purview of the centre. Even here there is no uniform principle observed or followed in the matter of levy. Take for instance clause 8. Clause 8 states that the rate of tax should be one per cent on the total turn-over. So, the tax that is contemplated under clause 8 is a turnover tax.

16 hrs.

The Finance Minister has circulated an amendment just a few hours ago that certain exemptions might be given in the matter of sale or purchase of certain goods in case they were very important from the point of view of the public. If that is accepted, it will introduce another factor of variation. If, according to the Ministry, a particular group of goods become very important from the point of view of the nation, then there may be tax variations—lower tax or no tax at all on those goods. We do not know what type of goods he has in view to give such a different treatment.

Many arguments were advanced in regard to the inclusion of food articles in chapter IV. I feel that there is a lot of force in those arguments.

These articles constitute a very important part of the cost of living. Only goods which go to the manufacture of commodities are kept under this chapter. This may result in giving an unfair advantage to the business community, particularly the manufacturing community. The type of goods that have been grouped here show that certain sector of industry, particularly industrial sector is, going to be benefited while certain other sectors have to suffer. I do not know the basis on which this division has been made. It may be pointed out that they are very essential for the production and growth of our industry. The cost of production may be important but the cost of living is also equally important, if not more. If the policy of the Government is to maintain a reasonable cost of living and not to promote a rise in the cost of living, I am sure they have to agree to exempt certain essential articles of consumption from the sales tax. Or, they must impose a lower rate of sales tax on such articles. Otherwise, the purpose for which this chapter has been included here will not be realised because, the ultimate objective, I take it, is to maintain a particular level of prices in the country. If that is so, that objective will not be realised if we do not make an attempt to reduce the cost of living. One way by which it could be done is to levy less tax on essential articles of consumption. I feel that we should not be very unfair to the consumers by being very fair to the producers and we should not give an unfair advantage to the producer as against the consumer. After all, the trade, industry, and their development largely depend upon the consumers and their demands. If they develop consumers' resistance and if a feeling is created that the cost of living is going high—it is already rising—it will operate as a disincentive even to traders and businessmen in the long run because there will be no effective demand. So, I feel that the essential food articles should be brought under chapter IV.

I am sorry that the present Bill does not go far enough. On the other

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hand, it creates more discrimination in the field of taxation and it will bring about more inequalities and create more difficulties in our economy. It will give an unfair advantage to certain sections of the public to the exclusion of certain other sections.

श्री भूनक्षुनवाला (भागलपुर भाष्य) : उपाध्यक्ष महोदय, जब से यह सेल्स टैक्स (विकीर्त कर) का मामला हर एक स्टेट (राज्य) में चला है तो हमारे देखने में आया है कि हर एक स्टेट में तरह तरह के सेल्स टैक्स हर जगह वहाँ की सरकारों ने लगाये और उस से लोगों को हर प्रकार की असुविधायें सेल्स टैक्स के देने में लोगों को अनुभव हुई हैं और सेल्स टैक्स के बारे में कोई यूनिफार्मिटी (एकरूपता) नहीं थी किसी प्रान्त में कुछ या तो दूसरे प्रान्त में कुछ और इस के कारण लोगों में बहुत असन्तोष था। जो हमारे खाने के पदार्थ हैं उन पर भी कई जगह टैक्स लगाये जाते हैं। केला एक मामूली खाने का पदार्थ होता है उस के बारे में भी आप को बतलाकं कि एक बार में मद्रास की तरफ गया था तो मैं ने देखा कि केला जिस का भाव ४ आने दर्जन होता था लेकिन सेल्स टैक्स चूंकि उस पर चार पांच जगह लगता है इसलिये उस का भाव ५ आने और ६ आने हो जाता था। केला गरीबों के खाने की चीज़ है और गरीबों की ही क्या सर्वसाधारण और सबों के खाने की चीज़ है, लेकिन खास तौर पर गरीब सोग केला खा कर अपना पेट भर लेते हैं और यह आन्दोलन बहुत जगह होता आया है और बहुत दफ़ा यह कहा गया है कि कोई

ऐसा उपाय निकाला जाय जिस से कि सब जगह सेल्स टैक्स एक प्रकार का हो और एक ही बार वह टैक्स लगे।

इस के लिये हर एक प्रकार की योजनायें बनाई गईं। बेन्द्रीय सरकार के समने भी यह बात लाई गई और सुनते हैं कि केन्द्रीय सरकार ने भी दस के बारे में प्रान्तीय सरकारों से आलोचना की। परन्तु प्रान्तीय सरकारों ने इस बात को नहीं माना। तो मैं तो समझता था कि जब सेन्ट्रल सेल्स टैक्स बिल आयेगा तो उस में इस प्रकार की कोई बात आयेगी जिस से न तो सेल्स टैक्स बसूल करने में किसी प्रकार की दिक्कत हो, न बेकार करप्यान (भ्रष्टाचार) बढ़े जैसाकि आज कल है। किसी भी ईमानदार आदमी का व्यापार करना मुश्किल हो गया है। जो आदमी सेल्स टैक्स बचा कर बिना सेल्स टैक्स जावें किये भाल बचते हैं उन का भाल बिक जाता है और जो आदमी ईमानदारी से काम करते हैं, उन का काम करना मुश्किल हो गया है। मैं समझता था कि सरकार इस प्रकार का कोई बिल लायेगी, परन्तु इस बिल में इन सब बातों का कोई जिक नहीं है। इस में विशेष कर केवल इंटरस्टेट ट्रेड एंड कामर्स (अन्तर्राजीय व्यापार और बाणिज्य) का जिक है, हालांकि उन बातों के लिये खास तौर पर यह बिल लाया गया था। यह भी एक चीज़ थी क्योंकि इस प्रकार का बिल न आने के कारण अब तक जो कई प्रकार के कानून थे उन के ऊपर सुप्रीम कोर्ट में कई तरह के फैसले हो गये। उन सब फैसलों को स्थिर रूप से कर देने के लिये यह सेल्स टैक्स का बिल

[श्री शुनकुनवाला]

नाना जरूरी या और वह लाया गया यह बहुत ही अच्छा हुआ। परन्तु जो बात टैक्सेशन इन्वेन्यारी कमिशन (करावान जाव आयोग) ने कही थी कि जहां पर इंटरस्टेट टैक्स (अन्तर्राज्यीय कर) लगेगा वहां पर किर इंटरस्टेट (राज्य के अन्दर) टैक्स नहीं लगना चाहिये, इस में उस का किसी प्रकार का भी जिक नहीं है।

श्री तिहासन सिंह (जिला गोरखपुर दक्षिण) : स्टेट में लगेगा।

श्री शुनकुनवाला : नहीं लगेगा, यहां बात उन्होंने कही थी, परन्तु मैं समझता था कि यह बात इसमें आयगी कि यहां नहीं लगेगा। इसमें उसका ठीक उलटा कर दिया गया है कि यह लगेगा। जो आदमी हमारे स्थानों की चीज़ बेचता है, जो चीज़ रोजाना इस्तेमाल की है, जिस का भाव योड़ा सा भी बढ़ जाने से शरीर आदमी को तकलीफ हो जाती है, अगर उस पर हर एक जगह टैक्स लगा दिया जायगा तो लोगों को मैं नहीं समझता कि कितनी मुश्तीबत हो जायगी।

इंटरस्टेट टैक्स जो लगाया गया है उस के सम्बन्ध में कई चीजों के ऊपर रोक लगाई गई है कि यह यह चीजें हैं उन पर इतना टैक्स लगेगा, और उसमें कुछ एजेंस्यन (उन्नुक्ति) किये गये हैं स्पेशल कमोडिटीज (विशिष्ट वस्तुएं) कह कर। हमारे भाई ठाकुर दास जी ने शुरू में कहा कि इस बात को हम लोग बहुत आश्चर्य की बात मानते थे। जब कांस्टिट्यूशन अमेंडमेंट विल इस सम्बन्ध में आया था तो फूडप्रेन (लाइसेंस) आदि के बारे में हम सोचोंगे ने बहुत और लगाया था कि यह आटिक्स (वस्तु) भी स्पेशल समझा जाय, और उस समय के

हमारे वित्त मंत्री जो ने कोई इस प्राकार की जबान तो नहीं दी थी, परन्तु आश्वासन दिया था कि हम चेष्टा करेंगे कि जो फूडप्रेन है उस को स्पेशल कमोडिटीज में ला दिया जाय। आज यह देख कर बड़ा ही आश्चर्य होता है कि फूडप्रेन तथा अन्य इस किसी की चीज़ जो रोजाना खाने की है, वह इस में नहीं लाई गई है। वह सब चीजें इस में अवश्य आनी चाहिये।

अभी हमारे वित्त मंत्री का एक संशोधन आया है, उससे इसमें कुछ सहायता तो मिलती है और मैं भी उसी प्रकार का सुझाव देने वाला या परन्तु वित्त मंत्री जो ने ही उसे दे दिया कि सरकार अपने हाथ में यह अस्स्यार ले ले कि जिस चीज़ के ऊपर वह चाहे उसे स्पेशल कमोडिटी डिस्ट्रीब्यूर (चेष्टित) कर के उसके ऊपर जैसा चाहे टैक्स लगाने की व्यवस्था कर सकती है। वह मर्मेंडमेंट यह है :

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after line 39, add:

"(5) Notwithstanding anything contained in this section, the Central Government may, if it is necessary so to do in the public interest, by notification in the Official Gazette, direct that in respect of such goods or classes of goods as may be mentioned in the notification, no tax under this Act shall be payable by any dealer having his place of business in any Union territory in respect of the sale by him from any such place of business of any such goods in the course of inter-State trade or commerce or that the tax on such sales shall be calculated at such lower rates than those specified in sub-section (1) or sub-section (2) as may be mentioned in the notification."

इससे इसमें सहायता जरूर मिलेगी । परन्तु मैं यह कहना चाहता हूँ कि यह अख्त्यार तो उनको ले ही लेना चाहिये और हमारे वर्तमान वित्त मंत्री जी हैं, मैं समझता हूँ कि वे बराबर इस बात का ध्यान रखेंगे और इसके बारे में सही कार्रवाई करेंगे । जब कभी किसी प्रकार का हैरेसमेट (परेकानी) होगा या अगर कहीं कोई टैक्स ऐसा लगाया जायगा जोकि लोगों को असुविधा पहुँचाने वाला हो तो तुरन्त ही वह इस सेक्षण के प्रत्युत्तर काम करेंगे । परन्तु तो भी मैं यह निवेदन करना चाहता हूँ कि वे भविष्य के लिये जरूर अधिकार ले लें । कुछ सामग्रियां एसी हैं, जैसे फूडप्रेन, किरासीन तेल आदि जोकि इसमें येशन कर देनी चाहिये । ताकि भविष्य में हमारे वित्त मंत्री जी को कोई लास कार्रवाई न करनी पड़े ।

जैसा मैं आरम्भ में कह रहा था कि जो बिल लाया गया है वह बहुत सत्तोव्य-बनक नहीं है । जो कुछ किया गया है, सो अच्छा ही है, परन्तु जैसाकि टैक्सेशन इन्क्षायरी कमिशन ने कहा था कि जहां पर इंटर-स्टेट टैक्स लगाया जाय, जो एक्स्प्रेसिंग स्टेट (नियंत्रित करने वाला राज्य) है यदि वहां टैक्स लगाया जाय तो उसके ऊपर किर इंटरस्टेट टैक्स किसी प्रकार का नहीं लगना चाहिये । यदि इस प्रकार का टैक्स लगाया जायगा तो जो भी डिस्ट्रिब्यूटिंग सेन्टर्स (वितरण केन्द्र) है, लास कर दिल्ली जैसे शहर, उनका व्यापार बिल्कुल ठप्प पड़ जायेगा । अभी लोग सभी तरह का भाल जो दिल्ली हो कर भेजते हैं, वह सीधे भेजने लगेंगे । इससे सरकार की आमदानी बहुत कम हो जायगी और जो वहां के व्यापारी लोग हैं उनको भी बचका लगेगा । इसलिये मेरा यह सुझाव है कि जिन सामग्रियों पर इंटरस्टेट टैक्स लगाया जाय उन पर इंटरस्टेट टैक्स न लगाया जाय ।

दूसरी बात जो मुझे कहीं थी वह एक्स्प्रेस (नियंत्रित) के बारे में थी । जो

भाल एक्स्प्रेस किया जाता है उस पर कई जगह टैक्स लग जाने से, मान सीजिए सोन्त-हारी से कोई चीज जाती है वह बन्दरगाहों पर पहुँचने के पहले कई हाथों से बिकती है, यदि उस पर हर एक जगह टैक्स लगाया गया तो वह चीज लोगों के लिये बहुत भारी पड़ेगी । इसलिए कोई फार्मला निकाला जाय जिस से कि यह टैक्स एक ही जगह पर लगे ।

इस के अलावा यदि कोई गजिस्टर्ड डीलर (पंजीकृत व्यापारी) किसी एक्स्प्रेसिंग स्टेट से भाल भेजेगा दूसरी स्टेट के डीलर को तो उस के लिये बिक किया गया है कि १ परसेंट टैक्स लगेगा । और वह टन औबर (उत्तापन) पर लगेगा । परन्तु यदि किसी कंज्यूमर (उपभोक्ता) को कोई चीज दी जायगी तो उस पर दो परसेंट टैक्स देना पड़ेगा । यह जो चीज है यह मेरी समझ में नहीं आई है । इसको भी आप देख सें ।

चार पांच बात में ने आप के सामने रखी हैं और मैं चाहता हूँ कि आप इन पर विचार कर सें । इस के बाद जब स्लाइ-बाई-स्लाइ विस्केशन (संडबार चर्चा) होगा उस बहत में आपने विचार इस मदन के सामने रखेंगा ।

जो जीवन्य तितल (जिला अमीनगढ़) : उपाध्यक्ष महोदय, यह जो बिल इन सदन में पेश किया गया है, इसका मैं स्वायत्त करता हूँ । मैं यह भी महसूस करता हूँ कि इसमें बहुत से संवादों और तबदीलियों की ज़रूरत है । इसलिये मेरा विचार है कि भारंग साहब ने जो अमेंडमेंट मूव (प्रस्ताव) की है कि इसको प्रबल समिति के सुपुर्द कर दिया जाना चाहिये, उसको स्वीकार कर दिया जाना चाहिये और इसे प्रबल समिति के सुपुर्द कर दिया जाना चाहिये । वहां पर इस बिल पर विचार करके लोगों की जो बहुत सी शिकायतें हैं उनको दूर किया जा सकता है । यह एक

## [भी शीबन्द सिद्ध]

बहुत ही अहम बिल है और बिजिनेस कम्पनिटी (व्यापारी वर्ग) से इसका लास तौर से ताल्लुक है। यह वर्ग एक छोटा सा वर्ग अवश्य है लेकिन यह बड़ा ही बोकल (महत्वपूर्ण) वर्ग है, बड़ा हल्ला गुल्ला मचान वाला वर्ग है और अगर कोई ऐसी चीज़ पास कर दी जाती है जो उसके लिलाफ जाती हो तो वह सरकार को बहुत बदनाम करते हैं और लास तौर से हम लोगों के लिये तो आफत मी लड़ी हो जाती है। हमारे लिये आफत की बात इसलिय होती है कि हम उन लोगों के नुमाइंदे हैं। इस बास्ते इस बिल में आवश्यक सुधार करने के लिये, मैं चाहता हूँ, इसे प्रवर समिति के सुनुदं कर दिया जाय।

इस में कोई शक नहीं है कि जब यह बिल पास हो जायगा तथा कानून बन जायगा और लागू हो जायगा तो सरकार की आमदनी बहुत बड़ा जायगी। चूँक सरकार को रुपये की बहुत आवश्यकता है इस बास्ते मैं चाहता हूँ कि उसकी आमदनी बड़ी और दिलीय पंचवर्षीय योजना बनाई गई है वह सफल हो और वह सफल तभी हो सकती है जब सरकार के पास और अधिक बन जाय। इससे सरकार की जो रुपये के बारे में आवश्यकतायें हैं व काफी हद तक पूरी हो जायेंगी।

आजकल चीजों के जो दाम हैं वे बहुत बढ़ रहे हैं। चीजों के दाम बढ़ने का एक लास कारण यह है कि मुद्रा का बहुत ज्यादा फैलाव हो गया है, नोटों का प्रचलन बहुत बढ़ गया है। उनको कम करने के लिये और कीमतों को गिराने के लिये, इस तरह के बिल की बहुत ज्यादा आवश्यकता थी। जिस हिसाब से टैक्स बढ़ेगा उसी हिसाब से और अधिक रुपया सरकार के पास पहुँच जायगा और इससे चीजों के दामों को नियन्ते में बदल भिलेंगी।

आजकल सेल्स टैक्स लगाने का जो तरीका है वह कुछ बिल्लरा हुआ है कहीं पर किसी हिसाब से लगाया जाता है और कहीं पर किसी से। सारे हिन्दुस्तान में एक सी दरें नहीं हैं। मैं मानता हूँ कि इस से विक्री करारों में कोई अन्तर तो नहीं पड़ेगा लेकिन कुछ यूनिफिमटी (एकरूपता) अवश्य आ जाएगी। लास तौर स आजकल जो इवेशन (अपचनना) हो रहा है, जो बईमानी हो रही है उसमें कभी होगी। आज कल यह देखने में आता है कि जो डिकनदार माल बेचते हैं उनमें कई इस टैक्स से बचने के लिये अपनी वही लातों में यह दिला देते हैं कि माल को दूसरे प्रदेश में भेज दिया गया है। ऐसा करने से वे लोग इस टैक्स से बच जाते हैं। अब इस बिल के कानून बन जाने के बाद यह होगा कि अगर वे लोग अपना माल किसी दूसरे प्रान्त में भेजें तो उन्हें यह माल केवल रिजिस्टर्ड डीलर्स (पंजीकृत व्यापारी) को ही बेचना पड़ेगा। अगर वे उनको यह माल भेजेंगे तो उन्हें सेल्स टैक्स भी देना पड़ेगा। तो इस तरह में आजकल जो इवेशन हो रहा है वह भी कुछ हद तक कम हो जायगा।

एक बात अवश्य है और वह यह है कि यह जो सेल्स टैक्स है यह एक रेट्रोसेट टैक्स (प्रतिगामी कर) है, प्रोप्रेसिव टैक्स (प्रगतिवादी कर) नहीं है। टैक्स के दो उद्देश्य हुआ करते हैं, एक तो यह कि सरकार को रुपया मिल जाय और दूसरे यह कि देश में जो विषमता है वह कम हो, देश में समता आवे। अगर टैक्स देश में इस उद्देश्य से नहीं लगाया जाता है कि विषमता दूर हो और समता आवे, तो रुपया तो सरकार को अवश्य मिल जाता है, लेकिन उस को प्रोप्रेसिव टैक्स नहीं कहा जा सकता है। इसलिये यह जो टैक्स है यह एक रेट्रोसेट टैक्स है। इस का ज्यादा भार गरीबों पर पड़ता है और अमीरों पर कम। आजकल जबकि मुँग का फैलाव बहुत हो गया है, कीमतें बढ़ रही

हैं इस से गरीब जोगों को विशेष दिक्कत का सामना करना पड़े रहे हैं। अब इस टैक्स के लग जाने से कीमतें और भी ज्यादा बढ़ जायेंगी और उन को चीजें और भी ज्यादा बढ़ जाएंगी भावं पर उपलब्ध होंगी। इस बाते मैं सरकार से प्रार्थना करता हूँ कि वह कोई ऐसा तरीका निकाले जिस से कि गरीबों पर इसका असर कम पड़े और अमीरों पर ज्यादा।

एक चीज़ और है जिस की तरफ मैं आप का ध्यान दिलाना चाहता हूँ। इस में डबल टैक्सेशन का चिक्क है। एक परसेंट नो सेन्ट्रल सरकार ने लेगी और बाकी जिस प्रान्त में माल जायगा, वह उससे टैक्स लेगी। इस तरह से यह डबल टैक्सेशन है। इस से गरीब आदमियों को विशेष दौर से दिक्कत होगी। इस में गरीब आदमियों के प्रयोग की जो चीजें हैं, उनका कोई चिक्क नहीं किया गया है। हर एक मुल्क में उन चीजों पर जो गरीब आदमियों के प्रयोग की होती है, जैसे गल्ला है, दूध है, मोटा कपड़ा है, कोई टैक्स नहीं लिया जाता है। इंग्लैण्ड में तो ऐसी चीजों को सर्वसिद्धाइज़ करके गरीब आदमियों को सस्ते भाव पर बेचा जाता है। इस तरह की जो एमेंशन आर्टिकल्स हैं उन पर कोई टैक्स नहीं लगना चाहिये। मेरी राय में जो स्वास भाव है, जैसे मोटा कपड़ा है, दूध है, गल्ला है या और दूसरी चीज़ है, उनका जिक कनाड़ १४ में आना आवश्यक है। इसमें गोब आदमियों के इस्तेमाल की जो चीजें हैं वे टैक्स से बच जायेंगी।

एक एमेंडमेंट पेश की गई है जिसकी मंजा यह है कि जहां पर यह अंदाज़ किया जाता है कि वे डिस्ट्रीब्यूटिंग सेंटर्स (वितरण केन्द्र) हैं, वहां पर यह टैक्स नहीं लगेगा। यहां पर इस में दिल्ली की ही बहुत ज्यादा चर्चा की गई है। मैं प्रार्थना करता हूँ कि आमरूँ भी एक डिस्ट्रीब्यूशन सेंटर है। राजस्वान से वहां पर लोग माल खरीदने

के लिये आते हैं। अमृतसर भी एक डिस्ट्रीब्यूटिंग सेंटर है। मैं चाहता हूँ कि इन को भी ध्यान में रखा जाय।

सरकार ने सेल (बिक्री) के बारे में जो डेफिनिशन (परिभाषा) की है, वह इस प्रकार है :

A sale of purchase of goods shall be deemed to take place in the course of inter-State trade or commerce if the sale or purchase—

(a) occasions the movement of goods from one State to another; or

(b) is effected by a transfer of documents of title to the goods during their movement from one State to another.

इस डेफिनिशन को देखने से तो मगे ऐसा लगता है कि इवेशन (अपवर्जन) का लोगों को ज्यादा मौका मिलेगा। एक आदमी के कई एक सैटर होते हैं। एक आदमी मैनुफैक्चर करता है और बेचता भी है। मान लीजिये एक आदमी अपना माल बंगाल भेजता है जहां पर उसको एजेंसी है। काफ़िदे से तो उसे टैक्स देना चाहिये लेकिन अगर वह एजेंसी खोल देगा तो जो सैटर का सेल्स टैक्स है उसे वह नहीं देना होगा। इसका नतीजा यह होगा कि जो एजेंसी खोल देगा या जो इस काविल है कि एजेंसी खोल सके उसे तो इंटरस्टेट सेल्स टैक्स नहीं देना पड़ेगा लेकिन जो इस काविल नहीं है उसे देना पड़ेगा। यह जो चीज़ है इस को भी आप को देखना चाहिये और इस कमी को दूर करना चाहिये।

आजकल विभिन्न प्रान्तों में सेल्स टैक्स की दरें और उनको लागू करने के तरीके भिन्न हैं। इसमें बहुत ज्यादा दिक्कतों का सामना करना पड़ता है। परेशानी भी होती है। बहुत ज्यादा गोलमाल होने का भी अदेश रहता है। इसका नतीजा यह होता है कि जो ईमानदार दुकानदार है वह तो मारा

[श्री शीघ्रद सिध्द]

जाता है और जो बेईमान होता है वह कायदे में रहता है। वह जो माल लाता है उम को हिसाब में एंटर नहीं करता और सस्ते दामों पर चीज़ को बेच देता है। प्रभी कुछ दिन हुए जब य० पी० में सेल्स टैक्स बढ़ा या उस के लिलाफ बढ़ा भारी आनंदोलन हुआ था और तभाम बाजार बन्ह हो गये थे और बड़ी विक्रत का सामना करना पड़ा था। मैं चाहता हूँ कि सरकार या जो प्रोडक्शन टैक्स (उत्पादन कर) में इस टैक्स को कनवर्ट करे (बदल दे) या कोई ऐसा तरीका निकाले कि पूरे देश में यह टैक्स यूनिफार्मली लागू हो। एक ही तरह से सब जगह टैक्स लगाना चाहिये जिससे लोगों की जो परेशानी है उसमें कमी हो। इसका नतीजा यह होगा कि बेईमान दुकानदार भी ईमानदारी से काम करेगा और बेईमानी नहीं करने पायेगा।

दुकानदारों की एक बड़ी शिकायत यह है कि उनके एक आदमी को सेल्स टैक्स, इनकम टैक्स इत्यादि के सिलसिले में ही बिजो रहता पड़ता है और उनका सारा वक्त बही लाते दिलाने वगैरह में लाच हो जाता है। कभी उस आदमी को सेल्स टैक्स डिपार्टमेंट में जाना पड़ता है और कभी इनकम-टैक्स डिपार्टमेंट में। परंतु एक ही हाकिम के पास सेल्स टैक्स और इनकम टैक्स का काम हो तो वही उसके बहीखातों को देख कर सेल्स टैक्स और इनकम टैक्स लगा सकता है। इससे दुकानदार की विक्रत भी काफी दूर तक दूर हो जायगी और उसका समय भी बच जायगा।

मैं मंत्री महोदय से निवेदन करूँगा कि वह कोई ऐसी व्यवस्था कर दें कि लोगों को दो दो दफा कामज़ात न भरने पड़ें, दो दो दफा वकीलों को न करना पड़े और इस प्रकार अपना समय और रुपया न नष्ट करना पड़े।

इन शब्दों के साथ मैं आशा करता हूँ कि मंत्री महोदय भार्गव जी को अमेंटमेंट को स्वीकार करके इस बिल को सिलेक्ट कमेटी को भेज देंगे।

Shri N. R. Muniswamy (Wandiwash): Mr. Deputy-Speaker, this Bill only formulates certain principles for determining when a sale or purchase of goods takes place during the course of inter-State trade, trade outside the State and in the case of goods imported into or exported outside India, and also lays down certain principles as to declaration of certain articles of importance and the restrictions to which a State law imposing a tax may be subjected to.

On an analysis of this Bill, I find that there are going to be far-reaching consequences on the flow of trade and commerce in India. What they are going to achieve by the realisation of a few lakhs of rupees by way of tax on trade and commerce will be lost in jeopardising the flow of trade in India. The Central Sales Tax was, of course, in contemplation for a very long time. Of course, it is said that in consonance with the recommendations of the Taxation Inquiry Commission or as a result of certain conflicting decisions of the Supreme Court or pressure from the State Governments this Bill has been introduced.

All along, businessmen have been enjoying a great deal of freedom in the matter of getting goods from other States free from taxation. After coming in, these goods will pass through some process of transformation—they may change in shape or form—and when they are disposed of, a tax will be levied, as is prevalent in the State. There is the State law and they are taxing on several articles. After the passing of this Bill, we will see that not only the articles that are now being taxed, but all those articles will be subjected to a severe type of taxation. Ultimately, only the consumer is going to suffer: not the businessmen. I say that the

consumer will be the target for all these taxes. As it is, no man is free from paying any tax. Even when he makes a small purchase, even when purchase is made from a businessman whose turnover is not beyond Rs. 10,000 or 20,000 as is provided for in the law, he pays the tax. Ultimately whether that man who collects that tax really pays it to the Government or not is a different matter. That is the concern of the State. So far as we are concerned, on account of pressure from the States or the recommendations of the Taxation Inquiry Commission, we are now introducing sales tax for other commodities as well.

We have been enjoying a sort of exemption. It is stated here that the Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Act, 1952 is hereby repealed. This would mean that the articles which are not liable to taxation, will be subjected to the tax. This would mean that in respect of all these articles, the flood-gate will be opened and the States can levy any tax as they please.

Also we find in clause 14, certain goods have been declared as of special importance in inter-State trade or commerce. They have mentioned coal, cotton, hides and skin, iron and steel, iron scrap, jute, and oilseeds. Along with these, if you are going to add some more articles contemplated under the Essential Goods Act, the list will be complete by itself. There will be no tax or even if there is a tax, it will be on a lower scale. Now that this Act has been repealed and only a few of the commodities are being categorised in clause 14, it will be open to the State Government to levy the tax. Therefore, I would request that clause 14 may be enlarged.

The other point that I wish to press before this House is this. Instead of having all these various taxes, we can have one single tax. The Finance

Minister has been pleased to introduce a Bill for the imposition of a Capital Gains tax. He may be having up his sleeves one more Bill for the levy of Expenditure tax. Several other taxes may be in his contemplation. If there is to be an Expenditure tax shortly or next year, why should this Central Sales Tax Bill be introduced now? Any person who spends beyond a certain amount will have to pay a certain tax. That would include all the articles he purchases. That would cover all the amount spent for domestic consumption. If an Expenditure tax is in contemplation, this Bill need not be pressed. Ordinarily you have taxes of so many kinds from birth to death. I say, instead of having so many taxes, profession tax, income-tax, super tax, and all sorts of taxes, I insist that we can have one single tax. That may be called by any name by the Government. Every man may be asked to pay a tax of, say, a quarter anna in the rupee, whatever may be his income, in which case, we may be obviating all these difficulties. I know the Finance Minister may not be able to agree with me and have one tax instead of all these various taxes. I know there will be difficulties. Still, I think, they can devote some time to this question of having one tax.

This Act contemplates three types of cases. This Act will be enforced in the course of export out of India, in the course of import into India and in the course of inter-State trade or commerce. I would only suggest that goods exported from one State to another may be exempted. Whatever goods one State gets from another, immediately after the receipt of the goods—it may be raw material or something else;—whatever may be the nature—the goods have to be sold only in the importing State. When that State disposes of the articles to the various consumers, the tax will be levied. It will come as a State tax. As per this Act, we have to levy the tax on goods that come from another State. If after having been received in a State, the goods go to another State after passing through some

[Shri R. Muniswamy]

processing, they will have to be subjected to another State tax. In reality, it will not be a single-point tax; it will be a multi-point tax. This multi-point tax can be avoided. People can get goods from Calcutta to Delhi or from Delhi to Madras. They can allow the goods to be processed. When the goods are being sold, sales tax can be levied.

Another aspect that I wish to suggest is that if these goods are exported out of India, you can levy the sales tax. So, on import and export and on inter-State trade this tax can be charged, but not on inter-State trade and commerce. The reason is this. In respect of any sale that takes place immediately after import, charges can be levied, and any purchase that precedes export also can be taken into account, and also inter-State trade, but goods that are got from one State by another—whatever the nature of the processes it may pass through, they need not be considered—may be exempted. We will be to some extent satisfying the free flow of trade between the States which may otherwise be jeopardised.

An hour or two ago the Finance Minister circulated another amendment. It has been referred to by other speakers, and let me also put forth my view on it. I will read the relevant portion:

"Notwithstanding anything contained in this Section, . . . no tax under this Act shall be payable by any dealer having his place of business in any Union territory in respect of the sale by him from any such place of business of any such goods in the course of inter-State trade or commerce or that the tax on such sales shall be calculated at such lower rates than those specified in sub-section (1) or sub-section (2) as may be mentioned in the notification."

This will clearly infringe the fundamental rights of the citizens. It will be nothing but discrimination between

person and person, and such discriminatory treatment ought not to be meted out. Whenever we tax, all have to be subjected to the same treatment. So far as persons who reside in the Union territories are concerned, I cannot impute any motive to the Minister, he must have had very great pressure from people residing in Union territories,—with a view to satisfying them or give them certain consolation—he must have brought this amendment. But without going into what was in his mind, I only say this will give rise to cases in the Supreme Court and High Courts to challenge the discriminatory treatment. Therefore, this ought not to be allowed in any enactment. Before long, the Minister may have to come with another amendment to modify his present stand, or get several decisions against this Bill resulting in the loss of a lot of money.

Not only does he exempt, but he again says that they will be charged lower rates than those specified in sub-section (1) or sub-section (2) as the case may be. This will again go against the fundamental rights and principles. Therefore I would say that this ought not to be retained. We have had enough of cases in the Supreme Court challenging many of Governments' rules and regulations which we passed here. Let there not be a duel between the legislature and the judiciary. So, I wish he would give a second thought to this and say in his reply tomorrow what he is going to do.

Lastly, the definition of "turnover" has been given in the Definition clause as under:

"turnover" used in relation to any dealer liable to tax under this Act means the aggregate of the sale prices received and receivable by him in respect of sales of any goods in the course of inter-State trade or commerce made during any prescribed period and determined in the prescribed manner.'

These two things, the prescribed period and the prescribed manner, have been left delightfully vague, and they might be covered by the rule-making authority. It would be better if these are fixed in the enactment itself instead of leaving them to be determined by the rule-making authority, because it will not then be very elastic and changing from time to time. Their hands will be tied and they will not be free to change the period and the amount of the turnover.

We all know that this sales tax is something like a great spring. We can get any amount of money from sales tax. It is the only tax where a large amount of money is collected. Even from land tax we are not able to get so much as from sales tax. Therefore I would say this is a tax which touches everybody's pocket, and the Government as well as this hon. House have to consider twice whether it would be proper to deal with this aspect. If at all necessary, we must deal with it cautiously and carefully and see that the small man is not very much touched and tampered with so far as his livelihood is concerned.

I have already given an illustration that this sales tax is charged to the consumer even in small shops everywhere. I do not know whether at the time of submitting the accounts, the money collected extra by them as sales tax is also included in the sale price, or the sale price alone is put in, and the extra money collected by way of sales tax is pocketed. Thereby they will be standing to gain both ways. Not only do they collect from the consumers, but they have to pay from out of the sale amount that they have shown in their returns. This aspect has to be very carefully examined, because we are enlarging the scope of this sales tax and allowing the State Governments to exercise the right which the Centre should exercise by itself. Their powers are already enormous, and if this is also given, I think it will do havoc to the people. This will open the floodgates

and they may do whatever they like. Still it is not going to get the desired result because we have not been given any data as to the amount of money they are likely to get by this tax. I do not know whether it will be Rs. 20 or Rs. 30 lakhs in the case of the State Governments which they themselves can appropriate for development or industrial purposes as the case may be. If it is only so much I do not think it is really worth while trying to introduce this Bill.

I repeat my request that goods that proceed from one State to another may be exempted. One section of the people have already circulated a memorandum to the Members. So far as Madras is concerned, in the hides and skins trade they get their raw materials from other States like U.P. or places like Calcutta. This may not be charged, but when they are processed and sent to other countries, they may be charged. If it is sold in the country itself, there should be only tax at one point, instead of multiple-point tax. If it is intended for export or to be sold in the State itself, we can simply give them free licence to get anything from any State, but let them not pay any tax as is envisaged in the Central Sales Tax Bill.

Shri L. Jogeswar Singh (Inner Manipur): I shall confine my remarks to clause 14 of the Bill. In my view the provision contained in the clause should be expanded to include certain items like foodgrains, kerosene oil and other essential daily necessities. If even the daily necessities or essential commodities are taxed, then that will indirectly hit the consumers; they will be the worst sufferers. I would, therefore, suggest that taxes on essential commodities such as foodgrains, coarse cloth and kerosene oil should be reduced from two per cent or one per cent to half a per cent, if at all they are to be levied.

The reason why I should like to have these items exempt from sales tax is this. When sales tax is

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imposed on commodities which pass from one State to another, the normal tendency for the prices is to rise, because of the provincial rivalry in trade and commerce and also because of the competition between the different States. So, it is very necessary that it should be within the purview of the Central Government to impose uniform taxation, if necessary, on essential items such as foodgrains etc.

I now come to the amendment given notice of by the Minister. The previous speaker, Shri N. R. Muniswamy, had spoken much about it and said that it was against the Constitution to lay down that Union territories should be exempted, and that such a provision might be challenged by the Supreme Court. I, for my part, welcome that amendment very much. I am very glad that the Minister has taken into consideration the conditions prevailing in the Centrally administered areas.

These areas are very poor in all respects; the people there are economically very poor. There are no proper transport facilities in these areas. Even without the imposition of any sales tax, the prices of essential commodities in these Centrally administered areas, such as Delhi, Himachal Pradesh, Manipur, Tripura and so on, are very high as compared to what obtain in other parts of the country, on account of the transport bottle-necks and other transport difficulties. So, I am very happy that a saving clause is sought to be introduced whereby it is possible to ensure that no serious or heavy taxes are imposed on essential commodities in these Centrally administered areas.

There is one other reason why these Union territories should be exempted from the operation of sales tax. These territories are economically very backward. All the commodities which the people of these areas need are not produced there in sufficient quantities; so, they are obliged to import even their daily necessities from outside, and consequently, they have got to pay double

the price for all these commodities, as compared with what prevails in other parts of the country. Their living conditions are also very bad, and their standard of living is very low. So, if sales tax also is imposed on essential commodities, their condition will become very much worse. I would, therefore, suggest the complete exemption of these Union territories from the operation of sales tax.

Another reason why exemption should be given to these areas is this. The trading people in these areas are mostly illiterate, and they do not know how to keep accounts. They have to learn the ABC of trade and commerce still. So, if these provisions regarding registration, submission of returns and so on, which are full of all sorts of complexities, are put into effect, the people there will not be able to digest it; they will not be able to submit returns or keep proper accounts. Moreover, it is not the Ministers who go there for the collection of the taxes; it is only the rank and file of the officers who go there, and they seldom appreciate the difficulties of the people who are very new to this business of keeping accounts, and who have yet to learn the ABC of trade and commerce. So, if these provisions are put into effect, the worst sufferers will be the small traders, in the first instance, and in turn, the consumers will also be the sufferers. I would like to tell the Minister specially that he should see that special consideration is given to these Centrally administered areas in this respect.

Besides the Centrally administered areas, there are also certain areas, as, for instance, Assam, where communication is very bad. Owing to the transport bottle-necks, the prices of the commodities that are imported into Assam are very much higher than those obtaining in the rest of India. If sales tax is also imposed, then the prices will shoot up very much higher. The result will be that the consumers will be hard-hit.

**Mr. Deputy-Speaker:** Is the hon. Member likely to take some more time?

**Shri L. Jogeshwar Singh:** Yes.

**Mr. Deputy-Speaker:** Then, he may continue tomorrow. There are still two other speakers, namely Shri Heda and Seth Achal Singh; they will have their chance tomorrow.

Now we shall take up the next item.

**BUSINESS ADVISORY COMMITTEE**

**FOURTY-FOURTH REPORT**

**Shri N. C. Chatterjee (Hoogly):** I beg to present the Forty-Fourth Report of the Business Advisory Committee.

**DEVELOPMENT OF MINERAL RESOURCES OF KERALA**

17 HRS.

**Shri V. P. Nayar (Chirayinkil):** Mr. Deputy-Speaker, Sir, I am raising this discussion to focus the attention of this House and also of the hon. Minister who, I know, has great sympathy for the poor people of Kerala, on three points, namely, (1) the neglect of the Government of India in developing the mineral resources of Kerala, (2) the failure of the Government of India to make a detailed survey of minerals of Kerala, and (3) the disregard by the Government of India of questions relating to mines and minerals of Travancore-Cochin.

The problem of exploiting minerals, in so far as my State is concerned is a very much more urgent problem than in any other State, because, you find from an analysis made in the Labour Gazette that out of 6 lakhs of people employed in the mines and minerals industry, hardly 2,500 people from my State get work in that industry, although our population is roughly 1/30th of the population of

the whole of India. Then it has often been said by very responsible people in the most irresponsible way that Kerala has no minerals for exploitation at all. Nothing could be farther from the truth, nor could anything be more mischievous than such a statement.

The hon. Minister knows that we have a wealth of minerals and a variety of minerals. I do not want to list all the minerals here, but I would seek your permission to indicate certain important minerals, which have been reported to be available in abundance there as early as in 1906 and 1910. We have got alum clays in Varkala, bauxite in the laterite-bearing areas of the Western Ghats, we have got brick clays, we have got gold in considerable quantities in Wynad, we have iron ore in Nilambur and Wandur, lignite in Varkala, Cannanore and several other places, mica in Malabar and Travancore, we have got mineral pigments in Malabar and South Kanara, we have refractories. Then we have pyrite, much-wanted substance, found along with gold in the pyrite veins of Malabar, especially Wynad. Then there are the all-important minerals, titanium, ilimanite, monozite, zircon and other rare minerals.

With this varieties of minerals which have been reported to be available in abundance in our geological surveys in 1906, 1907 and 1910, it is very regrettable that a State faced with such a chronic problem of unemployment could not develop its mineral resources at all. I would not have raised this discussion had it not been for the fact that in the Planning Commission's Report, it is very clearly stated—I am reading from page 384—

"In view of the vital part that minerals play in the country's industrial development, it is contemplated that the State will increasingly undertake their exploitation".

I welcome this statement. But in answer to a question long after the

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Report of the Planning Commission was published, I gather that there is not even one geologist in the whole of Kerala. In answer to another question, the hon. Minister was able to give only certain information, which is far short of the information which we have, for example, in publications and memoirs of the Geological Survey of India by Dr. M. S. Krishnan.

I am very sorry to say that the hon. Minister has not been briefed properly in answering these questions. I do not want to take the time of the House by detailing all the minerals and their availability, but I would draw the particular attention of the hon. Minister to two or three minerals. Take lignite, for example. It has been stated in the Second Five Year Plan that development of lignite is a Central responsibility. What is the position of lignite in Kerala? You know that lignite has been found to occur in our State at several places as early as 1830 by one of the Residents of the State. Long after that, in the geological surveys of 1906—1910, certain very broad estimates have been made. Varkala, a place in my constituency, is reported to have occurrences of lignite, into the analysis of which I shall go later, to the tune of 276 million tons. It is not a small quantity.

You know that the problem of Travancore-Cochin, of Kerala—really the problem of the South—is the lack of any proper fuel. We have a project in Neivelli. But why not start another project in Varkala? Probably the answer will be that no proper surveys have been made. The other day I remember that the analysis of the Varkala lignite, as given by the hon. Minister, was not encouraging enough to start a project. But here, in the official publication of the erstwhile Travancore Government, the Travancore State Manual, published in 1940, it is stated:

"The extent of the Varkala formation was once taken to be

about five hundred square miles. Subsequent observations, however, have shown this to be a considerable under-estimate. Occurrences have since been discovered in the tracts east of the backwater in north Travancore. It is also believed to underline the silt in Kuttanad and other backwater tracts in Central and North Travancore. It is reported that the formation exists in South Travancore too".

Then lignite is also reported to occur in abundance in Cannanore and several other places in Malabar. I would only request the hon. Minister at least to have a very systematic survey. After all, let him tell us if it is not worthwhile. Even, then, we have to have special consideration for the development of minerals in this particular part of the country on account of its several other complex problems. We must have a project at least in the Second Five Year Plan period. I know the difficulty. We must have enough geologists. We do not have any geological surveys on which we can place much reliance. All the same, indications are that from one end of my State to the other, there are minerals worth exploitation.

Then again, we have enough quantity of gold. I do not say that gold must be recovered from tomorrow. That may not be possible. After all, we know that India produces only one-third of her requirements of gold. And we are working 8,000 to 10,000 feet deep and we may not be able to go deeper in those mines. The price of Indian gold is very much higher than the international price. I was reading in Dr. M. S. Krishnan's book a very good account of the geological formations of gold in Malabar. Gold is available in an area estimated to be 500 square miles. I am quoting from page 123:

"Over an extensive area, estimated at over 500 sq. miles, lying

to the west of the Nilgiri mountains, gold has been won both from placers and reef deposits for centuries. The gold washing industry is extant even today and apparently gives a living to a fairly numerous community in this area."

In spite of the fact that we know for certain that gold has been won and we also know that on the announcement of the finding of gold in Malabar, there was a great boom in London in 1880, Dr. M. S. Krishnan himself says—I am placing all my reliance on this one publication—

"Though the average results taken for several workings in the area, were not particularly very attractive, the occasional finds of rich pockets and reefs seem to have been publicised in England, leading to the gold boom of 1880. Between 1789 and 1881, some 33 companies were floated in London with an aggregate capital of £4,050,000. Much expensive machinery was bought....."

Dr. Krishnan says very definitely:

"Bad managements and generally poor results in mining conspired to bring about the suspension of activity by most of the companies by 1885".

The peculiar feature about this gold is that it occurs in strata along with pyrite. As you know, pyrite is the basic material for raw sulphur which we have to import. In fact, the consumption of sulphur, according to me, is a very positive index of the industrial advancement of any country in the world.

In this context, about pyrite, the same memoir says:

"The only good source of pyrite in the Province"—

that is, the old Madras Province—

"is the gold-bearing pyrite veins of Vainad and Malabar. Many thousand tons of pyrite must be

available in the Devala-Pandalur area—e.g. in the Alpha, Nadghani, Harewood, Rosedale and other mines. If gold mining on a systematic basis is revived in this region, it should be possible to recover the pyrite as a by-product of gold and utilise it as a source of sulphur".

I am certainly no geologist, nor am I a chemist, but I must certainly place very much reliance on the very clear observations of such eminent geologist as Dr. M. S. Krishnan.

Then again, take another important material, graphite. The country's entire production was from one taluk, which I have the honour to represent, namely, the Nedumangad taluk, in the south of Travancore, which is part of Kerala now. It is written in the State Manual:

"From 1898 to 1912, Messrs. Morgan Crucible Co. Ltd. were mining graphite and in all they raised about 35,000 tons from the mines at Vellanad, Cullen and Venganur. Since 1912, there has been no mining. Graphite is used for making paints, crucibles, lubricants, lead pencils, polishing powder, etc."

It is also said that all the graphite in India came from these areas. Graphite is used for a variety of purposes. May be it is not of the highest grade, but there are methods and processes; we can draw on the knowledge of science and improve it or dress it up to proper requirements. All that could be done—if only graphite could be exploited.

There is also this question of the other rare earths. We are not using all the rare earths which we have. We have zircons. I do not think much use is now being made of zircons.

I am not dealing at all with the rare minerals. I do not want to deal with ilmenite or with monozite or with the other radio-active minerals which we may have. But the point is that, although we have such common

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minerals which are required in the context of the development of our economy especially in the context of our Second Five Year Plan—which places all these subjects within the ambit of work of the Central Government—I want the hon. Minister to have more consideration for our State and with a view to helping in solving the very acute unemployment problem of my State, take immediate steps, at least for a systematic mapping and surveying of the entire State with a view to finding out the exact availability of the common minerals. I want him also to have some projects like the one for lignite in Varkala and Cannanore where lignite is available or for graphite which has been worked for several years and for gold for which there were many British companies functioning once upon a time or for pyrites which is required for the chemical industry for which they pay very high prices today.

Therefore I request the hon. Minister that immediate steps should be taken to have a very detailed survey of the minerals, at least for the time being with respect to minerals the occurrence of which has been very well established by the geological records and also to have drilling or whatever other processes you may have for finding out the actual quantities and exact qualities of the material available, exploration of the resources etc.

**Mr. Deputy-Speaker:** The hon. Member should finish now.

**Shri V. P. Nayar:** In one minute I shall finish.

We have mascarite and pyrrhotite pyrites in abundance in many places. Till last year we were recovering mica but not one ton is being lifted now. So, I request the hon. Minister to consider the question of the exploration and recovery of graphite and the exploration of all other regions where even according to the meagre surveys made there are clear indications of abundance of minerals. It will be not

only useful for the economy of my State but it will also be very useful for the developing economy of our entire country. I only want him to have some more sympathy for my State—I know he has already got abundance of sympathy for my State which he has expressed in his talks with me—and requests him to give a hope to the people when he goes there—and I hear he is going there in the very near future—that he will spare no pains to develop the mineral resources of the State in the shortest space of time.

**Mr. Deputy-Speaker:** The hon. Minister.

**Shri A. M. Thomas (Ernakulam):** I request that we may be allowed to put questions before the hon. Minister replies because then he will be in a position to reply.

**Mr. Deputy-Speaker:** I may read the rule.

**Shri A. M. Thomas:** Even then, the practice has been to allow the Members to put questions.

**Mr. Deputy-Speaker:** I shall read the rule—

"The member who has given notice may make a short statement and the Minister shall reply shortly. Any member who has previously intimated to the Speaker may be permitted to take part in the discussion."

Perhaps, the hon. Member has not intimated.

**Shri A. M. Thomas:** I have.

**Shri Matthen (Thiruvellah):** I have already given my name, Sir.

**Mr. Deputy-Speaker:** Yes; it is there.

**Shri A. M. Thomas:** I have also given my name, Sir.

**Mr. Deputy-Speaker:** Both the hon. Members shall have an opportunity to put questions. Is there any other Member who have previously intimated?

I have no objection even to following the old practice if the hon. Members would like that. Even the other one would secure this if the hon. Minister replies and then the hon. Members put questions.

**Shri A. M. Thomas:** The other practice would be better because the hon. Minister in his reply can refer to all that.

**Mr. Deputy-Speaker:** Then, Shri Thomas may put a question or two.

**Shri A. M. Thomas:** Mr. Deputy-Speaker, Sir, it is regrettable that Kerala does not find a proper place in the geological map of India. I should think that the Geological Survey of India should be renamed as the Geological Survey of India minus Kerala, because, according to me, the allegations that have been made by my hon. friend, Shri V. P. Nayar, are true to a considerable extent. On going through the chapter on Mineral Resources in the Second Five Year Plan, I find there are several schemes but there is no scheme relating to the State of Kerala. It is very well-known that a lot of mineral resources, mineral sands, are there in the State of Kerala; and although there has been an attempt to exploit the mineral sand resources, it has not been done in a scientific manner.

Then, it is well-known.....

**Shri Velayudhan (Quilon-cum-Mavelikkara—Reserved—Sch. Castes):** Is it a question, Sir?

**Shri A. M. Thomas:** I am just formulating the question. In one paragraph I find this:

"In collaboration with the Geological Survey of India, the Central Glass and Ceramic Research Institute has done detailed investigations on clays and ceramic raw materials. Investigations have also been conducted on the utilisation of waste mica with encouraging results."

There is a branch office of the Geological Survey of India in Hyderabad.

I do not think its activities are being extended further south. I want to know from the hon. Minister why, when a *prima facie* case has been established that there are mineral resources in Kerala, no serious attempt has been made by the Geological Survey of India to make any scientific survey.

**Shri Matthen:** I have only two minor questions. One is this. It has been admitted even by our hon. Minister that we have the richest china clay in the whole of India. The clay is as good as the Cornwall clay. The cost per ton of processing this clay is about Rs. 120. We have got a small factory at Kundara and there it costs so much. The imported clay from U.K. does not cost much more. Recently, I had occasion to see a Japanese expert who was working in Mysore for the Mysore Porcelain factory. He told me that he had gone to Travancore and found that it was possible to process that clay at about Rs. 50 per ton. See the difference between Rs. 50 and Rs. 120. He says, he can do it. The result is that the industry which was started several years ago is still in a very unsatisfactory position. Will the hon. Minister find out why the cost is so high and see whether it can be rationalised by modern mechanical processes and the price or cost of processing brought down? I would like to know what steps he is going to take. It has got a large employment potential.

My next question is about titanium. Titanium is a metal which is known as miracle metal. It is taken from sand which is washed in very large quantities in my State, known as ilmenite. But this metal is supposed to be the lightest, lighter than aluminium and stronger than steel. It is going to revolutionize metallurgy completely. Both in U.K. and U.S.A. commercial factories are coming up. Why has not the hon. Minister taken pains to have at least a small factory, a pilot plant in my State?

**Mr. Deputy-Speaker:** Both the questions have come now.

**Shri Matthen:** The hon. Minister may say that it comes under atomic energy. He will say that it is not for him.....

**Shri V. P. Nayar:** He will never say that.

**Mr. Deputy-Speaker:** Unless we hear the hon. Minister how can we say that?

**Shri Matthen:** I can understand monozite going into atomic energy; but I cannot understand why ilmenite which is an economic proposition is explored.

**Mr. Deputy-Speaker:** I am sure the hon. Member would understand when he hears the hon. Minister.

**Shri Achuthan (Crangannur):** From the speech of Shri V. P. Nayar and other hon. Members information has come to Government that there are lots of mineral resources in our State. May I know from the hon. Minister whether from the information now available—the information that has been collected by the Central Government and available from the State Government—it is possible for Government to categorically say that something can be done in the matter of exploiting the mineral resources of Kerala?

**The Minister of Natural Resources (Shri K. D. Malaviya):** Mr. Deputy-Speaker, Sir, the criticism made against my Ministry by my hon. friend, Shri Nayar, was that the answers given to certain questions were not satisfactory and therefore he has raised this debate for half an hour.

I would first take that point and then the general question of the survey and exploitation of the mineral resources of Travancore-Cochin.

**Shri Velayudhan:** You have not studied; that is the difficulty.

**Shri K. D. Malaviya:** The question that was put by Shri Nayar was:

"Will the hon. Minister for Natural Resources and Scientific Research be pleased to lay on the Table...."

**Mr. Deputy-Speaker:** Is it necessary to read all that? It has been considered that the answer was unsatisfactory and we have now come to the discussion.

**Shri K. D. Malaviya:** The question was asked with reference to 1955-56 and my answer was given for 1955-56. In a general way surely I could not have dealt with all the aspects of the mineral resources and working of the exploration programme when a specific question was asked about 1955-56. That was all that I was making out.

In regard to the general question, I entirely share the anxiety of my hon. friend, Shri V. P. Nayar and other Members from Travancore-Cochin, that the mineral resources of Travancore-Cochin should be fully exploited.

There are undoubtedly a variety of minerals that are found in Travancore-Cochin. The facts of the matter are that the Geological Survey of India was not functioning for the geological survey and other exploratory programmes of the mineral resources for decades because at that time the convention was that whichever State was financially and technically equipped for carrying on the geological survey was left out of the geological survey programme. We have only recently taken the work of the geological survey, that is, since 1947-48. I may point out that the exploration and excavation programme is a long-term programme and it cannot be conceived within two or three or four years. Secondly, the consideration of this aspect of exploration and survey cannot be divorced from the following programmes, that is, exploitation, processing, improvement and industrialisation from mineral resources. Unless we have a scheme of exploitation of a particular mineral resource, the intensive programme of investigation cannot be completely seen and cannot be tackled by us. We have in a general way taken up the programme of survey of mineral resources of Travancore-Cochin very seriously. I wish to state here and assure hon. Members that for the last two years we have been at

this programme. I have not got time enough to state that a very expensive programme has already been handled. Only to refer to some of them, I will state that the programme that is now being tackled is this. Firstly it is wrong to state that there is no geologist working in Travancore-Cochin. It was only during the rainy season or monsoon that there was no geologist—the question was put in August, and that was the position then. According to our practice, in rainy season the geologists do not work there, but in winter and subsequent months they go and work, and then interpret the results they get or collect during the winter season.

The 1956-57 programme in the Second Five Year Plan is a very long programme, which includes the detailed investigation in respect of lignite, clay, graphite, pyrite and beryl, and also mica and some other important minerals. Besides that, detailed examination of the mineral springs of the State is very much in our programme. Ground water survey, selection of site, sinking of tube-wells etc. are also in our programme.

With regard to lignite, it is important for me to state that lignite is extensively found in Travancore-Cochin, and a few outcrops of lignite are found in Varkala. It was thought by the State Geological Department that something like 270 million tons was likely to be available.

**Shri V. P. Nayar:** That was in 1906.

**Shri K. D. Malaviya:** After that, the estimate was increased to about 276 million; it covered an area of about 500 square miles as my hon. friend mentioned. We have carried out some survey, and the survey is still continuing so far as the State is concerned. It is not the geologist or the survey which is important in lignite but drilling. Drilling for the detailed investigation of lignite is necessary. We have included in the 1955-56 programme and the next year's programme a very intensive drilling programme for lignite, which will give

us detailed information of the lignite resources. Unless we know fully well that a particular area can economically give us lignite, it is not right to advise our sister Ministries to take up the exploitation of this industry. We are not yet in a position—for the last two or three or four years—to advise the other Ministries that a particular area is intensively and economically ready for exploitation of lignite. But there is no doubt that lignite is extensively found and the programme for drilling is now on, and we hope that in the next year or so—perhaps less or a little more—we will be able to give lot of information about the details of lignite finds in Travancore-Cochin.

With regard to beryl, it occurs sporadically in some of the pegmatites in the State. This, the hon. Member<sup>4</sup> might be knowing, is a mineral which is used in our atomic reactor and we are now collecting information the Atomic Energy Commission is also in possession of certain information so that we might be able to exploit some of the beryl in Travancore-Cochin.

So far as mica is concerned, it is found there. But plenty of mica is produced in the country, and it is for the private industry to concentrate its energy on mica if it thinks that it can economically and purposefully produce mica and carry on there. Because there is not sufficient trade in mica, the attention of the private industry is not very much on this.

With regard to graphite, there was a British firm some time back and it was working the graphite at Travancore-Cochin. It was not known why it gave it up, but at that time there was not much demand. Later it expanded, but there are some small private companies which were working in Travancore during the war, but the occurrences were of small dimensions. The Geological Survey of India has now taken up this survey of graphite mining in the State, and as soon as we get sufficient information about graphite, we shall advise the private industry and the States also

[Shri K. D. Malaviya]

whether they are to take it up or not. Still we do not know or we do not possess all the information which could be considered enough to advise on the economic exploitation of graphite, although we know that it is extensively found in certain zones of the Travancore-Cochin area.

There are extensive deposits of China clay, and we know that the China clay in certain areas, for instance, at Kundra, is of very good quality; this is utilised in the ceramic industry. (*Interruption*). We are now going to take up the China clay. It is very much on the priority list of our programme in the Second Five Year Plan, and we hope that we shall get clear information about the clay, not only from Kundra but also from other regions of Travancore.

Taking as a whole, so far as the question of graphite and lignite is concerned, we are already seized of it and the survey part is already taken up by the Geological Survey of India. The drilling programme is now on, and we hope that we shall complete a good part of our programme of detailed investigation of lignite in the next year or so.

An Hon. Member: Does it take so long?

Shri K. D. Malaviya: The question put by my hon. friend, Shri Mathen, about clay I have already answered. That clay is undoubtedly of superior quality and it is being surveyed. But with regard to the cost, I am not aware of the costing of this because it is not our concern. We just explore and give the detailed information about the minerals and then leave it to others to find out the economics of it.

With regard to titanium, surely we are quite rich. It is not quite correct to say that the processing of titanium has been taken up in an extensive way by the Americans or the Canadians or the British people. Here and there people have started paying attention to the industry. Still the question of

processing and purification of titanium is a difficult one. Recently, I was in Canada and I got an opportunity to see the titanium oxide being reduced to titanium and the purification process. It is still in the research stage. I learnt from the sources of the Atomic Energy Department that they were examining the question of carrying on some research work not only for the reduction but also for the purification of the titanium metal. There are some American firms which are considering some proposals from us to look after this work. It is hoped in the near future that the titanium oxide programme of our country will also be taken up by the Atomic Energy Department.

I have nothing more to say except to assure my hon. friends that the survey and exploration programme of the mineral resources of the Kerala State is very much before us. We have already started taking up the programme. We hope that in the next two years to come—it cannot be less than two years because there is a lot of work to be done and there is a scarcity of equipment and technicians and the work is also quite extensive in the whole country—we shall be paying much attention to the programme in the Kerala State. In the next year or so, we shall be able to tell the House that we have gone ahead with the survey.

Shri V. P. Nayar: I want to put only one question.

Mr. Deputy-Speaker: No, no.

Shri Achuthan rose—

Mr. Deputy-Speaker: Order, order. Half an hour has only thirty minutes. The discussion is over now.

17.33 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 5th December, 1956.

1919

1920

## DAILY DIGEST

[Tuesday, 4th December, 1956]

## COLUMNS.

## COLUMNS.

<b>PAPER LAID ON THE TABLE</b>	1789	Sales Tax Bill be taken into consideration. The discussion was not concluded.
copy of the High Court Judges (Part A States) Travelling Allowance Rules, 1956, published in the Ministry of Home Affairs Notification No. S.R.O. 2401, dated the 27th October, 1956, was laid on the Table under sub-section (3) of section 24 of the High Court Judges (Conditions of Service) Act, 1954		
<b>REPORT OF COMMITTEE ON ABSENCE OF MEMBERS FROM THE Sittings OF THE HOUSE ADOPTED</b>	1789—1805	<b>REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED</b>
Eighteenth Report was adopted		Forty-fourth Report was presented.
<b>ELECTION TO COMMITTEE</b>	1805	<b>HALF-AN-HOUR-DISCUSSION</b>
The Deputy Minister of Education (Dr. M. M. Das) moved for the election of two Members from among the Members of Lok Sabha to be members of the Board of Governors of the Indian Institute of Technology, Kharagpur. The motion was adopted.		Shri V. P. Nayak raised half-an-hour discussion on points arising out of answers given on the 13th August, 1956, to Unstarred Questions Nos 611, 613, 614 and 615 regarding Development of Mineral Resources of Kerala. The Minister of Natural Resources (Shri K. D. Malsavia) replied to the debate.
<b>BILL UNDER CONSIDERATION</b>	1805—1903	<b>AGENDA FOR WEDNESDAY 5TH DECEMBER, 1956—</b>
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Fourteenth Session, 1956

Vol. IX (Nos. 1 to 15)

(14th November to 4th December, 1956)

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