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9th August, 1955



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HOUSE OF THE PEOPLE

OFFICIAL REPORT

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LOK SABHA

Tuesday, 9th August, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

UNESCO

*561. **Shri D. C. Sharma:** Will the Minister of Education be pleased to state nationalities of the UNESCO officers and experts at present residing in India?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): Australian, Dutch, British, German, Irish, Japanese, French, American and Indian.

Shri D. C. Sharma: May I know if these foreign experts enjoy diplomatic immunity in this country?

Dr. M. M. Das: All the members do not belong to the category of experts. There are some employees of the UNESCO also. I do not know whether they enjoy any diplomatic privilege.

Shri D. C. Sharma: What particular privileges are conferred by the Indian Government on these foreign experts, and may I know whether the Government of India is spending any money on them in one form or another?

Dr. M. M. Das: As I have said, there are two groups: one, the direct employees of the UNESCO; another, the experts that have come to this country under the Technical Assistance Programme. These Technical Assistance Programme experts have come to this country with the concurrence of the Government of India. The Government of India have generally to bear the expenditure for the official travel of the experts within India, their lodging, boarding and other incidental expenses or part thereof as agreed to, secretarial assistance and medical assistance.

Shri D. C. Sharma: May I know how many Indian officers and experts are working outside India in connection with UNESCO work?

Dr. M. M. Das: Outside India we do not know.

Dr. Suresh Chandra: May I know whether the number of Indians employed in UNESCO has increased because of the complaints and efforts made by the Government of India for a long time?

Dr. M. M. Das: In India at present there are twenty-two UNESCO men out of whom twelve are Indians.

Dr. Suresh Chandra: Not in India.

Mr. Speaker: We will go to the next question.

Security Paper Mill

*562. **Shri Anirudha Sinha:** Will the Minister of Finance be pleased to refer to the reply given to starred question No. 1585 on the 28th March, 1955, and state:

(a) whether the Security Paper Mill has since been established,

(b) when the mill will go into production and the total amount spent on it so far; and

(c) whether any assistance of foreigners was availed of in the setting up of this Mill?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) No, Sir.

(b) and (c). A suitable site for the setting up of the Security Paper Mill is being selected with the assistance of Messrs. Portals, a British firm from whom our currency note paper supplies are obtained. No amount has so far been spent towards the project.

Shri Anirudha Sinha: May I know the place where the site has been selected for the setting up of the mill?

Shri A. C. Guha: No site has been selected. Only, the experts have visited some sites. But they are coming again and they will visit some more sites.

Shri Jaipal Singh: What sites have they visited? The hon. Minister said that they have visited some sites. May I know what sites they have visited?

Shri A. C. Guha: I think they have visited Ambarnath, Khopoli, Kamshet, Hadapsar, Durgapur, Tribeni, Vaitarna, Kodarma in Bihar and Hoshangabad.

Shri T. B. Vittal Rao: May I know if any suggestions as regards suitable sites are called for from the State Governments or whether these consultants go about of their own accord as suggested by the Central Government?

Shri A. C. Guha: They must proceed on certain information. I think the India Government has got certain information about sites where this factory can be set up, and so they have been proceeding to see those sites.

Shri T. B. Vittal Rao: Am I to understand...

Mr. Speaker: We will go to the next question; everything is left in the air.

General Election

*564. **Shri Dabhi:** Will the Minister of Law be pleased to state:

(a) whether any decision has been taken on the recommendations made by the Chief Election Commissioner in his Report on the first General Elections held in 1951-52; and

(b) if so, which of the recommendations have been accepted by Government?

The Minister of Law and Minority Affairs (Shri Biswas): (a) and (b). Government has decided to accept in their entirety the recommendations Nos. 1, 2, 3, 4, 6, 9, 10, 11, 12, 14 and 15 of the Election Commission contained in Chapter XXVI of Volume I of the Report on the first General Elections in India and recommendations Nos. 8, 13 and 17 partially. Provision to give effect to these recommendations in so far as they have been accepted has been made in the two Bills to amend the Representation of the People Acts 1950 and 1951 which have been introduced in the Lok Sabha in the current session.

Shri Dabhi: May I know whether the next General Elections are likely to be postponed beyond their due date?

Shri Biswas: No due dates have yet been fixed. The Constitution is there, and Members are expected to draw their own inferences as to the probable date.

Shri Dabhi: May I know whether it is a fact that Government are awaiting the report of the States Reorganisation Commission for deciding the programme of the next General Elections?

Shri Biswas: Government are certainly most anxiously awaiting their report. But whether it is only for fixing the dates of the General Elections is more than I can say at present.

विश्व बैंक फोटोग्राफर

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

(क) क्या यह सच है कि विश्व बैंक की वित्तीय सहायता से चलने वाली विविध परियोजनाओं के फोटो लेने के लिये ग्रामीणी फोटोग्राफर अभी हाल भारत आये थे; और

(ख) उन्होंने किन किन परियोजनाओं के फोटो लिये ?

वित्त मंत्री के सभासचिव (श्री बी० आर० भगत): (क) विश्व बैंक ने अपने सामान्य प्रकाशन-कार्य के लिए सभी देशों में बैंक द्वारा वित्त-योषित योजनाओं के फोटो चित्र लेने के निमित्त न्यूयार्क की एक कम्पनी से प्रबन्ध कर रखा है। इस कम्पनी का एक फोटोग्राफर, जो स्विटजरलैण्ड का नागरिक था, एक इसी काम के लिए इस वर्ष फरवरी-मार्च में भारत आया था। विश्व बैंक द्वारा वित्त-योषित योजनाओं के लिए नये फोटोचित्र प्राप्त करने के लिए बैंक ने भारत में इस व्यक्ति की उपस्थिति से लाभ उठाया।

(ख) १. ट्राम्बे में टाटा का धर्मय पावर प्लांट;

२. इण्डियन आयरन एण्ड स्टील कम्पनी के कारखाने;

३. दामोदर घाटी कार्पोरेशन की योजनाएं; और

४. केन्द्रीय ट्रेक्टर मण्डल

श्री नवल प्रभाकर: क्या मैं जान सकता हूँ कि जो फोटो (चित्र) लिए गए हैं, उनकी प्रतियां भारत सरकार को भी भेजी गई हैं ?

श्री बी० आर० भगत: यह फोटो बैंक ने अपनी पुस्तिकाओं और पत्र-पत्रिकाओं में प्रकाशन के काम में लाने के लिए लिये थे और उनकी प्रतियां हमारे यहां आती हैं। ऐसा कोई नियम

नहीं है कि वह जो फोटो लिये जायें, उनकी प्रतियां सरकार को भेज, मगर वह हमें पुस्तिकाओं और पत्र-पत्रिकाओं में मिल जाती हैं।

श्री बी० एन० मिश्र : जैसा कि अभी सवाल किया गया था कि क्या इन फोटुओं की प्रतियां भारत सरकार को दी गई हैं या नहीं दी गई हैं, उसका खतासा नहीं हुआ कि प्रतियां आई कि नहीं, और यदि आई, तो किन किन चीजों की आई ?

Mr. Speaker: I think he has said that copies are received. It is not obligatory on them to send copies to the Government of India, but they have received copies—that is what he said.

श्री बी० एन० मिश्र : मेरे सवाल का मतलब यह था . . .

Mr. Speaker: No discussion. Has he any other question to ask ?

श्री बी० एन० मिश्र : मैं यह पूछना चाहता हूँ कि कापियां आई कि नहीं और अगर आई तो किन किन की कापियां आई ।

श्री बी० आर० भगत : इस की फर्हारमत तो अभी मैं नहीं दे सकता ।

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि जसे अभी बताया गया है कि वह प्रकाशन के लिए उन्होंने दी हैं और अपना जवाब देते हुए बताया कि वह जो चित्र हैं वह प्रकाशन की प्रतियों से हमें प्राप्त होंगे, तो क्या मैं जान सकता हूँ कि भारत सरकार इस तरह की मांग करेगी कि वह प्रतियां उनको ओरिजिनल मिल सकें ?

श्री बी० आर० भगत : ऐसी तो कोई अभी जरूरत नहीं समझते ।

Shri H. N. Mukerjee: May I know if Government has ascertained whether it is customary for the World Bank to take photographs of projects in other countries of the world which it might help to finance ?

Shri B. R. Bhagat: In my reply I said that they take photographs of all the projects in all the countries in the world to which they give financial assistance.

Students Overseas

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

(a) the number of Indian students studying abroad with aid from Government at present;

(b) the subjects of their study; and

(c) the number of students who are likely to be sent to foreign countries during the year 1955-56 ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) 25.

(b) Arts; Electrical Engineering; Geophysics; General Surgery-Orthopaedics; Law; Literature; Medicine; Nuclear Physics; Physics; Politics; Public Administration; Science; Social Anthropology; Theoretical Physics.

(c) 9.

Shri Ibrahim: May I know whether special scholarships have been awarded to the students of the former French possessions, and if so, their number, and the amount ?

Dr. M. M. Das: Under the provisions of the Indo-French Agreement, the Government of India accepted the liability of payment of scholarships to the French Indian students studying in France, with effect from the date of transfer of the Pondicherry State to the Indian Union, i.e., 1st November, 1954.

The number of such scholarships is 17. The scholars are all studying in France, and information regarding the monthly amount of scholarships is not at present with me.

Shri Ibrahim: May I know the number of Bihari students out of these students sent abroad ?

Dr. M. M. Das: I have got no figures here giving the number of students coming from individual States.

डा० सुरेश चण्ड : जो विद्यार्थी बाहर पढ़ने के लिये जाते हैं और वह इंग्लैंड या फ्रांस में रहते हैं तो उनके रहने और उन की शिक्षा के सम्बन्ध में उन को जो कठिनाइयां होती हैं, उनके बारे में बहुत सी जिकायतें हमारे पास भी आती हैं और गवर्नमेंट के पास भी आती हैं । तो मैं जानना चाहता हूँ कि जो जिकायतें हैं उन के लिये क्या गवर्नमेंट कुछ कोशिश करती या ऐसे ही गाड़ी चलती रहती है ।

Dr. M. M. Das: Our High Commissioner's office is in U. K. and our Education Ministry has also got some officers there under the High Commissioner's office. They are looking after these students there.

Shri T. S. A. Chettiar: May I know whether any orientation course is held for these students so that they may know certain fundamental facts about India before they are sent to foreign countries for studies?

Dr. M. M. Das: I am not aware of any such course.

सांस्कृतिक छात्रवृत्तियां

*५६७. डा० सत्यबाबी : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या युवक कार्यकर्ताओं को सांस्कृतिक छात्रवृत्तियां देने की योजना के अन्तर्गत १९५५-५६ वर्ष के लिये छात्रवृत्तियां दी जा चुकी हैं; और

(ख) यदि हां, तो कितने व्यक्तियों को छात्रवृत्तियां प्राप्त हुई हैं ?

शिक्षा मंत्री के सहायक (डा० एम० एम० दास) : (क) अभी नहीं ।

(ख) प्रश्न नहीं उठता ।

डा० सत्यबाबी : क्या रिकालशिप्स के लिये कोई दर्खास्ते मांगी गई है ?

Dr. M. M. Das: Yes, applications have been invited, and selection is going on.

Geologists and Mineralogists

*569. **Shri Bishwa Nath Roy:** Will the Minister of Natural Resources and Scientific Research be pleased to state whether Government have under consideration any scheme to meet the shortage of Geologists and Mineralogists in the country?

The Minister of Natural Resources (Shri K. D. Malaviya): Adequate provision is being made in the Second Five Year Plan to meet the anticipated shortage of Geologists and Mineralogists.

Shri Bishwa Nath Roy: May I know the steps taken till now in that direction?

Shri K. D. Malaviya: The Indian School of Mines at Dhanbad is being expanded, and the entire question of the demand, in the next five years, of mineralogists and technologists is being examined from the point of view of giving particular facilities to the universities also to cope with the requirements.

श्री भक्त दर्शन : क्या यह सत्य है कि कुछ समय पहले माननीय मंत्री ने एक योजना तैयार की थी कि जिन इलाकों में खानें पाई जाती हैं या धातुयें पाई जाने की सम्भावना है, वहां के लोगों को भूगर्भशास्त्र की प्रारम्भिक जानकारी वह अवश्य दे देंगे ? मैं जानना चाहता हूं कि इसमें कहां तक प्रगति हुई है ।

श्री के० डी० मालवीय : जी हां, वह हमारी योजना थी, जिस पर मेरा खयाल है कि विचार हो रहा है । लेकिन प्रश्न तो इस सम्बन्ध में था कि सरकार मिनेरालोजिस्ट्स और टेक्नालोजिस्ट्स की पूर्ण शिक्षा में क्या सुविधायें दे रही है ।

Shrimati Renu Chakravartty: May I know whether Government has created any pool of all the available passed geologists and mineralogists in our country?

Shri K. D. Malaviya: Yes. We have examined this question. We have got a comprehensive list of all the mineralogists and the geologists that we require, and we also know of those whom we do not require. There is particularly no shortage of geologists and mineralogists at the present time. But in view of the fact that we are expanding the programme enormously in the next Five Year Plan, we might need more people than what we have at present, and therefore, we are making an attempt in that direction.

Shri Bishwa Nath Roy: May I know whether any proposal is under consideration for starting special training in the different universities of the country?

Shri K. D. Malaviya: I could not follow the question.

Mr. Speaker: Is there any provision made for starting education on these lines in the different universities in the country?

Shri K. D. Malaviya: There are certain universities like the Andhra, Banaras, Calcutta, Madras, Mysore and Patna universities, where facilities for geological and other studies for mining engineers are available. We are further examining how best to expand the facilities that are already existing to day.

Mineral Oil

*570. **Shri Raghunath Singh:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the progress made so far in the work of exploration of mineral oil in West Bengal; and

(b) whether it is a fact that the Arambag Sub-division contains the largest quantity of mineral oil in the West Bengal Area?

The Minister of Natural Resources, (Shri K. D. Malaviya): (a) Messrs. Standard Vacuum Oil Company completed their seismic refraction survey over the concessional area on the 30th April, 1955, and are now carrying out experimental shootings for reflection survey in some areas. The future programme for reflection surveys in other areas will be chalked out on the basis of the results of the experimental shootings now in progress.

(b) It is too early to say anything about the existence of a large quantity of mineral oil in Arambag Sub-division.

श्री रघुनाथ सिंह : आप इस का काम हिन्दुस्तानियों को देंगे या किमी कोरेन कम्पनी को देंगे ?

श्री के० डी० मालवीय : इस का पूरा पूरा लाभ हम को होगा, किमी कोरेन कम्पनी को नहीं होगा ।

Shri N. B. Chowdhury: May I know the terms on which this exploration work is being conducted by the firm?

Shri K. D. Malaviya: The prospecting in the West Bengal basin is going on under the agreement under which the Government of India and the Standard Vacuum Oil Company have formed a joint company; we are partners in that venture up to the extent of 25 per cent. And as mineral oil will be discovered, we shall continue to be partners in the same proportion. Of course, we shall reserve the right of purchasing all the oil that is produced in the country.

Shri Sadhan Gupta: At what price?

Shri S. C. Samanta: The hon. Minister said that shooting survey is being carried on in West Bengal. May I know whether it is being carried on in each district or whether a special place has been selected for the purpose?

Shri K. D. Malaviya: It is being carried out according to a specific programme laid down by the Standard Vacuum Oil Company experts.

Rubber Factory

*573. **Shri V. P. Nayar:** Will the Minister of Defence be pleased to state:

(a) whether Government have any plans to start a State-owned rubber factory for the manufacture of essential rubber goods required for the Defence services; and

(b) the estimated value of rubber goods consumed in a year by the Defence Services?

The Minister of Defence Organisation (Shri Tyagi): (a). No, Sir.

(b) Approximately Rs. 60 lakhs.

Shri V. P. Nayar: May I know whether it is not a fact that the Rs. 60 lakhs worth of goods supplied for defence services are made in India mostly by foreign companies or are imported?

Shri Tyagi: A few of them are imported; the bulk of them is made in India?

Mr. Speaker: His question is whether they are made in India by foreign proprietors or foreign companies.

Shri Tyagi: Yes. The stores are all obtained from the Dunlop Rubber Company, and the Firestone Tyre and Rubber Company both of whom have got factories of their own in India, and from Good Year Tyres and Rubber Company, and India Tyres, who get their products manufactured at one of the factories in India.

Shri V. P. Nayar: Do Government consider it desirable to give orders for military stores, especially for rubber goods, to companies in which foreigners are interested, and which are controlled by foreigners in India?

Shri Tyagi: No, it is not on the basis of foreigners. Our stores are intended, tenders are called for, those tenders are then examined, and then contracts are given to firms who can supply the demands.

Shri V. P. Nayar: In view of the comparatively high costs of rubber goods manufactured in India by foreigners, and also in view of the fact that all such goods are manufactured from indigenous rubber, have Government considered the desirability of having all the defence services' requirements of rubber goods made by some Government-owned factory?

Shri Tyagi: There is no proposal for opening any State-owned factory for the rubber goods, because this is an industry which vests in the private sector. But it is for my colleague the hon. Minister of Commerce and Industry to decide as to who is going to start any company or no

भौगोलिक नाम

*५७४. श्री भक्त वर्मान : क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि उत्तर प्रदेश सरकार ने हिन्दी के शुद्ध उच्चारणों के आधार पर भौगोलिक नामों के अंग्रेजी पर्यायों में शुद्धियाँ की हैं, जैसे "गैजंग" (Ganga) के लिये गंगा (Ganga), "कौनपुर" (Cawnpur) के लिये कानपुर (Kanpur) आदि :

(ख) क्या ये परिवर्तन केन्द्र की स्वीकृति में किये गये हैं और

(ग) पूरे देश भर के भौगोलिक नामों को शुद्ध करने के बारे में कौन से कदम उठाये जा रहे हैं ?

प्राकृतिक संसाधन मंत्री (श्री के० डी० मासवीय) : (क) और (ख) जी हाँ ।

(ग) आवश्यकतानुसार भौगोलिक नामों में अगस्त १९५३ में इस हेतु बनाई गई समान रीति के अनुसार शुद्धियाँ की जाती हैं ।

श्री भक्त वर्मान : क्या गवर्नमेंट के ध्यान में यह बात भी आई है कि स्वयं हमारी राजधानी दिल्ली को अंग्रेजी में Delhi लिखा जाता है, मुम्बई को Bombay और कलकत्ता को Calcutta लिखा जाता है और क्या इन के संशोधन करने का भी प्रयत्न किया जा रहा है ?

श्री के० डी० मासवीय : मैंने अभी कहा है कि एक आधार केन्द्रीय सरकार ने बना लिया है जिस के अनुसार १३ अगस्त १९५३ और ११ नवम्बर १९५३ में तमाम सरकारों को आदेश दे दिये गये हैं । उसी आधार पर जो समान नियम बनाये गए हैं उन समान नियमों के अनुसार तमाम इस तरह के परिवर्तन भौगोलिक नामों के हिज्जों में किये जा सकते हैं ।

श्री भक्त वर्मान : क्या मैं जान सकता हूँ . . .

Mr. Speaker: Let us go to the next Question.

Council of Scientific and Industrial Research

*575. Shri S. C. Samanta: Will the Minister of Natural Resources and Scientific Research be pleased to state the steps taken so far on the Report of the Second Reviewing Committee of the Council of Scientific and Industrial Research submitted on the 3rd April, 1954 ?

The Minister of Natural Resources (Shri K. D. Malaviya): A statement giving the required information is laid on the Table of the House. [See Appendix IV, annexure No. 14].

Shri S. C. Samanta: The recommendations of the Second Reviewing Committee are divided into two parts: one dealing with the general subjects and the other dealing with scientific and technical subjects. May I know whether the general subjects have been considered, and any action taken thereon, by the Board ?

Shri K. D. Malaviya: All these questions are before the Special Committee which had been appointed to examine and find out how best to implement the recommendations of the Committee. As soon as the report of this Special Committee is received, Government will, of course, give their active consideration to all the recommendations and take decisions.

Shri S. C. Samanta: When was this Special Committee appointed and when is it expected to submit its report ?

Shri K. D. Malaviya: The report of the Committee was considered by the Governing Body on 15th September 1954 and only then this Special Committee consisting of Drs. Bhabha, Ghosh, Kothari and Diwan Chand Sharma, was constituted. It was decided also by the Council that all the members of the Governing Body also should be invited to send suggestions.

Shri S. C. Samanta: May I know whether the fact of overlapping of research work pointed out by the Board as well as this Committee has been taken into consideration ?

Shri K. D. Malaviya: A certain overlapping in research work should be expected. It is not considered very undesirable by the Scientists if research work goes on simultaneously at two places. There seems not much harm in that.

Shri C. R. Narasimhan: I wanted to know whether considerable time has not elapsed since the appointment of the Special Committee. Therefore, I want to ask when the Special Committee itself was appointed ?

Shri K. D. Malaviya: The Special Committee was appointed some time in September 1954, as I have said. A good time indeed has elapsed since then, but as the problems facing them are quite important, some delay might occur.

Entomological Survey

*576. **Shri Gopala Rao:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether Government have given any help to the Entomological party engaged in survey of certain Himalayan ranges;

(b) if so, the nature and quantum of help given; and

(c) whether the expedition has been assigned any specific task in their survey?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) to (c). A statement giving the desired information is laid on the Table of the House. [See Appendix IV, annexure No. 15].

Shri Gopala Rao: It is stated in the statement that the expedition has been organised jointly by the Zoological Survey of India and Prof. Mani and his research associates. But in my question, I had asked for information as to the nature and quantum of help given to the team, that is, Prof. Mani and his associates, who had undertaken this survey. In the statement it is stated that the expenditure incurred on the officer who was following the team will be met by the Zoological Survey. What about the other expenditure incurred by this team led by Prof. Mani?

Shri K. D. Malaviya: I have no information on that point. Presumably Prof. Mani's deputation is being financed by the University.

Shri Gopala Rao: May I know whether any report is submitted by the team on the insect life in the Himalayas, the flora and fauna and other aspects, that is, regarding the oxygen content of air at higher altitudes in the Himalayan ranges?

Shri K. D. Malaviya: I am afraid I am unable to answer that question just now.

Shri V. P. Nayar: May I know whether in giving aid to the joint team the Government also gave directions as to the specific subjects in entomology which had to be studied in the higher altitudes in the Himalayas, and may I also know whether it is a fact, as reported in the papers, that this team tried to study something about the fantastic notion about the Himalayan snow man?

Shri K. D. Malaviya: I do not remember to have seen the reference quote by my hon. friend, but the Director, Zoological Survey of India, may have discussed the exploration programme with the people who had gone in the expedition.

Education of the Blind

*578. **Shri Hem Raj:** Will the Minister of Education be pleased to lay a statement on the Table of the House showing:

(a) the main suggestions made at the seminar on the education of the blind;

(b) the nature of the suggestions accepted by Government; and

(c) the estimated expenditure on their execution?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):

(a) A statement giving the main suggestions made by the Seminar on the Education of the Blind is laid on the Table of the House. [See Appendix IV, annexure No. 16].

(b) The suggestions made by the Seminar are under consideration by the Central and State Governments.

(c) It is not possible at this stage to indicate the amount needed to implement the various suggestions made by the Semi

Shri Hem Raj: From the statement, I find that an enumeration of the blind in India will take place. May I know by what time it will take place, and whether the enumeration will also include those who are beggars?

Dr. M. M. Das: If the hon. Member means a census of the handicapped, then I may submit to him that there is a proposal to be taken up in the Second Five Year Plan for taking a census of the handicapped.

Shri Hem Raj: From the statement also find that in every major State one major workshop will be established. By whom will the expenditure be met—by the Central Government or the State Government?

Dr. M. M. Das: As I have said, the resolutions and recommendations of this seminar are under the consideration of the Government.

Shri Sadhan Gupta: May I know if Government have come to any conclusion about the establishment of braille presses to publish literature in different languages?

Dr. M. M. Das: I think there is already a braille press working in Dehra Dun.

Shri Sadhan Gupta: Only in Hindi.

Dr. Rama Rao: The main recommendation of this seminar is to start in the Part A and Part B States at least one institution in each. May I know if the Government are going to start on their own at least one institution in each area administered by the Centre?

Dr. M. M. Das: We have got a large number of proposals involving an expenditure of about Rs. 2 crores. These are tentative proposals for the next Five Year Plan so far as the blind and other handicapped children are concerned.

Basic Schools

*581. **Ch. Raghuraj Singh:** Will the Minister of Education be pleased to state the amount of assistance given so far by the Central Government to the State of Uttar Pradesh for converting Primary Schools into Basic Schools?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): Nil.

Comptroller and Auditor General

*582. **Shri S. V. Ramaswamy:** Will the Minister of Finance be pleased to state:

(a) whether any steps are being taken to introduce legislation under Articles 148(5) and 149 of the Constitution; and

(b) if so, its nature?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) and (b). The matter is under consideration but it is not possible to say at this stage, when a bill will be introduced in Parliament.

Shri S. V. Ramaswamy: Is it not a fact that in the debate in the Constituent Assembly relating to these articles, it was conceded that the position of the Auditor General should equate with that of the Chief Justice of the Supreme Court, and if so, whether the proposed legislation is going to be on those lines?

Shri M. C. Shah: I cannot say on what lines it will be, but it will be in consultation with the Comptroller and Auditor General, and as provided in the Constitution.

Shri S. V. Ramaswamy: Article 149 provides for this that until provision in that behalf is so made, the Auditor-General shall perform such duties and exercise such powers as were conferred on or exercisable by the Auditor-General immediately before the commencement of this Constitution. Is it not a fact that according to the existing rules there is a conflict of jurisdiction between the Auditor-General and the Governors of States and, if so, what efforts are being made to resolve it?

Shri M. C. Shah: There is no such thing. As has been provided in the Constitution the powers to be exercised are the same and the duties to be performed are the same as before passing the Constitution.

All-India Council for Technical Education

*584. **Shri C. R. Narasimhan:** Will the Minister of Education be pleased to lay a statement on the Table of the house showing:

(a) a list of higher Educational Courses sponsored by the All-India Council for Technical Education;

(b) whether these courses are duly recognised by Universities, the U.P.S.C. and Statutory Bodies such as the Institute of Chartered Accountants; and

(c) whether Government are aware of the grievances voiced by the holders of the National Diploma in Commerce against the Regulations made by the Institute of Chartered Accountants in this regard?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) to (c). The required statement is laid on the Table of the House. [See Appendix IV, annexure No. 17].

Shri C. R. Narasimhan: When do Government expect to have the matter brought to a successful conclusion with the Institute of Chartered Accountants?

Dr. M. M. Das: Discussion is taking place between the Education Ministry and the Chartered Accountants Institute.

Shri T. S. A. Chettiar: What is the answer to (c)?

Dr. M. M. Das: There is a statement laid on the Table of the House.

Shri Shivannajappa: May I know whether the Diploma in Commerce of the Mysore University is recognised by the Institute of Chartered Accountants?

Dr. M. M. Das: For the recognition of the diploma of a particular University I must ask for notice.

Hindi

*585. **Dr. Rama Rao:** Will the Minister of Education be pleased to State:

(a) the amount provided for advancement of Hindi outside India this Year;

(b) the names of the countries where professors have been sent for teaching Hindi during the same period; and

(c) the total expenditure incurred on them so far?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):

(a) No separate allocation has been made for this purpose. A sum of Rs. 1,25,000/- has however, been provided for promotion of education and learning of Hindi abroad during the year 1955-56:

(b) No professors have been sent during this period;

(c) Does not arise.

Dr. Rama Rao: May I know whether any amount is being spent for any other Indian language for a similar purpose?

Dr. M. M. Das: So far as my information goes, 'No'.

Dr. Rama Rao: May I know why this special expenditure out of national funds for one language in the country ignoring other languages?

Dr. M. M. Das: The hon. Member knows that it is the national language.

Mr. Speaker: The hon. Member, perhaps, knows that Hindi has been accepted as the national language.

Dr. Rama Rao: May I know whether article 343 says that Hindi is the official language of the Union and not the national language and by saying that it is the national language you are bringing it into contempt?

Mr. Speaker: Order, order. He is arguing the matter.

सेठ गोविन्द दास : क्या मंत्री महोदय को यह बात मालूम है कि यू० एन० ओ० में चार भाषाओं का उपयोग होता है : अंग्रेजी, फ्रांसीसी, रूसी और स्पेनिश, और हम लिए क्या इस बात का कोई प्रयत्न किया जा रहा है कि हिन्दी को भी वहाँ पर रखा जा सके, क्योंकि यह चौंतीस करोड़ मनुष्यों की राष्ट्र-भाषा है और करीब अठ्ठाई करोड़ आदमी इसको बोलते हैं ?

प्रतिरक्षा संगठन मंत्री (श्री त्यागी) : वे कहेंगे कि पहले पार्लियामेंट में तो हिन्दी कर लो ।

Mr. Speaker: Order, order. Let the hon. Minister reply.

Dr. M. M. Das: I will be very happy to reply to that question if the hon. Member gives notice.

Shrimati Renu Chakravartty: May I know on what items the Rs. 1,25,000 that has been allotted to which the hon. Minister has referred will be expended? We are not sending any professors.

Dr. M. M. Das: Last year also Rs. 50,000 were sanctioned. The money was spent on three items, presentation of Hindi books to the institutions of those countries, the payment of salaries to the teachers and giving of prizes to good Hindi students. Those schemes have been continued in the present year also and our respective Missions in those countries will send fresh schemes which will be considered by Government.

सेठ गोविन्द दास : क्या माननीय मंत्री जी को मालूम है कि जहाँ तक नोबल प्राइज़ का सम्बन्ध है, वहाँ पर दुनिया की करीब करीब सब भाषाओं की पुस्तकें पेश की जा सकती हैं ? क्या सरकार इस बात का प्रयत्न करेगी कि हिन्दी भी वहाँ पर शामिल कर दी जाय और हिन्दी भाषा की भी पुस्तकें नोबल प्राइज़ के लिए रखी जा सकें ?

Dr. M. M. Das: So far as my experience goes, long before the country became independent one of the Indian writers got the Nobel Prize, writing in an Indian language. So, I do not think there is any bar.

Seth Govind Das: It was an English translation.

Shri Kamath: Seth Govind Das will be eligible.

Education Minister's Absence

*586. **Shri H. N. Mukerjee:** Will the Minister of Education be pleased to state:

(a) whether any arrangement was made for holding charge of his Ministry during his recent absence abroad; and

(b) if so, who was so in charge?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das):
(a) Yes, Sir.

(b) Dr. Syed Mahmud.

Shri H. N. Mukerjee: May I know what were the reasons for not permitting a Deputy Minister appointed during the recess to do what was obviously his job, namely, deputising for the Minister in the latter's absence?

The Deputy Minister of Education (Dr. K. L. Shrivastava): The Deputy Minister had just taken over and it was proper that a more experienced Minister of Cabinet rank should have been put in charge.

Mr. Speaker: It was a question of internal arrangement.

Retrenchment of Civilian School Masters

***587. Shri Keshavlengar:** Will the Minister of Defence be pleased to state:

(a) whether notices of discharge or termination of services have been served on a large number of Civilian School Masters;

(b) if so, how many have been served with such notices;

(c) what is the duration of service rendered by most of them; and

(d) whether any representation has been made requesting the withdrawal of such notices and if so with what results?

The Minister of Defence Organization (Shri Tyagi): (a) and (b), Notices of termination of service were served on 202 Civilian School Masters.

(c) Ranging from 1 to 6 years.

(d) Representations have been made requesting for the withdrawal of the notices. It has not been found possible to accede to the request. Efforts have, however, been made to absorb as many of the School Masters as possible in alternative appointments.

Shri Keshavlengar: Can we have an assurance that alternative jobs will be found for these discharged persons and when they are so found their services will be deemed to be continuous?

Shri Tyagi: In the month of June about 33 were declared surplus and all of them were absorbed. In July, 184 were surplus and 95 of them have been absorbed in service. If alternative jobs are found and within a short period I shall try to see that their past services are also counted.

श्री भक्त दर्शन: क्या इस मुद्दा पर भी विचार किया गया है कि इन सिविलियन टीचर्स में से, जिनकी आयु और स्वास्थ्य ठीक हो उनको मिलिटरी कैरियर दे दिये जाय?

श्री त्यागी: जी हाँ।

Shri K. C. Sodhia: What reasons led to the giving of notice to these school masters?

Shri Tyagi: When these civilian school masters were employed they were told that they were being employed against temporary posts and that these posts are generally reserved for combatants. As soon as the combatants were surplus and could take over these posts the civilians had to go.

Defence Training Centres

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

(a) how many Training Centres are maintained in India for the Army and the Air Force; and

(b) whether it is proposed to open any more Centres of this nature?

The Minister of Defence (Dr. Katju):

(a) Army Force 65. Air Force 12.

(b) Yes, but no decisions have yet been taken on any of the proposed additional centres.

Shri D. C. Sharma: May I know what is the scope of the training at these centres?

Dr. Katju: It is a very wide question and I would like to have notice.

Shri D. C. Sharma: May I know how many persons were benefited by this training at the Army Units and the Air Force Units?

Dr. Katju: I have not got the figures just now.

Shri D. C. Sharma: May I know if any technical personnel is imported from abroad for the purpose of this training or it is imparted only with our country's resources?

Dr. Katju: So far as technical personnel from abroad is concerned I do not think so.

श्री भक्त दर्शन: क्या इस तरह की भी कोई संस्था खोलने का विचार किया जा रहा है, ताकि हमारे इन युवकों को ट्रेनिंग के लिये बाहर विदेशों में न जाना पड़े और इनको वहीं पूरी शिक्षा मिल जाय?

डा० काटजू: जी हाँ बहुत ज़ोरों से।

Tobacco Excise Duty

***589. Shri Dabhi:** Will the Minister of Finance be pleased to state when Government propose to appoint the Expert Committee, recommended by the Taxation Enquiry Commission, to go fully into the question of the 'capability' criterion of tobacco for purposes of levying excise duty thereon?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): The question of appointing an expert Committee on the lines recommended by the Taxation Enquiry Commission, to review the working of the present excise tariff on tobacco, is under Government's active consideration.

Shri Dabhi: May I know how long will it take Government to appoint the Committee?

Shri A. C. Guha: I may say that we have accepted the proposal but we are now processing the thing. Some inter-departmental consultation is also necessary and it may not take a long time to come to a final decision as regards the personnel and the terms of reference of the Committee.

Shri Dabhi: May I know whether it is a fact that according to the Taxation Enquiry Commission, the complaint against this 'capability criterion' is that similar varieties of tobacco are taxed differently in different areas, that classification of varieties made as to their utility is faulty and that frequent revisions are being made in the classification involving uncertainty and risk to business people?

Shri A. C. Guha: Certain complaints have been received by the Government and also complaints were sent to the Taxation Enquiry Commission. But the difficulty is that we previously used to levy excise duty on intended use but that also was not found to be quite satisfactory and then, in 1951, we came to this capability standard. We are receiving certain complaints but I can say the Taxation Enquiry Commission has come to the conclusion that intended use would not be a satisfactory substitution. In any case they have approved of this capability standard and the complaints will be enquired into by the Committee when set up.

Shri Dabhi: May I know whether the proposed expert committee will include representatives of the trade?

Shri A. C. Guha: Yes, I think so.

Mr. Speaker: Shri Vittal Rao wanted to say something. He may put his question.

Shri Vittal Rao: I wanted to put the same supplementary that has just now been put by my hon. friend.

Shri N. B. Chowdhury: May I know whether Government is aware of complaints that some people who are growing tobacco for domestic consumption are being harassed by excise inspectors in different parts of the country?

Shri A. C. Guha: That does not come within the purview of this question. At the same time, if there are complaints from tobacco growers, there are also complaints that taking advantage of the home consumption quota, some of the tobacco growers try to evade excise duty.

Mr. Speaker: What was the reply to the last supplementary by Shri Dabhi?

Shri A. C. Guha: Shri Dabhi asked whether any representative of the trade will be taken on the committee. I think that is the recommendation of the Taxation Enquiry Commission and we shall take some representative of the trade on that committee.

Shri D. C. Sharma: Is it not a fact that when complaints are made against some people in the Department, they are referred to the very same persons for investigation?

Shri A. C. Guha: Not necessarily. If the complaint is against a particular officer, the practice is to send some other officer to enquire into the complaint.

Cantonment Boards

***590. Dr. Satyawadi:** Will the Minister of Defence be pleased to state:

(a) the names of the Cantonment Boards where facilities of weekly rest, Provident Fund, uniforms and free education are not provided so far to the Class IV employees; and

(b) what steps Government propose to take to provide the same?

The Minister of Defence Organization (Shri Tyagi): (a) A statement giving the required information is placed on the Table. [See Appendix IV, annexure No. 18].

(b) The Cantonment Boards have been advised to provide, as far as possible, all such facilities to Class IV employees and to improve their conditions of service.

डा० सत्यवादी : जिन जगहों पर चौकी थ्रेणी के मताजियों को वीकली रेस्ट बिन्दुन नहीं दिया जाता या कम दिया जाता है, क्या वहाँ इसके बजाय उन्हें एलाउंस के रूप में कुछ मुआवजा दिया जाता है ?

श्री त्यागी : इस सिलसिले के तमाम प्रस्तियारात खुद कटोनमेंट बोर्ड को है और उनके प्रस्तियारात में सेंटर से कोई दखल नहीं दिया जा सकता सिवा इसके कि उनको महिबरा

दिया जाय, और इस किस्म का मस्बिरा उनको दे दिया गया है कि जो जो कायदे हैं वे सब बरने जायें ?

Shri Kumath : With a view to providing such facilities in adequate measure, what steps have been taken by Government towards the democratisation of these Boards so far as their constitution and internal administration are concerned ? In the last Parliament a committee was appointed in this connection. What has happened to that committee's report and recommendations ?

Shri Tyagi : As far as the questions pertaining to the civil area in the cantonment boards are concerned, orders have been issued by the Defence Ministry that all those cases must be decided by the civilian committee, which is dominated by non-officials or elected members. The rest of the matters which generally pertain to the barrack area are surely decided by the board where the majority is that of the nominated members.

Ex-Servicemen

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

(a) the number of ex-servicemen released from former Indian States Forces in PEPSU who have been provided with land (in terms of bighas), both in irrigated and non-irrigated areas from the 1st April, 1949 to the 31st March, 1955 ;

(b) the amount advanced to PEPSU out of the sum earmarked for grants to the States for the purpose of rehabilitation of ex-servicemen ; and

(c) how this money has been spent by the PEPSU Government ?

The Minister of Defence (Dr. Katju) : (a) Three Land Colonies will be formed in Patiala, Kapurthala and Sangrur Districts for settling 300 ex-servicemen on Tenant Farming Co-operative basis. Each Colony will consist of 5605 bighas (1180 Standard acres), of which 47½ bighas (10 acres) of tubewell irrigated land will be allotted to each settler for cultivation and in each colony 855 bighas (180 acres) will be used for homesteads, village sites, roads, playgrounds, etc. The allotment of land is expected to commence in October 1955.

(b) A loan of Rs. 3 lakhs has been advanced to PEPSU Government for developing the above colonies.

(c) No expenditure has yet been incurred.

Shri D. C. Sharma : May I know is the Government aware how much money will be advanced by the PEPSU Government for the consolidation of these colonies ?

Dr. Katju : I do not know that.

Shri D. C. Sharma : May I know when this scheme will be implemented and whether all the ex-servicemen will be settled on these colonies or there will be some persons who will be left over ?

Dr. Katju : The Scheme will come into operation from October 1955. As to whether it will exhaust all the numbers of ex-servicemen, I require notice.

Shri D. C. Sharma : May I know if the Government has any scheme in hand for the good of those who will not be able to take advantage of this colonisation scheme which it has brought into being ?

Dr. Katju : I require notice of this matter also.

बीधरी मुहम्मद शकी : क्या इस में आई० एन० ए० वालों को भी लिया जायगा ?

डा० काटजू : अभी तक आई० एन० ए० वालों को लेने की कोई चर्चा नहीं है ।

Assessment Committee on Basic Education

*600. **Ch. Raghubir Singh :** Will the Minister of Education be pleased to state :

(a) whether the Assessment Committee of the Central Advisory Board on Basic Education has submitted any report ; and

(b) if so, the nature of the recommendations made by the Committee ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) No.

(b) Does not arise.

Ch. Raghubir Singh : May I know how long will the committee take to submit its report ?

The Deputy Minister of Education (Dr. K. L. Shrimali) : The committee is expected to submit the report by the end of December.

श्री भक्त बर्नन : मुझे श्री कृष्णमाचारी जी की ओर से दो प्रश्न पूछने हैं ।

श्रीमन्त महोदय : क्या आपके पास प्राथमिकी है ?

श्री भक्त दर्शन : जी हाँ ।

प्रध्यक्ष महोदय : कौन कौन से प्रश्न पूछने हैं ?

श्री भक्त दर्शन : ५६८

Evacuee Property Agreement

*568. **Shri Bhakt Darshan** (on behalf of **Shri Krishnacharya Joshi**): Will the Minister of Finance be pleased to state the steps taken by Government after the ratification of the evacuee Property Agreement with Pakistan on the 19th May, 1955 for the transfer of Evacuee Bank accounts ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): The drafts of implementation instructions to be issued with reference to this Agreement have been prepared and we are awaiting the views of the Pakistan Government on them as well as the draft of their implementation instructions. It is proposed that the necessary notices and instructions would be issued simultaneously by this Government as well as the Government of Pakistan in their respective countries as soon as they are finalised.

श्री भक्त दर्शन : मंत्री महोदय के उत्तर से स्पष्ट है कि इस इकरारनामे के होने के बाद से अब तक इस दिशा में बहुत कम प्रगति हुई है । क्या मंत्री महोदय बतला सकते हैं कि इस का क्या विशेष कारण है ?

श्री ए० सी० गुहा : अभी तक तो उस एपीमेंट का इम्प्लीमेंटेशन शुरू नहीं हुआ है । अभी तो उसमें कोई काम चालू नहीं हुआ है ।

श्री भक्त दर्शन : क्या इस इकरारनामे को जल्दी लागू करने के बारे में पाकिस्तान सरकार के साथ कोई निष्ठा पट्टी या परामर्श किया जा रहा है ?

श्री ए० सी० गुहा : कुछ महीने पहले रिहबिलिटेशन मिनिस्टर कराची गये थे। तब इस सम्बन्ध में कुछ चर्चा हुई थी। उसके बाद पहले एपीमेंट में कुछ परिवर्तन भी किये गये । All these are now under the consideration of both the Governments.

Shri Kamath: Is the Deputy Minister in a position to assure the House that as in some other cases, though the agreement is bilateral, its implementation will not be unilateral--by India alone?

Shri A. C. Guha: That is why we are waiting. We have not yet received their draft instructions and the approval of our draft, and so we have been waiting for it.

Headmasters' Seminar

*592 **Shri Bhakt Darshan** (on behalf of **Shri Krishnacharya Joshi**): Will the Minister of Education be pleased to state:

(a) the main recommendations made in the Headmaster's Seminar held at Hyderabad in December, 1954 for the improvement of the Secondary Education; and

(b) whether Government have accepted them ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). A statement is laid on the Table of the Lok Sabha [See Appendix IV, annexure No. 19]

श्री भक्त दर्शन : इन सिफारिशों का निर्णय करने में कितना समय लगने की संभावना है और क्या इस बारे में राज्य सरकारों से कुछ परामर्श किया जा रहा है ?

शिक्षा उपमंत्री (डा० के० एस० श्रीवास्ती) : जी हाँ, जो तजवीज थी एक्सटेंशन सर्विसेज ट्रेनिंग कालिजेज के लिए, वह इम्प्लीमेंट की जा रही है और मैं समझता हूँ कि इसी वर्ष में जो योजना है, वह कार्य रूप में परिणत कर दी जायगी ।

Shri S. C. Samanta: May I know whether any representative of the Ministry joined this seminar ?

Dr. K. L. Shrimallu: I do not have the complete list here, but I am quite certain that for some time the representatives of the Ministry were there. Mr. Pires the Vice-Principal of the Central Institute of Education was conducting the Seminar.

Shri Joachim Alva: Sir, I have been authorised by Shri Gidwani to put questions Nos. 563 and 591 standing in his name.

Mr. Speaker: Has he produced the necessary authority ?

Shri Joachim Alva: Yes, Sir.

Mr Speaker: Then he may put question No. 563 first.

Budgeting Defects

*563. **Shri Joachim Alva** (on behalf of **Shri Gidwani**): Will the Minister of Defence be pleased to state :

(a) whether the attention of Government has been drawn to the recommendations of the Public Accounts Committee at page 3 of their Ninth Report about the unsatisfactory standards of budgeting for the Defence Services; and

(b) if so, what steps have been taken to effect an improvement in this regard ?

The Minister of Defence (Dr. Katju): (a) Yes.

(b) Appropriate instructions have been issued to all those who are concerned with the preparation of the budget estimates. Various measures have been taken to ensure that the information on the basis of which the budget estimates are prepared is regularly and correctly furnished by different authorities. For example arrangement has been made for obtaining bi-monthly statements from the High Commission in London and the Ministries responsible for procurement of stores in India, indicating their expectations regarding supply of different stores. Steps have been taken to expedite the finalisation of works projects and the issue of necessary approvals at least three or four months before the beginning of the year to ensure that the provision made in the budget is fully utilised.

Shri Joachim Alva: Are the spending departments awarding work inflating their estimates ?

Dr. Katju : I could not follow the question, Sir.

Mr. Speaker: Do the spending departments submit inflated proposals for the budget provision ?

Dr. Katju: My hon. friend is referring to spending departments. There are numerous spending departments.

Mr. Speaker: He may reply so far as the question is relevant to his Ministry.

Dr. Katju : I am concerned only with the Defence Ministry.

Mr. Speaker : The spending department may be confined to the Defence Ministry.

Dr. Katju : In the Committee's report specific mention was made only of two things: one was regarding stores and

secondly about works, and we have taken specific measures to see that there should be no over-estimating on those items.

Shri Joachim Alva: Are adequate arrangements made for the proper storage of the bulk of defence stores at present lying in the open exposed to inclemencies of weather ?

Dr. Katju: I can answer that question but it does not arise out of the Public Accounts Committee's Report.

Shri Joachim Alva : I am quoting from the public accounts Committee's Report.

Mr. Speaker: Order, order. No argument on that. This question was put a few days back and answered by the Deputy Minister.

Business Management and Industrial Administration

*591. **Shri Joachim Alva** (on behalf of **Shri Gidwani**): Will the Minister of Education be pleased to lay a statement on the Table of the House showing the amount that has been sanctioned so far during 1955-56 to the various institutions for organising courses in Business Management and Industrial Administration ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The required statement is laid on the Table of the House. [See Appendix IV, annexure No. 20]

Shri Joachim Alva: Is Government making a special effort to see that our graduates trained abroad in business administration and efficiency are employed in these institutions as most of them are unemployed after their return.

Dr. M. M. Das: We are trying our best to employ as many qualified Indians as possible.

Shri Joachim Alva: Have Government started a scheme by which officers of the Commerce and Industry Ministry get a short refresher course in business management in any one of these institutions.

Dr. M. M. Das: There are two types of courses; whole-time and part-time courses, and any body who is qualified sufficiently for admission is admitted.

Dr. Rama Rao: May I know, why of all the institutions in the country the Indian Institute of Science, Bangalore, has been selected for the purpose of conducting courses in business management ?

Dr. M. M. Das: It is not for business management. There are three subjects for which this scheme has been started.

One is business management, the other is industrial engineering and the third is industrial administration. So far as industrial engineering and industrial administration is concerned, three of our institutes have been given charge. They are the Indian Institutes of Science, Bangalore, the Indian Institute of Technology, Kharagpur and the Victoria Jubilee Technical Institute of Bombay.

Shri Jaipal Singh: Sir, under Rule 68 may I ask permission to put question No. 580?

Mr. Speaker: Has he been authorised?

Shri Jaipal Singh: Sir, under Rule 68 if you authorise anyone can put a question.

Mr. Speaker: Order, order.

Shri S.C. Samanta: Sir, I have been authorised by Shri Subodh Hasda to put question No. 593.

Mr. Speaker: He may put that question.

Kalai Kunda Airport

*593. **Shri S.C. Samanta** (on behalf of Shri Subodh Hasda): Will the Minister of Defence be pleased to state:

(a) whether it is a fact that Government are spending a large amount of money for remodelling the Kalai Kond Airport; and

(b) if so, the reasons for remodelling it since it was constructed in pre-war time?

The Minister of Defence (Dr. Katju): (a). Yes, Sir.

(b) The Airfield was not constructed in pre-war time but was built during the last war and was abandoned soon after its termination. It was not in a good condition when the Indian Air Force took it over. The Airfield is being developed in order to ensure safe and effective operation of modern aircraft.

Shri S. C. Samanta: May I know what will be the estimated cost of remodelling the airport and whether civilian planes will also be allowed to land there?

Dr. Katju: The cost will be very considerable and I do not think it is desirable to mention the figure just now.

Shri S. C. Samanta: May I know what was the recurring expenditure that was being incurred since it was left unused?

Dr. Katju: I require notice to answer that question.

Shri S. C. Samanta: Is it not a fact that there are some unused planes left there for a long time?

Dr. Katju: I, really do not know.

Shri T. B. Vittal Rao: Sir, I want to ask a question for clarification. The hon. Minister said that the cost for re-modelling will be considerable but it is not desirable to disclose the cost. What is there in the cost being disclosed? It is only in regard to an airport.

Mr. Speaker: Perhaps it refers to some military secret.

Shri Jaipal Singh: Sir, may I again raise my point of order. Under Rule 67(3) any Member may ask a question if the questions have been exhausted. May I request that question No. 580 be answered?

Mr. Speaker: Either he must produce an authority from the Member concerned or the Chair should allow him to put that question if it is important.

Shri Jaipal Singh: May I request you to permit me to put that question?

Mr. Speaker: I do not think it is of such importance that I should permit it.

Short Notice Question and Answer

Bank Award

S. N.Q. No. 3. Shri Sadhan Gupta: Will the Minister of Labour be pleased to state:

(a) whether the Commission set up to enquire into the Government's modifications of the Bank Award has submitted its report;

(b) if so, the details thereof; and

(c) the action taken thereon?

The Deputy Minister of Labour (Shri Abid Ali): (a). The Commission submitted its report to Government on 26-7-55.

(b) and (c). The Report is under examination. Government's decision thereon will be announced shortly. The Report will also be published at the same time.

Shri Sadhan Gupta: May I know whether, in view of the fact that the cuts in the remuneration are going to take place from the 24th August, Government's decision will be arrived at and published before that date, and if not, whether any protection will be given to the bank employees against cuts, pending the decision of Government?

Shri Abid Ali: Of course we will be publishing Government's decision very soon but it will have no legal force. Neither our decision nor the report of the Commission has any legal value. We are proposing to come before Parliament with the necessary piece of legislation to give it legal status.

Shri Sadhan Gupta: May I know whether before taking a final decision, Government would consult the workers?

Shri Abid Ali: No, Sir. We are not consulting the interests again because the Commission has already taken into confidence the representatives of all the interests and there should be an end to these talks.

Shri Sadhan Gupta: In view of the fact that Government had given an assurance at the time of the discussion on the modification of the Bank Award in this House that they would accept the findings of the Commission, may I know whether there is any scope for consideration of the recommendations or whether the question is only one of implementing the recommendations?

Shri Abid Ali: The report is more than 500 pages and I have already said that we are examining it. The hon. Member may await Government's decision on that report.

Dr. Lanka Sundaram: The question put was whether Government are going to protect the workers from any cuts because Government cannot have any legal sanction behind their decisions. The Minister has not answered it. May I have an undertaking from the Government that because the report cannot be implemented by them legally without legislation in this House, they will give an assurance to this House that no cuts will be made before this question of Bank Award is disposed of?

Shri Abid Ali: The Bill which we will be bringing up will have provision for retrospective implementation effect. Therefore, the workers' interests will be protected.

Shri K. P. Tripathi: May I know when the decision is likely to be announced and when the legislation is likely to be introduced?

Shri Abid Ali: It will be during the current session of Parliament, and our decision will be announced either by the end of the month or early in September.

WRITTEN ANSWERS TO QUESTION

Ex-INA Personnel

*571. **Shri Bhagwat Jha Azad:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that a convention of ex-I.N.A. Personnel was held at New Delhi in May, 1955;

(b) if so, whether the resolutions passed by the convention have been received by Government; and

(c) whether Government have considered the demands made in the resolutions?

The Minister of Defence (Dr. Katju): (a) to (c). The resolutions passed by the convention of ex-I.N.A. personnel in May 1955 were received by Government. The demands made therein were considered and it was held that the concessions already granted were adequate and no further liberalisation was possible.

Andamans

*572. **Shri Raghaviah:** Will the Minister of Home Affairs be pleased to state:

(a) the progress made towards the colonisation of the Andamans by people from the mainland;

(b) the number of families from each State of India which have settled there under the Five Year Plan; and

(c) what publicity Government have given to the schemes of colonisation in the various States from where the settlers are to be recruited?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). A statement containing the necessary information is laid on the Table of the House. [See Appendix IV, annexure No. 21].

(c) The States concerned themselves publicise the schemes for colonisation in the Andamans. Officers from the Andamans also visit the States from time to time to explain the schemes to intending settlers.

Scholarships

*577. **Pandit D. N. Tiwary:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that the Scholarships granted to the students of the Backward Classes are required to be refunded if it is later proved that the income of the parents/guardians is higher than the limit prescribed in the regulations on the subject; and

(b) if so, the total amount so refunded during the last three years?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes, Sir.

(b) Rs. 2,257/-.

Social Welfare Centre

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

(a) the number of orphans in the Social Welfare Centre of Kanglatongbi Manipur at present;

(b) the contributions made by Government towards the maintenance of the Centre;

(c) the housing arrangements for its inmates; and

(d) the scheme for the improvement of the Centre?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) 29.

(b) Nil.

(c) Inmates are kept in three Kuchha sheds.

(d) The Centre has schemes for the construction of new buildings for the inmates and for arranging for them instruction in arts and crafts.

मिस्टियर लड़ाकू विमान

***५८०. श्री एम० एल० द्विवेदी :** क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) मिस्टियर लड़ाकू विमान फ्रांस से संभवतः कब प्राप्त होंगे; और

(ख) भारतीय विमान चालकों को उन्हें चलाने के सम्बन्ध में प्रशिक्षण किस प्रकार दिया जायगा ?

रक्षा संगठन मंत्री (श्री त्यागी) : (क) और (ख). यह सार्वजनिक हित में न होगा कि लड़ाकू विमानों की प्राप्ति सम्बन्धी योजना प्रकट की जाय। तथापि यह कहा जा सकता है कि सरकार ने मिस्टियर लड़ाकू विमानों के क्रय के लिये कोई आर्डर नहीं दिया है।

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Horror Comics

***583. Shri R. N. S. Deo:** Will the Minister of Home Affairs be pleased to state the steps taken or proposed to be taken by Government to prevent production of horror comics in the country?

The Minister of Home Affairs (Pandit G. B. Pant): A ban has been imposed on the import into India of horror comics from abroad, under Section 19 of the Sea Customs Act by a notification dated 8th June, 1955 and it is further proposed to introduce a Bill in the Parliament for this purpose shortly.

बुनियादी शिक्षा

***५९४. श्री भागवत झा आजाद :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि क्या सरकार बुनियादी शिक्षा के विविध पहलुओं पर विचार करने के लिये सरकारी और गैर-सरकारी विशेषज्ञों का एक सम्मेलन करने का विचार करती है ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : नहीं, जी।

National Physical Laboratory

***595. Pandit D. N. Tiwary:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that a Rain and Cloud Physics Research Unit has been set up at the National Physical Laboratory Delhi;

(b) whether trained personnel is available for the purpose; and

(c) if not, whether Government propose to appoint foreign experts to man it?

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

(b) The Officer-in-Charge of the Unit is a qualified scientist. It is also proposed to depute two technical officers to Australia for training.

(c) Does not arise.

Octroi Duty

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

(a) whether it is a fact that the Government of Manipur instructed all police outposts at Mao, Kang okpi, Bishenpur and Pallel not to allow entry of iron pipes, cigarettes and other commodities liable to

octroi duty without production of octroi receipt from Imphal Town Fund Office even though the goods are meant for areas outside the Imphal Town Fund Area; and

(b) if so, the action taken for removal of this difficulty?

The Minister of Home Affairs (Pandit G. B. Pant): (a) No.

(b) Does not arise.

Books for Neo-Literates

*598. { **Pandit D. N. Tiwary:**
Shri Raghna Raman:

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

(a) the number of books for Neo-literates which have been submitted to the Secretary, Folk Literature Committee in connection with the prize competition this year;

(b) the names of the regional languages in which the books have been submitted; and

(c) the number of prizes awarded in each language with the names of successful competitors?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) to (c). Statement is laid on the Table of the House. [See Appendix IV, annexure No. 22].

Scheduled Tribes

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

(a) the amounts of money allotted by the Government of India during 1955-56 for the welfare of the Scheduled Tribes of Manipur;

(b) the amounts expended and lapsed out of the Central grants sanctioned for this purpose during 1953-54 and 1954-55;

(c) the reasons which have caused the lapse of the money; and

(d) the measures adopted by Government to prevent recurrence of it in future?

The Minister of Home Affairs (Pandit G. B. Pant): (a) A tentative ceiling of Rs. 14.50 lakhs has been fixed during 1955-56 for the welfare of Scheduled Tribes of Manipur. Final allotment will be made after the schemes prepared by the State Government have been scrutinised and approved.

(b) to (d). A statement, containing the information, is laid on the Table of the House. [See Appendix IV, annexure No. 23].

Petroleum in West Bengal

*598. **Shri N. B. Chowdhury:** Will the Minister of Natural Resources and Scientific Research be pleased to state whether it is a fact that existence of a good quality of petrol has been indicated in the course of a preliminary survey conducted by the Stanvac Project at Ramnagar within P. S. Khanakul in the District of Hooghly, West Bengal?

The Minister of Natural Resources (Shri K. D. Malaviya): No, Sir. Messrs Standard Vacuum Oil Company are carrying out experimental shootings for reflection survey in selected areas in West Bengal. It is too early to say anything about existence of a good quality petrol in West Bengal.

New Branches of Banks

*599. **Shri Anirudha Sinha:** Will the Minister of Finance be pleased to state:

(a) the number of applications received by the Reserve Bank of India from Scheduled Banks for opening their branches abroad during the year 1954-55 and the number out of them accepted; and

(b) the number of applications received during the same period from foreign banks for opening their branches in this country and the number out of them accepted?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) During the period the 1st April, 1954, to the 31st March, 1955, five applications were received from four scheduled banks for opening branches outside India, out of which two were granted, one was rejected and the other two are under consideration.

(b) During the period, two applications were received from one foreign bank. Both of them were initially rejected. One of them was, however, subsequently reconsidered and the necessary licence was granted on the 5th July, 1955.

Smuggling

*600. **Shri D. C. Sharma:** Will the Minister of Finance be pleased to state:

(a) whether there have been any cases of smuggling on the borders of East and West Punjab during 1955 so far;

(b) if so, the number of smugglers detected and convicted;

(c) the number of Indian and Pakistani smugglers separately;

(d) whether any of them held passport of either countries and if so, their number; and

(e) the total value of the goods seized at the preventive check-posts during the same period?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Yes, Sir.

(b) The number of smugglers detected and the number departmentally penalised during 1955 (up to the end of May 1955) were 235 and 189 respectively. There were no convictions in a court of law, as no prosecutions were launched.

(c) Out of 235 persons mentioned in (b) 119 were Indians and 116 were Pakistanis.

(d) Out of 235 persons mentioned above, available information shows that 154 persons held passports.

(e) The total value of goods seized during 1955 (up to the end of May 1955) was Rs. 68,278/-.

Indo-Pakistan Travel

261. { **Sardar Iqbal Singh:**
Shri D. C. Sharma:

Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that many cases of illegal entry into India of persons without valid travel documents have been detected recently on the Indo-Pakistan borders; and

(b) if so, the number of such cases that were reported during the period from the 1st February, 1955 to the end of July, 1955?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). The information is being collected and will be laid on the Table of the House in due course.

Andaman Islands

262. **Shri Ibrahim:** Will the Minister of Home Affairs be pleased to state:

(a) the total strength of labour force maintained in the Andaman Islands during the years 1952, 1953 and 1954; and

(b) the total expenditure involved in each of these years?

The Minister of Home Affairs (Pandit G. B. Pant): (a) and (b). The total strength of the Andaman Labour

Force and expenditure thereon during the financial years 1952-53, 1953-54 and 1954-55 were as follows:—

Year	Strength Expenditure	
		Rs.
1952-53	701	3,55,946
1953-54	635	3,83,796
1954-55	582	2,99,200

Geological Survey

263. **Shri Ibrahim:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether any mineral survey has been taken up recently during this year by the Geological Survey; and

(b) if so, what are its findings?

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

(b) The reports are not ready as yet. The result of surveys undertaken this year will be published in the Annual General Report of the Geological Survey of India for 1955 (Records Part I). A copy of this publication will be supplied to the library of the House, when received.

संगीत नाटक अकादमी

२६४. डा० सत्यबाबी : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि संगीत नाटक अकादमी की ओर से चालू वित्तीय वर्ष में अब तक किन किन संस्थाओं की सहायता दी गयी है और प्रत्येक को कितनी धनराशि दी गयी है ?

शिक्षा मंत्री के सभासदिय (डा० एम० एम० दास) : चालू वित्तीय वर्ष में अभी तक संगीत नाटक अकादमी ने किसी संस्था की सहायता के लिये कोई अनुदान मंजूर नहीं किया है ।

Census

265. **Shri Krishnacharya Joshi:** Will the Minister of Home Affairs be pleased to state whether the Government of Hyderabad have published the District Census Handbooks and the Miscellaneous State Publications?

The Minister of Home Affairs (Pandit G. B. Pant): The Government of Hyderabad have not yet published the District Census Handbooks. They do not intend to publish any 'miscellaneous' State publications so far as the Census of 1951 is concerned.

Shipping Freight

266. Shri Jhulan Sinha : Will the Minister of Finance be pleased to state:

(-) the amount of freight earned by Indian ships in coastal and overseas trade during the years 1953-54 and 1954-55; and

(b) the percentage it bears to the total amount spent by the country on account of freight during this period?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat) (a) The total freight earnings of the Indian shipping companies during 1953-54 amounted to :—

	Rs.
Coastal trade	10,82,11,000
Overseas trade	8,24,30,000
TOTAL	19,06,41,000

Figures for 1954-55 are not yet available.

(b) 29 per cent.

भारतीय पुस्तकों की भेंट

२६७. श्री बिभूति मिश्र : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार ने टोकियो (जापान) के ओकुरायामा कल्चरल रिसर्च इन्स्टीट्यूट को कुछ भारतीय पुस्तकें भेंट की हैं; और

(ख) यदि हां, तो उनकी संख्या कितनी है और वे किन विषयों की हैं ?

शिक्षा मंत्री के सभासद (डा० एम० एम० बास) : (क) नहीं, जी ।

(ख) प्रश्न नहीं उठता ।

भारतीय नेशनल ग्रामो (आजाद हिन्द फौज) के सैनिक

२६८. श्री भक्त वर्शन : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) आजाद हिन्द फौज के कितने सैनिकों के "गैलेंटरी" तथा "नान गैलेंटरी" पदकों व डेकोरेशन्स से सम्बन्धित आर्थिक भत्तों को रोक लिया गया था ;

(ख) कितने सैनिकों को ऐसी धनराशि फिर से दी जाने लगी है; और

(ग) उनको मासिक अथवा वार्षिक राशि कितनी दी जाती है ?

रक्षा मंत्री (डा० काटजू) : (क) अब तक सिर्फ २० ऐसे मामले निगाह में आये हैं ।

(ख) सभी मामलों में ।

(ग) २७७ रुपये प्रति महीना ।

Bye-Elections

**269. { Pandit D.N. Tiwari :
Seth Govind Das :**

Will the Minister of Law be pleased to state:

(a) the number of bye-elections to the State Legislatures and the Lok Sabha held since the General Elections; and

(b) the number of votes polled by the main All-India Parties separately?

The Minister of Law and Minority Affairs (Shri Biswas) (a) A statement is laid on the Table of the House. [See Appendix IV, annexure No. 24].

(b) The information is being collected and will be laid on the Table of the House when received.

Import Duty Rebates

270. Shri Tulsidas : Will the Minister of Finance be pleased to state :

(a) the names of the items in respect of which rules have been finalised for the grant of rebate on import duty on raw materials and the finished articles subsequently exported;

(b) the number of parties which have availed of this concession in respect of each of these different products; and

(c) the total value of rebate so granted in case of each of these commodities?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Presumably the Hon'ble Member is referring to the rules finalised under section 43B of the Sea Customs Act, 1878 as inserted by the Sea Customs (Amendment) Act, 1953. The required information is contained in the statement which is placed on the Table of the Lok Sabha. [See Appendix IV, annexure No. 25].

(b) The number of parties who have made exports under the drawback scheme is as follows:—

Cotton yarn and cloth	106
Artificial silk	5
Plastic goods	3
Dry Radio batteries	1
Linoleum	1
Others	Nil.

(c) In respect of cotton yarn and cloth a drawback of Rs. 89,797/13/- has been already paid. Claims for the following amounts of drawback have been made under different schemes but not yet paid:—

	Rs.
1. Cotton yarn and cloth	10,209 0 0
2. Artificial silk cloth	4,160 3 0
3. Plastic goods	1,439 13 0
4. Dry Radio batteries	1,00,560 15 0
5. Linoleum	566 4 0
TOTAL	1,16,936 3 0

ग्रफीकी विद्याथी

२७१. श्री कृष्णचाम्य जोशी : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि भारत सरकार की विभिन्न छात्रवृत्ति योजनाओं के अधीन आजकल कितने ग्रफीकी विद्यार्थी भारत में विद्याध्ययन कर रहे हैं ?

शिक्षा मंत्री के सहासचिब (डा० एम० एम० दास) : १५१.

Scheduled Tribes

272. Shri Rishang Keishang : Will the Minister of Home Affairs be pleased to state:

(a) the amounts of money allotted to the Government of India for the welfare of the Scheduled Tribes in Assam during 1955-56;

(b) whether any amount out of the Central Grants sanctioned for this purpose during 1953-54 and 1954-55 lapsed;

(c) if so, the reasons therefor, and

(d) the measures adopted to prevent recurrence of such cases of lapse in future?

The Minister of Home Affairs (Pandit G. B. Pant): (a) Rs. 155 lakhs.

(b) Yes, but the major portion of the grants was utilized.

(c) Mainly due to the non-availability of technical personnel, lack of timely availability of material and delay in the preparation of plans and estimates for bridges and roads, etc.

(d) In order to ensure that the amounts allotted to the various States for the welfare schemes do not lapse, the State Government have been asked to prepare their schemes in two parts. The first part will include schemes which will be spread over more than one year so that once a scheme is approved, the State Government can continue to incur expenditure on it even though they are unable to spend the whole amount allotted in any one year. In the case of annual schemes, it has been impressed upon the State Governments that their execution should be completed within the year as far as possible.

Estate Duty

273. Shri Tulsi Das : Will the Minister of Finance be pleased to state the number of cases registered for assessment of Estate Duty during the financial years 1953-54, 1954-55 and till the end of June 1955?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): The number of Estate Duty cases registered for assessment are as follows:—

During 1953-54	347
During 1954-55	2,122
During 1955-56 (till the end of June 1955)	790

Total cases registered up to end of June 1955 4,259

Foreign Nationals

274. Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state:

(a) whether any nationals of foreign States have been deported from India during 1955 so far;

(b) if so, their total number and the names of the countries to which they belonged; and

(c) the grounds of their deportation from India?

The Minister of Home Affairs (Pandit G. B. Pant): (a) to (c). Particulars of foreigners who have been deported under orders of Government of India are given below :—

Num- ber	Nationality	Grounds for depor- tation
9	1 Tibetan	Undesirable Social activities.
	1 Dubai	Undesirable activities; Smuggler.
	1 Tribal Pathan	Ex-deportee; undesirable foreigner.
	3 Germans	International Crooks.
	3 Portuguese	Security and Political reasons.

Information in respect of foreigners who may have been deported by State Governments under their own powers is not available.

National Plan Certificates

275. Sardar Iqbal Singh: Will the Minister of Finance be pleased to state the total amount raised so far under the National Plan Certificates, State-wise?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): Statewise figures of total collections under the National Plan Certificates upto the end of March, 1955 are roughly as follows:—

State	Amount (In thousands of Rupee)
Ajmer	10,33
Andhra	7,78
Assam	4,75
Bhopal	1,04
Bihar	20,57
Bombay	2,42,44
Coorg	1,48
Cutch	2,25
Delhi	36,83
Himachal Pradesh	2,04
Hyderabad	11,48
Jammu and Kashmir	1,79
Madras	24,88

Madhya Bharat	7,04
Madhya Pradesh	30,31
Mysore	5,71
Orissa	4,49
Pepsu	13,33
Punjab	72,59
Saurashtra	23,89
Rajasthan	19,40
Travancore-Cochin	2,24
Uttar Pradesh	1,16,36
Vindhya Pradesh	7,36
West Bengal	67,13
TOTAL	7,37,51

Estate Duty

**276. { Shri M. L. Agrawal :
Shri L. N. Mishra :**

Will the Minister of Finance be pleased to state the amount collected so far under the Estate Duty Act (State-wise) since the 1st February, 1955?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) : The total amount collected under the Estate Duty Act, 1953 from 1st February 1955 to the end of June, 1955, is Rs. 52,49,227. A statement showing State-wise figures of collection is laid on the Table of House. [See Appendix IV, annexure No. 26].

Deputations Abroad

277. Shri Kamath : Will the Minister of Finance be pleased to state :

(a) the number of official delegations that visited foreign countries during the years 1952-53, 1953-54 and 1954-55, separately ;

(b) the breakdown of each of these figures, Ministry-wise ;

(c) the total expenditure incurred on them, year-wise ; and

(d) the names of the countries visited by each delegation year-wise ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) : (a) to (d). The information is being collected and will be laid on the Table of the House as soon as available.

Minister's Discretionary Fund

278. Shrimati Ila Palchoudhury : Will the Minister of Education be pleased to state :

(a) the total amount of grants that has been made so far out of the Education Minister's Discretionary Fund for the current financial year :

(b) the amount of grant and the name of each of the institution or person to whom these grants have been made; ; and

(c) the names of applicants whose applications have not yet been disposed of during the same period ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) to (c). Two statements are placed on Table of the House. [See Appendix IV, annexure No. 27].

Seismic Refraction Survey

279. Shri N. B. Chowdhury : Will the Minister of Natural Resources and Scientific Research be pleased to state :

(a) whether compensation is being paid by the India Stánvac Project for the losses caused due to the seismic refraction survey in West Bengal ;

(b) if so, in how many cases such compensation has been paid up to the end of June, 1955 ; and

(c) the amount of compensation so paid ?

The Minister of Natural Resources (Shri K. D. Malaviya) : (a) to (c). Information is being collected and will be placed on the Table of the House, when received.

Reservation of Seats for Nepalese Students

280. Th. Jugal Kishore Sinha : Will the Minister of Education be pleased to state :

(a) the steps taken or proposed to be taken for reservation of seats for the Nepalese students in the Technical Institutions in India to fulfil the obligations under the Technical Co-operation Scheme of the Colombo Plan ; and

(b) whether the reservation of such seats has been or will be made in Universities of one or more States ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) Some State Governments and Universities have been requested to reserve seats in institutions under their control for the Nepalese scholars under the Colombo Plan in subjects in which the Government of Nepal desired their nationals to be trained under the technical Cooperation Scheme.

(b) Such reservations are made in Universities of more than one State.

Iron Ore

281. Shri Veeraswamy : Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that there are iron ore deposits in Madras State, and

(b) if so, whether any survey has been carried out recently ?

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

War Compensation

282. Shri Rishang Keishling : Will the Minister of Defence be pleased to state:

(a) the amount so far distributed out of the 60 lakhs of rupees sanctioned for the war-affected people of the Assam Relief Measures areas of Manipur; and

(b) when the distribution of money will be over ?

The Minister of Defence Organization (Shri Tyagi) : (a) Rs. 9.30 lakhs.

(b) Exact date cannot be forecast. Although a sum of Rs. 60 lakhs has been sanctioned for the purpose, a provision of Rs. 40 lakhs has actually been made in the budget for the year 1955-56. Bulk of this latter amount is expected to be distributed by the end of the current financial year.

Development of Library Movement

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

(a) the amount of grant sanctioned or proposed to be sanctioned to the States as part of the scheme for educational development in the country in respect of development of the library movement and establishment of a library service in 1955-56; and

(b) the names of the States to which grants were sanctioned during 1954 and 1955 and the amount spent by them in these years ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) and (b). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 28].

9th August, 1955 (Tuesday)

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)



LOK SABHA SECRETARIA.
NEW DELHI

1689

9690

LOK SABHA

Tuesday, 9th August, 1955.

The Lok Sabha met at Eleven of the Clock.

[Mr. SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I)

2:02 P.M.

PAPERS LAID ON THE TABLE

REPORT OF TARIFF COMMISSION ON CONTINUANCE OF PROTECTION TO GRINDING WHEELS INDUSTRY ETC.

The Deputy Minister of Commerce and Industry (Shri Kanungo): I beg to lay on the Table a copy each of the following papers, under sub-section (2) of section 16 of the Tariff Commission Act, 1951;

- (1) Report (1955) of the Tariff Commission on the continuance of protection to the Grinding Wheels Industry.
- (2) Ministry of Commerce and Industry Resolution No. 16(3)—T.B./54, dated the 2nd August, 1955.
- (3) Ministry of Commerce and Industry Notification No. 16(3)—T.B./54, dated the 2nd August, 1955.
- (4) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why the documents referred to at (1) to (3) above could not be

laid within the prescribed period.

[Placed in Library. See Index No. S-237/55].

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministries during the various Sessions shown against each:

1. Supplementary Statement No. IV.—Ninth Session, 1955, of Lok Sabha.
[See Appendix IV, annexure No. 29]
2. Supplementary Statement No. VIII.—Eighth Session, 1954, of Lok Sabha.
[See Appendix IV, annexure No. 30]
3. Supplementary Statement No. XII.—Seventh Session, 1954, of Lok Sabha.
[See Appendix IV, annexure No. 31].
4. Supplementary Statement No. XVIII.—Sixth Session, 1954, of Lok Sabha.
[See Appendix IV, annexure No. 32].
5. Supplementary Statement No. XXIII.—Fifth Session, 1953, of Lok Sabha.
[See Appendix IV, annexure No. 33]
6. Supplementary Statement No. XXVIII.—Fourth Session, 1953, of Lok Sabha.
[See Appendix IV, annexure No. 34].

[Shri Satya Narain Sinha]

7. Supplementary Statement
No. XXXIII. Third Session,
1953, of Lok Sabha.

[See Appendix IV, ~~annexure~~
No. 35].

8. Supplementary Statement
No. XXXI—Second Session,
1952 of Lok Sabha.

[See Appendix IV, ~~annexure~~
No. 36].

CITIZENSHIP BILL

Mr. Speaker: Before we proceed with the further discussion on the Citizenship Bill, I would like to know the time that will be taken by Government for replying to the discussion on that Bill. The balance of time available is 2 hours and 57 minutes—roughly, three hours.

The Deputy Minister of Home Affairs (Shri Datar): About one hour.

Mr. Speaker: That means there are two hours available for the further discussion of the Bill now.

The House will now proceed with the further consideration of the Bill moved by Pandit G. B. Pant on the 5th August, 1955, along with the amendment to the motion for reference to the Joint Committee. I think Shri Veeraswamy was on his legs yesterday.

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes): Yesterday in my speech I suggested to the House that there must be better and more congenial relationship between the commonwealth countries. I proceeded to refer to the lot of our Indians in Ceylon who constitute about ten lakhs of the Ceylon population. The House knows that the majority of the people of Indian origin in Ceylon are Tamilians and so I wish to draw the attention of the Government to their sufferings and miseries and request the Government to take a serious note of their sufferings in Ceylon and try

to bring them here and treat them as citizens of India and give them all possible help to rehabilitate themselves, as the Government has been doing in the case of displaced persons from East and West Pakistan.

The next point I want to refer to is the South African problem. Indians in South Africa have been discriminated against by the South African Government. This is a burning problem and this has been before us for the past several years. If our relationship with Britain and other commonwealth countries has not been able to make those countries prevail upon South Africa and stop this discriminatory policy, what will our relationship with the commonwealth countries mean in the future?

[MR. DEPUTY-SPEAKER in the Chair]

In this connection what I want to suggest is that the commonwealth countries should take keen interest in the welfare of the people of Indian origin in other commonwealth countries and see that they are not ill-treated there. So, I go a step further in suggesting to create a commonwealth council consisting of representatives of the various commonwealth countries so that they may discuss the problems of the people of the commonwealth countries and see that the people of one country living in another country are not badly treated or are not discriminated against.

I strongly support the suggestion of my hon. friend Shri S. S. More. Shri S. S. More enunciated Panch Shila citizenship to all those countries which have accepted the principles of Panch Shila enunciated by our Prime Minister. The whole world knows that the acceptance of Panch Shila principles by countries like Burma, China, Russia, Yugoslavia and some other countries has created a better and more cordial atmosphere than hitherto in the east, and this constitutes a stronger and more permanent foundation for the

establishment of peace not only in the east but also in the whole world. So, Panch Shila citizenship will do, I am sure more good to humanity in general and to the countries of the east in particular. So, it is a suggestion which must be given very serious consideration by the Government, and if it is considered by the Government and if such a citizenship is instituted, I am sure peace will be more permanent than now.

I welcome clause 10 because it is a saving clause. It deprives the citizenship of persons who may be disloyal to our country. It deals with such deprivation of citizenship because the country cannot entirely rely upon those persons who become citizens of India by registration or by naturalisation or by descent. But people need not fear that those who are born in this country and who are citizens of this country by birth will be deprived of their citizenship. Nobody under the sun can deprive any person who has become a citizen of this country by birth, of his citizenship. However, sub-clause (d) of clause 10(2) I think, is unnecessary, because it states that any person has been sentenced in any country to imprisonment for a term of not less than twelve months within five years after registration or naturalisation, he will lose his citizenship. But if a person gets lesser punishment and that after five years of registration of his citizenship, he will be allowed to remain as a citizen of India. I require a clarification on this point.

With regard to section (2) of clause 1, I register my protest, because it takes away the right of a citizen to go to a court of law and secure judgment on a decision of the Government terminating the Indian citizenship. This clause interferes with the right of citizen. He must be given full freedom to go to a court of law and see that action taken by the Government is not improper.

I also oppose section (1) of clause which enables a person born outside India to become a citizen of India by

decent in the male line. In these days of fight for freedom and rights to women—fight not only by women but also by men—I do not understand why citizenship should be given to a child only in the male line. If the mother of that child happens to be a citizen of India, the child cannot get citizenship. So this clause must be removed from the Bill.

Regarding citizenship by incorporation of territory, I want to know what would become of the people of Pondicherry and other erstwhile French pockets in India. It has been incorporated in India now *de facto*, but I think that when it becomes part and parcel of Indian territory *de jure*, they will also become Indian citizens.

I have got a doubt with regard to section (2) of clause 1 which says that the child that is born in a ship or aircraft will be deemed to have been born in that place where that ship or aircraft has been registered. So, I understand that that child will acquire the citizenship of that country where the ship or aircraft has been registered. If a woman belonging to India goes to Britain in a ship and gives birth to a child, according to this clause, that child will become a citizen of Britain. Does it mean this? I want a clarification on this point also.

I do not have other points to deal with and I conclude my speech by asking my hon. friend sitting on the other side that if Periyar Ramaswami, who was a close associate of Mahatma Gandhi for more than ten years, who was the President of the Tamil Nad Congress Committee and who was also the Secretary of the Tamil Nad Congress and Secretary of the Village Industries Association and who felled hundreds of coconut trees when Mahatma Gandhi resorted to satyagraha before toddy shops can be deprived of his citizenship because of his protest against Hindi. I pose a question: who else can be the citizen of this country? I also want to remind him.....

Mr. Deputy-Speaker: Yesterday I said that all this is irrelevant. Once again the hon. Member has started like this. I think he may conclude now.

Shri Vennaswamy: I would just remind my friend on the other side of what Thiruvalluvar says about what ought not to be said in a big assembly like this Parliament:

Vagayarinthu vallavai vey Sorar
Solin Thogayarinthu thoomayayer.

Shri Frank Anthony (Nominated—Anglo-Indians): This is not only a welcome measure, but is also a long overdue measure. I do not think any of my hon. friends in this House realises that citizenship is only provided for in the Constitution for those who are born before the commencement of the Constitution. We have this anomalous position that the children of the Members of this House born after the 26th January, 1950 are without any citizenship rights.

I am going to deal briefly with some of the provisions and I hope they will be duly considered by the Home Ministry and also by the Joint Committee. The definition of the word 'person' in the interpretation clause 2 (1) (f) is very necessary. It says, "person" does not include a body of individuals. There has been some conflicting opinion as to whether the word 'person' so far as citizenship is concerned applies both to a natural and juristic person. I am glad that this matter has been standardised; because it might well have been argued by some persons that since the Constitution is governed from the point of view of the interpretation of the definition of 'person' in the General Clauses Act, namely, person includes both natural and juristic person, certain foreign corporations also have citizenship rights in this country. I am glad about the clarification.

I particularly welcome clause 8. This clause deals with the renunciation of citizenship and it requires that before an Indian citizen can renounce his citizenship and become a citizen

of another country, he must make a declaration in the prescribed manner renouncing his citizenship and that declaration shall be registered by the prescribed authority. My reading of this clause 8 is that no Indian citizen, although he may be deemed to have acquired foreign citizenship, shall be deemed to have renounced his Indian citizenship until he first makes a declaration and then it should be registered. I would like the matter to be made absolutely crystal clear, because it may still be the subject of certain conflicting interpretation. That is my reading and if it is correct, I think it should be put beyond all doubt that no citizen of India, although he might have already acquired foreign citizenship, shall be able to renounce his Indian citizenship unless he first makes a declaration and that declaration is registered. My reasons will become more clear when I come to clause 9 and I would request the particular attention of the Deputy Home Minister to my observations on clause 9. I feel that clause 9(1) is a rather unnecessary innovation and a limitation on clause 8. What does clause 9(1) purport to do? It says:

"Any citizen of India who by naturalisation registration or otherwise voluntarily acquires, or has before the commencement of this Act voluntarily acquired, the citizenship of another country shall, upon such acquisition, or, as the case may be, such commencement, cease to be a citizen of India."

I feel that clause 9(1) means this: As soon as a person voluntarily acquires the citizenship of a foreign country, he automatically ceases to be an Indian citizen. That, to my mind, is a negation of the principle in clause 8. Clause 8 requires that before an Indian citizen can renounce his Indian citizenship, even though he might have voluntarily acquired the citizenship of a foreign country, he must do two things. He has first to make a declaration and that declaration shall have to be registered. But

under clause 9(1), if before the commencement of this Act any Indian citizen has merely voluntarily renounced his Indian citizenship, ipso facto he is deemed to have ceased to be an Indian citizen. I have a very special reason why clause 9(1) should be carefully considered and deleted. It shall illustrate not only the anomalies, but also the dangers that may arise by specific reference to what has happened with regard to the members of my own community. I know it may be said that an Act should always be prospective. But, so far as citizenship is concerned, we have, for some reason or another, left a vacuum. We have had no citizenship law. We could have had a citizenship law from immediately after Independence. That is why I am asking that clause should also be retrospective. If clause 8 is made retrospective, clause 9(1) becomes unnecessary.

What happened immediately after independence? I am only giving an example. The British authorities opened a U. K. citizenship register in this country and they allowed almost any person to register as a U. K. citizen: not only persons who have never been to England, but people whose parents, grand parents or great grand parents have never seen England; perhaps they have vaguely heard about it and knew its geographical position vaguely. If they merely wrote a letter to the U. K. authorities saying, I am an Anglo-Indian, they were automatically registered as U. K. citizens. It was not question of colour. You may be white, brown, black or blue-black. You merely write a letter and indiscriminately the U. K. authorities will put you down as a citizen of the U. K. I must mention with regret that to some extent I blame the British authorities. A condition precedent to citizenship must be birth. These people had never been born in the U. K.; nor their parents or grand parents nor great grand parents. There must be some predication of domicile; there was no domicile. As I said, the conditions were unsettled in the country, not

only politically but psychologically. There was an impetus given and in the uncertain conditions, some members of my community from motives of sheer ignorance, not having the slightest appreciation of the implications, registered because this register was thrown open. They did not know that they would stand in danger of losing their Indian citizenship. They thought that the U. K. citizenship had a special charm. I do not know what it is. As soon as I heard this, I clarified the position and I stopped this kind of indiscriminate registration. As I said, the idea was rooted that if you register as a U. K. citizen, if any trouble happened to a member of the minority community, all the resources of the declining empire would immediately be pressed into service to rescue somebody in some out-of-the-way place in India. Many people had no idea of leaving this country. They were registered as U. K. citizens. Some, on the other hand, have done it advisedly.

The position now is this. Unless the Government say that no one can renounce citizenship except by a declaration and registration which are the conditions prescribed in clause 8, which are the conditions unfortunately struck down in clause 9(1), it means that people who were employed in this country as Indian citizens are today, without the knowledge of the Government, foreigners. That is the actual position. The Government do not know how many of these people were registered as U. K. citizens. The U. K. citizenship register is shrouded in complete secrecy. Nowhere you get any information about that. It has not happened. I know, with regard to the members of my community in the armed services. They were not so stupid or ignorant as to do this. But, I have been informed that two members of my community who are in the highest civil positions, have registered as U. K. citizens. If tomorrow the Government say, we shall conscript all government servants, these people may

[Shri Frank Anthony]

very well turn round and say, no, in section 9(1) you have allowed me voluntarily to renounce my citizenship, I may purport to work as Indian citizen, I am registered as a U. K. citizen and as such, I am no longer an Indian citizen. That is the anomalous position that would be created if clause 9(1) is left there. How do we know that Pakistan did not, like the British authorities, open a secret register saying that any Muslim in this country could register and become a Pakistani citizen? We do not know. That is why I say that clause 9(1) is not only a gratuitous clause, but it is a dangerous clause. The Government will not know which of the people, employed originally as Indian citizens, continuing ostensibly to work as Indian citizens, have *sub rosa* secretly changed their citizenship. Under clause 9(1) they are permitted to do that. If clause 8 is left there, it means that no person, even though he may have purported to have changed his citizenship, will be deemed to have changed his citizenship *qua* the Government unless he makes a declaration and that declaration is registered.

Shri S. V. Ramaswamy: (Salem): May I know how any law that is passed elsewhere is binding on us? We are a sovereign Republic.

Shri Frank Anthony: I am not submitting that what they may have done is something which we can intervene in. What I am suggesting is this. Clause 9(1), up till this Act comes into operation, allows any Indian citizen, merely by voluntarily renouncing his Indian citizenship, to be deemed to have renounced his Indian citizenship. The act may have been *sub rosa*. If it is voluntary, he immediately sheds all his obligations. Whether one would stoop to do that is a different matter. But, immediately he sheds all the obligations of a government servant as an Indian citizen. I shall show this when I come to the penal clause. Government have no way of ascertaining. There are not many such persons. Government are

acting under the impression that they are Indian citizens. They are continuing to get their promotions as Indian citizens. I am told that one member of my community—I say this with the greatest regret,—is holding the highest civil position because Government think that he is an Indian citizen. They take the declaration that they are Anglo-Indians and they assume that they are Indians. He may even declare that he is an Indian. How are the Government to verify the declaration? He knows,—I know,—that some of the U.K. authorities have told, you can make any declaration you like, we are not going to disclose the fact that you are registered as a U. K. citizen. He may continue to make a false declaration. There is no way of checking it. That is why I say that clause 8 should be there and clause 9(1) should be deleted. If person has been an Indian citizen, he may purport voluntarily to have acquired a foreign citizenship, but the Government will not accept that renunciation of citizenship unless the conditions prescribed in clause 8 are fulfilled.

So far as clause 10 is concerned, it deals with deprivation of citizenship of those who have acquired it by registration or naturalisation. I appreciate the need, for security reasons, for the Government to be invested with powers of deprivation. This only applies to those who have acquired citizenship rights by registration or naturalisation. Still, I feel that even for those who have acquired citizenship by these artificial processes so to speak, citizenship is a fundamental right. I think it is the most fundamental of all fundamental rights. If a man is deprived of his citizenship, then, legally he has no reason to be alive. Because of that, I feel that some qualification or amendment of some of the provisions of clause 10 is necessary.

Clause 10 (2) (b) says.

"that citizen has shown himself by act or speech to be disloyal

or disaffected towards the Government established by law."

It is not a question of gratuitous criticism. We know that in all these matters, Government are usually guided by the reports of the police officials. I say with regret,—I do not say it happens in all cases—that cases have come to my notice where the police officials animated by petty motives, sometimes by deliberate motives of hostility, have made false reports against persons who are absolutely innocent of any political activities, suggesting that they have been guilty of disloyalty or disaffection to the Government. And I also know that very often these false reports by the police have been accepted at their face value by the Government. There is no way of Government verifying it, and because of that I feel that it would be dangerous to leave it entirely to the subjective satisfaction of the Government as is being done in 10(3) and deprive this class of citizen of his citizenship status. It may well happen that in some small place some person has fallen foul with the police, and the local investigating officer or the sub-inspector may submit a series of false reports questioning this person's loyalty to the State. Because of that under clause 10(3) the Government, if it is satisfied subjectively, can terminate that person's citizenship in the interests of public good. I feel that clause 10(3) will have to be qualified. I feel that it should not be left to the subjective satisfaction of the Central Government to terminate the citizenship of any Indian, even if that citizenship has been acquired by naturalisation or registration. And I say that for a very definite reason. I know that the courts will not intervene where this phrase "subjective satisfaction" is brought in. They will not look at the satisfaction of the Government. That satisfaction may be baseless, it may be *mala fide* and yet a person can be deprived of citizenship rights under clause 10(3) merely because the Government says: "We are satisfied". I feel that some

objective process will have to be introduced; it cannot be left to the subjective satisfaction of the Government. I appreciate that Government may not in the interests of security be able to disclose all the reasons for wanting to terminate a person's citizenship, but there may be a saving clause that it may be done for reasonable grounds provided that the Government need not disclose grounds the disclosure of which it considers to be against the public interest. But to leave a vital matter of this sort like deprivation of citizenship entirely to the subjective satisfaction of the Government is, I feel, unsatisfactory.

I also feel that in clause 10(3) this omnibus phrase "public good" should not be there. "Public good" is a phrase which is at large, which can be made to include almost any allocation. I feel that this vital right of citizenship is sought to be taken away by this phrase. The phrase "in the interests of the security of the State" which has accepted and recognised legal connotations should be introduced in clause 10(3). "Public good" is much too large a phrase which can be,—might be,—abused. It is a phrase which has almost blanket coverage something which might lead to considerations of an irresponsible character for depriving a person of his citizenship.

I welcome clauses 11 and 12 dealing with Commonwealth citizenship. I know that some of my hon. friends, on this side particularly, have boggled at it because they seek to look at this expression with unreasoning if not blind prejudice. But I feel and I agree with Shri More that not only Commonwealth citizenship, but even an extension of this concept is a definite move in the right direction. After all, under the British Nationality Act people from this country have been given certain limited benefits as Commonwealth citizens. Why should we because of some unreasoning political prejudice, seek to gratuitously deprive our people of those few benefits? As I have said

[Shri Frank Anthony]

I am all in favour of Shri More's suggestion of extending this concept to cover not only the Commonwealth countries, but the countries which have subscribed to Panch Shila.

In this connection, I would like to ask the hon. Home Minister—he is here—to consider this. I feel that citizenship should not be taken away from anyone except by a judicial process and except for very, very substantial reasons. I know that this Influx from Pakistan Control Act was an emergent measure, but I do not know whether Members of this House realise—and this is an interpretation which has been upheld by the courts—that by purely executive action, purely arbitrary executive action any Indian citizen can be refused—an Indian citizen, I am not talking of a Pakistani—an entry permit into this country. That means in effect that purporting to act under this measure any executive authority can completely arbitrarily terminate or determine an Indian's rights of citizenship. He merely says: "I refuse to grant you an entry permit". Therefore, when we are dealing with clause 10, with the powers of the Central Government, with the powers of the executive to terminate citizenship, I feel that we should bring it within the purview of judicial process, or we should impose some safeguards to make it if not a judicial process, at any rate, a process which is of an objective character, a process which can be subjected to judicial scrutiny, not a process which can be left entirely to the discretion of the executive.

Then I want a provision added to clause 16. Clause 16 is the penal clause, but it punishes only a false declaration made under this Act. I feel that that is not sufficient. I have already given one example of members of my community who may be required to make a declaration in some form. They have registered as U. K. citizens. They may say "Anglo-Indian". There may not be a nationality column in the declaration and Government

presumes they are Indians. There may even be a nationality column. They will deliberately, falsely put "Indian". There is no way of checking it up because Government will not have access to the U. K. Citizenship Register, and that official declaration by a Government servant, because it does not come within the purview of this Act, will not be visitable with a punishment prescribed by this Act.

Then, I will give another example. I do not know whether the Home Minister is aware that I had asked and I think it was partly because of my insistence on this matter that my friend Shri T. T. Krishnamachari began to require foreign firms in this country to submit their lists of employees, Indians and foreigners. I know that many of these firms are deliberately submitting false lists. I know that many of these firms are showing in the Indian quota members of my community who are registered as U. K. citizens, whom they know are not Indian citizens. I want to stop this, because in every community you will get misguided people. Most of these people—a small number—who registered as U. K. citizens did it naturally from motives of ignorance. Some few have done it advisedly. I say that if a person wants to renounce his citizenship here let him do it. Not only that. The sooner you leave the country the better. The country does not need you. We do not need you. If you feel that this is not your country, the sooner you leave it the better. But what happens? Those people are allowed to cheat in two ways. By registering as United Kingdom citizens they get all the benefits given to foreigners. Yet, when the lists are submitted to Government, they take their share in the Indian quota. They are shutting out Indians from their quota which has been fixed by convention and to which the foreign firms are supposed to subscribe. I believe the foreign firms say that they are employing up to about 50 per cent. of Indians, but

that is being evaded in many firms. I do not want to name them, but I can give the names of these firms to the Minister, if he so chooses, later on. I know that these people are employed as United Kingdom citizens and get all the benefits, and then, in order falsely to inflate the Indian quota, they put them down as Indians. That is why so far as this penal clause is concerned, I am suggesting a further provision. I do not mind if a person goes to a hotel and registers himself there falsely, but where any declaration is required for special purposes, I say that any one who makes a declaration falsely or causes it to be made should be liable to be affected by this penal clause.

बीकरी कबजेंदु कीच शहा (जिला गढ़वाल—
रिचम व जिला टिहरी गढ़वाल व जिला पिबनरी—उत्तर) : मुझे इस नागरिकता विधेयक पर यह कहना है कि किसी भारतीय व्यक्ति को नागरिक बनाने व छीनने का अधिकार सरकार के हाथ में नहीं होना चाहिए। इससे कुछ गड़बड़ी या भ्रष्ट कर्मचारियों द्वारा अन्याय किये जाने का भय है। अतः आवश्यकता पड़ने पर ये अधिकार न्यायालयों द्वारा जांचे जाने चाहिए।

प्रत्येक भारतीय को न्यायालयों अथवा सुप्रीम कोर्ट की सख्त, गोटेशन, मिलनी चाहिए नहीं। तो उसके नागरिक अधिकार छीने जाने पर वह भूमि सम्पत्ति इत्यादि सब कुछ लौटैगा।

प्रत्येक भारतीय को चाहे वह कहीं भी जन्मा गया रहता हो, उसके माता पिता भारतीय हों, तो उसे भारतीय नागरिकता का जन्मसिद्ध अधिकार होना चाहिए जिससे उसे रजिस्ट्रेशन इत्यादि करने की ज़रूरत न पड़े और उसका यह अधिकार छीना न जाना चाहिए। हां अगर किसी कारण से वह भारतीय सिटिजन न रहता चाहे तो वह बदल सकता है।

हमारी जनसंख्या अन्य देशों के जन्मातृ में बहुत अधिक बढ़ रही है। अमेरिका यूरोप आदि देश, रंगमंद के कारण, भारतीयों को नागरिकता के अधिकार नहीं देते। श्री लंका, बर्मा इत्यादि

देशों में भारतीयों की क्या दशा हो रही है, यह किसी से छिपा नहीं है। हमारे लिए पाकिस्तान का नागरिक बनना असम्भव है जब कि एक पाकिस्तानी जासानी से भारतीय नागरिक बन सकता है, अतः हमें विदेशियों को नागरिकता के अधिकार बहुत कम या उसी भाषा में देने चाहिये जितने उन अन्य देशों में भारतीयों को मिलते हों, नहीं तो भारतीयों का न भारत में स्थान रहेगा न अन्य देशों में मिलेगा।

मेरे विचार से दोहरी नागरिकता (दुएक सिटिजनशिप) भी कई कारणों से उचित नहीं है। जैसे यदि कोई अपने देश का नागरिक होने के अतिरिक्त किसी अन्य देश का भी नागरिक होगा, उन दो देशों में यदि युद्ध छिड़ गया तो जो देश उसकी जन्मभूमि नहीं है वहां वह बंदी बना दिया जायगा। बंदी बनने के बाद वह अपने देश की सेवा नहीं कर सकेगा, उसमें बाधा आयेगी और दूसरे वह भी नहीं सोच पायेगा कि वह किस देश की तरफदारी करे, तरफदारी तो वह अपने देश की करेगा। हेग कन्वेंशन की भी यही राय थी कि एक आदमी की एक ही नैशनैलिटी होनी चाहिए, दो नहीं होनी चाहिए। धारा ६ के अन्तर्गत एक विदेशी कः भी दोहरी नागरिकता का अधिकार नहीं मिलना चाहिये, जब कि एक भारतीय को नहीं मिलता। यदि एक विदेशी भारतीय नागरिक बनना चाहे तो उसे अन्य देश की नागरिकता छोड़ देनी चाहिये। अतः धारा ६ मेरे ख्याल से भारतीयों के लिए लाभप्रद नहीं है, क्योंकि भारतीयों को अन्य देशों में बसने में बाधा आयेगी।

धारा ६ की पहली उपधारा के साथ एक और उपधारा स्पष्टीकरण के लिए जोड़ देनी चाहिये कि जो मरत में स्वयम् जन्मा हो या जिसके पूर्वज जन्म हों, उसे किसी भी स्थिति में भारतीय नागरिकता से असंग न किया जाय, नहीं तो वह कहीं का भी न रह जायेगा, केवल जब वह नागरिकता छोड़ना चाहे तभी असंग हो।

भारत के गाँजा जैसे भागों की जनता को उस स्थान विशेष के स्वतन्त्र होतों ही सहज स्वाभाविक ही भारतीय नागरिक समझा जाना चाहिये, एक

[श्रीमती कमलेश्वरी शर्मा]

कमलेश्वरी की मांगरीका का चुनाव उसकी हक पर निर्धार होना चाहिए।

अब सारी में मैं इस विषय का समर्थन करती हूँ।

Shri Mulchand Dube (Farrukhabad Distt.—North): The only condition and the only qualification which I think is necessary for the acquisition or grant of citizenship rights should be allegiance or loyalty. But it appears to me that the least attention has been paid to this aspect of the question in the present Bill. This Bill seems to have been cast on the model of the British Nationality Act of 1948. But in doing so, the provisions of our Constitution seem to have been given the go-by.

Due importance, I think, has not been given to the condition of allegiance or loyalty to the country and to the State. The question, however, arises as to what are the criteria by which loyalty or allegiance should be judged. That has been laid down in the Constitution itself. I would refer you to article 5 of the Constitution which says:

"At the commencement of this Constitution, every person who has his domicile in the territory of India and—

- (a) who was born in the territory of India; or
- (b) either of whose parents was born in the territory of India; or
- (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement,

shall be a citizen of India."

Therefore, mere descent or mere naturalisation or any of these things singly was not sufficient to confer on a person the right of citizenship. What was necessary was that a person

should have a domicile in the territory of India. I submit that domicile is the test of allegiance or loyalty. If a person has his hearth and home in a particular country, the probability is—and it may be assumed to be true—that that man will be loyal to that country and owe allegiance to that country in which he has his domicile. But if a person has his domicile elsewhere, then the mere accident of birth, the mere fact that he happens to be born in this country, or the mere fact that he may happen to reside in this country or even the mere fact that he may be the descendant of a person residing in this country should not be sufficient to grant him the rights of citizenship. It is only domicile, which is the criterion of allegiance or loyalty that should be sufficient to give him that right.

But the framers of this Bill while drafting it have been more concerned with the British Nationality Act of 1948 rather than with the Constitution of India. They have not given due attention to the Constitution in which the main condition laid down is the principle of domicile. According to this Bill, citizenship can be acquired in four ways, by birth, by descent, by registration and by naturalisation. But the condition of domicile is not attached either to birth or to descent, or near to registration or to naturalisation.

My submission is that it should be a condition precedent for all these cases. The hon. the Home Minister, in initiating the debate, clearly stated that it should not be treated as a party measure, and he expected the House to amend the Bill and to improve it so that it might become perfect. It may be that there has been emigration on a large scale from Pakistan—both the eastern side and the western side. Many of them have been squeezed out of the country to which they belong. Now, the question however, arises whether these persons have or have not their domicile

in eastern or western Pakistan. My submission is that if they have left their hearths and homes in circumstances in which they were compelled to leave them, they may, at some future time, like to go back to their own country where they have their property, where they have their homes and other things. I am perfectly agreeable to granting them rights of citizenship, but then a provision or an exception should be made in their favour, and the rule of domicile may, in appropriate cases, to a certain extent, be relaxed; but the principle of domicile should have the same importance as has been given to it by the Constitution. I think also that there should be a different class of persons—those who are mere residents and who have not acquired the right of citizenship. 'Residence' and 'citizenship' have been distinguished. There are decisions of the Supreme Court, and other courts also, where it has been said that mere residence for however long a period does not confer the right of citizenship. Citizenship is a special right which can be conferred only in special circumstances and on certain conditions being fulfilled:

Something has been said about the rights and obligations of the citizens of this country. My submission is that the rights and obligations of the citizens of this country are contained in the fundamental rights chapter of the Constitution, as also in the chapter on directive principles of State policy. Both these chapters clearly say that there are certain rights which are available to persons and there are certain other rights which are available to citizens. As pointed out by other hon. speakers, there should be two classes of citizens: those by naturalisation and registration and those by birth and descent. That is all I have to say.

सरकार इच्छा करे (काबिलका—सिरसा) :
यह जो बिल इस बिल आया है वह हिन्दुस्तान
। लोगों को एक शहरीयत देने के लिये है
संसद में इस बिल का स्वागत करना है ।

इस में सब से पहली बात तो यह होगी कि जो लोग पाकिस्तान से आयेगे, उन को इस बात के लिये कुछ अर्से के दौरान में अपने आप को रजिस्टर कराना होगा । जिस वक्त तक वह अपने को रजिस्टर नहीं करवायेगे, उस वक्त तक उन्हें शहरी हुक्क नहीं मिल सकेंगे । आप जानते हैं कि इस क़त्तब से वह लोग जो लाहौर की तादाद में सन् १९५० के बाद आये हैं वह बड़ी मुश्किल में पड़ जायेंगे, अगर उन का रजिस्ट्रेशन उसी ढंग से चला जिस ढंग से ज़मीनों के क़लेम लिये गये और इतने आदमी वैसे ही रह गये । आप यह भी जानते हैं कि शहरों की ज़ायदादों के क़लेम लिये गये, फिर भी क़ई आदमी रह गये । वह लोग अपने को रजिस्टर नहीं करा सके क्योंकि उन में से बहुत से ऐसे हैं जो कि अनपढ़ हैं, बहुत से ऐसे हैं जो ला को समझते नहीं हैं । इसलिये मैं आशा करता हूँ कि कुछ अर्से के लिये, कम से कम दस साल के लिये जो पाकिस्तान से आयेगे उन को रजिस्ट्रेशन करवाने की बरूरत नहीं होगी । क्योंकि अगर आप इस ढंग से इस कानून को लागू करेंगे तो यह जगह मार्च तक तो लागू होगा, उस के बाद जगह एलेक्शन कुछ दिनों में आ जायेंगे । क्या आप यह समझते हैं कि इतने अर्से के दौरान में सब लोग अपने को रजिस्टर करा कर बाकायदा तौर पर वोट बन सकेंगे ? मुझे तो यह नामुमकिन मान्य होता है ।

दूसरी बात यह है कि हिन्दुस्तान के वह लोग जो दूसरे देशों में जा कर बस गये हैं उन को इस बिल के मुताबिक शहरी हुक्क मिल सकतें हैं । बरातें कि वह अपने आप को रजिस्टर करावे हिन्दुस्तान में आने के बाद ।

मैं समझता हूँ कि चार किस्म के लोग हैं । एक तो वह हैं जो कामनवेल्थ कंट्रीज में हैं, दूसरे वह लोग हैं जो उन मुल्कों में हैं जो कि आजाद मुल्क हैं, लेकिन वह कामनवेल्थ में शामिल नहीं हैं और जो शहरी हुक्क कामनवेल्थ के लोगों को मिलते हैं वह उन को इस बिल के क़त्तब के मुताबिक नहीं मिल सकतें हैं । कुछ वह मुल्क हैं जहां हमारे मुल्क के और खास कर हमारे सूबे के लोग

[उत्तर इन्मास चिह्न]

गये हैं, और जो कि डिफ़िनेट कंट्री हैं या ट्रस्ट कंट्री हैं, वहां न हिन्दुस्तान का कोई कंसुलेट है न कोई सीधा सल्लुक है या नावा है। कुछ यह मुझ को कि न आवाज है और न ट्रस्ट टैरिटरी हैं, बल्कि यह दूसरों के कब्जे में हैं। वहां पर हिन्दुस्तानीयों के क्या हक्क हैं यह अभी एक मामला नहीं हो सका है क्योंकि उन देशों के कानून आगे दिन बदलते रहते हैं। अभी एक कानून बना जिस के मुताबिक कुछ जसों के तहत उन्हें कुछ हक्क मिलें, लेकिन कुछ जसों के साथ दूसरी पार्टी उन देशों में आई और उस में उन हक्क को वापस करने का बल किया। ऐसे मुझ अब भी भौंदा हैं। आप देशों हैं कि सारुच अफ्रीका में क्या हो रहा है, आप देश रहे हैं कि ईस्ट अफ्रीका में क्या हो रहा है, ईस्ट इंडीज में क्या हो रहा है। उन जगहों पर और कुछ दूसरे ऐसे मुझों में वहां पर कि हिन्दुस्तानी गये हैं वहां बल किया जा रहा है कि किसी डंग से उन्हें सही सवारी हक्क न मिल सकें। लेकिन आप ने इस बिल में रखा है कि अगर किसी माइनर या नाबालिग का बाप किसी और देश का सवारी बन जाय तो उसे हिन्दुस्तान का सवारी होने का हक नहीं होगा। आप यह जानते हैं कि कनाडा के कानून में क्या है। कनाडा के कानून के मुताबिक अगर कोई कनाडा में जा कर रहे और वह अपने लड़के को १४ साल या १८ साल की उम्र से पहले वहां न ले जा सके तो उस के बाप उस के लड़के के वहां जाने पर उस को कनाडा के सवारी के हक्क नहीं मिलते हैं। आप के कानून के मुताबिक अगर बाप को किसी और देश के सवारी के हक्क मिलते हैं तो लड़के को हिन्दुस्तान के हक्क नहीं मिल सकते हैं। कनाडा में लड़के को हक्क इसीलिए नहीं मिलते कि वह १४ साल की उम्र के पहले कनाडा नहीं गया। आप के वहां उस को हक्क इसीलिए नहीं मिलते कि उस का बाप कनाडा का सवारी बनार दिया गया है। इस के साथ ही हिन्दुस्तान की बहुत सी औरतें ऐसी हैं जिन्होंने या कर दूसरे देशों के आरामियों के साथ शादियां कर ली हैं, उन के

जौलाए हुए। लेकिन आप यह भी जानते हैं कि उन देशों में कबसे हासाव है, किस किस के कानून हैं। एक यह कानून है जो कि बिर्ल उल्हास का बिन का औरिबन पोरप से हैं उन के तहत हैं। बाकी लोगों के तहत मुस्लिम कानून हैं। जो काले किस के लोग हैं अफ्रीका और दूसरे देशों के लोग हैं उन के तहत मुस्लिम कानून हैं, यह गुलाबों की तरह से हैं। अब एरिया और एरिया के पड़ोसी देशों के लोगों के तहत मुस्लिम कानून हैं। उन के तहत मुस्लिम सवारी हक्क हैं। अगर आप के कानून के मुताबिक कोई हिन्दुस्तानी औरत इसी देश में किसी अफ्रीका के रहने वाले अंग्रेज के साथ शादी कर लेती है तो सारुच अफ्रीका के कानून के मुताबिक उस अंग्रेज को भी सारुच अफ्रीका के सवारी हक्क से महक्य रहना पड़ता है। आप जानते हैं कि इस कानून के मुताबिक उसे हिन्दुस्तान का सवारी करार नहीं दिया जा सकता है और सारुच अफ्रीका में भी वह नहीं रह सकता है, न उस को सेंट्रल कानून के मुताबिक कोई हक्क मिल सकते हैं।

इसीलिए इन सब बातों को ध्यान में धारा करता है कि इस बिल को और तिसुताइय किया जायेगा ताकि जो डिफ़िनेट हैं, जो ऐसी चीजें हैं, बिन का अगर सास वॉर से बाहर गए हुए लोगों पर, बिन के मुस्लिम बचालाव हैं, पड़ता है, सास वॉर से वह आरामी बिन्दोने दूसरे देशों में शादियां की हैं, उन को दुरुस्त कर के बाहर गये हुए लोगों के हक्क को बहाल करने की कोशिश की जायेगी। अब हम आवाज होने के बाप आहिस्ता आहिस्ता यह भी सोचते हैं यह हमारी सवारीय के हक्क हैं, यह तहकें हैं और वापस हैं। अगर हमारे वासियों के तहत, जो कि गैर हिन्दुस्तानी हैं, बाबत हक्क नहीं हैं तो हम जाने कानून बना सकते हैं, लेकिन मैं यह समझता हूँ कि जिस देश के आरामियों की मुस्लिम समस्याएं हैं, जिस देश के आरामियों के मुँह के मुँह दूसरे देशों की सरकारों के नीचे रहते हैं, उन के तहत मुस्लिम कानून होने ही, लेकिन उन में से बहुत सी सरकारें ऐसी भी

[ब्रह्म इच्छा विध]

के सही इच्छा विध गद हैं सीजन उन को कनी एक नवी मिले और न मिलने वाले हैं कोई व्यक्ति इस विध में कर दिया जाने लीक उन को कहा के सही इच्छा विध करें । मैं समझ करता हूँ कि विधोक्त कमीटी इस कानून में सुधारियां कर के इस को जारी दिखाने का हनी ।

Shri M. D. Joshi (Ratnagiri South): We are considering a very important measure which is going to be sent to a Joint Committee for further consideration. As pointed out by some hon. Members, we must consider what should attach to the idea of citizenship. What we find in this Bill—is that it is the principle which is generally accepted by the world, namely, that a person is given dual citizenship. The idea of dual citizenship has come to be accepted as an idea not repugnant to the requirements of citizenship.

However, the question deserves careful examination. In the Belgian Act of Citizenship it is required that a person or a legitimate child born even in a foreign country of a father having the status of a Belgian subject will have the citizenship of Belgium. It will be found that in Belgium this citizenship is acquired by birth provided the person is born of Belgian parents. In our Bill, however, merely birth on the soil of India gives the right of citizenship to anyone. As pointed out by my hon. friend Shri Mulchand Dube, citizenship is a right which should not be acquired haphazardly, somehow or other, merely by birth. At least a condition should be attached, namely, that a person should be born of Indian parents in order to be a citizen of India.

Secondly, as regards naturalisation, the condition laid down in the Belgian Act for naturalisation also deserves consideration. It is said in article 12 of their Act that to obtain full naturalisation it is necessary for a person to have completed the 25th year of his life and then to have habi-

tually resided for at least 10 years in Belgium; the period of ten years will be reduced to 5 years in the case of a foreigner married to a woman of Belgian extraction. Some such condition should be attached in our Bill to naturalisation. Naturalisation for citizenship should not be made very easy.

It has been said that we have been very liberal in framing this Bill. Sir, I know that we have to be liberal because India has come to occupy a place in the community of world States which is peculiar. Especially today India has acquired a high status in international politics and, therefore, when we legislate for the status of citizenship for our people, we must not seem to be narrow-minded, to be obsessed by ideas or what obtained in the past but we must be as liberal as possible. Granting all that, however, I think, we have been over-liberal in this Bill. I think that some such condition should be attached to the birth of child, namely, that he should be born of Indian parents and secondly some condition for naturalisation should be there.

Citizenship should imply some kind of reciprocity. We are ready to confer citizenship on anybody and everybody provided he satisfies certain conditions. But, what are other people doing? A citizen of India will be a Commonwealth citizen in the countries mentioned in the First Schedule. And, citizens of those countries mentioned in the First Schedule will be Commonwealth citizens in India. It would seem that this double status or this additional status would bring some advantage to us or to the citizens of those other countries. I, however, think that experience points otherwise. What is our experience? Take, for instance, the case of Commonwealth countries such as South Africa and Ceylon. What is our experience in South Africa? South Africa does not extend to us the same kind of honourable citizenship or honourable treat-

ment as is available to their own subjects or their own citizens. Here, in India, we are according good treatment to other people, aliens, to people who are intolerant or who are not charitable enough and who do not recognise us as equal to their own citizens; we are prepared to extend to them cordial treatment, while our own nationals are being treated as pariahs. Apartheid is the rule in South Africa. This ought to be taken into consideration and the mere sight of liberalisation should not carry us in a wrong direction.

Under the British Nationality Act, any person who is a citizen of one of the nations mentioned in sub-section 3) of section 1 of that Act, would be automatically a British subject. Now the converse of this is not true. We are extending the status of a Commonwealth citizen to any of the countries who are members of the Commonwealth. Formerly, before the Act of 1948 was enacted in England, England was an empire. It was the British Empire and not Commonwealth. But of considerations of policy, they have shed the name 'Empire', and taken on the name 'Commonwealth'—or even the British Commonwealth of Nations. But the mental background of England is that all citizens belonging to all the nations mentioned in sub-section (3) of section 1 of that Act will be British subjects. But the converse is not true, namely, that a person born in England or a British subject does not become an Indian subject because we are inspired by a spirit of imperialism. We are merely extending to others the same status which is obtainable to a citizen born in India, to an Indian citizen. What the Englishmen are doing is that they are extending to us a British citizenship—a British subjectship, the idea being—it is their idea, not ours—that we are, as formerly, members of a nation although they do not and do not openly say so. I shall mention a very curious case which occurred in respect of a citizen of Ireland. A man named Murray was born in Ireland in 1908, went to England,

stayed there for the purpose of business, and by the British Nationality Act he was both a subject of Eire, that is, Ireland, which became a free State in 1922, and also a subject of Britain. The result was that in 1941, in World War II, he was called upon to submit himself to a medical examination for being enlisted in the army. He protested and said "I am a member of a free State; I am not subject to British laws; I am subject to the laws of Eire; which is a free State". But his protest was not allowed. He was hauled up before a court of law, prosecuted, convicted and sentenced to a payment of fine. He went up to the appeal court who rejected his contention and held that in spite of the fact that Ireland was a free country, there was nothing to show in the English laws or statutes that Ireland was not a dominion of England. A very strange case! If an Indian tomorrow, who stays in England for 10 or 15 years, in the hypothetical case of a declaration of war by England on some other country, is called upon to enlist himself in the British army, and if he then says 'no', I do not know what will happen in a court of law in England and what view will be taken there.

Shri Heda (Nizamabad): There is the India Act.

Shri M. D. Joshi: I am merely referring to the mental background of England, the English law-givers and the English courts of law. We must not be merely carried away by the idea that we are enacting a very liberal Act or a very novel piece of legislation and that we are giving to our citizens not merely Indian citizenship but Commonwealth citizenship and citizenship of the U. K. A citizenship of the U. K. would be a gain if the U. K. Government do stand by our side when any injustice is being done to us. What is the case today? South Africa is flouting all legal codes and international codes and the U. K. and all these nations mentioned in the First Schedule are saying not a word and lifting not a finger. I do not

[Shri M. D. Joshi]

know whether this charity on our part or this liberality on our part is a sign of our strength or a sign of our weakness. Liberalism is both a sign of strength and weakness. Provided our strength is respected, generosity is a merit. A great poet has said:

अमर्षस्तुल्यं अमत्सु हन्तुना न वासुदेवेन न
विदिषायात् ।

The man who is devoid of anger against injustice does not inspire either love in his friends or fear in his enemies. Therefore, we must remember that when we are legislating a measure which goes far to give a certain status to our nationals, there must be reciprocity. We must be sure that our nationals are treated with respect by other Commonwealth countries.

वक्तव्य महाशय : काम एव क्रोध एव
रक्षावसतुदम्भः

Anger is based on *raso guna*.

Shri M. D. Joshi: Indian philosophy is full of sayings which seem contradictory and inconsistent with each other.

Mr. Deputy-Speaker: One is philosophy; the other is a practical thing.

Shri M. D. Joshi: I shall refer only to one thing and I shall have done. In the Third Schedule, the qualifications for naturalisation are given—sub-clause (a) states:

"That he is not a subject or citizen of any country where citizens of India are prevented by law or practice of that country from becoming subjects or citizens of that country by naturalisation;"

That means that this condition does not apply to citizens of countries mentioned in the First Schedule: it would seem that the countries mentioned in the First Schedule observe all the moral codes imposed by international law, which is not a fact. Therefore,

as I said, there must be strict reciprocity. A person or a citizen of another country should be shown as much courtesy as that country will show to our citizens. Robbers and thieves who have run away from India have become honourable citizens in some other parts of the world. I need not mention names, but a robber who was wanted in India has been given the status of an honourable citizen and has married in Pakistan. That is well-known. Now, an honourable citizen of another country which is a Commonwealth country becomes an honourable citizen on a par with our own citizens even though he has been wanted as a criminal in India. This state of things is not very commendable and therefore there must be some such provision in our Citizenship Bill so that such things will be prevented. Of course, there is provision for deprivation of citizenship but no penal provision is attached to it. There should be some penal provision by which a person who is deprived of citizenship will not easily run away with it especially when he tries to enter India.

Then, I fail to see the force of clause 18. Clause 18(1) says:

"The British Nationality and status of Aliens Acts, 1914 to 1943, are hereby repealed in their application to India."

I do not know whether all the British Acts are applicable to us, but here only those Acts between 1914 to 1943 are repealed. I find in the British Nationality Act of 1948 that these Acts are already repealed. For example, the Act of 1914 is repealed; the Act of 1918 is fully repealed; the Act of 1922 is wholly repealed; the Act of 1933 is wholly repealed and the Act of 1943 is wholly repealed. Only some sections of the 1914 Act remain. Now, are we to conclude that all those Acts have been applicable to us even though they have been repealed in England? Therefore, this clause, I think, makes no meaning and deserves to be omitted.

As regards the definitions it is said in clause 2(1) (f) "person" does not include a body of individuals. I think this is meant to exclude corporations or companies etc., although corporations, companies and even ships have got a nationality. But, that is as far as nationality is concerned and not citizenship. I think that persons belonging to corporations etc., are not covered by this and it should be made clear.

Shri B. K. Das (Contal): Sir, yesterday there was considerable discussion about the problem of citizenship of the displaced persons in our country. Without repeating the arguments that were advanced in that behalf I desire to make some concrete suggestions in this respect.

We have seen in our previous laws that a definition has been given to 'displaced persons'. I consider that it is necessary to have such a definition in this law also. We have accepted a definition and, I think, that definition should be put down here.

Now, it is said that for the sake of completing or having our electoral roll for the next election ready by the 31st March, 1956, it should be known who are our nationals on the 1st of March, 1956. In the Election Law also it is put down that every year on the 1st of March the electoral roll should be revised. As it is, 1st of March every year is the qualifying date and during the qualifying period—that is, one year preceding that date—180 days' residence is necessary for one to be a voter provided he fulfils the qualification of age. I do not see what difficulty there is if all the displaced persons who will be coming six months before the date of 1st March, 1956 are enlisted as citizens of India. The date may be fixed as 30th August or 15th August, 1955—I do not mind. But, if all those who will be coming by that date—either it be 15th August, 1955 or 30th August, 1955—will be qualified by their six months' residence here to be enlisted as voters on the 1st March, 1956, there will be no difficulty.

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According to the Bill that is before us the displaced persons require to be registered under clause 5. Apart from other things that have been put forward I consider this an impracticable proposition. A displaced person, when he will be applying, has got to prove that he is of Indian origin. He has got to prove that he has come from Pakistan. Some time back we had no migration certificate. All the displaced persons have not been registered as refugees. Many displaced persons have just crossed the border and are not in our registers either as registered refugees or as having migration certificates. If all these displaced persons have got to prove that they were born in Pakistan and they are here for an year, what proof will be necessary? What evidence will be necessary? It may be that by affidavit or some such method they will have to prove the truth of their contention. This is for lakhs of people and people who are living in miserable conditions. It will be very difficult for them to get themselves registered so that they may get the benefit of being citizens of India by the 1st of March, 1956 and in order to enable them to be enlisted as voters. We find today that these persons are being given many benefits and, as Pandit Thakur Das Bhargava pointed out yesterday, we have spent Rs. 250 crores for these people. They are *de facto* our citizens. What difficulty can there be if, without registration, these people are accepted as Indian citizens before a certain date? If that date be fixed for 15th August, 1955, and all those who have come by that date be admitted to the citizenship, I do not find any difficulty and it may be put down that only those who will be coming after such a date with migration certificate as is being done now or are being registered as refugees will be admitted to our citizenship and those who do not have that certificate—either the migration certificate or refugee certificate—will have to register themselves. I can understand that that is a practical and reasonable proposition. So from a

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practical point of view I think that these displaced persons ought to be taken automatically as citizens if they have arrived before a fixed date, preferably, before the 15th August, 1955, or 30th August, 1955.

There is another category of persons who I think also require some consideration. I am speaking of the abducted persons who have been recovered and have been restored to their homes. I do not think that these persons also—their number may not be very large—are in such a condition that they cannot be automatically taken as our citizens. Practically, they are being treated as our citizens, but only it will remain on paper that they are not our citizens so long as they are not registered as our citizens. These abducted persons are in our register somewhere. We know them; we have rescued them; we know their identity and they have been restored to their families, or if any of them have not returned, they are in our homes or at least in some place where we know that they are living. I think these persons should also be admitted to our citizenship automatically. There is a provision in article 7 of the Constitution that the returning Muslim migrants, that is, the Muslims who migrated from India and returned with permits for permanent residence here, were allowed to come here. I do not know whether they will have again to go through the process of registration, because, for the time being, as the article says, they were not recognised and they were not to be treated as our citizens as soon as they migrated. But when they came with a permit for settlement or permanent return issued by or under the authority of law, they were treated as persons coming under article 6(b) (ii). If some of them have not been registered, I think some consideration should be shown to them also.

There may be another category of persons for whom also some thought should be given. We know in the

past there were revolutionaries who went away from this country. Some members of their families are abroad and they may return to this country and would also like to have the citizenship of our country. There is a process of naturalisation and also a process of registration. In the naturalisation clause it has been provided that any condition may be waived by order of the Government. If they fall under clause 5 which deals with citizenship by registration, I think there should be some provision made for them so that the conditions may be waived in their case, because under clause 17 there will be some conditions attached to each kind of registration. If some of those people come under clause 5(1) (a) or any other sub-clause under clause 5, then also, different conditions are to be attached to them as they fall under different categories. I think there should be some clause added to these provisions so that the conditions may be waived in their case and they may be admitted to our citizenship with honour and dignity. I have especially in my mind the case of the wife and daughter of Netaji Subhash Chandra Bose. Supposing they return to this country, all care should be taken to see that they may be admitted to our citizenship with honour and dignity.

A question was raised about the termination of citizenship and deprivation of citizenship. In the case of those whose citizenship is terminated, or who are deprived of their citizenship, what will happen to their minor children? If such a person chooses to go away from this country after termination or deprivation of citizenship and his minor children—even may be a minor wife because a Hindu can marry a girl under 18—also go away from this country, what will happen to them? There is no provision in clause 9 or 10 from which we can ascertain definitely as to what will happen in such cases? In section 23 of the Australian Act, there is such a provision regarding this aspect. I

think this matter should also be looked into.

Shri N. R. Mankswamy (Wandurash): At the outset I must congratulate the Minister for having sponsored this Bill though this Bill was long. Our statutes will be missing an important link if this Bill has not been introduced and which is reaching its end of the consideration stage. I would say that we have almost reached even the stage of stalemate in the discussion of this Bill, for Hon'ble Members have touched all the points over and over and so many suggestions have been given. When the motion for consideration was made, the hon. Minister of Home Affairs gave us a description of all the aspects of citizenship, how they are being acquired by birth, by descent, by naturalisation and by registration. I thought practically that this Bill would collapse because it was so easy but after having heard the speeches of Members who had given many suggestions about this Bill, I thought that it raised some difficulties and complications also.

I do not propose to go into all the points raised by Members on the various questions, but let me come to one or two points which, I hope, will not be considered as an infliction on the hon. Minister by way of repetition. I propose to deal with a few points, so that they may be taken into consideration by the Joint Committee. On a second reading of this Bill, it is found that there are other categories of citizenship by naturalisation, registration, etc. I do not know whether these are placed in the same category as citizenship by birth or by descent. For example, suppose an Englishman comes and settles here for some time; if he satisfies the necessary qualifications and if he were to be registered as a citizen of India, I would like to know whether he will have the same rights as a citizen by birth, whether he can stand for election, whether he would represent the popular voice etc. These difficulties are there. I am aware that in the initial stages of the Constituent

Assembly, some of the Englishmen who were here as Members of the Assembly were not allowed to contest even for the election and they were not given the right to exercise their votes. I have got many doubts. I want to know whether citizenship by naturalisation or registration have different merits and connotations with separate distinct features of their own, or whether they would be placed in the same category as citizenship by birth. These aspects have to be cleared.

In clause 4 reference is made to persons born outside India as well as persons born out of undivided India. I do not clearly understand this terminology. Person born outside India may mean any person born in Pakistan, Burma or any foreign country; and person born out of undivided India would naturally mean a person born out of Pakistan, out of Burma etc. What are the real imports of the terms "outside India" and "out of undivided India"? This has to be cleared because it presents some difficulty, namely, whether they really mean one and the same thing or two distinct things. Also, in clause 4 only citizenship by descent in the male line is provided. I wish to suggest that there should be no discrimination against females and both may be placed on equal footing, because that may later on present some difficulty.

Clause 8 says:

"If any citizen of India of full age and capacity, who is also a citizen or national of another country makes in the prescribed manner a declaration renouncing his Indian citizenship, the declaration shall be registered by the prescribed authority; and upon such registration, that person shall cease to be a citizen of India;"

I quite understand the significance of this, namely, for a man to renounce his Indian citizenship, he must necessarily also be a citizen of a foreign country. But it looks as

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Though before renouncing his citizenship he must necessarily be also a citizen or national of another country. Therefore, dual citizenship must be the condition before he can renounce the citizenship of India. I am unable to understand why that condition is put in there.

Shri Asoka Mehta (Bhandara): So that he may not be stateless.

Shri N. R. Muniswamy: There is another thing also here. The moment he declares that he is no more a citizen of India, his minor son ipso facto becomes stateless. There is here a proviso which says:

"Provided that any such child may, within one year after attaining full age, make a declaration that he wishes to resume Indian citizenship and shall thereupon again become a citizen of India."

Mr. Deputy-Speaker: He automatically becomes a citizen of the other country.

Shri N. R. Muniswamy: I know; but for purposes of resumption whenever a child wants to resume the original citizenship of the country in which it was born, one year is the period prescribed from the date of attaining majority. What I wish to insist is that no time-limit should be put so far as the child is concerned, because it does not know to which nationality it belongs. How could the child know that its father changed its citizenship when it was a minor child? I say that this time limit of one year after attaining full age should not be put here. Or else, you may say, one year after attaining the knowledge that his father renounced his citizenship. Otherwise, it looks as if the child is presumed to have known that his father has given the declaration of renunciation of his citizenship. Therefore I suggest instead of saying one year after attaining full age, we may say, one year after attaining that knowledge.

As regards termination of citizenship, clause 9(1) says:

"Any citizen of India who by naturalisation, registration or otherwise voluntarily acquires, or has before the commencement of this Act voluntarily acquired the citizenship of another country, shall, upon such acquisition or, as the case may be, such commencement, cease to be a citizen of India."

Here it presents some difficulty, because it says that—

"If any question arises as to whether, when or how any person has acquired the citizenship of another country, it shall be determined by such authority, in such manner and having regard to such rules of evidence, as may be prescribed in this behalf."

What I say is that instead of allowing the rule-making authority to decide all this, it is better that some incling is given in the Act itself as to whether, when or how any person has acquired the citizenship of another country, voluntarily or otherwise. Some salient features may be given in the Act itself instead of leaving the whole thing to the rule-making authority.

As regards deprivation of citizenship, it is said:

"A citizen of India who is such by registration or by naturalisation or by virtue of clause (c) of article 6 of the Constitution shall cease to be a citizen of India if he is deprived of that citizenship by an order of the Central Government under this section....."

(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Government established by law, in India."

This portion of the clause is, according to me, pernicious. This clause does not speak of citizenship by birth; it only speaks of citizenship by registration or naturalisation. Whether any person born in India and who has acquired citizenship by

th may be deprived of his citizenship under clause 10 (2) (b) is not quite clear; because here only citizenship by registration and naturalisation is mentioned. Therefore, if it is not made applicable to Indian citizens by birth, it should be stated that any act of theirs would be dealt with separately. Therefore, it should be made clear whether this could include also persons who have lost citizenship of India by birth.

Mr. Deputy-Speaker: It excludes persons who have acquired citizenship by birth.

Shri N. R. Maniswamy: I want that be clearly stated. Yesterday there was some discussion between Shri Manaswamy and Shri Veeraswamy. The former was under the impression that persons born in India who have acquired citizenship by birth also could be deprived of the citizenship at a moment they do some act which is disloyal or disaffected towards the Government of the country.

It clearly excludes that aspect.

Mr. Deputy-Speaker: They will be deprived of their liberty.

Shri N. R. Maniswamy: Certainly, they will be punished suitably by a separate provision of law.

Shri U. M. Trivedi (Chittor): They may be severely punished; but they cannot be deprived of citizenship.

Shri N. R. Maniswamy: Exactly, that is my point. Otherwise, there cannot be any misunderstanding between one Hon. Member and another Hon. Member. After all, an Hon. Member of 24 years' standing at the bar would not have made the mistake. That is why I want to have the doubt cleared.

As regards the offences which have been noted here in clause 16, I wish to make some observations. In the case relating to rule-making I find it is said:

"...the Central Government may provide that a breach thereof

shall be punishable with fine which may extend to one thousand rupees."

I do not find this corresponding provision in the main clause 16. It mentions about imprisonment which may extend to six months or fine or both. I do not find this sum of Rs. 1,000 in clause 16. In the rule-making clause, imprisonment has been excluded, I think if it is provided that this provision will be read with the other clause, probably it may mean imprisonment plus fine of one thousand rupees. It should be made clear. It may lead to difficulties later on. I suggest that this may be taken note of for consideration at the time of the Joint Select Committee.

It is said that all rules made under this section shall, as soon as may be after they are made, be laid before both Houses of Parliament. Instead of simply placing the rules that have been framed by the Government before both Houses of Parliament, it is better if they are approved by both the Houses, with suitable amendments and alterations suggested by the Hon'ble Members. Because, I find in almost all cases the rules framed are more stringent than the provisions of the main Act. Therefore, it is always better, instead of giving such a large blank cheque to the Government to make rules, which may in all probability, be derogatory to the main provisions of the Act, if the rules are discussed in both the Houses and approved by both the Houses. Then, they will be regular rules and they may be adopted by the Government.

A lot has been said about executive orders. Any order that may be passed so far as citizenship is concerned, should be made justiciable. I can understand the difficulties in this. I know that a party which runs the Government meets with difficulties. But, to meet the difficulties with executive orders is not fair. They should always be able to face the court and whatever order is passed should be justiciable. Otherwise, it

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would appear as if they may deprive anybody of his citizenship where he comes under any of the four or five categories which have been mentioned here. They may do anything with regard to registration or naturalisation. As regards citizenship by birth or descent they are more sacred. These cannot be dealt with by executive order.

In the naturalisation clause I find that the person must possess good character and that his citizenship should be conducive to public good. I do not know how to produce a certificate, or from which person it should be produced. Who is the authority to say that a man is of good character. This looks nice for all practical purposes. In actual administration of the clause, it would be difficult to know whether a certificate is genuine or not. The only thing that can be shown is that it is not conducive to the public good. That has been stressed very much in clause 10. That may be a very salutary provision which will suffice for all purposes.

Oath of allegiance is prescribed only to two sets of people: persons who are allowed to become citizens by registration or naturalisation. The rest are not required to take the oath of allegiance. I insist that so far as citizenship by descent also is concerned, the oath of allegiance should be administered to them because they are in a different country altogether. It is better that the same thing is extended to them though not to citizens by birth.

Some Hon. Members rose—

Mr. Deputy-Speaker: I wanted to call upon the hon. Minister at 2 o'clock. There are only five minutes more. If any hon. Member says that he will finish in 4 minutes, I can call him.

Shri Akshar (North Satara): I shall finish in 10 minutes.

Mr. Deputy-Speaker: No. The hon. Minister.

The Minister of Home Affairs (Pandit G. B. Pant): This motion for reference of the Citizenship Bill to a Joint Select Committee has been under discussion for three days. Its importance has been recognised by all who have spoken on this matter. I should, if you will permit me, like to congratulate the House on the high level at which this debate has been maintained throughout. Hon. Members who have spoken have taken considerable pains and I have been impressed by the sincerity of their opinion. They have approached the subject in a rational manner and treated the ticklish issues which arise out of this Bill objectively, free from any bias or prejudice. I have, in fact, listened to the speeches not only with interest, but also with profit. All the points that have been raised here will certainly receive full consideration at the hands of the Members of the Joint Committee. I doubt if it will be possible for me to cover the ground fully. I must, however, make it clear that my mind will remain open to the end. Whatever may be the remarks I may make now with a view to elucidate and explain the provisions of the Bill, I shall be prepared for reasonable amendments so that the declaration that I made at the beginning that we should try to improve the measure and make it as perfect as we can may be realised.

Before I deal with the criticisms and comments that have been made, I have to refer to the motion for circulation which has been made by one of the hon. Members. He, for the most time, roamed over tangled morass and had little to say in support of the motion itself. He has had little backing in the House either. I might point out that the draft Bill was referred to the States before it was finalised by the Government. It was introduced in April. Several months have passed by since. The Joint Committee will have still several months at its disposal as the report is to be submitted on or before the 18th of November. So, the Joint

Committee will certainly be pleased to receive suggestions that the Members of the House who are not in the Joint Committee or others who are outside may choose to make. This measure has already been delayed for reasons which I had mentioned while moving the initial motion. There is pressing urgency at least on one account. The displaced persons who have arrived after the commencement of the Constitution have not yet been registered and their status has to be formally recognised before the next elections so that they may not be deprived of the valued privilege of taking part in the general elections. So, I hope that motion will not be pressed.

The Bill deals with a basic problem. It naturally deserves very careful consideration. The criticisms that have been made fall under different categories. It will not perhaps be possible to touch upon even the main points, but I shall try to refer to some of the questions which have been mooted in this House with sufficient vigour.

The first and foremost of these, I think, concerns the idea relating to the citizenship of the Commonwealth. It is no more than an idea, as I said. In fact, Commonwealth citizenship only indicates, I believe, the urge for a wider fellowship of nations. Apart from that it has not got much significance. It does not in any case impose any liabilities or obligations on us. The misunderstanding in this connection has to be removed and the misapprehensions allayed. Hon. Members might refer to clause 2(b) of the Bill—that is an important clause—and to clause (c) which is still more important. Clause 2(c) says:

“‘citizenship or nationality law’, in relation to a country specified in the First Schedule, means an enactment of the legislature of that country which, at the request of the Government of that country, the Central Government may, by notification in the Official Gazette, have declared to be an enactment making provision for

the citizenship or nationality of that country;”

We have clauses 11 and 12 dealing with this subject and there is also the provision in clause 5 about registration of the citizens of a country specified in the First Schedule. Hon. Members will see that the only thing that concerns any Commonwealth country here is the provision for registration of a citizen of a Commonwealth country. The mere fact that a country is mentioned in the Schedule does not give any right, if it be called a right, or any opportunity to any person to apply for registration. He must be recognised as a citizen by us, by India, of that particular country. Before such a stage can be reached, the condition that is laid down in clause 2(c) should be fulfilled, i.e., the Government of India should declare that a particular enactment that has been passed by the legislature of that particular country is recognised by it. So long as the citizenship law of any country is not recognised by the Government of India and it does not issue a notification in the Official Gazette to that effect, that country does not possess any existence in the eyes of this Act. The Members of this House have been naturally concerned, and I think to some extent perturbed, by the idea that perhaps the South African Boer may be able to seek registration. That is not possible. It was not possible even in the olden days. Hon. Members may be remembering that even under the Naturalisation Act of 1926 this course was not open to them. Then we had the Reciprocity Act under which too this was not possible. But now you will see that unless and until you recognise the citizenship law of South Africa no citizen of that country can come here and seek registration, and such a declaration can be made only at the instance and on the request of the Government of South Africa. Even the Government of South Africa, I think, will not have the brazen audacity and impertinence to apply for such a declaration here. After all that they have done for the harassment and humiliation of our people,

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they cannot possibly muster courage to apply, but even if they do so, of course such an application will never be granted. So, until and unless such a declaration has been made, the fact that a country is a Commonwealth country, or a citizen is a Commonwealth citizen of a Commonwealth country, is immaterial and has no relevancy in law. So, there should be no worry about that.

Shri Asoka Mehta: On a point of clarification. I believe the status of Commonwealth citizenship has been introduced or has been created as a result of deliberations between the Commonwealth countries and as a result of those deliberations the idea of a common clause to be introduced into the Citizenship Acts was accepted. Once a common clause is there, it is generally presumed that that kind of reciprocity would be established. In the case of South Africa what you say may be true, but as far as the Commonwealth countries are concerned, is not the presumption in favour of accepting such reciprocity by the introduction and acceptance of the common clause in these Bills?

Pandit G. B. Pant: What has been called the common clause—and that term is used in a technical sense—has been introduced in the Citizenship Acts of certain Commonwealth countries. I am not sure if it finds a place in identical terms in the South African statute. It is conceivable that where countries which come within this fold of Commonwealth are prepared to admit our citizens into their own fold of citizenship, we may agree to have them as such here. But automatically no citizen of any commonwealth country can become a citizen or can apply for registration. The first initiative rests with us. That is what I wanted to bring to the notice of the hon. Members of this House. It is true that the concept of a commonwealth carries with it the idea that those who are associated with it whenever they can do so with mutual benefit and advantage, enter into such

arrangements as will do good to the members who are parties to such arrangements. That is there. But it does not carry with it the idea of automatic citizenship. That is the important thing that I wanted to place before the House, because throughout there has been considerable confusion and misunderstanding on this point.

Shri S. V. Ramaswamy: The common clause is not part of the South African Act.

Pandit G. B. Pant: I said so myself. That shows that a commonwealth country is not bound to have even the common clause; and the fact that we noticed further is that the invidious discrimination which is exercised against the citizens of India in South Africa itself indicates that every commonwealth country is free to frame its own citizenship law, and nothing that is done by U. K. is binding on anybody else. That is another important thing which has to be borne in mind.

In this connection, there was some reference to the Act of 1948. Before I come to that, however, I should like hon. Members, apart from what I have said with respect to this....

Mr. Deputy-Speaker: Under the circumstances, whatever might be the position with respect to the others, what is the object of including the Union of South Africa in the Schedule?

Pandit G. B. Pant: That is only a description of a commonwealth country, and so long as South Africa is within the commonwealth, you have to include it in the description of commonwealth countries. Besides, there is room for return to sanity for every man and for every country, and we may hope that even South Africa may some time outgrow its stage of insanity and behave in a mature and wise way.

Shrimati Benu Chakravarty (Basirhat): Why not leave it open for the whole world?

Pandit G. B. Pant: Apart from that, there has been some confusion also about this British Nationality Act of 1948. It has been alleged by some, and perhaps felt by others, that every one of us is a British subject. That is not so. No one of us takes any oath of allegiance to the British crown. We only take an oath of allegiance to our own country. But apart from that, when the Indian Independence Act was passed, it was laid down, I think, in section 6 that:

"No Act of Parliament of the U. K. passed on or after the appointed date shall extend or be deemed to extend to either of the new Dominions as part of the law of that Dominion, unless it is extended thereto by a law of the Legislature of the Dominion."

This was passed in 1947. The British Nationality Act was passed in 1948. It cannot apply to this country unless it is extended to it by this Parliament. Nothing that is done by the British Parliament has any bearing on our own status or on our position here.

Shri S. S. More (Sholapur): May I bring it to the notice of the hon. Minister that article 372 of the Constitution does assure the continuance of some of the laws passed by the U. K.? And particularly the India (Consequential Provisions) Act of 1949, which is subsequent to the Indian Independence Act, continues to apply?

Pandit Thakur Das Bhargava (Gurgaon): May I submit that so far as article 372 is concerned, it specifically mentions that all the Acts which are passed by foreign Government after the attainment of Independence are not binding upon us? Only the previous Acts are binding.

Shri S. S. More: But the British Nationality Act of 1948 is previous to the Constitution.

Pandit Thakur Das Bhargava: It is not binding on us, because it has been

passed after 1947, after the attainment of independence.

Pandit G. B. Pant: It was passed in 1948. And the Indian Independence Act of 1947 having solemnly laid it down that no Act of Parliament passed thereafter would be applicable to India unless the Indian Parliament itself adopted it, it is clear.....

Pandit Thakur Das Bhargava: We cannot pass an Act binding on England. So, they cannot pass an Act binding upon us.

Pandit G. B. Pant:...that the Act of 1948 does not apply to this country. It is also perhaps known to the hon. Members that the 1948 Act itself did not say anything about its being applicable to India. It was applied to the colonies and to U. K., but not to any other country. Hon. Members will be interested to hear a few of the remarks that were made by the Secretary of State for Home Affairs, when this Act was discussed in the British Parliament. He said on 13th July 1948:

"This country cannot impose a law with regard to nationality upon any other member of the British commonwealth of nations. Each of them is a distinct sovereign State for this purpose. We can legislate only for the U. K. and colonies, and that is what we are doing."

The same thing is developed in the course of the debates, but that is clear enough, so that they could not, and they did not, legislate for us.

Shri S. S. More referred to the order of 1949. I think he misunderstood its significance, import and connotation. This order of 1949 in fact was passed for the benefit of India. After India had become a Republic, the persons of Indian origin who were in Great Britain ceased to be entitled to the privileges to which they were entitled previously. So, in 1949 this order was issued in order to enable the Indians who were in Great Britain to fully enjoy the privileges and

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benefits to which they had been used in the pre-Republic days. If anything, it conferred certain benefit and advantage, and did not impose any disability. I think it was due to a misapprehension that he happened to refer to this section, which, if anything, stands to the credit of U. K.

Shri M. S. Gurupadaswamy (Mysore): May I know why the External Affairs Ministry in its letter which I referred to yesterday accepted the continuation of this Act of 1948 passed in British, stating that it is applicable to India also after Independence and after India became a Republic?

Pandit G. B. Pant: I have not been able to follow the question. But the questioner may rest assured that he will have a satisfactory answer now or hereafter.

Shri M. S. Gurupadaswamy: I refer to the letter written by the External Affairs Ministry.

Pandit G. B. Pant: I shall refer to that too.

Shri M. S. Gurupadaswamy: According to that letter, the Act of 1948 is applicable to India even after 1950.

Pandit G. B. Pant: I am sorry that the Under Secretary was trapped into sending a wrong answer, because his obiter dictum cannot override the law. If the explanation that I have given is found satisfactory, then what he wrote was obviously under a misapprehension, under a delusion, or if it was done deliberately....

Shri S. S. More: Why not make a reference to the Supreme Court under article 143 of the Constitution, in view of this wrong reply from the Government, and get it finally adjudicated upon?

Pandit G. B. Pant: If every wrong reply from a clerk were to necessitate a reference to the Supreme Court, the Supreme Court will have nothing else left to do.

Shri S. S. More: Is he a clerk?

Bardar A. S. Saigal (Bilaspur): An Under Secretary is a subordinate officer.

Pandit G. B. Pant: Shri More is not yet satisfied. If he still thinks that that reply was correct, I will not accept that. I think his intelligence is too keen to admit of such a wrong interpretation. So if that reply was sent, it was wrong. The law is clear and I wish the questioner had not unnecessarily referred the matter to Government like that. It is a question of law and one can decide it for himself. This is a matter of opinion and one should not dangle it against the expressed, positive and convincing provisions of the law and arguments based on it.

There was a reference to this Commonwealth citizenship. As I said, we have an urge for a wider fellowship of nations. We in the Congress from the olden days, have been dreaming about a world federation and about world citizenship. That has been our dream. The Commonwealth citizenship, without imposing any burden on us, takes us somewhat nearer to that goal. We need not, however, think that it is of any disadvantage to us. We are really deriving substantial benefits. And I would like hon. Members to remember that we have thousands of our nationals in the United Kingdom today, in business, in industry, in commerce, in professions and in public service. There are about five million Indians in the colonies and in some of the countries which are closely allied with Great Britain.

Shrimati Benu Chakravarty: On a point of clarification. On the question of the Dominions: the point has been made clear by the hon. Minister. But what about the colonies? The colonies are directly under Britain. They cannot pass any law without it being certified by the Secretary of State. As such the United Kingdom has direct responsibility for the discriminatory laws which are being passed in the colonies. Therefore, the idea of Commonwealth immedi-

ately inscribes within it the whole idea of colonialism also.

Pandit G. B. Pant: We all stand against colonialism.

Shri S. S. More: And yet we recognise it in our legislation.

Pandit G. B. Pant: We cannot shut our eyes not only to the existence of colonies, but even to the existence of reptiles. If they exist, they are there. What we have to consider is whether the large number of Indians who are in the United Kingdom, in the colonies or in other places, and whom we are not anxious to repatriate and bring back to our country, will be benefited by our creating an atmosphere which may be detrimental to them and of no benefit to us. That, however, does not affect any legal position; it may affect the ethical or moral attitude. So far as this goes, I hope there will be no misunderstanding left in any quarter now.

The other important point, to which reference was made in the course of the discussions, related to the registration of displaced persons. That is an important matter. Now, some of the hon. Members have suggested that we should admit the right of citizenship without even registering them as such. Of course, the right of citizenship is there. But it will lead to confusion if there is no registration. Even when the Constitution was framed, it was definitely laid down that all those who had come after the 19th July 1948 would have to be registered, and it was only on such registration that they were to enjoy the privileges and prerogatives of citizenship. So registration is necessary. I do not think that any great inconvenience would be caused to displaced persons because they had to seek rehabilitation, to apply for relief, and arrangements had to be made for their resettlement and other things. So everyone of them has to be registered for that purpose too. In the circumstances, registration for citizenship is a much simpler affair.

But there is another question which was also raised in this connection, that so far as deprivation of the right of the citizenship was concerned, the case of the displaced persons deserved special consideration. That aspect of the matter will, I hope, receive sympathetic consideration at the hands of the Joint Committee. Though they have to be registered, they are hardly distinguishable from other citizens of this country. It is a misfortune due to a certain political development, of which they have been the victims. So I would like the possibility of the registered citizens to be classified in two groups: those who have come here as displaced persons and others who are registered citizens. It may be possible to take them out of this deprivation clause altogether so that they may, after they have been registered, continue to enjoy the right of citizenship without any sort of interference, interruption or disturbance. It will be for the Joint Committee to consider that, and I hope the Committee will give thought to it.

There was also some proposal to the effect that deprivation should be a judicial proceeding and not an administrative one. Now, hon. Members are presumably aware that this clause finds place not only in our Bill but in the British Nationality Act, in the Acts of Canada, Australia, even in that of wretched South Africa, and other places. Except in the case of the United States, I think no country provides for a judicial proceeding in matters of this type. But here you will see how many safeguards have been provided in this clause itself. Firstly, the clause rests on the conditions which would entail the extinguishment of the right of citizenship. But even after one has incurred this disability and this penalty, the clause says:

"The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that that person should continue to be a citizen of India"

[Pandit G. B. Pant]

Even if a person has incurred this penalty and is liable to be deprived, he will not be so deprived, unless the Central Government considers that his continuing as a citizen will be harmful to the interests of the country. That is a condition which I think should be borne in mind not only in respect of non-citizens, but even of citizens. If their presence in the country becomes detrimental to the interests of the country, then that will have to be curbed. These persons who have acquired the right of citizenship by naturalisation, or in a few cases by registration, have been given this privilege by way of concession. They are not the natural citizens of the country. They have been given certain concessions. If they misbehave, I do not see that there is anything unfair in asking them to choose other fields for their pastures. They need not continue to stay where they cannot find a good field; let them go out and look for this elsewhere. I do not see why there should be any objection to this.

Then it is laid down here that wherever a person so demands a committee will be appointed which will be presided over by a judicial officer. What more can be needed in matters of this type? So, I hope that this clause will be accepted.

There was also a reference to the clause which says that a person may cease to enjoy these rights if he is found to have done anything that is detrimental to the administration of the country by the Government of India:

"(b) that citizen has shown himself by act or speech to be disloyal or disaffected towards the Government established by law in India;"

As I said, this citizenship is not earned by a man by virtue of his right. It is something of a privilege which has been extended to him. So, if he behaves in a manner which creates difficulties in the way of

those who are in charge of the administration, he loses the privilege which was extended to him obviously on the condition that he would behave properly, not only once or twice, but continuously. He forfeits that privilege when he behaves in that manner. In other countries also there is a similar provision and although the words used may be different, they mean almost the same thing.

The Bill deals with acquisition of right of citizenship by birth and it confers the right on everyone who is born in this country. Some hon. Members have suggested that some restrictions should be devised and some conditions should be imposed on a person who is born of a non-Indian father or mother.

We are today working for peace in the world. We have built a stature for ourselves and for our country by our attitude towards world problems. In the circumstances, it would befit our attitude towards these basic problems, if we allowed everyone who is born in this country to acquire the right of citizenship. But it is not altogether an instinct of pious virtue that actuates me to say so. We have our own nationals, many more, in other lands than they have in our country. About fifty lakhs of our people are distributed all over the globe. It is to our interest that liberal provisions in this regard should be made in all countries. So if we give asylum to a few, we will be preparing the moral ground for similar treatment for millions of our people abroad in other countries. Looking at it therefore even from the selfish point of view, it is to our advantage and to our interest to have such a provision.

There was some comment made on the clause relating to citizenship by descent. This clause only recognises descent on the male or paternal side. That is, a person who is born of an Indian father in other lands can acquire the right of citizenship. It has been asked: why should the mother

not have that privilege, if the father is a non-Indian? We in our country have always thought in masculine terms. That has been our attitude towards all matters. We are now trying to change our succession law so that women also may have equal rights with men. But even in countries where such a law exists they have restricted this right only to males. We have taken this provision bodily from the British Nationality Act. There I think women have been treated with courtesy and respect. In our country too in the olden days the highest virtue that one could earn was to be called the mother of the man addressing her. So, that is the sublime status that women occupied as such.

Shri Asoka Mehta: What about article 5(b) of our Constitution?

Pandit G. B. Pant: Article 5 of the Constitution relates to domicile. We have not got this condition of domicile in this measure. If we introduce it we will be shutting out many more than what we would be having by this clause as it is. On the other hand, it would lead to many difficulties too.

We have been reminded by some of the speakers about the complications that arise out of the system of dual citizenship. It does lead to certain difficulties. But we cannot help it. We have to accept it, because we want people born in the country to be treated as Indians and to enjoy the privilege of being citizens of our country. But if we were to give the right of citizenship to persons born of non-Indian fathers, but Indian mothers, then we may have to be prepared for triple or six-fold citizenship. If a Brazilian, for example, marries an Indian woman and gives birth to a child in England, then the child will have three citizenships. He will be a citizen of Brazil, he will be a citizen of India and he will be a citizen of the United Kingdom. And, if such a child, when he grows up and becomes mature is married to another Indian girl and they give birth to a child, not in the United

Kingdom but in France, then there will be fourfold citizenship. So, I think it is sound to stick to the provision that we have.

Shri S. S. More: Will not the Indian before he gives birth to another make his own choice about nationality?

Pandit G. B. Pant: He is not bound to under any law.

Shri S. S. More: He won't get citizenship anywhere.

Pandit G. B. Pant: He continues to be a citizen of all the countries so long as he does not renounce. I would respectfully ask Mr. More to point out the section on which he relies. That is what judges do now. So, I will leave it there.

Shri S. S. More: Clause 9.

Pandit G. B. Pant: I do not think you are right there. That was about citizenship by birth and citizenship by descent.

Then, under this Bill the wives of Indian citizens, even if non-Indian, can be registered as Indian citizens. Some people said that women should have the liberty not to be coupled with their husbands in the matter of citizenship. Well, there is no compulsion. It is open to a woman to apply or not to apply. If she does not apply for Indian citizenship, she is not bound to do so. They are at liberty to continue as husband and wife and still owe allegiance to two different countries.

There was also a suggestion that just as women can be registered as Indian citizens if they marry Indians, an alien should be allowed to register himself as an Indian on the marrying an Indian woman. That would really lead to some monstrosity of the same type to which I referred previously and it is better to limit the scope of such alliances. They are very rare and it is better to let people keep to their own respective affinities than to drive them to corners which are far away, whether they be obscure or whether they be illuminated. We should better

[Pandit G. B. Pant]

keep the company of our own people and live a natural life. So, it is better to discourage these things.

A suggestion was also made that if any person insults the flag then he should be deprived of his citizenship. I hope that nobody will be so half-brained, mischievous or foolish as to have recourse to such a degrading course. We can rely on the good sense of our own people. I do not forget that recently certain declarations were made or intentions were announced by the very advanced leader of a certain party in the South which did affect the honour, the dignity and the sublime purity of the flag. But he did recant it and felt that what he had done was a very vile sort of deed. So, I hope nobody else will ever think of such a wicked act and relying on the good sense of our people we may not pursue that further.

Something was said about incorporation of territory; and, in that connection mention was made of Chandernagore and Pondicherry. I do not think any amendment of the clause is needed because an Act has already been passed by virtue of which the people of these two ex-French settlements will be citizens of India. Only there are some among them who want to retain their French nationality.

Shrimati Biju Chakravarty: Why should they not become *ipso facto* citizens and why should they wait for a notification by executive action?

Pandit G. B. Pant: So long as there is no *de jure* transfer of these territories to India there could be no legal form of citizenship; they are *de facto* citizens even today but we have to wait for perhaps a few weeks or months before we could get *de jure* transfer. They will then be automatic citizens of India.

Shrimati Biju Chakravarty: Will they become automatic citizens immediately the transfer is complete?

Pandit G. B. Pant: That Act is not before me. So, I should refer Mrs. Chakravarty to that Act and then if there is any difficulty I shall go through it with her, and see what it exactly means.

I have tried to deal with the main points. I do not consider it necessary to go through the minor ones. After all, what I have said is no more than an attempt to throw some light on obscure points. I hope hon. Members will feel that this Bill has been well drafted and that it will fulfil the purpose which has actuated the authors to give it this shape.

What we are doing today is of considerable importance. The state of subjection was over some time ago but still we and our society have to blossom into the status of full citizenship. That is what we seek to acquire through this Bill. And, I hope the select committee will consider every clause with care and consideration so that not only the present generation but posterity and generations to come will benefit by the edifice of new India which will be built on the foundations of this law.

Mr. Deputy-Speaker: An amendment has formally been moved and therefore I would like to know whether the hon. Member is willing to withdraw it.

Shri Vallatharas (Pudukkottai): I beg leave to withdraw it.

The amendment was, by leave withdrawn.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the acquisition and termination of Indian citizenship be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely, Shri Kotha Raghuramaiah, Shri P. T. Thanu Pillai, Shri K. G. Wodeyar, Shri K. T. Achuthan, Shri Ahmed Mohiuddin, Shri Nibaran Chandra Laskar, Shri Surendra

Surendra Mohan Ghose, Shri T. Sanganna, Pandit Krishna Chandra Sharma, Shri Raghubar Dayal Misra, Shri Lotan Ram, Shri Rajeshar Patel, Shri Lildhar Joshi, Shri Narendra P. Nathwani, Shri Bisakisor Ray, Shrimati Anasuyabai Kale, Shri Hari Vinayak Pataskar, Shri Manikya Lal Varma, Shri Ranjit Singh, Dr. Ram Subhag Singh, Shri Anandchand, Shri Hirendra Nath Mukerjee, Shri Mangalagiri Nandas, Shri Sarangadhar Das, Shri Hari Vishnu Kamath, Shri P. N. Rajabhoj, Dr. Lanka Sundaram, Shri Raghunir Sahai, Shri Uma Charan Patnaik and Shri Balwant Nagesh Datar, and 15 Members from Rajya Sabha;

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

that the Committee shall make a report to this House by the 16th November, 1955:

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

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of Members to be appointed by Rajya Sabha to the Joint Committee."

The motion was adopted.

INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) AMENDMENT BILL

The Deputy Minister of Labour (Shri Abid Ali): I beg to move:

"That the Bill to amend the Industrial Disputes (Appellate Tri-

bunal) Act, 1950, be taken into consideration."

The Bill is a short one and is intended to replace an ordinance which was promulgated on the 21st June 1955. It is intended to ensure speedy disposal of applications under sections 22 and 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950. More than 1600 such applications were pending before the Appellate Tribunal towards the end of June 1955. While the number of applications filed per month is near about 100, the rate of disposal ranges between 80 and 85. Under the existing law, every application has to be heard by a bench or a tribunal consisting of at least two judges. The applications are usually of an individual nature relating to the termination of the services of employees or some unauthorised changes in the conditions of service during the pendency of the appeal proceedings. The cases are not really important enough to merit consideration by two judges of the Appellate Tribunal. The time that the judges devote to these, I think, may with greater advantage be spent on hearing appeals proper. It is thus in the interest of economy and speedy disposal of individual justice that the Appellate Tribunal and also a single member industrial tribunal should be empowered to dispose of such applications. It is expected that this arrangement will bring about an appreciable improvement in the position both as regards pending applications and appeals and thereby ensure speedy justice to the workers concerned. As will be readily agreed, in industrial disputes it is very much in the interest of industrial peace that the decisions of the Tribunal are given within the minimum possible time. The Bill is designed to serve this purpose.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, be taken into consideration."

Shri Tushar Chatterjee (Serampore): The Bill is really welcome only in so far as it seeks to avoid unnecessary delay in disposing of the cases under sections 22 and 23. As this matter relates to the changes in the conditions of service during the pendency of appeal proceedings, it affects the workers everywhere. Although the main disputes are under consideration of the Tribunal, it is our experience that not only in the Appellate Tribunal but also in the lower tribunals, during the pendency of the appeal, all sorts of changes in service conditions, discharges, etc., take place and workers have to suffer very much. They have to go to the tribunals repeatedly for that purpose for getting redress. These things take an unnecessarily long time. So by providing for this special measure, at least one problem of the workers is solved. But at the same time I have to say that simply by providing for quickening up the procedure of the disposal of such cases the workers' interests will not be served, because the question is not simply one of quickening the process of this matter. It is also necessary to ensure justice in the process of the disposal of such cases. In the Act, section 22 does not clearly lay down that disposal of such cases will be made after proper hearing of both sides.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

What is mentioned in the Act is that in case the employer makes any change, in the service conditions of the employees, he has to do so after getting written permission from the Tribunal. At least I know the case of the West Bengal Tribunal. There it is our common experience that the disposal of such cases does not always take into consideration the views of the affected party, that is, the workers. It is true that sometimes the person concerned, that is, the worker concerned is asked to explain his case in writing. But in very rare cases the worker is asked to present himself before the Tribunal or the workers' representatives or

council are asked to present themselves before the Tribunal and argue the case. This is very common experience at least in West Bengal. I think this sort of vagueness in languages in the Act should be removed and, therefore, I have suggested an amendment that a proviso should be added so that there may be a clear provision that the disposal of all such cases will be made after proper hearing in which both the parties will be represented. I do not know what happens in other States, but at least in West Bengal, as far as our experience goes, workers complain that they are not always heard, and even if they are heard, they are simply asked to submit their point of view and are not given an opportunity to present themselves before the Tribunal to refute or counter the arguments of the employer.

3 P.M.

Shri Abid Ali: This Bill concerns Tribunal or Appellate Tribunal?

Shri Tushar Chatterjee: I do not know what happens in the Appellate Tribunal.

Shri Abid Ali: This Bill concerns the Appellate Tribunal.

Shri Tushar Chatterjee: When this happens in the case of the lower tribunal one can safely presume that it is likely to happen in the case of the Appellate Tribunal also. Therefore, I want an express provision to this effect.

There is another point which is of more importance. This Bill seeks to quicken the procedure of disposal of cases under sections 22 and 23. This is all right no doubt, but the more important thing that is in the mind of the workers is not simply the necessity of quickening this particular procedure. The workers demand that it is necessary to quicken the entire procedure of the tribunal. What happens is this: a dispute arises and it is referred to a tribunal. That tribunal gives some award. After that the employer appeals to the Appellate Tribunal

and then years go on. So, the workers have to wait for as long as 5 years or 7 years till their case is finally disposed of. Therefore, it is not simply a question of quickening the procedure of dealing with these particular sections, but the main point that is to be considered is the quickening of the procedure of the entire tribunal machinery. I think a time limit should be fixed within which the tribunal should finish its activity.

Why do we raise this question? This question is raised mainly because the experience of the workers is that although the main disputes are pending before the tribunal all sorts of dismissal discharges, change of conditions of service etc.,—that is under sections 22 and 23. They occur repeatedly and they occur one after another. In such cases the workers are fed up. Therefore, as long as the tribunal continues its work, year after year, in spite of the main points of dispute being under consideration of the tribunal this sort of additional trouble is faced by the workers and they are really fed up with it. On the other hand the law of the tribunal ties down the workers to certain conditions. The workers cannot go on strike. The workers cannot do anything they like for getting relief. So, on the one hand through the whole procedure of the tribunal the workers are tied down to certain very strict conditions and on the other hand the employers take the opportunity of harassing them, discharging them and changing their service conditions. These things go on and therefore the workers feel that unless there is a time limit set for the whole process of the tribunal, it is really very difficult for the workers to feel the benefit of the tribunal. The main complaint of the workers is that the whole process of the tribunal machinery is slow. No doubt, the tribunal is doing some good work, but on the other hand it is giving the employer a free chance to victimise the workers under any plea whatsoever for which the workers have to go to the tribunal again to seek

protection. This sort of thing goes on.

Shri Vetraswamy (Mayuram-Reserved-Sch. Castes): Sir, there is no quorum in the House.

Shri T. R. Vittal Rao (Khammam): Every day this is the story.

Mr. Chairman: I am ringing the bell.

Now there is quorum and the hon. Member may continue his speech.

Shri Tushar Chaturvedi: My last point is about some basic policy. It is true that the Bill seeks to do some good, no doubt, but my point is: when the main question of continuance or abolition of the Labour Appellate Tribunal is there in the country, why not bring in a more comprehensive Bill instead of bringing this piecemeal legislation? Today the workers all over the country, irrespective of their political opinion—the A.I.T.U.C., I.N.T.U.C., Hind Mazdoor Sabha, U.T.U.C.—all demand the abolition of Labour Appellate Tribunal. In judging the main issues of labour disputes it takes such a legalistic view and avoids the view of social justice that in majority of cases the decision of the Labour Appellate Tribunal has been to turn down the award of the lower tribunal. Therefore, in the present conditions, all over India, the opinion of labour is against the continuance of this Labour Appellate Tribunal. I know in Bombay all the different trade union organisations united and held meetings where they unanimously passed a resolution that the Labour Appellate Tribunal should be abolished. I have received reports that in Bombay all lawyers connected with labour cases have boycotted the Labour Appellate Tribunal. I know in tripartite committees also this question was raised and they are of the view that the Labour Appellate Tribunal should be abolished and some substitute should be found out because the Labour Appellate Tribunal deals with things in such legalistic manner that always goes against the interests of the workers. The Labour Appellate Tribunal award has always been to turn down the lower tribunal

[Shri Tushar Chatterjee]

award. Therefore, it has been the practice that only the employers go to the Labour Appellate Tribunal for they feel that by going to the Appellate Tribunal they will get some relief as the Appellate Tribunal by practice has shown that its award will turn down the award of the lower tribunal.

It is not only the entire labour opinion which is against the continuance of the Labour Appellate Tribunal, but I know that the Government circle is also considering whether this Labour Appellate Tribunal should be abolished. I am told that in some committee the Government is considering this question. Therefore my question is: when that basic question is under consideration of Government why not bring in a comprehensive Bill abolishing the Labour Appellate Tribunal and bringing in some substitute or whatever proposal you have got in view? Why bring in this piecemeal legislation which does not touch upon the main problem and which does not satisfy the labour? It does not solve the main question that has arisen in connection with the Labour Appellate Tribunal.

Therefore, although I welcome this Bill so far as it goes, I feel that the Government should consider the whole question, the basic question of this Labour Appellate Tribunal, and do something with regard to it.

श्री श्री ८० साधर (बाह्य विस्ती) : यह जो जर्मनेट बिल वहाँ पर पेश किया गया है, उसका मैं स्वागत करता हूँ क्योंकि सार्वजनिक में आवश्यक मजदूरों और यातिकों का आपस का भ्रमण बढ़ता जा रहा है और उसके लिए जो इन्स्ट्रुमेंट और जो मशीनरी पैदा की गई हैं, वह इन्टीग्रिटी टिब्यूनल और एपेलेट टिब्यूनल हैं और पिछले पांच, छे सात का तर्जुमा हमें बतलाता है और हम इस रहे हैं कि मजदूरों का इन टिब्यूनल्स के ऊपर से विरवास उठ सा गया है। उनको बिलकूल विरवास नहीं रहा और इसके कई कारण हैं।

उनको अपने केंद्र को अच्छी तरह से पेश करने का डिफेंस मौका ही नहीं मिलता बल्कि वहाँ उनके केंद्र का कैंसल होने में बहुत सज्जा अर्थात् लगता है। इसीलिए लोगों में उनके प्रति न विरवास रहा, न बरोसा रहा और न बच्ची ही रहा कि इतना सजा केंद्र चलने दिया जाय। मैं मानता हूँ कि यह जो बिल में जर्मनेट किया जा रहा है उससे कुछ फायदा है लेकिन इसके अलावा हमें इसकी दुनिचारी चीजों पर जाने की आवश्यकता है। सबसे पहली चीज यही है जो कि टिब्यूनल के सामने जाती है या एपेलेट टिब्यूनल के सामने जाती है, उसके फैसले के लिए कोई टाइम मुकुरर होना ही चाहिए कि उस अधीन के भीतर कैंसल हो जाना चाहिए। आज के दिन हम इससे हैं कि इंटरनेशनल कॉन्फ्रेंसेस में भी टाइम सेट्टल कर दिया है क्योंकि सब किसी में नहीं रहा और कई कारण ऐसे आ जाते हैं कि उनमें वस्तुतः ऐसे हैं। मजदूर सबसे ज्यादा पिसी हुई जाति हैं और उनकी एक्सीक सबसे ज्यादा है। इस मामले में मैं डिफेंस मजदूरों की ही बात नहीं कहता। यातिक भी परेशान हैं। टिब्यूनल्स एक तरफा चीज नहीं हैं क्योंकि यह बताया गया है कि मजदूरों को इसके दरमियान बहुत परेशानियां होती हैं, क्योंकि कानून उनको कोई चीज करने की इजाजत नहीं देता, यह सच्ची बात है लेकिन इसके साथ ही साथ मैं यह भी कहना चाहता हूँ कि यातिकों को भी बहुत सहूलियत नहीं है। उनके ऊपर भी पाबन्धियां हैं और उस प्रकार का अधाधुंध जैसा पहले किया करते थे आज नहीं कर सकते, मजदूरों को बिपिटमाइज नहीं कर सकते, काम से नहीं निकाल सकते जब तक कि टिब्यूनल उसकी इजाजत न दे। इसीलिए यह विच्छल दोनों तरफ हैं, लेकिन कुछ भी हो, बहुत सी चीजों में लोग आवश्यक बंटें हुए हैं, साथ साथ से मजदूर, उनके सवाल का जल्दी निपटाया होना चाहिए। उसके लिए कुछ दुनिचारी चीजों पर सोचने की आवश्यकता है, ताहम वह बिल ब्रिक थोड़ी हद तक गरीब मजदूरों को फायदा पहुंचाने वाला है, इसीलिए

हम उसको सपोर्ट करते हैं। इसके अमल में आने पर ही हमको पता लगेगा कि कहाँ तक इसमें हमको कामयाबी हुई और इस अमेंडमेंट बिल का मकसद पूरा हुआ।

पहले जो ट्रिब्यूनल्स कायम किये गये, उस वक्त बहुत खुशी का इजहार किया गया लेकिन जब उनको हमने अमल में आते देखा तो हमारी वह सारी खुशियाँ खत्म हो गईं। सबसे बड़ी दिक्कत इसमें मुझे यह है कि इसके जरिए कोई जल्दी फैसला होता ही नहीं है और दरी के अलावा और भी इसमें बहुत परेशानियाँ होती हैं और खास करके जब छोटी छोटी बातों के लिए ट्रिब्यूनल में जाना पड़ता है तो उसमें बहुत परेशानियों का सामना करना होता है। हाँ कोई खास फंडामेंटल चीज हो पालिसी के ऊपर या कुछ जनरल प्राब्लम्स हो जो कि तमाम इंडस्ट्रीज के मजदूरों पर असर डालने वाली हों, तो उनके फैसले के लिए आप ट्रिब्यूनल में जा सकते हैं और अगर वहाँ पर फैसला होने में थोड़ा टाइम भी लग जाय तो भी कोई हर्ज नहीं है। छोटी चीजों के लिए भी जब उनको वहाँ जाना पड़े और जब उसमें बहुत दरी हो तो बहुत परेशानी होती है। इसलिए मैं मंत्री महोदय से दरखास्त करूँगा कि फैसले के लिए अगर कोई टाइम लिमिट रख सकें तो ज्यादा अच्छा होगा। ऐसा करने से लोगों को जस्टिस भी जल्दी मिल जाय करेगी और लोगों में उससे तसल्ली भी जल्दी हो सकती है। मैं समझता हूँ कि इन ट्रिब्यूनल्स के कारण ही तमाम हमारे मजदूरों में असन्तोष बढ़ता जा रहा है। असन्तोष आज आप जानते हैं चारों तरफ फैल रहा है, असन्तोष को फैलाने वाले और मजदूरों को भड़काने वाले आज हमारे बीच में मौजूद हैं। ज्यादा से ज्यादा लोगों को भड़का कर मिस्लीड करने वाली कई पार्टियाँ हैं, वह सब तो है लेकिन जरूरत इस बात की है कि जब कोई इन्साफ लेने के वास्ते ट्रिब्यूनल के पास जाय तो उसको वहाँ पर जल्दी इन्साफ मिलना चाहिए। अगर वह नहीं मिलेगा तो यह जो असन्तोष बढ़ाने वाले हैं, उनके भी हाथ मजबूत हो जाते हैं।

मैं इस अमेंडमेंट बिल का समर्थन करता हूँ और टाइम लिमिट के बारे में अगर इसमें कोई प्राविजन रख सकें तो ज्यादा अच्छा होगा। इन शब्दों के साथ मैं इस संशोधन विधेयक का समर्थन करता हूँ।

Shri K. P. Tripathi (Darrang): I rise to welcome this Bill. The difficulties before the Appellate Tribunal which led to the drafting of this Bill and the earlier ordinance on which it is based were fundamental. It is one of those Bills which try to speed up the procedure before the Appellate Tribunal. To that extent, this Bill is welcome to us.

We know that under the law which exists, when any reference is made to the Appellate Tribunal or the lower tribunal and when that reference is pending, within the pendency, the employer is prevented from making any change in the service conditions. Similarly the workers also are prevented from going on strike. This is mutual. Now, what happens is that in practice the employers make changes in service conditions and the workers have to go with petitions to the Appellate Tribunal or the tribunal under which the reference is pending. Sometimes the number becomes so large—as figures were quoted by some Members—that it becomes impossible either to dispose of these petitions or to deal with the substance of the dispute in issue. Therefore it was thought necessary and I think it has been done well.

But the problem before me is, why has not the Government felt it necessary similarly to tighten up the procedure of the tribunal and the Appellate Tribunals in other spheres? My friend over there was quoting certain instances in Bengal to show how the procedure is so dilatory. After all what was the necessity of these tribunals. These tribunals were set up to remove disputes between the parties. The way in which these tribunals have developed has shown abundantly clearly—and I think the Government itself and particularly the Labour Ministry is convinced—that instead of setting disputes, it has become the habit

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of the tribunals to promote and create disputes and make the disputes persist. It is for this reason that the tribunals, instead of being dispensers of justice, have become causers of disputes. There has been no peace in the industry as was visualised. After all, it was decided in 1948 and earlier that it was necessary that there shall be peace in the industry and that this country might be reconstructed. That peace has come because the workers, instead of taking to the goal or the path of strike, have taken the path of adjudication. But the adjudication has become so costly and so dilatory that in one adjudication it has taken three to five or even seven years for reaching a settlement. You know that one adjudication is binding only for one year. Why? Because the dispute between the employer and the worker, when it arises, arises like a fire and it has to be quelled quickly. In progressive society in all other countries of the world, it has been found that a dispute need not be settled for ever. It is quite enough if it is settled for one year. As a matter of fact, the tradition is that there is an annual contract between the employer and the worker for one year under which the workers work. This is generally between the trade union and the employers. So, the contract is for one year and the dispute has to be settled quickly for one year. If for a dispute which has to last for one year and has to be settled within that year, seven years are taken for the purpose of settlement, then, it must be said that the machinery has failed. What is the use of creating a machinery which fails to fulfil the purpose? If the Government or the Ministry is convinced that this has failed to deliver the goods in the way in which it was desired, then it was its duty to have come forward with a better and a more comprehensive Bill which would have met the purpose; but that has not been done. As my friend was quoting, even the I.N.T.U.C. has passed a resolution in Bombay for the abolition of the appellate tribunal. It may be realised

what bitter feelings have been created by the way in which the appellate tribunals have functioned. The appellate tribunal has shown a complete lack of understanding of labour problems. When the Bill for this was being moved earlier by Shri Jagjivan Ram, it was said that specially trained tribunals would be constituted; but that has not been fulfilled. We have come to the conclusion that the tribunals have functioned without understanding what labour problem is, what labour economy is and what industrial economy is. Therefore, such a resolution has been passed. I do not know what the Government thinks about this. Sometimes from the discussions which we have had in the Joint Consultative Board, we felt that even Government was convinced that the appellate tribunal should go. If that is so, I do not know why the Government has delayed the abolition of the tribunals. It is said that the employers are trying to influence the Government not to abolish the appellate tribunal, although the Government is convinced that it should be abolished.

Mr. Chairman: Order, order. I do not want to interrupt the speech of the hon. Member but it appears that he is traversing ground which is not covered by this Bill. This Bill has very limited scope. It only refers to proceedings before the appellate tribunal under section 22. If the appeals were not pending, these proceedings would go to the ordinary tribunals. The scope of this Bill is very limited, but the hon. Member has traversed much broader ground. I would request him to confine himself to that actual Bill before the House.

Shri K. P. Tripathi: I was just trying to argue that the case for the abolition of the appellate tribunal has been made out all over the country. I was also trying to argue that Government seems to be convinced that it should be abolished and I was questioning the Government as to why it has not brought a Bill for the abolition of the tribunal itself instead of trying to speed up the procedure.

Mr. Chairman: That is the objection.

This Bill only relates to proceedings under section 22. If there was no appeal pending, then it would go to the ordinary tribunal. We are only concerned with delays etc. in regard to proceedings under section 22. The broad question that appellate tribunals are useless and have not worked well is not germane to the discussion so far as this Bill is concerned.

Shri K. P. Tripathi: Are we not entitled to draw the attention of the hon. Minister to the fact that the appellate tribunal has not worked well?

Mr. Chairman: It may be an important matter, but it is not within the scope of the Bill. We are confined to the consideration whether there should be change in the powers of the appellate court, so far as proceedings under section 22 are concerned.

Shri C. K. Nair: It is quite relevant to the subject.

Mr. Chairman: It is not relevant; relevancy in the Bill is only to proceedings under section 22 pending before the appellate tribunal. The Bill only says that these proceedings may be decided by judges sitting singly or may be made over to the tribunals, etc.

Shri K. P. Tripathi: I understand that the hon. Chairman is not ruling that I am not entitled to refer to this.

Mr. Chairman: I have myself allowed the hon. Member to have his say on the matter, but I would request him not to dilate too much upon this, because speaking legally, the question only relates to the powers of the appellate tribunal in considering applications under section 22.

Shri Debeswar Sarmah (Golaghat Jorhat): May I invite the attention of the Chair to the Statement of Objects and Reasons of the Bill which reads:

".....With a view to giving relief to the Appellate Tribunal and ensuring expeditious disposal of the applications, it is proposed to amend the Act....."

Mr. Chairman: The reference is only to disposal of applications under section 22.

Shri Debeswar Sarmah: My friend's contention is that when the appellate tribunal itself is abolished, there is no question of giving relief to it.

Mr. Chairman: I quite understand that point of view. It is only with a view to accommodate the hon. Member that I have allowed him to make so many remarks. Otherwise, strictly speaking the abolition of the appellate tribunal is not relevant to this Bill. Here we are only concerned with the limited question regarding applications under section 22 and not with the broad question whether the appellate tribunal should be allowed to remain or not. All the same I have allowed him to have his say on this matter. If he has got anything to say about the disposal of applications under section 22, he is quite welcome to do so.

Shri C. K. Nair: The Bill is narrow enough; and the Chair is making it further narrower.

Shri K. P. Tripathi: The Government have now come forward with a small Bill amending section 22 and section 23. The demand before the country was abolition of the tribunal. Naturally, therefore, the working class of the country may conclude that instead of abolishing the tribunal, the Government have decided not to abolish it, but merely to tighten the procedure. It is very clear that if the Government had come to the conclusion that it should be abolished, in that case, this Bill would have been one of abolition and not of simply tightening the procedure. As soon as this Bill is passed the reaction of the working class would be that the Government does not want to abolish the appellate tribunal for which a demand has been made unanimously by all working classes. What will be the result? The result will be disappointment, which the Government wants to avoid. So far as I know, it is not the intention of the Government to say that the functioning of the appellate tribunal has been all

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right or it has succeeded in achieving the purpose for which it was set up. Therefore, by bringing this Bill, the Government is defeating its own policy to some extent.

Shri Bannal (Jhajjar-Rewari): Which policy?

Shri K. P. Tripathi: The policy of industrial truce and peace upon which you are agreed with us. We are together bearing the burden of this country, to reach higher and higher goals of production. I am told that last month the production target was 165. That was a very high figure. So far as progress is concerned, we and the employers are going forward at considerable speed. We are taking care of the side of production in this country; but Government has to take care of the disputes. Government has failed to take care of the disputes. Why has it failed? It has failed because it has not provided the right sort of judicial procedure. When there is a demand for the abolition of this Tribunal, it should be considered. The decisions are pending only for one year; after that the workers and the employers are free to negotiate or to come to disputes. It is not like the civil case where we want a stabilised decision for ever in perpetuity. In modern society, nobody believes that property is perpetual. There was a time when in civil law property was held to be perpetual; but in the field of industrial relations, our relations are quicksilverlike. We want a quick decision for one year. We do not want an eternal decision. Therefore, the very idea that there should be uniformity in legislation or decisions is wrong. There cannot be any uniformity. There is only a question of temporary settlement. The disputes between the employers and workers have been very well described in the famous book *Strife* by Galsworthy where the fight between the employer and the worker goes on, both get tired, sleep together for some time and then again they come and fight.

Shri Bannal: That was in the 19th century.

Shri K. P. Tripathi: I am quoting the 19th century because we have not yet got out of the 19th century.

Shri Bannal: Quote the 20th century writers.

Shri K. P. Tripathi: In the 20th century, the only thing is we have come to the tribunals. Instead of fight, we have the lawyers.

By bringing in this Bill, Government have brought in rather a half-hearted measure. Why it has been so, I do not know. I am told that a great deal of influence is being exercised by the employers on the Government. For this reason, the Government have slowed down their labour legislation programme.

Shri Abid Ali: No, no.

Shri K. P. Tripathi: If that is so, I am sorry.

Shri Abid Ali: Be happy; it is not so.

Shri Bannal: The hon. Minister says it is not so.

Shri K. P. Tripathi: I hear him. It is true that the amount of labour legislation which was put through last year was far short of the necessity. You will realise that with reference to the resolution of Socialistic pattern of society, it was expected that a great deal of labour legislation would be coming forward. But, no labour legislation is coming forward to implement that programme. That is a matter on which Government themselves have come to the conclusion that some things should be done. But, nothing has been done. In the Joint Consultative Board, which is a part of the Planning Commission, it has been decided and discussed as to how the Labour Appellate Tribunal should be abolished and how the provisions in sections 22 and 23 should be amended. But, the Bill has not been brought to carry out those amendments, although they would have been very germane to the present situation in the country. Why has it not come? That ques-

tion automatically arises. Why has not the abolition of the appellate tribunal, which has been decided in that Board, come before the House.

Shri Bansal: Which Board is the hon. Member referring to?

Shri K. P. Tripathi: Therefore, I personally feel that the influence of my hon. friend, whatever my hon. friend may say, the influence of the employers has, to some extent, had a moral effect on the Government.

Shri Bansal: I can assure you I do not employ a single person.

Shri K. P. Tripathi: Why has there been a hold-up of labour legislation? That is the question which we the working classes are asking today. For instance, there is a great demand today for the amendment of the definition of 'worker'. Recently, journalists have been brought within the purview of 'workers'. I have got a telegram from Bengal and Assam saying that the doctors working in the plantations are being excluded by the tribunals from the bonus award because they are not workers. If this is done, the union itself may break. I have brought this fact to the notice of the hon. Minister. The doctors themselves are coming on a big deputation to the Government here. What is the position? The definition of 'worker' has not been amended. I asked the Government. Government say, yes, the definition needs modification. But, I am told that the employing Ministries of the Government of India are holding back this legislation. That is unfair. The definition of 'worker' was made at a time when the concept was different. Today, the conception is different. Today, in terms of the present concept of the word 'worker' as the Labour Ministry of the Government of India think, legislation is to be brought in. That is not being done. That amendment is not coming. What is holding it up? The workers feel that somebody is holding up that legislation. That question is not answered.

There are a large number of other labour legislations which are necessary. I can give a list. All that is

held up. Even the law which has been drafted by the Labour Ministry with regard to industrial relations is being held up. That has not yet seen the light of day in spite of the fact that, it was promised by the erstwhile Labour Minister. What is holding it up? That is the question. Therefore we draw the attention of the Government of India to the fact that the working classes of India feel that labour legislation has not been given sufficient priority and therefore delayed. The working classes further feel that there are other Ministries which are interested in this hold up, and are preventing this legislation from coming up. We hope that the Government would consider this and would not bring in legislation in this piecemeal fashion, but would tackle the labour problem as a problem, not in a legalistic way, dotting the i's and crossing the t's, so that the problem itself may be solved. The relations between the employers and the workers is not a legalistic one. It is a live one. It has to be solved as a live problem. If anybody thinks that this problem can be tackled by a legalistic approach, then, he is mistaken. I think I am expressing the views of the working classes of India correctly. I hope the Government will give it due consideration and try to change their lethargy and bring forward comprehensive legislation for which we are waiting anxiously and with considerable pain.

Dr. Jaisoorya (Medak): I wholeheartedly agree with the previous speaker in all the points that he has raised. I won't go into the question whether it is within jurisdiction to raise the issue whether we should have abolished the Appellate Tribunal or not. I only want to draw your kind attention to how slowly, if at all it moves, legislation or improvement in legislation with regard to labour problems, moves from issue to issue.

In 1922, the Government of Bombay formed a Labour Dispute Committee under Sir Stanley Reed. Then, the Government introduced a Bill in 1923-1924. The Central Government intervened and said that they want to make

[Dr. Jaisooriya]

it a Central subject and it took them five years to bring the first Industrial Disputes Act of 1929. That Act was found to be extraordinarily defective. It took 18 years to alter that and bring in another Act in 1947. I shall just show, chronologically, how long it takes for an improvement to take place. Then, a Select Committee in 1950 made proposals and then we had the Industrial Disputes (Appellate Tribunal) Act of 1950. Then, they found that there was a big lacuna. This Industrial Disputes (Appellate Tribunal) Act of 1950 has failed in such a way that the entire working classes, no matter to what category and what political persuasion they may belong, have said that it is not worth it and that it is a waste of time. I am not raising that issue. If this Government brings in any improvement, even though late, we have to examine whether the improvement that is proposed in this Industrial Disputes (Appellate Tribunal) Amendment Bill of 1955 is such a remarkable advance that we should welcome it with open arms. That is the only question.

The fact is this. It has taken now five years. Once a law is passed, it takes a terrifically long time to alter it even if it is absolutely rotten. We must see whether this is going to do a great deal of good or a fairly good deal of good which will be acceptable, useful and practical to workers. If it is so good, I am going to welcome it; but our experience shows that this minor amendment is not going to alter the basic difficulty. And the basic difficulty is this: that the labour problem has many facets, and these problems have slowly and steadily accumulated. There have been various rulings and decisions in various courts of law and I find today that one book has tried to incorporate and make sense out of a large number of isolated decisions and rulings as to what a labour law has to be. It is not very likely that any lawyer knows these things unless he studies them specially. It is not likely that a magistrate or anybody appointed on this

Labour Appellate Tribunal is aware of these enormously large number of rulings and the things that have crystallised out of them. Therefore, if the tribunal is formed in such a way as to meet this difficulty—that is what we are asking—and if a provision for that is incorporated in this Bill, I will have no objection whatsoever.

The first question is that there must be a cadre of adjudicators or people on these Industrial Disputes Tribunals who are trained and are completely and fully seized of all the problems that industrial disputes bring and how they are created. That is point number one. It is not only a judicial mind that matters. This is not a civil dispute. This is not a question of property rights. It is a new phenomenon that is arising out of the social changes that are taking place due to industrialisation which requires special understanding. Therefore, a new cadre of magistrates have to be trained, or people of judicial minds have to be specially trained. If provision to that effect had been incorporated by the Bill I would have welcomed it. As it stands today, the mere fact that the Appellate Tribunal is passing off a certain amount of its work again back to the Industrial Tribunal is not going to give you that speed which you are hoping for.

Our experience has been this, and I will tell you very frankly, that it is an unequal fight that is taking place between the employer and the employee. The employers can bring the biggest lawyers on their side. The employee has not got that capacity, and it is an unequal fight. The matter is adjourned from time to time and our experience has been that a dispute sometimes goes on for four, five, six or seven years and, whether it is the intention of the Industrial Tribunal to do so or not; this prolonged indecision financially ruins even the most powerful workers' union and therefore nobody is willing to have recourse to it.

The problem is this. I do not say: abolish the Industrial Appellate Tribunal. You say it is not on the cards here. All right, I will accept it. But the amendment that you are bringing forward must be so progressive and in practice must produce such results that it is worthwhile accepting the amendment. I regret to say that it is not so. There are two things that I would like to have. If you want this amendment to work, we should have a special cadre of people, not merely High Court Judges or two gentlemen from here and three gentlemen from there, but specially trained men with full knowledge; and if the Industrial Tribunal has got such men, the Appellate Tribunal is totally unnecessary. That is my contention. The second argument that I bring forward is that you should not have lawyers coming into the Industrial Tribunal to argue.

Mr. Chairman: May I just bring to the notice of the hon. Member that I raised an objection when Shri Tripathi was speaking on the Bill but I allowed him full latitude to have his say. Now, the hon. Member is coming to the constitution and the composition of the Appellate Tribunal which is the subject matter of section 5 of the Act. We are not amending section 5 of the Act. We are not on section 5. And he is further talking about lawyers etc. That also is covered by section 23 of the Industrial Disputes (Appellate Tribunal) Act. Lawyers are not allowed except with the consent of both the parties. The Act has been amended already so far as this is concerned. In regard to both these matters, so far as the present Bill is concerned, it has got absolutely no concern with both these things. I am very sorry therefore..

Dr. Jaisankar: I fully agree with you, but I am telling you this that unless we can bring in certain powerful amendments.....

Mr. Chairman: The Hon. Member is entitled to bring his own Bill relating to the constitution of the Appellate Tribunal.

Dr. Jaisankar: If you permit me, I shall most certainly do so. I am only pointing out that this amendment by itself is equal to zero.

श्री आर० आर० शास्त्री (जिला कानपुर—मध्य) : जो विधेयक इस समय सदन के सामने पेश हैं, मैं उसका स्वागत करता हूँ। वास्तव में इस समय एपेलेट ट्रिब्यूनल के सामने मजदूरों के सैकड़ों और हजारों कंसेब इक्वेट हो गए हैं, जिस की वजह से मजदूर बहुत ज्यादा परेशान हैं। उस खराबी को दूर करने के उद्देश्य से यह बिल हमारा सामने पेश किया गया है। जितने भी माननीय सदस्यों ने अभी तक भाषण दिए हैं, करीब करीब उन सब ने इसका समर्थन किया है। इस सम्बन्ध में मैं सिर्फ इतना ही कहना चाहता हूँ कि गवर्नमेंट ने सही काम तो किया है, लेकिन वह गलत तरीके से किया है और वह तरीका यह है कि इस बिल को पेश करने से पहले एक आर्डिनेंस पास किया गया और यह कह कर किया गया कि एक बहुत बड़ी एम्बेन्सी आ गई है और उस एम्बेन्सी का मुकाबला करने के लिए राष्ट्रपति को एक आर्डिनेंस पास करना पड़ा है। अग्रेस और मई के महीने में इस सदन की कार्यवाही बराबर हो रही थी और जुलाई के महीने से सदन की कार्यवाही फिर शुरू होने वाली थी। इसी बीच में यह खबर आई कि एपेलेट ट्रिब्यूनल के सामने इतने ज्यादा कंसेब इक्वेट हो गए हैं—इतनी ज्यादा मुसीबत इक्वेट हो गई है—कि उसके लिए राष्ट्रपति को आर्डिनेंस जारी करना पड़ा है। श्रीमान जी, मैं सिर्फ इतना ही कहना चाहता हूँ कि कुछ मुसीबतें तो ऐसी होती हैं, जो प्राकृतिक होती हैं, और अचानक आ जाती हैं, और उनका मुकाबला करने के लिए आर्डिनेंस को पास करने की बहुरव होती है। लेकिन कुछ मुसीबतें ऐसी होती हैं, जो कि पहले से मात्तम हो सकती हैं। मैं कह सकता हूँ कि इस वक्त एपेलेट ट्रिब्यूनल के सामने बड़ी मुसीबत आ गई है, इतने ज्यादा कंसेब इक्वेट हो गए हैं, यह कोई ऐसी बात नहीं थी कि जिसको गवर्नमेंट पहले से देख नहीं सकती थी। इस लिए मैं समझता हूँ कि 'एम्बेन्सी' और 'आर्डिनेंस'

[श्री जारो अर० सास्त्री]

एवं सब होने चाहिए कि इनका बिच बचत प्रयोग हो—बिच बचत डिपॉजिट हो कि डिप्लोमा में एम्बेन्सी आ गई है और तत्पश्चात् को आर्बिनेन्स जारी करना पड़ा है, उस बचत वीजक को वह महसूस होना चाहिए कि कोई बहुत बड़ी जांच आ गई है। एम्बेन्स डिप्लोमा के सामने सैंकड़ों केंसेब सालों से इन्स्टैं हो रहे थे, लेकिन अचानक गवर्नमेंट को ख्याल आया कि इसके लिए एक आर्बिनेन्स बांध दिया जाये। इस बात को मैं मामूलीतः समझता हूँ कि ऐसे कामों के लिए इस तरीके से आर्बिनेन्स का सहारा लिया जाये। मैं उम्मीद करता हूँ कि आर्बिनेन्स गवर्नमेंट के लोगों को वह जानकारी होगी चाहिए और यह ख्याल होना चाहिए कि हमारा कानून में क्या डिफरेंस है और उसके कारण क्या मुसीबत आने वाली है।

जैसा कि अभी सदन का ध्यान दिलाया गया है, दफा ११ इस लिए रीढ़ की गई थी कि बिच बचत मालिक और मजदूरों का कोई मतला अवास्तव के बरिये इस हो रहा हो, उस बचत मालिकों को वह अधिकार नहीं है कि मजदूरों के काम करने की शर्तों में कोई फर्क करे या उसकी बराबरी मजदूरों को पर्सनलिटै है। लेकिन जैसा कि अक्सर डिप्लोमा में होता है, कानून के होते हुए, वह कानून है कि कानून के सिक्काफ काम हो रहा है, मालिकान मजदूरों को केवल परेशान करने के लिए बर्खास्त कर देंगे या काम की शर्तों में परिवर्तन कर देंगे और फिर वे समझते हैं कि मायका एपेलेट डिप्लोमा एक बाधेगा, उसमें कभी सब कुछ बाधेगा और इससे जमाने तक हम मजदूर को परेशान कर देंगे, वह इससे लिए काफी लजा होगी। और इसी लिए दफा २३ दी गयी है कि अगर मालिक मजदूर के सिक्काफ कोई कार्रवाई दफा २२ में करता है तो मजदूर दफा २३ में डिप्लोमा का ध्यान आकर्षित कर सकता है कि मालिक ने वह काम कानून के सिक्काफ किया है और उसकी पुनर्जाई होती है। इसी तरह के सैंकड़ों और हजारों केंसेब इन्स्टैं हो गये हैं। उत्तर मर्च

के बारे में तो मैं कह सकता हूँ कि जो केंसेब इन्स्टैं हुए हैं उनमें से ४० या ५० की संख्या इसी तरह के हैं। अगर आप खाल भर रहते यह बिचबचत साथ होते तो आपने सैंकड़ों हजारों मजदूरों के साथ इन्साफ किया होता। आपने इतनी दूरी की, वह गलती की। लेकिन दुःखत को दूर में भी होना आया वह भी अच्छा ही हुआ क्योंकि अगर कोई गलती दूर से भी ठीक कर दी जाये तो ठीक ही है। कहना यही है कि आपन्ना के लिए इस तरह की चीजों का ध्यान रखा जाना चाहिए।

अब सोचने वाली बात यह है कि इतने केंसेब क्यों इन्स्टैं हो गये। इसका एक मुख्य कारण तो यह है कि जो कायदे हैं वे सराब हैं। अगर ऐसे कायदे हैं कि अगर कोई लड़ाई भगड़ हो और वह नीचे ही लें हो जाये तो अवास्तव तक इन केंसेब को लें जाने की जरूरत ही न रहे। पहले कानून के मुताबिक सार उद्योगों में वर्क्स कमीटिया थीं जिनमें मालिकों और मजदूरों दोनों के प्रतिनिधि होते थे और जो आपस में बैठकर मतलों को लें कर लेती थीं। हमारा मानस में सैंकड़ों केंसेब इन वर्क्स कमीटियों में इस हो जाया करते थे। अब इस तरह के केंसेब को डिप्लोमा और एपेलेट डिप्लोमा के सामने लें जाने की जरूरत ही नहीं होती थी। लेकिन गवर्नमेंट ने अवास्तव सदन को यह नहीं बतलाया कि वह वर्क्स कमीटियां, जो कि इतनी आवश्यक थीं, क्यों खत्म कर दी गयीं। अब कोई ऐसा तरीका नहीं रह गया है जिससे कि मालिक और मजदूर आपस में बैठकर अपने मतलों को इस कर सकें। गवर्नमेंट भी इस बात को मानेगी कि अब मजदूर और मालिक आपस में बैठकर अपने भगड़ों को लें करते हैं तो उनके आपसी सम्बन्ध अच्छे रहते हैं। अब वे लोग अवास्तव कार्रवाई करते हैं तो उनको अपना कंस जीतने की फिक्र रहती है, और उस हासत में उनके आपसी तात्पुजाय अच्छे नहीं रहते। आवश्यक जो तरीका अस्तित्व में आया है इससे यह नतीजा हो रहा है कि मजदूर आप्पोसिशन की जैसी नीचे पड़नी चाहिए थी वह नहीं पड़ रही है और

मजदूर आन्दोलन पर कुठाराघात हो रहा है। यह जो अदालत का तरीका पेश किया गया है इससे एक तो मजदूर आन्दोलन की बड़ कटती है और दूसरे मजदूरों और मालिकों के सम्बन्ध खराब होते चले जा रहे हैं। जो बीज बोया गया था उसका आज नतीजा हमको भुगतना पड़ रहा है। हम इसके लिए किसको जिम्मेदार ठहराएँ। यह जो इलाज किया जा रहा है यह कुछ हद तक ठीक है मगर इससे यह बीमारी दूर नहीं हो सकती। इसका सही इलाज यही है कि वर्क्स कमेटीयों को बनाया जाये जिनमें मालिक और मजदूर आपस में बैठकर अपने मसलों को हल कर लें। बरूरत इस बात की है कि इस तरह का बिल लाया जाये कि जिससे ट्रंक एनियन्स का रिक्रोगनीशन हो सके, जिससे मजदूर एनियनों को मान्यता दी जाये, जिसके जरिये मालिकों को मजदूर किया जाये कि वे मजदूरों के साथ बैठकर आपस में अपने मसलों को हल करें। तभी हम आगे बढ़ सकते हैं।

साथ ही साथ जो आपने अदालत का तरीका अस्तित्वार किया है इसमें ट्रिब्यूनल और एपेलेट ट्रिब्यूनल के सामने कैसेब जाते हैं। एक तो उनमें दूरी बहुत लगती है। दूसरे मजदूर इतना खर्चा बरदारत नहीं कर सकता। मालिक लोग अच्छे अच्छे वकील ले जाते हैं और हजारों रुपया खर्च कर सकते हैं। मजदूर इतना खर्च नहीं कर सकता। देखने में तो कानून मजदूर और मालिक दोनों के लिए अच्छा प्रतीत होता है, लेकिन वास्तव में जो तरीका अस्तित्वार किया गया है उसमें मालिक को तो फायदा होता है पर मजदूर को नुकसान होता है। इसलिए इस सदन में दफा २२ और २३ पर सरकार का ध्यान दिलाया गया है कि ऐसा कानून बनाया जाये कि जिससे हिन्दुस्तान में मालिकों और मजदूरों के सम्बन्ध ठीक ठीक से कायम हो सकें। अगर ऐसा नहीं होगा तो जब आपको खराबी मात्म होगी तो उसको ठीक करने के लिए आप एक कानून लायेंगे, फिर कुछ समय बाद उसमें भी खराबी मात्म होगी तो फिर आप दूसरा कानून लायेंगे। वह तो बरत काटने वाली बात होगी कि जब कोई मुसीबत फिर पर आ जाये

तब उसको हटा दिया जाये। अगर सही इलाज करना है तो सोच विचार कर करना चाहिए। वास्तव में मालिक और मजदूर के सम्बन्धों का मजला मानव का मसला है, ईट पत्थर का मसला नहीं है। अगर सरकार इस बात को ध्यान में रखकर इस मसले को हल करने की कोशिश करेगी तो वह इसको हल कर सकेगी।

इस मौके पर जो माननीय मंत्री जी इस मसले को हल करने के लिए यह बिल लाये हैं मैं उनका ध्यान एक और बात की ओर दिलाना चाहता हूँ। जब ट्रिब्यूनल्स के सामने मसले जाते हैं तो मालिक अपने आदिमियों को भेजते हैं और जितनी दफा प्रोसीडिंग्स होती हैं उन सब का खर्च वह कम्पनी के खर्च में ढाल देते हैं। लेकिन मजदूर, जिसके पास पैसा नहीं होता है, अपने खर्च को कम्पनी के खर्च में नहीं ढाल सकता। कारखाने को मजदूर और मालिक दोनों मिल कर चलाते हैं, दोनों मिल कर कारखाने की पूंजी को पैदा करते हैं। फिर वह कैसे हो सकता है कि जब मालिक और मजदूर में भगड़ा हो तो मालिक तो अपने खर्च को कम्पनी के खर्च में ढाल दे और मजदूर का खर्चा उसके अपने सिर पर पड़े। इसलिए मैं चाहता हूँ कि इस कानून में इस प्रकार का संशोधन किया जाये कि जब मालिक और मजदूर का भगड़ा ट्रिब्यूनल के सामने जाये तो मजदूर और उसके नुमायन्दों के बहाँ जाने आने का खर्चा भी कम्पनी के खर्च में ढाला जाये। मैंने बैंक के कर्मचारियों में काम किया है। मैंने देखा है कि वहाँ जब कोई कर्मचारी अपना भगड़ा लेकर अदालत में जाता है तो उसका खर्चा भी बैंक में लगता है। लेकिन और किसी इन्स्टीट्यूट में ऐसा नहीं है। अगर ऐसा किया जायेगा तभी सही मानी में हिन्दुस्तान के मजदूर की मांग को पूरा किया जायेगा।

हम देखते हैं कि एपेलेट ट्रिब्यूनलों को आराम देने की लगे यह बिल लाया गया है।

श्री आरिष जल्ली : आराम देने को नहीं।

श्री आर० आर० शास्त्री : हिन्दुस्तान की मजदूर जमाव तो चाहती है कि इस एपेलेट ट्रिब्यूनल को बिल्कुल आराम या रिस्कीट दे

[श्री आर० आर० शास्त्री]

रिखा कार्य। मजदूर समाज को बचानी है कि उसको इस एपेलेट ट्रिब्यूनल के रिस्किंग दे दिया कार्य। यह ट्रिब्यूनल के मजदूरों की संयुक्त आवाज है और मैं समझता हूँ कि ट्रिब्यूनल इस पर ध्यान देंगी। मैं उम्मीद करता हूँ कि वह बहुत जल्द आयेगा जब ट्रिब्यूनल इस सदन में इन एपेलेट ट्रिब्यूनल को हटाने का विचार लायेगी और ऐसा कानून लायेगी जिससे न्याय सस्ता और जल्द हो सके और हमारा एक सामाजिक न्याय की ओर बढ़ सके। उस दिन की हम प्रतीक्षा करते हैं।

ट्रिब्यूनल में इस मसले को हल करने के लिए जो विचार सदन के सामने रखा गया है उससे लिए मैं ट्रिब्यूनल को एक बार फिर धन्यवाद देता हूँ।

Shri P. C. Bose (Manbhum North): I rise to support this Bill which seeks to amend the Industrial Disputes (Appellate Tribunal) Act. The Bill has a limited scope, no doubt, but I am sure that it will serve the purpose for which it has been brought, namely to quicken the administration of justice. There has been a persistent complaint against this Appellate Tribunal both by the employers and by the labourers on the ground that it takes a long time to decide any case that is referred to it—whatever its nature—sometimes months and months, and sometimes years and years. This Bill, I am sure, will help to avoid that complaint.

There has been also a complaint that these tribunals and other machineries that have been introduced by Government are useless and are against labour interests, and so on and so forth. I do not agree with those views. I think these tribunals and other machineries are inseparable from big-scale industries.

4 P.M.

In Western countries, wherever industries have developed, they have got, side by side, this machinery. One of my friends had just said that the re-

lation between the employer and the employee is not legalistic, but realistic. That is right. But in a big-scale industry it is no longer a case between the employer and the employee; it is a case between the employees' association backed by big brains—some of whom have come here also—and the employers' federation and their barristers, lawyers and big people. Therefore, in big-scale industries, the relationship between the employer and the employee cannot remain so much personal as we want it to be; automatically, the relation becomes legalistic, and I think this machinery, the tribunals and other bodies to settle industrial disputes, has helped in our country also a good deal to bring about industrial peace.

About the year 1947, if my friends remember, there were strikes and violence and so many other things all over India from one end to the other. In big industrial areas, the violence was more, that is to say, in Bombay, Calcutta and so on. But this machinery has helped to bring down those conditions to normalcy. Labourers have become legal-minded. They approach the tribunal and other conciliation machinery and they give up the idea of committing any violence. The employers also cannot so much deprive the labourers of their real dues, when they go to the legal officers, officers having knowledge of law, the Regional commissioners, conciliation officers and the tribunals. Thus, on the whole, a great improvement has been effected by the Government through this machinery.

So far as this Bill is concerned, it has a bearing on the complaint of delay. As one of my friends said, justice delayed is justice denied. On account of changed conditions by the time an appellate tribunal gives its decision, it is of no use at that time. That is a fact. Appellate tribunals take a long time; but at the same time, if we have got the luxury of going from court to court, to the highest appellate tribunal, we must also suffer,

to a certain extent. We must also have got to spend. Of course, the best thing is for the labourers and the employers to settle disputes across the table without resort to the conciliation machinery or to the tribunal. Failing that, the two other courses are strike and violence or this machinery. On the whole, this machinery is much better in many respects. The only question now is that the industrial tribunals take a long time to decide the case. This Bill is intended to help the tribunals to settle the cases as early as possible. Therefore, the Bill is very welcome and I whole-heartedly support it. As regards those who have spoken outside the scope of the Bill, I hope they will have more opportunities to speak on those matters later.

Shri Debeswar Sarmah: I do not propose to take the time of the House by reiterating what has already been stated. I will touch only on two points which are ancillary to this Bill. But before I do that, I welcome this Bill. I also say that legislation in such a piecemeal way has to be discouraged. It does not go far enough; it does not deal with many other urgent and important points which are calling for treatment.

Firstly, the term, 'worker' has to be amended and expanded. By way of illustration, I would say that the doctors, particularly in tea plantations—they are not very big officers—should be included within the term 'worker'. This subject has been dealt with by my friend, Shri K. P. Tripathi, and if I were to deal with this point, perhaps I would have to repeat every word of what he said. I endorse every word of what he said.

The other categories of workers who are to be included within the Trade Disputes Act are junior or senior assistants whether technical or non-technical, in scientific and other organisations or institutions within a limit of salary.

Mr. Chairman: I am afraid the hon. Member is traversing ground which is not covered by the provisions of the Bill. He is really speaking on matters which are extraneous. He

should reserve these remarks for another occasion when the question of the amendment of the Industrial Disputes Act is taken up. That would be the proper time. I am afraid it is not at all relevant to this Bill.

Shri Debeswar Sarmah: I bow down to the ruling of the Chair, and I perfectly appreciate all that is said. But when it is a question of amending the appellate tribunal machinery, within that legislation is also included the term 'worker'. That is the key and therefore, with your leave, I will just take two minutes to illustrate what I am talking about. There is a station at Jorhat, Tocklai experimental station, which carries on scientific experiments in respect of production and manufacture of tea. You will be interested if I give a few figures—just a few only. There a junior technical or non-technical man starts—he is often a graduate—on Rs. 60; an intermediate starts on Rs. 80; and a senior, technical or non-technical man, who is usually an M.A. or M.Sc. and sometimes a doctor, gets Rs. 100. But an officer starts with Rs. 600. Would you believe it? An officer there gets round about Rs. 2220, including all allowances to start with. His basic pay is Rs. 800, dearness allowance Rs. 250, servant allowance Rs. 250, conveyance allowance Rs. 200, charge allowance Rs. 200, overseas allowance Rs. 300, children allowance Rs. 50; then he gets a house which is a free, furnished beautiful building, fuel allowance of Rs. 70, entertainment allowance of Rs. 100 and bungalow maintenance allowance of Rs. 200. So it comes to about 2220 per month. When the question of amelioration of the condition of these junior, intermediate and senior assistants who draw comparatively small amounts, comes, Sir, the top people governing this Institution, I mean the Tocklai Experimental Station, Cinnamara, would not care to reply to letters. They know that these junior, intermediate and senior assistants are not covered by the Trade Disputes Act. Taking advantage of this, the *barra sahibs* sitting in Netaji Subhas Chandra Bose Road or Park Street would not reply

[Shri Debeswar Sarmah]

to letters urging upon betterment of the conditions of these under-paid and over-worked officers. I plead with the Government that it is time a comprehensive piece of legislation was brought forward including these hard-pressed people within the definition of the term 'worker'.

Another point is this. In each State, the Labour Appellate Tribunal should depute their Bench to take up hearing of matters arising in that State. For instance, the Labour Appellate Tribunal Bench should not take up hearing in Calcutta, which is in West Bengal of matters or Appeals which arise in the State of Assam. I need hardly say that in the case of appeals from the State of Assam, big companies can send their representatives to Calcutta, but what about the small unions, what about the workers? It is extremely expensive for small unions and the employees in Assam to go all the way to Calcutta.

Mr. Chairman: The Appellate Tribunal can hold their sitting wherever they like. The Chairman can so direct it. That is in section 8. So the power is already there.

Shri Debeswar Sarmah: But the Government can very well issue a useful directive that the Appellate Tribunal Bench will sit within the State of Assam when it takes up appeals from Assam.

Shri Abid Ali: There are only 10 appeals pending from Assam.

Shri Debeswar Sarmah: But mostly they are poor people's appeals.

Shri Raghavachari (Penukonda): Sir, I am not a person very much acquainted with industrial disputes or the working of the Industrial Disputes Act. But, nevertheless, I am only concerned with examining the intended amendment as a lawyer when compared with the existing position of law and the position they are going to create.

Industrial disputes are determinable now by two kinds of tribunals; the ordinary industrial disputes under the

Industrial Disputes Act and certain disputes under the Industrial Disputes (Appellate Tribunal) Act. These are the two categories that are there. What is now sought to be amended is the Industrial Disputes (Appellate Tribunal) Act. So far as the composition of the tribunals under the two categories is concerned there is a great difference. The Industrial Disputes Act gives the powers of appointment of these tribunals to the appropriate authority, as it is defined, and that appropriate authority consists of the Centre as well as the States. And, the personnel of those are people who are High Court or District Court Judges or people who are eligible to be appointed as such Judges.

I must mention one other fact. Under the Industrial Disputes Act the tribunal can consist of one man also. It can be a single member tribunal. When it happens to be a single member tribunal the individual or single member must be a man qualified to be or having held the office of High Court Judge or (Interruption)—If it happens to be a single member under the Industrial Disputes Act, then he must be a person with some judicial experience.

Mr. Chairman: He refers to section 7 of the Industrial Disputes Act. There is another section in the Appellate Tribunal Act also which says three qualifications are necessary; has been or is a judge of the High Court, is qualified for appointment etc.—see clause 5.

Shri Raghavachari: I shall just invite your attention to the Industrial Disputes Act, section 7, and section 5 of the ...

Mr. Chairman: Where it consists of one member only. We have got in the Punjab such tribunals.

Shri Raghavachari: I say that a tribunal under the Industrial Disputes Act can be a single individual and, if it happens to be a single member tribunal, the individual must possess judicial experience. In the case of a bench the Chairman will have to possess these qualifications. That is what

I said. Therefore, the point I was urging was that the personnel of the tribunal consists of a certain category of people of judicial experience. It may be one or more than one. Under the Industrial Disputes (Appellate Tribunal) Act, it must always be a bench, more than one individual. The Act also requires that a member of the appellate tribunal must be a person who is a High Court Judge or competent to be one and to be appointed in consultation with the Supreme Court. That is what exists now. What the amendment proposes to do is to convert this tribunal into a single member tribunal and to include in that tribunal not only people who are appointed under the Industrial Disputes (Appellate Tribunal) Act but also tribunals which are appointed under the Industrial Disputes Act.

Shri Abid Ali: For miscellaneous applications only.

Shri Raghavachari: After all, in this amendment, we are concerned only with miscellaneous applications which under the Appellate Tribunals Act were required to be considered and disposed of only by a tribunal which is a bench consisting of persons appointed under the Appellate Tribunals Act. I am prepared to concede that there must be some difference between major disputes and those disputes that arise during the pendency of a matter in appeal. Till now you wanted that these matters which are fairly important also to be disposed of by competent people, of the appellate tribunal which commanded the confidence and the respect of the disputants. Now, you want to convert it into a lesser and more conveniently constituted body. I, for one, want to know why it was not possible for the Government to appoint more tribunals and dispose of the pending matters, if the intention was the early disposal of pending matters. Probably, the argument might be that it is not economic. That is the only thing I can conceive of; because people of that Appellate Tribunal category cannot be had very

cheap. But it is not only the question of cost that is involved but it is also the credit and the confidence these institutions command. To my mind, therefore, it seems that the present Bill really opens the possibility of the disputes being heard and disposed of by not very competent but inferior people and that is really a matter which requires to be considered.

Another point that I wish to make in respect of this Bill is this. The tribunals under the Industrial Disputes Act can also be appointed by the States. When you say that any of these matters can be transferred by the Chairman of the Appellate Tribunal to any other tribunal or to any other single member tribunal appointed even under the Trade Disputes Act or under the Appellate Tribunals Act, the question arises: can they also be transferred to the tribunals which are appointed only by the States? But, surely, you have made a provision that they cannot be transferred to such tribunals which are appointed only by the State and this is contained in 23A (1)(c). It is mentioned there that a transfer of the proceeding, whether pending before the Appellate Tribunal or himself or any member may be made to any one of the industrial tribunals specified for the disposal of such proceedings by the Central Government. There the restriction has been imposed upon the kind of tribunal to which these matters may be transferred and that tribunal must be a tribunal which is specified for the disposal of such proceedings by the Central Government. But does this mean that it refers to the tribunals appointed under the Industrial Disputes Act under the defined term 'appropriate authority', as in (a) (i) or does it also empower the Central Government to notify the people appointed under (a) (ii), because all that is required is that it must be notified by the Central Government? That is one matter where there is some doubt and it is to be cleared. It is easily possible to include in it a large body of people whom you might call tribunals.

[Shri Raghavachari]

I also examined the Act to find out whether there was so much need for this measure to be promulgated as an ordinance. To my mind, it looks it is simply trying to make a mole a mountain. In fact, I listened to the Minister reading out the figures of cases pending disposal. This pendency may not have accumulated only during the period when the Parliament was not in session. It must have been an accumulation over a number of months and not a matter of a day or two. All of a sudden you wanted to promulgate an ordinance and exercise extraordinary powers. How many have you disposed of during this one month and a half?

Shri Abid Ali: I have got the figures.

Shri Raghavachari: It would appear that you must have cleared off some arrears, but it looks to me that there was no need to have recourse to such extraordinary powers as issuing an ordinance. You wanted to take the power of transfer of a case from one tribunal to another and even to a single member tribunal also. In fact, the old Act itself has all that power. The old Act gives power to the Chairman to transfer a case from one tribunal to another. All that you needed was to amend the Act to include in the term 'tribunal' single-member tribunal. That is all that was required and nothing more. If this simple amendment was carried out, namely, that the tribunal need not necessarily be a bench and it might also be a single individual, the whole thing would have been sufficient. That was more appropriate and that was the way in which the thing should have been approached, that is, by way of an amendment rather than by an ordinance, followed up by long enactments.

The other point that I wish to submit is this. There has been so much of power given under the proposed amendment to the Chairman. Full

discretion is given to the Chairman to give directions. If you want to transfer some of the subsidiary proceedings from the Appellate Tribunal, which is now a bench, to a single member tribunal either under the Appellate Tribunal Act or under the Industrial Disputes Act, what prevents a party from fearing that his case in Assam may be transferred to a tribunal in Travancore-Cochin? I do not say that such a thing is to be expected. Such absurd orders may not be passed. But supposing sometimes—that discretion is exercised that way—when people are found constantly disputing, one way of teaching them a lesson is to ask them to go to a distant place to settle their dispute—if such an attitude is taken, there is nothing to prevent it. The people of Assam may be asked to have their disputes settled by the tribunal in Travancore-Cochin.

Shri Abid Ali: Assam people will not go beyond Calcutta.

Shri Raghavachari: That is your assurance to us. Where does the Act say so? I am only saying that there is the possibility of such whimsical orders being issued and in that case the disputants must be prepared for it. Though some of the subsidiary proceedings might need to be disposed of expeditiously, certainly, Government could have made one little amendment in the Act itself as suggested by me rather than come here after a big ordinance has been promulgated.

Shri T. B. Vittal Rao: I welcome this measure to the extent that it gives relief and mitigates one of the many evils of the compulsory arbitration machinery. Though this is only an amendment of two sections, you should remember what damage has been done to the trade union movement during these years. There was a strike lasting about 48 days in the Associated Cement Company in Hyderabad. The issue was referred to the Industrial Tribunal and the Tribunal said that they should be paid wages for the period of this strike of 48 days. Then, the employers took the matter

to the Labour Appellate Tribunal at Bombay, but in the meantime what happened was that the management of the Associated Cement Company, a powerful company, with a vengeance, saw to it that 200 militant workers were discharged on flimsy grounds. This happened in 1952 after the Industrial Tribunal award was given. Then the matter was taken up to the Labour Appellate Tribunal and at the Labour Appellate Tribunal the whole question would not come up for six or eight months. So, the employers could discharge these workers during his period. It took nearly one year to dispose of the miscellaneous proceedings. In the meantime much damage has been done to the trade union movement. This is what has been resorted to by various employers, unscrupulous employers, by dismissing the union office bearers and militant workers on very frivolous charges. Although there are the industrial standing orders, the employers know fully well that at least for one year or more the cases will not come up before the Tribunal. On this point we received promise after session and very recently there was some announcement in the papers that the Appellate Tribunal will be abolished. But suddenly what we see is that only one or two sections, which are very good in themselves but cannot cure the evil which is inherent in this compulsory adjudication, are amended. I would draw your attention to the statement of Objects and Reasons, and to the words herein "owing to the preoccupation of the Appellate Tribunal with its more important work of hearing appeals". Is this the only thing? The delay is inherent in its very functioning. I have appeared before the Tribunal and we know that the employers, with their big lawyers, come up on some technical things—whether the Tribunal that has been constituted is regular or not and so on—which take 10 or 15 days for hearing, and then it is adjourned to a future date and so on and so forth. If they have been busy and are not able to dispose of miscellaneous petitions that have come up

before them, what is the position about the important cases which have come up before the Appellate Tribunal? Has there been an expeditious disposal or not? It is neither this nor that. We know what is the case with the Bank Award. It has been there for seven years, without justice being done to the workers. We also know how many have suffered, how many cases have gone to the Labour Appellate Tribunal and how many have been reinstated. This goes on. We were very glad to see that the Planning Commission circulated a memorandum to the members of the panel for labour who advise the Planning Commission. In that it was clearly stated that in order to fulfil the targets that have been set apart under the Second Five Year Plan they are going to abolish the Labour Appellate Tribunal. Under these circumstances, this Bill amending only two sections will not give the relief that you exactly aim at.

Then I come to the question of compulsory adjudication. It was a wartime measure which was resorted to by the British Imperialists and now we have got the same thing thrust upon us even after seven years of independence. After the socialistic pattern of society we expected that there would be a good number of labour legislations. We have got so many things to achieve under the Second Five Year Plan. How are these targets going to be achieved unless you give full protection to the workers? This compulsory adjudication was being referred to by the previous Labour Minister Shri V. V. Giri as a 'police man'. All these things show that if the Government is really serious of doing anything they must take up the issue of abolition of the Labour Appellate Tribunal seriously; otherwise this is only tinkering with the problem, this is only treating the symptoms of the disease and not the disease itself.

Shri Abid Ali: Sir, I am sorry to find that there has been considerable misunderstanding about the scope of the amendments which have been proposed in the amending Bill. It

[Shri Abid Ali]

is a very simple piece of legislation and a very important one also. My hon. friend Shri R. R. Shastri and also other hon. friends criticised the issue of the ordinance. The reason for the issue of the ordinance was this. We were trying to have speedy disposal of the appeals. From 3 benches consisting of 6 judges the number was increased to 8 benches consisting of 16 judges. We expected, about five-six months back, that the increase in the number of judges would be helpful not only to secure disposal of a large number of appeals but also of these applications simultaneously. But, unfortunately, we found that the work before the Appellate Tribunal was such that in some cases they had to form special benches consisting of 3 judges and some of the appeals took unduly long time. One appeal took about 4½ months in which two judges were sitting and another special bench took about two months having 3 judges. So, finding that we did not make substantial progress through that method, we thought of issuing the ordinance giving power to the Chairman of the Labour Appellate Tribunal to refer the cases to a single judge when he may not be having any other work. Where there are 4 judges and 3 of them are sitting in special bench, one may not have any work. In that case he may attend to these miscellaneous applications and, simultaneously, wherever possible, these applications may be referred to a single member tribunal appointed under the Industrial Disputes Act by the Central Government.

Shri Raghavachari was having some suspicion whether these applications would go for disposal to the tribunals appointed by the States. That will not happen. There is no intention of referring these cases to the State Tribunals. We are thinking of having another Central Tribunal for the south and, as a matter of fact, we have requested the Government of Travancore-Cochin to spare one of their judges to be appointed by the Central Government to dispose of the cases from the south

within three or four months, if possible. There would not be any possibility of referring cases from Assam to a distant place or from the south to this place because we have already issued instructions to the Appellate Tribunals also that as far as possible they should try to hold the bench in the various parts of the country wherever larger number of appeals are to be disposed of. Of course, they cannot go for one or two appeals unless these are very important ones as it happened in the case of Nagpur. To attend to an important appeal which took a few weeks the appeal bench from Bombay had to go to Nagpur. Also, our single member tribunal from Dhanbad goes to Delhi and then goes to another place also wherever the number of such cases justifies going to these places.

Then I come to compulsory adjudication. Whenever there is a discussion with regard to this item always Government is criticised for referring matters to adjudication under compulsion. Some time back we had collected information with regard to this and, perhaps, that was placed on the Table of the House also in reference to some question, which showed that more than 99 per cent. of these adjudication references are on the request of the workers' union. I have not got the figures here with regard to the appeals, but, if my recollection is right, the larger number of appeals are also filed by the workers. Certainly, 99 per cent. of the adjudications are made on the applications from workers. Then, where is the room for this charge that there is compulsory adjudication by the Government? On the other hand, workers have complained that some of their cases are not referred to adjudication. Of course, wherever we find that the demands do not justify reference to adjudication and the demands are such that they will not succeed, we do not refer them to adjudication. Otherwise, as I said, 99 per cent. of the cases are referred to adjudication on the applications of the workers.

With regard to the charge that works committees have been abolished, I have never heard of this before. We have not abolished any works committee. We want, not only through works committees but also through unions and negotiations, the employers and workers should get together and settle their differences. We should not come in the picture at all. That is what we intend. We should be away or should be helpful to bring them together. If it is not possible to get them together like that then there is the adjudication machinery allowed under this Act and recourse is taken to it. Therefore, the charge which my hon. friend Shri R. R. Shastri made against us is entirely misplaced and misconceived.

About the enactment which has been brought here, the criticism is that, perhaps, we are trying to get away from the promise, that we have been giving, to bring in a larger amending Bill That stands. But, as I have explained earlier, the necessity for bringing this small piece of legislation before the Parliament was there. It is not to hoodwink that promise or to get influenced by the employers as another hon. Member has tried to suggest. There is no question of any influence. Of course, the workers have a right to make representations, and meet us and try to persuade us. Every group has that right. But it is very unfair to suggest that they have been able to influence us to the extent that we have given up the idea of bringing the Bill to amend the Industrial Disputes Act with regard to the amendments which are considered necessary and which have been accepted in the Standing Labour Committee and at the sittings of the various sub-committees. I hope that it would be possible to bring that amending Bill, or at least to introduce it, during the present session of Parliament itself. I hope it would be possible.

About the abolition of the Appellate Tribunals also, the fear of my friend Shri K. P. Tripathi, I may submit, is entirely misplaced.

With regard to the doctors or the medical practitioners, I do not think it would be possible to classify them as workers.

With these words, I request that the motion for consideration may be passed.

Mr. Chairman: The question is:

"That the Bill to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, be taken into consideration."

The motion was adopted.

Clause 2— (Insertion of new section 23A etc.)

Shri Tushar Chatterjee: I beg to move:

Page 2, after line 4, add:

"Provided that in all cases of disposal of proceedings under sub-clauses (a), (b), (c) and (d) proper hearing should be made in the presence of representatives of both parties."

I have already explained the purpose of my amendment in the course of my speech. The question is, section 22 of the Industrial Disputes (Appellate Tribunal) Act does not expressly lay down this provision, and therefore, I think this provision should be made. Otherwise, there may be cases where no hearing may take place.

Mr. Chairman: Amendment moved.

Page 2, after line 4, add:

"Provided that in all cases of disposal of proceedings under sub-clauses (a), (b), (c) and (d) proper hearing should be made in the presence of representatives of both parties."

Shri Abid Ali: The proceedings under this Act are governed by the Code of Civil Procedure, 1908, section 9, of that Act. Therefore, there is no question of an ex parte decision. Up to this time, I have never heard that the Labour Appellate Tribunal has ever

[Shri Abid Ali]

disposed of any case *ex parte*. Therefore, there is no room for acceptance of this amendment. I request the House to reject the amendment if the hon. Member does not withdraw it.

Mr. Chairman: Does the hon. Member withdraw the amendment?

Shri Tushar Chatterjee: Yes, I beg leave to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3, clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Abid Ali: I beg to move:

"That the Bill be passed."

Mr. Chairman: Motion moved:

"That the Bill be passed."

Shri Raghavachari: I wish to point out just one difficulty. It is in respect of the language of the Act, as it is, and also when taken along with the amendments proposed by Government. If you just refer to section 23 of the principal Act, you will find the following provision:

"The Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce and decide" and so on.

Again, section 8 of the principal Act says:

"It shall decide as if it is an appeal."

Further, it says:

"...it must be referred to the Bench only."

That is how section 8 reads. In this new amendment—clause 23A—there

is no reference to section 8 or even to section 23, but simply it says:—

"Where any proceeding under section 22 or section 23 is pending before the Appellate Tribunal,"

and so on.

Thus, there is likely to be some inconsistency between one portion of the Act and the other. I only bring it to the notice of the Minister. Possibly it would have been much better for him also to amend section 23 of the principal Act and then omit: "as if it were an appeal pending before it." It might be better to retain: "In accordance with the provisions of section 23A". That would have improved matters and made the provisions very clear rather than permit a misconstruction and unnecessary disputes.

Shri D. C. Sharma (Hoshiarpur): The connotation of the word "worker" has become so wide that any legislation affecting the workers has to be scrutinised from so many angles. Just now, an hon. Member said that the doctors of tea plantations wanted to be classified as workers. It was also said that senior assistants and technical assistants should be classified as workers. I may submit, in all humility, that even the members of the profession to which I belong all my life, want to be classified as workers.

Mr. Chairman: Order, order. It is exactly and absolutely irrelevant so far as this Bill is concerned. I do not understand how it can be relevant even at this stage. It cannot be referred to.

Shri D. C. Sharma: I thought that it would be relevant, while giving the background and while referring to the speeches that have been made.

Mr. Chairman: The point is that if the hon. Member thinks that it is relevant somehow, he must refer to some rule or to some precedents of this House. The hon. Member's reference in this connection to another

Member's speech is not justified at the third reading stage, if the hon. Member wants to refer to an absolutely new matter. This has nothing to do with the Bill.

Shri D. C. Sharma: I was only referring to an hon. Member's speech. I was not referring to any new thing.

Mr. Chairman: Order, order. A mere reference to a speech will not make his point relevant. If the hon. Member wants to speak and give any suggestions on the Bill, I will allow him. Otherwise, I would take it that he has nothing to say.

Shri D. C. Sharma: I thought I was permitted to make my suggestions. I was going to say that since the connotation of the word "worker" had been extended....

Mr. Chairman: Order, order. I have already ruled that so far as the definition of the word "worker" is concerned, any discussion regarding that will be absolutely irrelevant at this stage. The hon. Member is only repeating what he said.

Shri D. C. Sharma: While making the point, one cannot be as precise and exact as perhaps Euclid was. If a Member has to proceed....

Mr. Chairman: The hon. Member need not expatiate on the rules of speech. I only expect he will be relevant. If he wants to make some suggestions so far as the third reading of the Bill is concerned, I will allow him. Otherwise, I will not allow him to speak.

Shri D. C. Sharma: What I beg to submit is this. I welcome this Bill. I welcome this Bill because it tries to reduce the delays of justice to which reference has been made in the Statement of Objects and Reasons. (Laughter).

Mr. Chairman: I would request hon. Members not to laugh. It is not a matter for laughter at all. The hon. Member is making a speech. We should all hear it seriously.

Shri D. C. Sharma: I said that the purpose of the Bill is to enable justice to be administered speedily and cheaply and to simplify the procedure. Therefore, I hope that the hon. Minister would bring forward some Bill at a later date in which the procedure would be simplified and justice made cheaper and also that further delay would be reduced. With these words, I welcome this Bill.

Shri Abid Ali: With regard to the difficulties pointed out by the hon. Member from the South, I submit that according to section 8 of the Appellate Tribunal Act, each Bench shall consist of not less than two members. The amending Bill proposes that so far as sections 22 and 23 are concerned, these relate to miscellaneous applications and they can be disposed of by a single judge. Nothing more is intended to be done by the amending Bill.

Shri Mohiuddin (Hyderabad City): May I know how many cases have been disposed of under section 22? The Deputy Minister promised to give information on that point.

Shri Abid Ali: I thought we would be continuing the debate on this Bill tomorrow also. Otherwise I would have dealt with it.

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

COMPANIES BILL

Mr. Chairman: The Finance Minister.

An Hon. Member: Only a few minutes are left. He may begin tomorrow.

Mr. Chairman: I have no objection.

The Minister of Finance (Shri C. D. Deshmukh): I should like to move the motion today and make the speech tomorrow.

Mr. Chairman: Yes.

Committee, be taken into consideration."

Shri C. D. Deshmukh: I beg to move:

May I continue tomorrow?

Mr. Chairman: Yes.

"That the Bill to consolidate and amend the law relating to companies and certain other associations, as reported by the Joint

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 10th August, 1955.
