

Wednesday,
19th November, 1947

**THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES**

Official Report

Volume I, 1947

(17th November to 27th November, 1947)

**First Session
OF THE
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
1947**



CONTENTS

Volume I—17th November to 27th November, 1947

MONDAY, 17TH NOVEMBER, 1947—

	Pages
Declaration by Members	1
Election of the Speaker ✓	1—4
Death Anniversary of Late Lala Lajpat Rai	4
Statements laid on the table	4—36
Motions for Adjournment <i>re</i> —	
Abolition of B. A. Railway—Not moved	37
Plight of Refugees from Western Pakistan—Not moved	37
Governor General's Assent to Bills	37-38
Continuation of Bills pending in the Legislative Assembly	38
Sittings of Assembly on Holidays	38-39
Banking Companies Bill—Continued ✓	39
Insurance (Second Amendment) Bill—Continued	40
Legal Practitioners and Bar Councils (Amendment) Bill—Continued	40
Provincial Insolvency (Amendment) Bill—Continued	40-41
Hindu Code—Continued	41
Foreigners (Amendment) Bill—Introduced	41
Dock Workers (Regulation of Employment) Bill	41-42
Indian Patents and Designs (Extension of Time) (Amendment) Bill—Introduced	42
Delhi and Ajmer-Merwara Rent Control (Amendment) Bill—Introduced	42
Foreign Exchange Regulation (Amendment) Bill—Introduced	42
Delhi Premises (Requisition and Eviction) Bill—Introduced	42
Election to Standing Finance Committee	43—47
Election to Standing Finance Committee for Railways	47—50
Election to Central Advisory Council for Railways	50—59
Resolution <i>re</i> Ratification of the Constitution of the World Health Organization and the Protocol concerning the International Office of Public Hygiene—Discussion not concluded	59—61

TUESDAY, 18TH NOVEMBER, 1947—

Declaration by Members	63
Starred Questions and Answers	63—106
Indian Army and the Indian Air Force (Amendment) Bill—Reconstitution of Select Committee	106—07
Minimum Wages Bill—Reconstitution of Select Committee	107—08
United Nations (Privileges and Immunities) Bill—Passed as amended	108—13
United Nations (Security Council) Bill—Passed as amended	113—16
Indian Trade Unions (Amendment) Bill—Discussion not concluded	116—45

WEDNESDAY, 19TH NOVEMBER, 1947—

Starred Questions and Answers	147—207
Un-starred Questions and Answers	207—08
Supply of Answers to Questions in advance	208—09
Papers laid on the table	209—25
Motion <i>re</i> —	
Elections to Standing Committees to advise Ministries	225—33
Election to Council of the Indian Institute of Science, Bangalore	234—35
Election to Governing Body of Indian Research Fund Association	235
Regulation <i>re</i> . Central Road Fund and Standing Committee for Roads	236—46
Motion <i>re</i> Election to Standing Committee for Roads	246
Indian Trade Unions (Amendment) Bill—Passed as amended	246-47, 248-59
Panel of Chairmen	247
Printing of Documents and Statements laid on the table	247-48
Press (Special Powers) Bill—Discussion not concluded	259—79

THURSDAY, 20TH NOVEMBER, 1947—

Starred Questions and Answers	281—344
Disposal of Questions and Answers in the Assembly	345
Papers laid on the table	345—50
Appointment of the Honourable Dr. John Matthai to perform Functions of Finance Minister during General Discussion of Railway Budget	350
Election to Standing Finance Committee	350—51

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Wednesday, 19th November, 1947

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

DIVISION OF ASSETS BETWEEN INDIA AND PAKISTAN

58. *Shri Biswanath Das: (a) Will the Honourable Minister of Home Affairs be pleased to lay on the table of the House a statement embodying the principles on which division of assets including those of the Defence Department are made between India and Pakistan?

(b) What is the basis underlying such principles, *vis.*, population or mutual contribution of taxation or any other basis in deciding such principles?

(c) Do Government propose to place in the Library of the House a detailed account of population, area and also map or maps showing the respective Railway lines, canals and river courses etc., in the respective areas of India and Pakistan?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). I lay on the table the terms of reference of the Expert Committee on the division of assets and liabilities which sets out the general principles. It is obviously impossible to have an uniform basis for all assets and liabilities as account has to be taken of all circumstances such as physical location, territorial distribution, and the requirements of the Dominions. I may however mention that the division of the assets and liabilities is not yet completed and as some of the outstanding issues are likely to be referred to the Arbitral Tribunal I am unable to give any further information at this stage.

(c) A statement and maps are placed in the library of the House.

Terms of reference of Expert Committee No. II.—Assets and Liabilities

(1) To compile lists of assets by broad categories showing value and present location.

(2) To make recommendations as to the division of assets between the two successor Governments. The general principle should be to secure the greatest good of the two States, but if there are disputed claims for fixed assets, like plant and machinery, the removal of which might be detrimental to the interests of the other Government, the facts of each case should be reported for consideration by the Partition Council.

(3) When division is impracticable, to make recommendation either for mutual assistance or for joint administration or for any other arrangement for such period as may be necessary.

(4) To make recommendations in regard to the financial settlement between the two Governments arising from the above as well as from an allocation of the public debt, pensions and other liabilities.

(5) To recommend measures for giving effect to any transfer of assets after the recommendations have been accepted by the Partition Council.

I.—Statement showing area and population of India and Pakistan (Provinces only) according to the Boundary Commission's award based on 1941 census

(For details please see enclosed statements)

	India	Pakistan	Total
<i>Area (Sq. miles) (Includes Chief Commissioner's Province)</i>	631,603	233,843	865,446
<i>Population</i>			
<i>Hindus—</i>			
Scheduled Castes	35,123,197	4,797,610	39,920,807
Others	135,966,223	8,028,506	143,994,729
<i>Caste not returned or Adh' Dharmis</i>	4,722,457	2,516,645	7,239,102
<i>Muslims</i>	31,798,226	47,605,277	79,398,503
<i>Indian Christians</i>	2,801,105	444,601	3,245,706
<i>Anglo-Indians</i>	102,592	11,343	113,936
<i>Parsees</i>	97,382	4,586	101,968
<i>Sikhs</i>	2,641,550	1,523,547	4,165,097
<i>Jains</i>	563,619	14,753	578,372
<i>Buddhists</i>	62,133	106,280	167,413
<i>Tribes</i>	16,079,283	633,973	16,713,256
<i>Others</i>	146,304	23,529	169,833
TOTAL .	230,104,072	65,704,656	295,808,728

II.—Population according to Communities with percentage of the Dominions of India (Provinces)

Name of Province	Area in sq. miles	Hindus				Caste not returned or returned as Adj.-Dharmis				
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Madras	126,166	8,068,482	16.3	34,731,330	70.3	..	..	..	3,896,452	7.8
Bombay	76,443	1,855,148	8.9	14,700,242	70.5	..	..	..	1,920,368	9.2
West Bengal*	27,140	3,311,241	14.8	6,555,973	30.9	4,461,114	21.2	..	5,331,799	25.2
United Provinces	106,247	11,717,168	21.3	34,094,511	62.0	..	..	..	8,416,308	15.3
East Punjab*	37,058	1,014,756	8.1	4,436,242	35.2	261,343	2.1	..	4,412,414	35.0
Bihar	69,745	4,340,379	12.0	22,173,890	61.0	..	..	..	4,716,314	13.0
C. P. & Berar	98,575	3,051,413	18.1	9,880,583	58.7	..	..	..	783,697	4.6
Assam	50,296	377,025	5.0	2,860,719	36.9	..	..	..	1,751,717	23.4
Orissa	32,198	1,238,171	14.1	5,594,535	64.2	..	..	..	146,301	1.7
Ajmer-Merwara	2,400	..	..	376,481	64.4	..	..	..	89,899	15.4
Andamans and Nicobars	3,143	..	..	8,427	24.9	..	..	..	8,005	23.7
Coorg	1,593	25,740	15.2	105,013	62.2	..	..	..	14,730	8.7
Delhi	74	122,693	13.3	444,532	48.4	..	..	..	304,971	33.2
Panth Piploda	25	981	18.6	3,745	71.1	..	..	..	251	4.7
Total	631,603	35,122,197	15.2	135,966,223	59.8	..	..	..	31,793,226	13.8

NOTE.—“Caste not returned” refers to Bengal and “Adj.-Dharmis” refer to the Punjab.

* Figures are approximate as divided population and area of Police Stations and Tehsils which have been partitioned between India and Pakistan are not available and hence half the figures of such Tehsils and Police Stations have been taken into the Dominion of India.

Name of Province	Indian Christians	Percentage	Anglo- Indians	Percentage	Parees	Percentage	Sikhs	Percentage	Jains	Percentage
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	
Madras	2,001,082	4.24	28,601	.05	369	.0007	418	..	30,136	.061
Bombay	338,812	1.63	14,034	.07	86,270	.4133	8,011	.03	266,231	1.277
West Bengal	60,222	.29	29,002	.14	2,188	.0103	15,069	.08	9,031	.044
United Provinces	131,327	.24	13,383	.02	1,375	.0024	232,445	.42	102,768	.183
East Punjab	115,686	.92	1,205	.01	4,009	.0347	2,335,957	18.51	29,469	.233
Bihar	24,693	.07	5,963	.02	647	.0014	13,213	.04	4,602	.012
C. P. & Berar	48,260	.29	4,538	.03	2,014	.0119	14,998	.09	84,593	.503
Assam	35,483	.47	425	.01	2	..	3,441	.04	6,440	.082
Orissa	26,584	.30	789	.01	13	.0001	232	..	139	.002
Ajmer-Merwara	3,895	.67	1,005	.17	299	.0612	867	.02	18,827	3.226
Andamans and Nicobars	1,032	3.05	100	.29	..	..	744	2.20	..	..
Coorg	3,309	1.96	80	..	12	.0071	..	..	34	.020
Delhi	10,494	1.14	3,408	.37	284	.0309	16,157	1.76	11,287	1.229
Panth Piploda	216	4.10	..	..	..	..	..	..	62	1.177
Total	2,801,105	1.22	102,593	.04	97,382	.0423	2,641,550	1.15	563,019	.246

Name of Province	Buddhists (21)	Percentage (22)	Tribes (23)	Percentage (24)	Others (25)	Percentage (26)	Total population (27)
Madras	1,072	.002	562,029	1.1	21,789	.044	45,341,810
Bombay	1,433	.006	1,614,298	7.7	44,993	.216	29,849,840
West Bengal	46,569	.260	1,356,268	6.4	32,951	.155	21,211,427
United Provinces	5,478	.009	289,422	.5	16,442	.029	55,020,617
East Punjab	160	.001	..	..	5,924	.047	12,617,175
Bihar	684	.002	5,055,647	13.0	4,219	.011	36,340,151
C. P. & Berar	70	.001	2,937,364	17.5	6,056	.030	16,813,584
Assam	8,121	.109	2,420,968*	32.5	7,192	.096	7,471,531
Orissa	454	.005	1,721,006	19.6	320	.004	8,728,544
Ajmer-Merwara	..	..	91,472	15.6	942	.162	583,693
Andamans and Nicobars	2,903	8.601	11,076	32.8	1,481	4.418	33,768
Coorg	33.0	.020	19,723	11.6	62	.038	168,726
Delhi	150	.016	..	..	3,963	.432	917,039
Panth Piploda	..	..	12	.2	..	..	5,267
Total	67,133	.029	16,079,283	7.0	146,304	.064	230,104,072

*Includes Aborigines or Tribal population of 863,248 for Excluded and Partially Excluded Areas.

III.—Population according to Communities with percentage of the Dominion of Pakistan (Provinces) based on 1941 Census

Name of Province	Area in sq. miles	Scheduled Castes	Hindus							Caste not returned or Adi-Dharmis	Percentage	Muslims	Percentage
			(1)	(2)	(3)	(4)	(5)	(6)	(7)					(8)	(9)	(10)
East Pakistan	54,957	4,366,995	10.440	4,904,877	11.733	...	...	29,364,397	70.203			
East Bengal*	50,302	4,067,729	10.405	4,228,664	10.816	2,434,303	6.227	27,673,635	70.785				
Sylhet	4,655	299,266	10.949	676,213	24.747	...	...	1,690,762	61.860			
West Pakistan	178,886	430,615	1.804	3,123,629	13.108	...	...	18,240,880	76.439			
West Punjab*	62,031	233,879	1.481	1,865,495	11.806	82,342	-521	11,804,828	74.706				
N. W. F. P.	14,263	...	...	180,321	5.935	...	...	2,788,797	91.795			
Sind	48,136	191,634	4.226	1,038,292	22.895	...	...	3,208,325	70.746			
Baluchistan	54,456	5,102	1.017	39,521	7.879	...	...	438,930	87.501			
Total Pakistan	233,843	4,797,610	7.302	8,028,606	12.219	...	...	47,605,277	72.454			

NOTE.—“Caste not returned” refers to East Bengal and “Adi-Dharmis” refer to the West Punjab.

* Figures are approximate as divided population and area of Police Stations and Tehsils which have been partitioned between India and Pakistan are not available and hence half the figures of such Tehsils and Police Stations have been taken into the Pakistan.

Name of Province	Indian Christians (11)	% (12)	Anglo- Fr-ians (13)	% (14)	Parsees (15)	% (16)	Sikhs 7)	% (18)	Jains (19)	% (20)
East Pakistan	62,968	.127	2,826	.007	331	.001	1,235	.003	2,394	.005
East Bengal	50,701	.129	2,617	.007	331	.001	1,212	.003	2,095	.005
Sylhet	2,267	.083	209	.008	...	...	23	.001	199	.007
West Pakistan	391,633	1.640	8,517	.034	4,180	.018	1,522,313	6.376	12,459	.052
West Punjab	370,342	2.344	4,686	.030	318	.002	1,421,444	8.996	8,764	.055
N. W. F. P.*	5,426	.179	837	.028	24	.001	57,939	1.907	1	...
Sind	13,232	.292	2,731	.062	3,838	.085	31,011	.684	3,687	.081
Baluchistan	2,633	.527	263	.052	75	.015	11,918	2.376	7	.001
Total Pakistan	444,601	.677	11,343	.017	4,566	.007	1,525,547	2.319	14,753	.002

Name of Province	Buddhists (21)	% (22)	Tribes (23)	% (24)	Others (25)	% (26)	Total Population (27)
East Pakistan	100,014	.239	597,151	1.429	909	.002	41,828,300
East Bengal	99,991	.257	533,121	1.364	699	.002	39,095,098
Sylhet	23	.001	64,030	2.343	210	.008	2,733,202
West Pakistan	266	.001	36,822	.105	22,620	.095	23,876,350
West Punjab	87	.001	...	...	9,459	.060	15,801,644
N. W. F. P.*	25	.001	...	...	4,697	.155	3,038,067
Sind	111	.002	36,819	.812	5,328	.117	4,535,008
Baluchistan	43	.008	3	.001	3,136	.625	501,031
Total Pakistan	100,280	.153	633,973	.965	23,529	.035	65,704,650

* The 1941 Census saw a considerable extension of actual enumeration in the North-West Agency and tribal areas beyond the administered border. The simplified questions put did not cover community as such, only tribe, but it may be taken that the number of persons affected viz. 706,904 is Muslim. A population figure for the remainder was, as at past censuses, reached by estimate. No specific community information is therefore available. Here too however the conditions of the region indicate that the whole number, viz., 1,624,338 can be regarded as Muslim.

The N. W. F. P. figures does not include these.

Mr. B. Paker Sahib Bahadur: In view of the long statement that has been placed on the table of the House which does not enable Members to scrutinize it at this stage, may I suggest that an opportunity to put supplementary questions on this question may be afforded to the House tomorrow?

Mr. Speaker: I am afraid it is not possible to do so. In fact, I was thinking of requesting Honourable Members that in cases where they want information of this type, it is better that they put in unstarred questions. Starred questions always create a difficulty of this nature. Further, I felt from the answer given by the Honourable Home Minister that, any question on this matter would necessarily be relating to a matter which in the nature of *sub judice*. As the matter is referred to arbitration it is desirable that no further questions are put.

FIXATION OF BASIC VALUE OF CURRENCY

59. *Shri S. Nagappa: (a) Will the Honourable Minister of Finance be pleased to state whether there is any scheme or proposal under contemplation of Government for fixing the basic value of the currency?

(b) What portion of the Indian Union finance is in the shape of paper currency and in coin?

(c) Do Government propose to consider the desirability of changing the design of the present currency to suit the Indian Union Government?

(d) What percentage of inflation were the Government able to check by withdrawal of Rs. 1,000 and Rs. 500 notes?

(e) What portion of the basic value of the currency is in Gold Reserves?

The Honourable Shri R. K. Shanmukham Chetty: (a) I regret I do not follow the question.

(b) Presumably the Honourable Member wants to know the total notes and coins in circulation. The total notes in circulation on 7th November, 1947 amounted to Rs. 1,200.75 crores. As regards coins, the exact amount is not known but the value of coins put into circulation since 1914-15 to the end of 1946-47 amounted to Rs. 243.32 crores.

The detailed information about notes is contained in the Weekly Accounts of the Reserve Bank which are published in the *Gazette of India* that as regards coins is contained in the Reserve Bank's Report on Currency and Finance for 1946-47.

(c) Yes. The matter will certainly be taken into consideration.

(d) The object of the demonetisation of high denomination notes was not to check inflation but, as explained in the Press Communique issued on the 12th January 1946, to bring the black market operations within the knowledge of the Government and the taxing authorities in particular.

(e) The value of the gold holding of the Reserve Bank, as given in its weekly Accounts, is Rs. 44.41 crores.

Shri S. Nagappa: Arising out of the answer to part (d) of the question may I ask the Finance Minister whether there is any scheme under the contemplation of Government to check inflation?

The Honourable Shri R. K. Shanmukham Chetty: With regard to this matter a complete answer cannot be given in the course of an answer to a question. But I may tell the Honourable Member that the problem of inflation today can be checked only by increasing the volume of production in the country. The Government is taking every possible step in that direction.

Shri B. Das: Is the Honourable the Finance Minister aware that one of his predecessors, Sir Jeremy Raisman, passed an ordinance withdrawing all the silver coins that were in circulation? Will the Finance Minister tell the House

how much of the coins, valued Rs. 243 crores, were withdrawn from circulation? As far as I know, all the silver coins were withdrawn.

The Honourable Shri R. K. Shanmukham Chetty: If the Honourable Member wants to have information as to the amount of silver coins withdrawn from circulation, I would like to have notice of that question.

Shri Ajit Prasad Jain: Will the Honourable the Finance Minister inform the House what was the total value of the Rs. 1,000 and Rs. 500 notes which were cancelled in 1946?

The Honourable Shri R. K. Shanmukham Chetty: The total value of high denomination notes in circulation on 11th January, 1946 was Rs. 143.97 crores and the total value of notes exchanged up to 10th October, 1947 is Rs. 134.94 crores.

Pandit Lakshmi Kanta Maitra: Will the Honourable Minister tell the House as to what is the value of the paper currency in circulation?

The Honourable Shri R. K. Shanmukham Chetty: The gold that we have in the currency reserve is valued at Rs. 44.41 crores.

Pandit Lakshmi Kanta Maitra: What about silver?

The Honourable Shri R. K. Shanmukham Chetty: With regard to the holdings of silver, Government do not generally publish any information on that point, and I regret I am not in a position to give the information.

Mr. B. Pocker Sahib Bahadur: Will the Honourable the Finance Minister be pleased to state how far the object of bringing to book black-marketeers, which is said to be the object of withdrawing high denomination notes, has been achieved by the order issued by the Government?

The Honourable Shri R. K. Shanmukham Chetty: At any rate a very fruitful avenue for black-marketing has been closed by the withdrawal of these high denomination notes. With regard to the examination of the notes surrendered and exchanged, the matter is still under the examination of the Central Board of Revenue and some of this will come out during the Tax Investigation Commission's work.

Shri M. Ananthasaynam Ayyangar: May I ask when the last valuation was made? The Honourable Minister said that the backing for this currency is in the form of gold of the value of Rs. 44.41 crores. May I ask when the last valuation was made, whether it is being made from year to year, or whether it has been made recently on the bloated prices that rule the market at present?

The Honourable Shri R. K. Shanmukham Chetty: No, Sir. Our gold in the currency reserve is very much under-valued. In fact we have not revalued the gold at all after the rise in the price of gold. As Honourable Members must be aware, the internal price of gold in India is very much more than the world price of gold. At the rate of the world price the gold as reserve for our currency will be worth Rs. 90-80 crores.

Shri M. Ananthasayanam Ayyangar: When was this valuation—Rs. 44.41 crores—made?

The Honourable Shri R. K. Shanmukham Chetty: That was made years ago when the price of gold was stable.

Shri S. Nagappa: In view of the fact that black-marketing is still rampant, what further steps do Government propose to take?

Mr. Speaker: How does it arise out of the question?

Shri S. Nagappa: Sir, it arises out of the answer to part (d) of the question where the Honourable Minister has stated that the object was to check black-marketing. I wish to know what further steps Government propose to take as still there is black-marketing?

Mr. Speaker: I am afraid it does not arise out of the question. Next question.

DISHONOURING THE INDIAN UNION FLAG

60. *Shri S. Nagappa: Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether Government are aware of any incident of dishonouring the Indian Union Flag anywhere in India;

(b) if so, where;

(c) what action Government have taken so far; and

(d) if no action has been taken yet, what action Government propose to take?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). A few cases of disrespect to the Flag have been reported from Madras, Bombay, West Bengal, the United Provinces, Ajmer-Merwara and Delhi.

(c) and (d). In some cases, where Government servants were involved, suitable disciplinary action has been taken. In other cases action has been taken under the law.

Seth Govinddas: Is it not a fact Sir, that in several Indian States, on the 15th of August the Indian flag was dishonoured and one of those States is Maihar in Central India?

The Honourable Sardar Vallabhbhai Patel: On enquiry made from the State concerned, the reply has been received that they hoisted the National flag and took part in the ceremony.

Seth Govinddas: Are there any other Indian States where the Indian flag was dishonoured?

The Honourable Sardar Vallabhbhai Patel: A reference was made to Hyderabad and they also denied the allegation.

Pandit Balkrishna Sharma: During the last session of the Constituent Assembly I brought to the notice of the Honourable the Leader of the House as also the Honourable the Home Minister that in my province the Army Command had issued a notice that on the 15th August if orders were to be received replacing the Union Jack by any other flag, no ceremony will take place. Is the Government aware that such an order was issued by the U. P. Command and that as the result of that order, no flag hoisting ceremony was performed in any Military Cantonment or establishment in the United Provinces? **May I know** if the Government are aware of these facts and whether any notice has been taken by the Government of these facts and whether the military officers have been proceeded against?

The Honourable Sardar Vallabhbhai Patel: I have got a report giving information so far as the United Provinces are concerned. One officer failed to hoist the national flag and he was dismissed. The Principal of a European School failed to hoist the flag on Independence Day. The grant to the school was suspended, as also in some cases where sufficient enthusiasm was not shown. There is no other case so far as the U. P. is concerned.

An Honourable Member: Does the Honourable Minister know that the R. S. S. and Hindu Mahasabha bodies are often maligning and staging against the National flag and delivering lectures? Is he aware of any such facts?

Mr. Speaker: Order, order.

An Honourable Member: May I know if the Honourable Minister is aware of the fact that exception was taken by a very high military official of Indian Forces to the wearing of National flag badges at a dinner given in honour of the Pakistan military personnel in Delhi?

The Honourable Sardar Vallabhbhai Patel: Government have no knowledge. In fact if any proof is given, enquiry will be made.

Shri S. Nagappa: May I know whether Government has received any representation from people of the Hyderabad State as regards the dishonouring of the National flag?

The Honourable Sardar Vallabhbhai Patel: As I have already stated, a reference was made to the State concerned and a denial was issued publicly by the Hyderabad Government.

Shri S. Nagappa: In practice if a particular State dishonours the National Flag and on enquiry if it denies the fact, what do the Government propose to do to investigate into the matter and see that proper honour is given to the flag?

The Honourable Sardar Vallabhbhai Patel: The denial is accepted.

NUMBER OF RADIOS IMPORTED AND BROADCASTING STATIONS IN INDIA

61. *Shri S. Nagappa: Will the Honourable Minister of Information and Broadcasting be pleased to state:

- (a) the total number of broadcasting stations in India province wise;
- (b) the total number of radios imported during the last 3 years—year wise; and
- (c) whether Government propose to provide the rural areas with more radio sets?

The Honourable Sardar Vallabhbhai Patel: (a) Six; 2 in Madras, 1 each in Bombay, West Bengal, United Provinces and Delhi.

- (b) 1944-45—895.
1945-46—5,982.
1946-47—1,07,114.

(c) Provision of community sets for rural areas is undertaken by Provincial Governments and the basic plan of development covers this item.

Seth Govinddas: Are the Government aware that in the Central Provinces there is no broadcasting station and the Government several times promised that in Nagpur they are going to have one. May I know by what date the Nagpur broadcasting station will be established?

The Honourable Sardar Vallabhbhai Patel: Nagpur is included in the 5-year Plan, and steps are being taken to start broadcasting stations in all the five provinces covered by the new Development Programme, by the beginning of the next year.

Prof. N. G. Ranga: When is the promised broadcasting station for the Andhra area going to be started?

The Honourable Sardar Vallabhbhai Patel: Just about the same time as in Nagpur.

Shri Jadubans Sahay: In view of the fact that there is no broadcasting station in the province of Bihar, do the Government propose to take immediate steps for having such a station?

The Honourable Sardar Vallabhbhai Patel: The first broadcasting station that begins to function hereafter will be at Patna.

Shri S. Nagappa: Is it a fact that the Honourable Minister for Public Information in Madras has made a representation to the Central Government as regards the great importance of having a Broadcasting Centre at Bezwada for the Andhra public?

The Honourable Sardar Vallabhbhai Patel: It has been announced already that Bezwada is to be one of the stations under the new programme.

Shri Raj Krishna Bose: Is it contemplated to open a broadcasting station very soon in the province of Orissa?

(No reply)

NUMBER OF STATES ACCEDED TO THE INDIAN UNION

62. ***Shri S. Nagappa:** Will the Honourable Minister of States be pleased to state:

- (a) the total number of States that have so far acceded to the Indian Union;
- (b) the number of their representatives in the Constituent Assembly;
- (c) the total population of the States that have come under the Indian Union;
- (d) the number of States that are still neutral; and
- (e) the number of States that have joined Pakistan?

The Honourable Sardar Vallabhbhai Patel: (a) I refer the Honourable Member to the statement which I shall be laying on the table of the House in regard to the Instrument of Accession executed by States.

- (b) 63.
- (c) 72,000,000 (nearly).
- (d) One (i.e., Hyderabad).
- (e) We have no official information.

Shri S. Nagappa: Arising out of the answer to part (b), may I ask, Sir, out of the 63 representatives, how many of them are Harijans and why the States have ignored the Harijan representation?

Mr. Speaker: Order, order. The Honourable Member can ascertain himself.

Shri H. V. Kamath: How many of these representatives are elected and how many nominated?

The Honourable Sardar Vallabhbhai Patel: 50 per cent. are elected, according to the settlement made between the two negotiating Committees.

Shri Ajit Prasad Jain: Is the Honourable Minister aware that eight villages of the Hyderabad State have declared independence, and how do the Government propose to deal with those villages?

The Honourable Sardar Vallabhbhai Patel: I do not think the question arises.

Shri Vishwambhar Dayal Tripathi: Is Junagadh now included in the States that have joined the Indian Union?

The Honourable Sardar Vallabhbhai Patel: Junagadh State acceded to Pakistan and for that all this trouble arose. I thought the Honourable Member knew about this.

Prof. N. G. Ranga: Is it not proposed to fix any time limit for these negotiations with Hyderabad in regard to the question of accession?

The Honourable Sardar Vallabhbhai Patel: Well, the date given this time, that is about the 25th of November, is probably the last.

Shri Jai Sukh Lal Hathi: Is the Honourable Minister aware that the Talukdars in the Thanas of Dabhoda and Nirmali in Western India and Gujerat States are not allowed to accede and have been kept attached to Baroda State?

The Honourable Sardar Vallabhbhai Patel: I promise to make enquiries. I have no information on the subject.

Prof. N. G. Ranga: Is it not a fact that seven or eight villages of Hyderabad State, which have declared themselves independent of the Nizam's control, have asked the Government of India to let them come into the Indian Union?

The Honourable Sardar Vallabhbhai Patel: We have received no application for accession from any of the villages referred to.

FINANCIAL STABILITY OF INDIA

63. *Shri Biswanath Das: Will the Honourable Minister of Finance be pleased to state:

(a) whether the statement made by him at a reception accorded to him by the Indian Merchants' Chamber of Commerce at Bombay, as reported by the Associated Press of India from Bombay on the 29th September, 1947 that "in a war-torn world where financial foundations of many countries have been shattered, those of our country are very sound. Our capacity to borrow is as sound as that of the United States of America. We stand on firm foundations" represents the correct version;

(b) the extent and amount of money (in terms of rupees) for which currency notes were issued till the date of declaration of World War No. II in 1939 and the bullion backing which the currency note issue had for itself in India;

(c) the extent and amount of money (in terms of rupees) for which currency notes issue stand upto the end of June 1947 and also the bullion backing which the currency notes issue had in India upto the end of June 1947; and

(d) the respective silver and gold reserves of the Government of India and those of the Government of the United States of America on the 30th June, 1947?

The Honourable Shri B. K. Shanmukham Chetty: (a) Yes.

(b) Rs. 216.78 crores and Rs. 44.41 crores respectively.

(c) Rs. 1,265.17 crores and Rs. 44.41 crores respectively.

(d) Presumably the Honourable Member is referring to the reserves of the Central Banks. I would refer him to the statistics contained in the Reserve Bank of India Report on Currency and Finance for 1946-47 and Reserve Bank of India Bulletins which are published every month.

Shri Biswanath Das: Since the statistics for Provinces are not known and since it is not readily available to the Members of this House, will the Honourable Minister be pleased to lay on the table a copy of the reference he has just referred to?

The Honourable Shri B. K. Shanmukham Chetty: My Honourable friend is confusing the statistical publications. It is not the statistical Abstract of India. The Reserve Bank of India publishes a monthly bulletin which contains these statistics, which is easily available; and they publish an annual report on Currency and Finance, copies of which are available in the Library of the House and if they are not, I will see that copies are kept there.

Shri Biswanath Das: Sir, arising out of the reply the Honourable the Finance Minister has given in respect of (b), I should like to know the value of the silver and gold reserves that we have against our paper currency.

Mr. Speaker: That has already been answered in the first question.

Mr. Biswanath Das: I am sorry I could not hear it, Sir.

Mr. Speaker: The Honourable Member may refer to the proceedings.

SALARIES TO STAFF OF FOOD, TEXTILES AND INDUSTRIES DEPARTMENTS

64. *Mr. B. K. Sidhu: Will the Honourable Minister of Finance please state the total amount of salaries paid to the entire staff for each of the years 1944, 1945 and 1946 under the heads 'Food, Textile and Industries', articles of which are under the control of the Government of India?

The Honourable Shri B. K. Shanmukham Chetty: The expenditure in each of the three financial years ending with 1946-47 was as follows:

1944-45	1945-46	1946-47
Rs. 1,04,70,935	1,44,61,879	1,39,31,263

Mr. R. K. Sidhwa: Sir, will the Honourable Minister also indicate what is the expenditure on the control of petrol, if he has figures?

The Honourable Shri E. K. Shanmukham Chetty: I want notice.

Prof. N. G. Ranga: Is any effort being made, Sir, to cut down the expenditure under this heading?

The Honourable Shri E. K. Shanmukham Chetty: As controls are relaxed the expenditure will automatically go down.

Prof. N. G. Ranga: Is the Honourable Minister quite satisfied that the expenditure that is now being incurred has got to be incurred and there is no possibility at all of its being reduced even under the present circumstances?

The Honourable Shri E. K. Shanmukham Chetty: Government always keep in view of the possibilities of retrenchment in every Department.

Prof. N. G. Ranga: Sir, that does not quite meet my point at all. Is any serious effort being made to keep a close watch on this expenditure and is there any machinery whose business it is to review this expenditure from time to time and see that it is cut down?

The Honourable Shri E. K. Shanmukham Chetty: Sir, every proposal for new expenditure which is put up by a Department of Government is very carefully scrutinised by the Ministry of Finance. Only then the establishment comes into force, and thereafter it is the duty of the Departmental Heads to see that no surplus staff is retained when there is no need. That is the general principle governing all establishments of Government Departments.

Shri M. S. Aney: May I ask the Honourable Member whether he contemplates the possibility of the reduction of expenditure under this heading, and also the possibility of the de-control of these things in the near future?

The Honourable Shri E. K. Shanmukham Chetty: Sir, as the Finance Minister, I am always interested in reducing expenditure in every Department. Therefore, I am on the Honourable Member's side so far as that point is concerned. With regard to the possibility of decontrol, I am afraid a subject like that cannot be dealt with during question time.

Shri K. Santhanam: May I know, Sir, if the figures given by the Honourable the Finance Minister include the cost of the salaries of the staffs maintained by Provincial Governments for the same purposes?

The Honourable Shri E. K. Shanmukham Chetty: No, no. These are the expenses of the Central Government.

Shri K. Santhanam: Will the Finance Minister let the Members know the total expenditure incurred on this by the Central Government as well as the Provincial Governments?

The Honourable Shri E. K. Shanmukham Chetty: The figures regarding the provinces are not available.

Mr. R. K. Sidhwa: May I know, Sir, the expenditure of the Textile Commissioner's Office in Bombay as far as the Central Government is concerned?

The Honourable Shri E. K. Shanmukham Chetty: Expenditure on textile control as a whole was Rs. 46,59,679 in 1946-47. This includes the expenditure on the Textile Commissioner's Office.

Shri Raj Krishna Bose: Will the Honourable Minister please state what was the total expenditure on control of food only for the year 1946-47?

The Honourable Shri E. K. Shanmukham Chetty: The expenditure for the control on foodstuffs for 1946-47 was Rs. 35,38,887.

Shri M. Ananthasayanam Ayyangar: A request was made by this House to the previous Government to appoint a Committee to investigate the possibilities of retrenchment in the staff of the Government of India. Is the Honourable Minister continuing the proposal?

The Honourable Shri E. K. Shanmukham Chetty: Sir, it was my intention soon after I assumed office to appoint an economy committee but we got such a shock on account of these communal disturbances that I thought I must wait for some time before I set up any machinery of economy for the purpose.

Dr. B. Pattabhi Sitaramayya: Will not the appointment of an economy committee add to the expenditure still further?

The Honourable Shri E. K. Shanmukham Chetty: The immediate effect will be an increase of expenditure.

LOAN BY INDIA TO PAKISTAN

65. *Mr. R. K. Sidhwa: Will the Honourable Minister of Finance please state:

(a) the amount given on loan by the Government of India to the Government of Pakistan, after the division of India i.e., after the 15th August, 1947; and

(b) the conditions under which this loan is given and when it is repayable?

The Honourable Shri E. K. Shanmukham Chetty: (a) The Government of India have not given any loan to the Government of Pakistan.

(b) Does not arise.

Shri H. V. Kamath: Has the Pakistan Government asked for any loan from the Government of India?

The Honourable Shri E. K. Shanmukham Chetty: No, they have not asked me and they would not get it even if they asked for it.

Shri R. K. Sidhwa: May I know what amount was given to the Pakistan Government on the day when they separated and what amount out of it is to be repaid to the Government of India?

The Honourable Shri E. K. Shanmukham Chetty: From the cash balance, an amount of Rs. 20 crores was given to the Pakistan Government at the time of Partition for them to start the new concern.

Dr. B. Pattabhi Sitaramayya: Is the Honourable the Finance Minister aware of the fact that it was said in the Press sometime ago that the Imperial Bank made a loan of Rs. 10 crores to the Government of Pakistan?

The Honourable Shri E. K. Shanmukham Chetty: I have no information as to whether the Imperial Bank has made any loan to the Pakistan Government. I do not think that they have. But this Rs. 20 crores is the amount which was placed at their disposal when the partition was actually effected because the Pakistan Government must necessarily have a cash working balance to start its business.

Shri K. Santhanam: Was this amount of Rs. 20 crores given on loan or as advance, and to what account was it to be debited?

The Honourable Shri E. K. Shanmukham Chetty: The exact proportion in which the cash balance of the Government of India on the 15th August 1947 is to be divided is a matter which will come before the Arbitral Tribunal and if these Rs. 20 crores come within that limit, that means Pakistan gets these Rs. 20 crores.

Prof. N. G. Ranga: Or otherwise?

The Honourable Shri E. K. Shanmukham Chetty: They may get more or they may get less. It all depends on the decision of the Arbitration Tribunal.

Mr. E. K. Sidhwa: May I know if these Rs. 20 crores is Pakistan's due share?

Mr. Speaker: It is obvious from the answer that it is only an estimate.

The Honourable Shri B. K. Shanmukham Chetty: Their share of the cash balance is a matter which is to be decided by the Arbitral Tribunal.

GOVERNMENT EMPLOYEES OPTING TO SERVE INDIA

66. *Mr. E. K. Sidhwa: (a) Will the Honourable Minister of Home Affairs please state the total number of Government employees serving in various departments in Pakistan Government, who have desired to opt out and serve in the Government of India Departments?

(b) How many have actually been transferred and how many still require to be transferred?

(c) If the transfer is not complete, what steps do Government propose to take to send for them and within what period?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). On the basis of available information the number of Central Government servants who were employed in the offices located in Pakistan areas and opted for service in the Dominion of India is 1,39,703; the number of such Government servants who have so far been transferred is 1,19,223; and the number of Government servants who are yet to be transferred is 20,480.

(c) The Government of India are trying their best to get the transfers completed as early as possible.

Seth Govinddas: Is it a fact that those Government servants who, in the beginning, desired to go to Pakistan now do not wish to go there and want that they should be retained where they are?

The Honourable Sardar Vallabhbhai Patel: Those who have opted for Pakistan will ordinarily be sent there or have gone there, but in some cases a person is entitled to finalise his option within a period of six months. If within the period of six months they do not change their mind, then the option stands, but if within those six months they change their option and want to go to the other Dominion then the question will be decided on their revised option.

Mr. E. K. Sidhwa: Out of the figure of 1,39,703 who have opted for service in the Dominion of India, may I know how many are in the Railways, how many in the Posts and Telegraphs and how many in the Customs?

The Honourable Sardar Vallabhbhai Patel: I am not in a position to give the figures per Department, but I will make enquiries and supply the information if so desired.

Shri M. S. Aney: Can this option be exercised by them after their going to Pakistan?

The Honourable Sardar Vallabhbhai Patel: Option is generally exercised in the initial instance before going. It is exercised by each individual officer or employee, but some did not make final choice. They gave an option subject to the condition that if within the period of six months any of them want to return, then they have a right to return.

Shri H. V. Kamath: Have any instance already occurred of officers who left India for service in Pakistan, and after disillusionment re-offered their services to India?

The Honourable Sardar Vallabhbhai Patel: Some of the officers thought that there was Heaven in Pakistan; they have later found that it was not so and wanted to come back and make declarations of their loyalty to India. I may make it clear that those who could change in this manner had only made a provisional decision initially.

BANNING OF INDIAN UNION FLAG BY HYDERABAD STATE

67. *Mr. R. K. Sidhwa: Will the Honourable Minister of States please state:

(a) whether it is a fact that the Hyderabad State authorities have banned the hoisting of the Union of India Flag by citizens on their buildings;

(b) if the reply to part (a) above be in the negative, the reasons why the State authorities pull down such flags and arrest persons;

(c) whether the Government of India have addressed the State authorities in this respect; if so with what result; and

(d) whether Government propose to place on the table of the House the correspondence exchanged between the Government of India and the Hyderabad State authorities in this matter?

The Honourable Sardar Vallabhbhai Patel: (a) According to the information given to us by the State, there is no ban on individual citizens flying the Union Flag on their houses.

(b) The State denies such allegations; if individual officers commit such acts, it is obviously in excess of their authority.

(c) and (d). The Government of India have enquired of H.E.H. the Nizam's Government regarding the incidents and have received the reply from Nawab of Chhatari, which I shall read for the information of the House. This is the text of the Telegram.

"Your telegram seventeenth. Reports that Indian Union Flag was pulled down by the State authorities or political workers were arrested on Friday for hoisting and saluting it absolutely baseless. Despite State's jurisdiction Indian Union flag was allowed to be flown on fifteenth August side by side with State flag on post offices and other Indian institutions continuing under standstill arrangements. Individuals were at liberty and actually displayed Indian Union flag on private buildings and otherwise without any let or hindrance. *Hindustan Times* report is being officially contradicted by us through the press."

Shri Basanta Kumar Das: May I know whether the Government are aware of the fact that a National Flag of our High Commissioner was insulted by the Pakistan Government or Pakistan people?

Mr. Speaker: It does not arise.

NAMES OF STATES ACCEDED TO THE INDIAN DOMINION

68. *Mr. R. K. Sidhwa: Will the Honourable Minister of States please state:

(a) the names of the States which have signed the Instrument of Accession and acceded to the Dominion of India; and

(b) whether Hyderabad and Kashmir States have acceded; if not, whether any correspondence has passed between them and the Government of India; if so, whether Government propose to place it on the table of the House?

The Honourable Sardar Vallabhbhai Patel: (a) I refer the Honourable Member to the statement which I shall be laying on the table of the House in regard to the Instrument of Accession executed by States.

(b) Kashmir has acceded to the Dominion of India. As regards Hyderabad, the matter is under negotiation and it will not be in public interest to place copies of the correspondence on the table of the House.

Mr. Speaker: Next question No. 69, Mr. Khaitan.

Shri B. Das: Might I be permitted to put this question, Sir? This and question No. 68 are both very interesting.

Mr. Speaker: There is no authority given by Mr. Khaitan. Even if there were, according to the usual procedure, these questions should come after the

whole list is exhausted. So there is no chance of the Honourable Member putting these questions in place of Mr. Khaitan.

SETTLEMENT OF BURMA'S DEBT TO INDIA

†69. *Shri Debi Prosad Khaitan: Will the Honourable Minister of Finance be pleased to state:

(a) the amount of the original debt which Burma owed to India before Burma's separation;

(b) the amount of debt settled by agreement at the time of Burma's separation; and

(c) the amount of the present debt owed by Burma to India showing how much was against the old debt and how much against the new debt incurred after the separation of Burma?

The Honourable Shri R. K. Shanmukham Chetty: (a) At the time of the separation, the Provincial Government of Burma owed Rs. 6,74,94,285 and the Shan States Federation Rs. 13,42,627 to the Central Government.

(b) Burma's debt to India on separation exclusive of the liability for Central Pensions and the assets and liabilities arising out of the currency system for both of which separate arrangements were made, was fixed at Rs. 50,79,81,000 repayable over a period of forty-five years.

(c) The repayment of this debt and the payment of Burma's share of pensions were suspended in 1942 when Burma was overrun by the Japanese and has not been resumed since. A sum of Rs. 48,14,55,147 is outstanding out of the original debt and Rs. 2,99,35,151 on account of pensions, the latter for the period ending the 31st March 1946 the accounts of which have been closed. No loan was given to Burma after separation.

PRODUCTION OF QUININE

†70. *Shri Debi Prosad Khaitan: Will the Honourable Minister of Health be pleased to state:

(a) the quantity of quinine produced at present in the country and the quantity required to meet its needs; and

(b) whether any new drug has been found to be more efficacious than quinine for the prevention and cure of malaria, and if so, what steps Government have taken for the production thereof in this country?

The Honourable Rajkumari Amrit Kaur: (a) The average annual production of quinine in India, in the last three years, was about 85,000 lbs. In pre-war years when quinine supplies were freely available the average annual consumption of quinine in India was about 210,000 lbs.

(b) A new synthetic drug called "Paludrine" is reported to be more effective than quinine in some respects in the treatment of malaria. The question of the production of synthetic anti-malarial drugs is under examination.

SANCTION FOR CAPITAL ISSUES

†71. *Shri Debi Prosad Khaitan: (a) Will the Honourable Minister of Finance be pleased to state for how many companies and for what amount sanction for capital issues was given in 1946, and in 1947 (for as many months of the latter year as it is possible to give figures of), what amount of shares have actually been subscribed and what amount has been paid up?

(b) How many companies, and for what amount, have failed to secure the proper amount of subscription to start business for which sanction was granted?

†Answer to this question laid on the table, the questioner being absent.

The Honourable Shri R. K. Shanmukham Chetty: (a) and (b) I place a statement on the table of the House.

Statement

Year	No. of companies for which sanction given	Amount for which sanction given	Amount subscribed	Amount paid-up
		(Rs. crores.)	(Rs. crores.)	
1946	682	240.49	18.241	Not known
1947 (till 30th September 1947.)	390	171.64	Not known.	Not known

1. Companies are required to report action taken regarding issue of capital only 12 months after the issue of consent orders. The figures for 1946 therefore relate only to the companies sanction for which was given between January and September 1946 and which have submitted a report (81 in number).

2. It has been made obligatory only since May 1947 for companies to report paid-up Capital. No figures are therefore available in respect of companies for which consent was given prior to that date.

LOYALTY OF OFFICERS AND RANKS IN DEFENCE FORCE AND POLICE TO GOVERNMENT

†72. ***Shri Debi Prasad Khaitan:** Will the Honourable Minister of Home Affairs be pleased to state what steps have Government taken to ascertain as to which officers and ranks in Defence Forces and the Police of the country are loyal to the Governments in India?

The Honourable Sardar Vallabhbhai Patel: All officers and other ranks in the Defence Forces have voluntarily opted to serve the Government of India. They took the usual oath, including allegiance and loyalty to Government. Officers and other ranks in the Police Forces also took an oath of allegiance to their respective governments after the 15th August. Disciplinary action has been taken against the few who declined to take such oath of allegiance. Government have no reason to doubt the loyalty of those who are now in service and it is not considered necessary to take any special steps to ascertain the loyalty of individual officers. Specific cases of disloyalty can be always dealt with under the disciplinary regulations.

NAMES OF STATES ACCEDED TO THE DOMINION OF INDIA

†73. ***R. B. Lala Raj Kanwar:** Will the Honourable Minister of States be pleased to state:

(a) the names of the States, the Rulers of which have acceded to the Dominion of India according to the standard form of the Instrument of Accession supplied to the members of this Assembly at its last session;

(b) whether it is a fact that the standard form of the Instrument of Accession has since been modified in the case of certain States; and if so, in what manner and for what reasons;

(c) whether the proposed modifications, if any, are based on understandings previously reached with the States during negotiations with their representatives;

(d) whether the proposed modifications, if any, are in consonance with the provisions of clause (b) of sub-section (1) of section 7 of the Indian Independence Act, 1947 and with the statement of policy in regard to Indian States issued by the Honourable Minister of States on the 5th July, 1947;

† Answer to this question laid on the table, the questioner being absent.

(e) the names of the States to which the modified draft Instrument of Accession has been sent for signature of their Rulers and the date of its transmission; and

(f) whether the Rulers referred to in part (e) above have raised any objection to the proposed modifications, and if so, on what grounds?

The Honourable Sardar Vallabhbhai Patel: The standard form of Instrument of Accession was signed by all Rulers who enjoyed full powers before the 15th August 1947 and whose accession was accepted by the Indian Dominion. Those States which did not enjoy full powers before the 15th August 1947 were given the alternative Instrument of Accession under which they ceded to the Government of India residuary criminal and civil jurisdiction. These States are mainly to be found in Kathiawar, Central India, Eastern States and Simla Hills. If all these small States were recognised as sovereign States with full powers the resultant position would be utter chaos. The Government of India adhere to the policy that these States should sign the alternative form of instrument of Accession and in fact practically all of them have done so.

COMMITTEE ON INDIGENOUS SYSTEM OF MEDICINE

74. *Dr. V. Subrahmanyam: Will the Honourable Minister of Health be pleased to state:

(a) whether it is a fact that, in pursuance of the resolutions adopted by the Health Ministers' Conference held at New Delhi on October 12th and 13th, 1946, the Government of India appointed a Committee called "The Committee on the Indigenous Systems of Medicine, for the encouragement of Indigenous medicine";

(b) whether Government propose to re-constitute the Committee on Indigenous System of Medicine, in view of the fact that there is only one Vaidya and seven Allopathic Doctors on the Committee and that some of the members are now nationals of Pakistan; and

(c) whether Government now propose to appoint only Vaidyas on the Committee relating only to the Indian systems of Medicine?

The Honourable Rajkumari Amrit Kaur: (a) Yes.

(b) There are on the Committee four Vaidas, four Hakims and two Allopaths excluding the Chairman. The number of members who belong to Pakistan on the Committee is only two. The question of their replacement is under consideration.

(c) The Committee is meant to investigate the usefulness of indigenous systems of medicine such as Ayurveda and Unani (Tibbi) and it is not possible to confine the membership to Vaidyas.

श्री आर० बी० धुलेकर : क्या गवर्नमेंट को मालूम है कि जो वैद्य इसमें मेम्बर रखे गये हैं वह सब एम० बी० बी० एस० हैं और वह अपने को वैद्य कहलाने से इन्कार करते हैं ।

Shri B. V. Dhulekar: Are Government aware that all the Vaidyas, who have been appointed members, are M.B.B.S. and they refuse to be called Vaidyas?

The Honourable Rajkumari Amrit Kaur: The Government is aware that the members of the Committee are not only Vaidas but Allopaths also. Government is not aware that they decline to call themselves Vaidas. As a matter of fact originally there were three Vaidas and three Hakims appointed but as a result of representations from important bodies like the All India Ayurvedic

Congress and individuals the number of Vaid and Hakims was increased to four each. In addition, the Committee has been empowered, if necessary, when it tours, to ask to co-opt local Vaid or Hakims during their visits to the Provinces, so that the views of prominent persons in the field of indigenous medicines may be given due weight.

An Honourable Member: Will the Government take the opinion of the All India Ayurvedic Sammelan as far as the personnel of the members of this Committee is concerned?

The Honourable Rajkumari Amrit Kaur: Government is always willing to give weight to the opinions of anybody, but I submit that the Committee that has been formed is a representative one.

Shri Mohan Lal Saksena: I understand that there is no Ayurvedic practitioner, that is none of the members of the Committee is out and out an Ayurvedic practitioner?

The Honourable Rajkumari Amrit Kaur: I do not think that this information is correct.

Dr. V. Subrahmanyam: Will the Honourable Minister of Health be pleased to state whether Government will consider the question of earmarking a substantial amount in the annual budget for Ayurvedic teaching and Research and spending the same on distributing grants recurring and non-recurring to teaching institutions in the country and also for establishing Ayurvedic Research Department of its own?

The Honourable Rajkumari Amrit Kaur: In view of the fact, that Government has appointed a Committee to report on indigenous systems of medicine all these things will be taken into consideration when the report of the Committee is available to the Government.

Dr. V. Subrahmanyam: Will the Honourable Minister be pleased to state the amount the Central Government is now spending over the encouragement of Ayurvedic system of medicine and Ayurvedic Medical relief and research?

The Honourable Rajkumari Amrit Kaur: The answer is in the negative.

An Honourable Member: Will the Honourable Minister be pleased to state whether the Central Government is spending any money in regard for the purchase of Ayurvedic medicines or encouraging the Ayurvedic system in all manner possible?

The Honourable Rajkumari Amrit Kaur: The appointment of a Committee is indicative of the interest which Government bestows on Ayurveda.

K. T. M. Ahmed Ibrahim Sahib Bahadur: May I know whether there are any representatives of Unani and Siddha systems of medicine on the Committee?

The Honourable Rajkumari Amrit Kaur: I have already said there are four Hakims on the Committee.

श्री० आर० वी० धुलेकर : क्या गवर्नमेंट इसका कोई कारण बतला सकती है कि देशी चिकित्सा कमेटी के ऊपर एक एलोपैथिक डाक्टर क्यों चेयरमैन बनाया गया ।

Shri E. V. Dhulekar: Will the Government please state why an Allopathic Doctor was appointed as a Chairman of the Committee on the indigenous systems of medicine?

The Honourable Rajkumari Amrit Kaur: The Chairman was appointed because of the very valuable work that he had done in the matter of research in indigenous drugs.

ARRIVAL OF PAKISTAN MILITARY COMMISSION IN ALIGARH MUSLIM UNIVERSITY

†75. *Shri Debi Prosad Khaitan: (a) Will the Honourable Minister of Defence be pleased to state whether it is a fact that a Military commission from Pakistan arrived in Aligarh Muslim University on 21st October, 1947 or any other date, or is likely to arrive there with a view to recruiting Commissioned Officers for the Pakistan Army from among the University teaching staff and students?

(b) If so, was the consent of the Government of India obtained for the purpose and under what circumstances was such consent given?

(c) What is the attitude of the authorities of the Aligarh Muslim University about allowing the Pakistan Government to recruit officers for the Pakistan Army from amongst the University Teaching Staff and students?

(d) Is it permissible or desirable that citizens of India become Officers of an army in a foreign Government?

(e) Is it a fact that the authorities of the Aligarh Muslim University have actively helped or connived at the recruitment of commissioned officers for the Pakistan Army? If so, do the Government of India propose to consider the desirability of stopping all grants and contributions to the Aligarh Muslim University?

(f) What steps do the Government of India propose to take to ensure that the teaching staff and the students of the Aligarh Muslim University be, and remain, loyal citizens of India?

The Honourable Sardar Baldev Singh: (a) No, Sir.

(b) Does not arise.

(c) The authorities of the Aligarh Muslim University do not intend to assist the Pakistan Government to recruit officers for the Pakistan Army from amongst the University Teaching Staff and students.

(d) At present there is no ban on nationals of India accepting service under another Government.

(e) and (f). Do not arise, in view of the answer to part (c).

SEIZURE OF UNAUTHORISED AMMUNITION IN JUBBULPUR

76. *Pandit Lakshmi Kanta Maitra: (a) Will the Honourable Minister of Home Affairs be pleased to state whether Government are aware that on or about the 17th October, 1947 a huge quantity of unauthorised ammunition was seized from a godown in Jubbulpur in the occupation of Md. Ismail Cutchehi a wholesale Cloth Merchant?

(b) Is it a fact that these were being removed under cover of darkness from the Dixitpura Godown to some other place within cloth pieces in a hand-cart in the course of which, some Cartridge boxes burst and others got scattered on the streets?

(c) Is it a fact that Cartridges, empty and live, weighing over 2 tons packed in Gunny Bags and quantities of lead pellets and Gun-powder have been seized by the Jubbulpur City Police?

(d) Is it a fact that the person from whose godown these were recovered is a prominent member of the Local Muslim League and also an office-bearer of the Peace Committee?

(e) Have any arrests been made in this connection, if so, how many?

†Answer to this question laid on the table, the questioner being absent.

(f) Has any enquiry been made by Government as to the source of supply of these? If so, with what result? If not, why not?

The Honourable Sardar Vallabhbhai Patel: The matter is under investigation and any statement at this stage will be premature and is likely to prejudice the investigation.

RECOVERY OF UNAUTHORISED AMMUNITION FROM MUSLIM HOUSES

†77. ***Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Minister of Home Affairs please state whether Government are aware, that as a result of Police raid on some Muslim houses at Burgi, 16 miles from Jubbulpur, Cartridge filling machines, Fire-arms, live Bombs and a huge quantity of ammunition, all unauthorized, were seized by the Police?

(b) Has any effort been made by Government to trace the source of supply? If so, with what result?

(c) What action has been taken by Government against the owners of the premises from which they have been recovered?

DECAMPING OF AN ARMED GANG FROM THE GENERAL HEADQUARTERS HUTMENTS WITH AMMUNITION.

78. ***Pandit Lakshmi Kanta Maitra:** (a) Will the Honourable Minister of Defence be pleased to state whether it is a fact that on the morning of Thursday the 16th October, 1947 a Gang of about 9 armed men came up to 'Q' Block of the Secretariat hutments in Delhi, walked into the General Headquarters Stores and holding up the sentry at the point of a pistol picked up the key, opened the Armoury and decamped with large quantities of arms and ammunition?

(b) If the answer to part (a) above be in the affirmative, what were the categories and quantities of arms and ammunition thus removed?

(c) Is any register of stocks and stores of arms and ammunition maintained in the General Headquarters?

(d) What was the number of sentries or soldiers that were stationed at the depot to guard it?

(e) Have the miscreants been captured or arrested, or have any portions of the looted arms and ammunition been recovered so far? If so, how much?

(f) What precautionary measures, if any, have been taken by Government to prevent a recurrence of such raids in future?

The Honourable Sardar Baldev Singh: (a) At about 3-40 a.m. on the 16th October 1947, 12 armed men came up to Plot No. 80 adjacent to "Q" Block held up the sentry at the barbed wire entrance, walked into the building in Plot No. 80 and held up the men working inside at the point of a pistol. Inside the building, a small quantity of arms and ammunition had been held as an immediate reserve in case of an emergency. The rifles were locked in a rifle rack and the revolvers and ammunition were locked in an ammunition box. The building is not an armoury but a Signal Office.

(b) 10 rifles with bayonets, 17 revolvers, 170 rounds of .38 ammunition and 200 rounds of .303 ammunition.

(c) Yes.

(d) One sentry was stationed at the entrance and two operators were on duty inside the building.

(e) The matter is still under police investigation and four persons have been arrested in this connection. No portion of the looted arms and ammunition has so far been recovered.

(f) The area is now patrolled by armed sentries. Arms are no longer kept in the Signal Office. They are all stored in a well-guarded armoury.

†For answer to this question, see answer to question No. 76.

STARRED QUESTIONS AND ANSWERS

Pandit Lakshmi Kanta Maitra: In answer to the answer just given relating to the number of arrests, will the Honourable Member kindly inform the House if the persons arrested are civilian or military personnel?

The Honourable Sardar Baldev Singh: Sir, I have information on the matter. They are in police custody.

Pandit Lakshmi Kanta Maitra: There was one sentry placed in regard to the Store House?

The Honourable Sardar Baldev Singh: That is the normal guard.

Pandit Lakshmi Kanta Maitra: What is the number of sentries at present?

The Honourable Sardar Baldev Singh: At present as I have stated the place is guarded by a fully armed patrol.

Pandit Lakshmi Kanta Maitra: Do I take it that absolutely no resistance was offered to the raiders?

The Honourable Sardar Baldev Singh: Sir, I have already stated that the sentry on duty was pushed aside.

Shri Deshbandhu Gupta: Is it a fact that one of the raiders helped himself with the key as he knew where the key on the board was of the two vaults where these rifles were kept in custody? Is it true that some of the arrested men belong to the staff?

The Honourable Sardar Baldev Singh: It is just possible, Sir.

Mr. R. K. Sidhwa: The question was pertinent whether some of the men who were arrested belong to the staff.

Mr. Speaker: He says he has no information.

Mr. R. K. Sidhwa: Sir, it is a very important matter and the Honourable Member in charge ought to know who were arrested.

Mr. Speaker: The point is he says that he has no information at this time.

Mr. R. K. Sidhwa: How is it that the Honourable the Defence Member has been so careful as not even to enquire whether the members of the staff are among those who were arrested.

(No reply.)

AMOUNT COLLECTED UNDER THE BUSINESS PROFITS TAX

79. *Shri K. Santhanam: Will the Honourable Minister of Finance be pleased to state:

(a) the amount of collections made up to the end of October 1947 under the Business Profits Tax;

(b) the total number of assesseses under this tax; and

(c) the special staff engaged for the collection of this tax?

The Honourable Shri R. K. Shanmukham Chetty: (a) None.

(b) About two thousand.

(c) No special staff is engaged for this purpose.

Shri K. Santhanam: May I know, Sir why no steps have been taken so far and why there is so much negligence.

The Honourable Shri R. K. Shanmukham Chetty: Sir, on account of a drafting defect of the Business Profits Tax Act, the rules could not be issued in time and steps are now being taken to effect the necessary amendment during the session and as soon as that is done the assessment will go on.

Shri K. Santhanam: May I know, Sir, why no notice of the amendment has so far been given if the matter has been so urgent?

The Honourable Shri R. K. Shanmukham Chetty: I do not exactly understand what the Honourable Member means.

Shri K. Santhanam: If no bill is introduced to amend the Act, I want to know whether the Finance Member is earnest about the collection of this tax.

Mr. Speaker: I think the Honourable Member referred to the rules under the Act. He said there was some defect in the Act which prevented the rules being made properly.

The Honourable Shri R. K. Shanmukham Chetty: On account of a defect in the Act as I said the rules under the Act could not be issued, so that the officers might proceed with the assessment. Steps are now being taken to amend the Act and rules and in fact in the current Budget Estimate we are providing for a substantial collection under this head.

Shri K. Santhanam: My point is that as it was passed in March, why the Bill to remove the defect of the Act has not been introduced so far?

The Honourable Shri R. K. Shanmukham Chetty: I do not quite remember whether that amending Bill has been put down for this session or not. But my Honourable friend knows that after this Act was passed in March this is the first session of the legislature and so we could not have done it earlier.

Shri K. Santhanam: Could we not expect it to be introduced on the first day of the session?

Mr. Speaker: That is a matter of argument.

The Honourable Shri R. K. Shanmukham Chetty: I understand that amendment is going to be introduced this session.

Shri M. Ananthasayanam Ayyangar: May I know how in spite of the defect in the Act and the rules not having been promulgated the figure of two thousand has been arrived at? Have the assessments gone on still?

The Honourable Shri R. K. Shanmukham Chetty: No, the assessments have not gone on, but the Income-tax Department has sufficient information to know how many assesses are likely to come under the provisions of this Act. That means that we have all the information ready for the assessment.

Shri M. Ananthasayanam Ayyangar: Although it was not possible to introduce legislation what was the difficulty about issuing an Ordinance if there was any seriousness about collecting this money?

The Honourable Shri R. K. Shanmukham Chetty: We want to respect the legislature as far as possible.

Prof. Shibban Lal Saksena: What is the loss that the Indian revenues will sustain on account of this neglect?

The Honourable Shri R. K. Shanmukham Chetty: There will be no loss at all. Even if the assessment is not made now it will be made next year. No one will be left free.

Shri B. M. Gupte: Can the Honourable Minister say which is the province from which the largest amount is collected?

The Honourable Shri R. K. Shanmukham Chetty: No amount has yet been collected.

Shri M. Ananthasayanam Ayyangar: Is it a fact that under this Act assessment can be made only for the past four years and if the assessment takes place for the next year, one year during the war period is lost to Government?

The Honourable Shri R. K. Shanmukham Chetty: No, Sir, that is not so.

COLLECTION OF BUSINESS PROFITS TAX IN INDIA AND PAKISTAN

80. *Shri K. Santhanam: Will the Honourable Minister of Finance be pleased to state:

(a) the amount of arrears of Excess Profits Tax on the 1st April, 1947 and on the 1st November, 1947;

(b) whether it is a fact that the collections of arrears in India and Pakistan are made on an agreed basis and are brought into a common account; and

(c) whether there is any agreed basis for the division of the proceeds between India and Pakistan?

The Honourable Shri R. K. Shanmukham Chetty: (a) Presumably the Honourable Member has in mind the demand involved in the assessments awaiting disposal on the dates given. On a rough computation, the relevant amount as on 1-4-47, less amount already collected under provisional assessment, probable refunds, relief for double taxation and reduction in appeal, is about Rs. 10 crores. This figure does not include the tax assessable in respect of the last chargeable accounting period in cases in which the previous year for income-tax purposes ended after the 31st March 1946, as these cases would normally be assessable in 1947-48. The figure as on 1st November 1947 is not available but on 1st September 1947, including the tax on the last chargeable accounting period, it comes to roughly Rs. 12 crores.

(b) and (c). The amount collected or refunded during the period 15-8-47 to 31-3-48 in respect of chargeable accounting periods corresponding to previous years for income-tax assessments for 1946-47 and earlier years, will be divided between the two Dominions. The basis on which the division is to be made has not yet been decided.

INCOME TAX AND SUPER TAX PAYABLE IN THE FINANCIAL YEAR 1946-47

81. *Shri K. Santhanam: Will the Honourable Minister of Finance be pleased to state:

(a) the amounts of arrears of Income-Tax and Super-Tax payable in the financial year 1946-47;

(b) whether any of the assesseees have migrated to Pakistan; and

(c) the measures which are being taken by Government to prevent loss of revenues by such a migration?

The Honourable Shri R. K. Shanmukham Chetty: (a) The total demand estimated in respect of uncompleted assessments for 1946-47 and earlier years is Rs. 22 crores.

(b) Yes.

(c) In cases where it is possible to effect recovery of the tax due by attachment and sale of property left behind in India this will be done. Where it is necessary to invoke the assistance of the Pakistan Government for the attachment and sale of property located in Pakistan that Government has to cooperate with us under the decision reached by the Partition Council.

Shri K. Santhanam: What steps is the Honourable Minister taking to collect these arrears as quickly as possible?

The Honourable Shri R. K. Shanmukham Chetty: All possible steps.

Shri K. Santhanam: Is he contemplating the engagement of further staff?

The Honourable Shri R. K. Shanmukham Chetty: I should like to make the present staff itself collect the amount, but if necessary I shall engage additional staff.

Shri K. Santhanam: May I know if he is succeeding in his attempts to make the present staff collect quickly?

Shri Deshbandhu Gupta: With reference to part (c) of the question, is the Honourable Minister aware of the fact that big properties are changing hands

every day under the very nose of the Government of India? Many of these people must be assesseees liable to pay income-tax and to my knowledge no attachment notices have been issued against these properties.

The Honourable Shri R. K. Shanmukham Chetty: Of course a considerable amount of confusion is likely to arise as a result of the extraordinarily disturbed conditions, but we will do all that is possible and all that lies in our power to protect our revenues.

Shri Deshbandhu Gupta: Has the suggestion to freeze some of these properties been considered by the Government of India as a precautionary measure so that they could not be sold or at least the sale profits can be paid by these people who are likely to be assesseees?

The Honourable Shri R. K. Shanmukham Chetty: Now that the Honourable Member makes the suggestion, I will consider it.

Prof. Shibban Lal Saksena: In view of the information given to the Honourable Minister will he take care to see that assesseees are not allowed to sell their properties in future until all dues are realised from them?

The Honourable Shri R. K. Shanmukham Chetty: We will examine that question.

CURRENCY ARRANGEMENTS BETWEEN INDIA AND PAKISTAN

82. *Shri K. Santhanam: Will the Honourable Minister of Finance be pleased to state:

(a) whether it is a fact that the present currency arrangements between India and Pakistan will terminate on the 31st March, 1948; and

(b) the steps that are taken or are proposed to be taken for the complete separation of the two currencies?

The Honourable Shri R. K. Shanmukham Chetty: (a) and (b). I would invite the attention of the Honourable Member to the Pakistan (Monetary System and Reserve Bank) Order, 1947.

DIVISION OF ASSETS AND LIABILITIES BETWEEN INDIA AND PAKISTAN

83. *Shri K. Santhanam: Will the Honourable Minister of Finance be pleased to state:

(a) the total estimated assets and liabilities of India (including Pakistan) on August 14, 1947;

(b) the total assets and liabilities transferred to Pakistan up to the 1st November, 1947; and

(c) the respective claims of the Governments of India and Pakistan regarding the remaining assets and liabilities?

The Honourable Sardar Vallabhbhai Patel: (a) On a very rough estimate the total liabilities of the undivided Government on the date of partition are expected to be of the order of Rs. 3,200 crores and the total assets of the order of Rs. 2,800 crores. It is not possible to give a precise figure till the accounts of the undivided Government are finally closed and the basis on which certain liabilities like the outstanding debt and pensions should be valued is determined.

(b) I regret the information is not readily available and any computation at this stage would involve disproportionate time and labour.

(c) As the outstanding points are still under consideration and some of them may be referred to the Arbitral Tribunal it is not considered desirable in the public interest to disclose the claims of the respective Governments.

Shri H. V. Kamath: Is it a fact that as part of the assets even precious historical records and documents and also tables, chairs and other furniture had to be sliced up and divided for this partition?

The Honourable Sardar Vallabhbhai Patel: Precious records can have no comparison with chairs and tables.

Shri K. Santhanam: With reference to part (b) of the question, may I know what are the total assets, apart from liabilities, specially major assets like the railways, which have been transferred, as far as information is available?

The Honourable Sardar Vallabhbhai Patel: It is difficult to give the information because it is not readily available. Unless major and minor assets are defined it is not possible to answer that question.

DEVELOPMENT OF AYURVEDIC SCIENCE, LITERATURE AND INSTITUTIONS

84. *Shri R. V. Dhulekar: (a) Will the Honourable Minister of Health be pleased to state whether Government are aware that the Ayurvedic system of Medicine prevails in India under various names—Kaviraji, Siddhi, Unani etc.,—throughout the various provinces and that a very large section of the population both in towns and villages get medical relief from Vaidyas and Kavirajes and Hakims?

(b) Are Government aware that the Ayurvedic science has a very large literature in Sanskrit and other Provincial languages and that there are several lakhs of Ayurvedic practitioners practising throughout the country successfully?

(c) Are Government aware that there is a large number of Ayurvedic teaching schools and colleges in the country and many of them have also been recognised and aided by Provincial Governments?

(d) Are Government aware that an Ayurvedic University has been established at Jhansi for higher studies in Ayurved and Research in Ayurvedic Science?

(e) What steps are Government taking to help and develop (1) Ayurvedic science and literature (2) Ayurvedic Schools, Colleges and University (3) the preparation of standard Ayurvedic Medicines and drugs and also (4) the spread of medical relief in the country on Ayurvedic lines?

The Honourable Rajkumari Amrit Kaur: (a) and (b). Yes.

(c) Government have no precise information regarding the number of Ayurvedic teaching institutions in the country recognised by Provincial Governments.

(d) Government understand that an institution for the teaching of Ayurveda called the Ayurvedic University has been established at Jhansi.

(e) The question will be considered after the report of the Committee on indigenous Systems of Medicine is received.

COMMITTEE FOR DEVELOPING AYURVEDIC SYSTEM

85. *Shri R. V. Dhulekar: (a) Will the Honourable Minister of Health be pleased to state whether Government are aware that they appointed some months back a Committee on indigenous system of medicines to go into the question of developing Ayurvedic system and other allied questions?

(b) Are Government aware that almost all the representatives of the Vaidyas on the Committee are Doctors, that even the Chairman is an Allopathic doctor, that the whole work of the Committee was placed in the hands of a doctor who has now gone to Pakistan and that therefore great discontent exists among Vaidyas throughout India?

(c) Are Government aware that the All India Vaidya Sammelan (All India Ayurvedic Congress) have objected to the personnel of the Committee on indigenous systems and that several prominent persons interested in Ayurveda and also Vaidyas have personally approached the Government to change the personnel?

(d) Do Government propose to consider the advisability of re-constituting the Committee composed of prominent Vaidyas alone and some members of the Dominion Legislature who are working for the uplift of Ayurvedic science?

The Honourable Rajkumari Amrit Kaur: (a) Yes.

(b) The four Vaidas included in the Committee are well known persons in the field of Ayurveda though one of them has also allopathic qualifications. The Committee asked one of its members, an allopathic doctor, to investigate a particular problem but the work of the Committee was not relegated to any particular individual.

(c) The wishes of the All India Ayurvedic Congress and other persons interested in the work of the Committee were given full consideration when the Committee was constituted. The Committee was constituted in consultation with Provincial Governments.

(d) The Committee is meant to investigate the usefulness of indigenous systems of medicine such as Ayurveda and Unani and it is not possible to confine the membership to Vaidyas only.

(b) WRITTEN ANSWERS

GRANT OF FUNDS FOR AYURVEDIC TEACHING AND RESEARCH

86. *Shri E. V. Dhulekar: (a) Will the Honourable Minister of Health be pleased to state whether Government will consider the question of earmarking a substantial amount in the annual budget for Ayurvedic Teaching and Research and spend the same on distributing grants recurring and non-recurring to teaching institutions in the country and also for establishing Ayurvedic Research Department of its own?

(b) Do Government propose to establish a Department of Ayurveda as a section of the Health Department with a view to employing qualified Vaidyas Health and Medical Officers for running Ayurvedic hospitals and doing other medical relief work which the allopathic doctors do? If so, when? If not, why not?

The Honourable Rajkumari Amrit Kaur: (a) The establishment of Ayurvedic Teaching Institutions is primarily the concern of Provincial Governments. The question as to how far the Central Government can help to further research in indigenous systems of medicine will be considered after the Committee on Indigenous Systems of Medicine has submitted its Report.

(b) There is no such proposal at present. The question to what extent the indigenous systems of medicine can be utilised as part of the Medical Services of the country will be considered after the report of the Committee I have mentioned is received.

APPOINTMENT OF ORIYA ADMINISTRATIVE OFFICER IN THE CENTRAL EXCISE

87. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Finance be pleased to state whether there is any Oriya administrative officer in the Central Excise in Orissa Division?

(b) If the reply to part (a) above is in the negative, are there no qualified candidates for it in Orissa?

(c) Did any one apply for it?

The Honourable Shri E. K. Shanmukham Chetty: (a) Yes; an officer in the grade of Assistant Collector.

(b) and (c). Does not arise, but it may be added that the province of domicile is not the main criterion adopted for judging a candidate's fitness for appointment as the charge of the Calcutta Central Excise Collectorate embraces more than one Province.

SEPARATE RADIO STATION FOR ORISSA

88. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Information and Broadcasting please state when will there be a separate Radio Station for the Province of Orissa?

(b) Are Government aware that at present the Province of Orissa gets only half an hour at the Calcutta Radio Station every day for relaying news and music and that too at 9-30 P.M. which is a very inconvenient hour?

(c) Do Government propose to see that the Oriya programme is relayed from the Calcutta Radio Station at least twice a day, one in the day time and the other in the night?

(d) Are Government aware that there is no Oriya Assistant at the All India Radio Station at New Delhi?

(e) If so, do Government propose to appoint an Oriya Assistant so that news from Delhi in Oriya may be relayed independently of the Calcutta Station?

The Honourable Sardar Vallabhbhai Patel: (a) A broadcasting station at Cuttack has been included in All India Radio's Development Plan; it is expected to be installed by the middle of 1948.

(b) Yes, Sir. The present time was fixed with the concurrence of the Provincial Government.

(c) With the existing transmitting facilities at Calcutta it is regretted that it is not possible to give more time for programmes in Oriya.

(d) No, Sir; but a post of Programme Assistant for Oriya Programmes has already been sanctioned at the Calcutta Station and steps are being taken to appoint a suitable candidate.

(e) No, Sir. It is not possible at present to arrange for the broadcast of a news bulletin in Oriya from Delhi.

TEMPORARY ACCOMMODATION FOR FORCES DURING WAR

89. *Shri M. S. Aney: (a) Will the Honourable Minister of Defence be pleased to state what is the total area of the land vested in the Crown in different provinces, for the purpose of providing temporary accommodation for the Army, Navy and Air Force during the War?

(b) How many of these temporary camps have been deserted and the temporary structures standing thereon dismantled since the end of the War?

(c) How much of the land which is no longer needed for defence purposes is capable of being brought under cultivation?

(d) What efforts, if any, have been made by Government to use it or allow it to be used for agricultural purposes, particularly for growing food-crops thereon?

(e) Have the Government of India prepared any scheme to utilise these deserted areas for cultivation and turn them into fields growing food-crops?

The Honourable Sardar Baldev Singh: (a) The total area of land hired and requisitioned outside cantonments for the purpose of providing temporary accommodation, Field Firing Ranges, and other needs of the expanded war-time army was approximately 9,09,504 acres. The classification of this area into land earmarked for temporary accommodation for the Armed Forces and that reserved for other requirements is not readily available.

(b) The total area of land released by Defence Services by 30th September 1947, is 4,25,483 acres. Information regarding the area under abandoned camps and structures is not readily available.

(c) The information is not readily available. The Ministry of Agriculture has asked the Provincial Governments to carry out detailed surveys of such areas

(d) and (e). A scheme for bringing 6,00,000 acres of cultivable waste under cultivation has been drawn up in consultation with the U. P., C. P., Bihar, Orissa and Madras Governments. This programme is to be implemented over the next five years.

UTILIZATION OF DESERTED ARMY CAMP HOUSES AND SHEDS

90. *Prof. N. G. Ranga: Will the Honourable Minister of Defence be pleased to state:

(a) whether it is a fact that in many places of India there are big and small Army Camp houses and sheds which have not been in use for the last 2 or 3 years and which are no longer intended to be used by the Army;

(b) whether it is a fact that some of them are falling into bad repairs and are even collapsing;

(c) what objection Government have to give these houses to local Governments for being repaired and allotted for occupation by the very large number of poor people who are suffering from lack of even huts and sites for hovels; and

(d) whether Government propose to consider the advisability of having inter-departmental and inter-provincial conferences to save these properties and to arrange for their full utilisation by the local poor and houseless people through the Provincial Governments?

The Honourable Sardar Baldev Singh: (a) and (b). I do not think, Sir, it is correct to say that these buildings have been allowed to remain vacant for as long as two or three years. As soon as it is known that a building or a number of buildings are likely to become surplus to military requirements action is taken to dispose of them without avoidable delay. Some of the buildings have fallen into disrepair while awaiting disposal mainly because most of them are temporary buildings which were constructed during the war and which have considerably outlived their scheduled life.

(c) These war-time assets are normally offered to Provincial Governments before they are disposed of by sale. The Central Government have already placed at the disposal of various Provincial Governments and Indian States accommodation capable of housing approximately 2 lakhs of refugees.

(d) Does not arise in view of my answer to part (c).

GRANT OF SUBSIDIES TO PROVINCIAL GOVERNMENTS FOR DEVELOPMENT OF HOUSING

91. *Prof. N. G. Ranga: Will the Honourable Minister of Finance be pleased to state:

(a) whether it is a fact that the 1946-47 Budget provided an allotment for giving subsidies to Provincial Governments for the development of housing;

(b) if so, how much;

(c) how that subsidy was utilised as between different provinces;

(d) how many houses have come to be built with it;

(e) their number in rural and urban areas; and

(f) whether any funds are still outstanding and if so, how Government expect to utilise them in the light of their experience of the utilisation of such funds in the past?

The Honourable Shri R. K. Shanmukham Chetty: (a) Yes.

(b) Rs. 2 crores.

(c), (d) and (e). Owing to the continuance of very high building costs there was little response to Central Government's offer of assistance to pay 12½ per cent. of the total cost of approved schemes and no subsidies were paid under the terms of that offer.

(f) There is no cumulative fund for this purpose. The provision in 1946-47 was made in the usual manner and it has lapsed. Fresh provision of Rs. 50 lacs was made for the year 1947-48 but no expenditure has so far been incurred on this account.

PREVENTION OF AN ECONOMIC CRISIS IN INDIA

92. *Prof. N. G. Ranga: Will the Honourable Minister of Finance be pleased to state:

(a) whether Government are aware that several economists in England and America are expressing their fears of the early approach of an economic crisis all the world over;

(b) whether such a crisis is not likely to occur in India; and

(c) the steps that are being taken by Government either to step up production or to limit the creation of credit by Banks and in other ways to prevent the possibility of an economic crisis?

The Honourable Shri R. K. Shanmukham Chetty: (a) I have noted that some economists have given expression to this fear.

(b) and (c). Government are fully aware of the need for increasing production and for checking the inflationary tendency. Steps are being taken to bring about an increase in production of essential commodities. In close consultation with the Reserve Bank, all possible steps in the monetary field will also be taken if and when the necessity arises.

IMPLEMENTATION OF PAY COMMISSION'S RECOMMENDATIONS

93. *Prof. N. G. Ranga: Will the Honourable Minister of Finance be pleased to state:

(a) when the resolution of Government on the Pay Commission's recommendations will be published; and

(b) whether necessary provision will be made in the next Budget for the implementation of its recommendations?

The Honourable Shri R. K. Shanmukham Chetty: (a) Government have already given publicity to their decisions regarding the recommendations of the Central Pay Commission relating to pay and allowances by Press communiques and gazette notifications from time to time. They do not, therefore, propose to issue any resolution in the matter. The Commission's recommendations relating to leave, retirement benefits etc. are still under consideration and decisions thereon will be published in due course. Copies of the orders and Press communiques so far issued are placed on the table of the house†.

(b) Yes.

EMPLOYMENT OF BIHARIS IN ACCOUNTANT-GENERAL'S OFFICE, BIHAR

94. *Shri Brajeshwar Prasad: Will the Honourable Minister of Finance be pleased to state:

† Not printed in these Debates. A copy placed in the Library of the House.—*Ed. of D.*

(a) the year in which the office of the Accountant-General was created in the province of Bihar;

(b) the total number of ministerial staff in the above office, and the number of Biharis, Bengalis and the members of other communities holding appointments at present in each cadre separately;

(c) the number of Bihari and Bengali Assistant Accounts Officers and the permanent Superintendents employed at present in that office;

(d) the number of Bihari, Bengali and other communities appointed to the clerical posts of that office since April, 1946;

(e) the number of Bihari Superintendents and Assistants posted in the Office Establishment Section since the creation of the office and the period for which each worked in that section;

(f) the number of Bihari Ministerial Officers at present working in the Office Establishment Section;

(g) the number of Bihari Superintendents posted to the important sections, e.g., Budget, Appropriation Audit, Treasury Miscellaneous, Book, and the three Gazetted Audit Sections, since the creation of the office, and the period for which each worked in the particular sections;

(h) the number of Bihari Superintendents at present working in the above sections; and

(i) whether the attention of Government has been drawn to the news and comments that have appeared in the Provincial Papers (*viz.*, the *Searchlight*, dated the 30th August 1947, the 1st October 1947, the 6th October 1947 and the 12th October 1947, Dak editions, and the *Sentinel*, dated the 31st August 1947 and the 7th September 1947) regarding that office, and if so, what action Government have taken to ameliorate the grievances of the Biharis of that office?

The Honourable Shri R. K. Shanmukham Chetty: The information is being collected and will be laid on the table of the House in due course.

COLLECTION OF ARMS AND MOBILISATION OF MILITARY FORCES BY THE NIZAM

95. *Shri Jagat Narain Lal: (a) Will the Honourable Minister of Defence be pleased to state whether Government are aware of (i) the huge manufacture and collection of Arms (ii) the recruitment and mobilisation of military forces, which are going on in different areas of Pakistan and in the Nizam's State in Hyderabad?

(b) If so, what steps do Government propose to take to cope with the imminent danger to the safety of the territories of India?

The Honourable Sardar Baldev Singh: (a) and (b). Government do not consider it to be in the public interest to discuss on the floor of the House alleged war-like preparations in neighbouring States or areas and the steps taken to meet a threat to the safety of India.

ADVERTISEMENT OF IMPORTANT POSTS IN INDIAN UNION IN ORISSA GAZETTE

96. *Shri Lakshminarayan Sahu: Will the Honourable Minister of Home Affairs be pleased to state whether Government propose to arrange that all important posts that are advertised in the Gazette of the Government of India are also advertised in the Gazette of Orissa so far as the services in the Union are concerned?

The Honourable Sardar Vallabhbhai Patel: The procedure suggested by the Honourable Member is already being followed.

APPOINTMENT OF ORIAS TO CENTRAL SERVICES

97. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Home Affairs be pleased to state how many persons from the Province of Orissa have been appointed in the following Central Services:

- (i) Accounts and Audit Department,
- (ii) Federal Secretariat,
- (iii) Survey of India Office, and
- (iv) Customs Department and other Departments under the Union Government?

(b) Do Government propose to see that sufficient number of persons from the Province of Orissa are appointed to these Services?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). The information asked for is not readily available and its collection would involve an expenditure of time and labour out of proportion to its utility. The general policy of Government in the matter of recruitment is to make appointments as far as possible on the basis of merit. Where recruitment to any service is not by open competition, the vacancies are distributed among the different communities on a population basis. Government do not propose to complicate further the process of recruitment by engrafting the principles of territorial representation on that of communal representation.

GRANTS GIVEN BY GOVERNMENT OF INDIA FOR PUBLIC HEALTH SCHEMES

98. *Shri B. A. Mandloi: Will the Honourable Minister of Finance be pleased to state:

(a) the total amount of grant given by the Government of India to the various provinces including the Chief Commissioner's Provinces and to the States for carrying out schemes of public health in the years 1945-46 and 1946-47; and

(b) the amount Government propose to give in the year 1947-48?

The Honourable Shri R. K. Shanmukham Ohetty: (a) and (b). Development grants to Provinces, including Chief Commissioner's Provinces, are not allotted separately for each subject, but for each Provincial programme as a whole. Full information is not available, as to how much was actually spent by Provincial Governments during this period on schemes relating to public health. No grants were made to Indian States.

MONEY GIVEN TO GOVERNMENT OF PAKISTAN

99. *Seth Govinddas: (a) Will the Honourable Minister of Finance be pleased to state how much money has been given to the Government of Pakistan and on what conditions?

(b) Do the Government of India propose to continue to give money piecemeal to the Government of Pakistan without settling the final accounts?

The Honourable Shri R. K. Shanmukham Ohetty: (a) In accordance with the decision of the Partition Council a sum of Rs. 20 crores was allocated to Pakistan as a working balance from the cash balance of the undivided India.

(b) No piecemeal payments have been made and the question therefore does not arise.

DIVISION OF ASSETS AND LIABILITIES BETWEEN INDIA AND PAKISTAN

100. *Seth Govinddas: Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether the division of assets and liabilities is completed between the Governments of India and Pakistan;

(b) on what basis the division of assets and liabilities between the Governments of India and Pakistan has been made; and

(c) whether the same ratio is being followed for division of both assets and liabilities?

The Honourable Sardar Vallabhbhai Patel: (a) No Sir.

(b) The terms of reference of the Expert Committee which dealt with the division of assets and liabilities is laid on the table.

(c) It is obviously impossible to have a uniform ratio for all assets and liabilities but as the total liabilities of the undivided Government are likely to exceed the total assets each Dominion will take over a debt equal to the assets taken by it plus its share of the uncovered debt.

Terms of reference of Expert committee No. ii. Assets and liabilities

(1) To compile lists of assets by broad categories showing value and present location.

(2) To make recommendations as to the division of assets between the two successor governments. The general principle should be to secure the greatest good of the two states, but if there are disputed claims for fixed assets, like plant and machinery, the removal of which might be detrimental to the interests of the other Government, the facts of each case should be reported for consideration by the Partition Council.

(3) When division is impracticable, to make recommendation either for mutual assistance or for joint administration or for any other arrangement for such period as may be necessary.

(4) To make recommendations in regard to the financial settlement between the two Governments arising from the above as well as from an allocation of the public debt, pensions and other liabilities.

(5) To recommend measures for giving effect to any transfer of assets after the recommendations have been accepted by the Partition Council.

THEFTS FROM JUBBULPORE AND OTHER ORDNANCE DEPOTS

101. *Seth Govinddas: (a) Will the Honourable Minister of Defence be pleased to state whether Government are aware of a number of thefts from Jubbulpore Central Ordnance Depot and various other Ordnance Depots in India after the end of the war?

(b) If so, how many cases are so far reported to Government and what action have they taken?

(c) What action do Government propose to take to stop recurrence of such thefts?

The Honourable Sardar Baldev Singh: (a) Yes, Sir.

(b) Three cases, in all of which suitable police and other action was taken. Petty cases of theft in Ordnance Depots occur not infrequently and are dealt with by the Security Staff. They are not normally reported to the Government of India but details have been asked for.

(c) Regulations exist to prevent all conceivable opportunities for theft and Ordnance Establishments have been enjoined to observe them strictly. Disciplinary action is taken in cases where laxity of security measures is

APPOINTMENT OF SPECIAL POLICE OFFICERS IN DELHI

102. *Seth Govinddas: (a) Will the Honourable Minister of Home Affairs be pleased to state how many Special Police Officers are appointed in Delhi to meet the riot situation?

(b) Is there any proposal to make this arrangement a permanent one?

The Honourable Sardar Vallabhbhai Patel: (a) Two thousand of all ranks.

(b) No.

CASUALTIES AND LOSS OF PROPERTY SINCE PARTITION OF INDIA

103. *R. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to state:

(a) the total number of persons murdered or killed as a result of communal disturbances, province-wise and community-wise, since the partition of India into two Dominions;

(b) how many of them were men, women and children respectively;

(c) the number of buildings destroyed by fire or otherwise as a result of riots and communal disturbances during the same period;

(d) the approximate value of the property destroyed or looted during the same period; and

(e) the number of forcible conversions of (i) men, (ii) women and (iii) children, during the same period?

The Honourable Sardar Vallabhbhai Patel: The question covers a very wide and all India field of information. It is impossible to furnish a correct answer without detailed and elaborate enquiry through Special Staff. On the whole I consider that the time and labour involved would not be commensurate with the utility of the special effort involved.

POPULATION FIGURES OF INDIA AND PAKISTAN

104. *R. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to lay on the table of the House a statement giving the population figures of the two Dominions—India and Pak'stan—province-wise and community-wise, according to the Census of 1941?

The Honourable Sardar Vallabhbhai Patel: Statements giving the population figures of the two Dominions—province-wise and community-wise, are placed on the table of the House.

Statement showing the population figures of the Dominion of India

India less States	Total Population	Hindus	Muslims	Sikhs	Indian Christians	Anglo-Indians	Others *
1	2	3	4	5	6	7	8
Madras	49,341,810	42,799,822	3,896,452	418	2,001,082	28,661	615,375
Bombay	20,849,840	16,555,390	1,920,368	8,011	388,812	14,034	2,013,225
U. P.	55,020,617	45,811,669	8,416,308	233,445	131,327	13,383	415,485
Bihar	36,340,151	26,814,269	4,716,314	13,213	24,693	5,963	5,065,699
C. P. & Berar	16,813,684	12,931,996	783,697	14,996	48,260	4,538	3,030,970
Orissa	8,728,544	6,832,708	146,301	232	26,584	789	1,721,932
Ajmer-Merwara	583,693	376,431	89,899	367	5,387	1,005	110,054
A. & N. Islands	32,768	8,427	8,005	744	1,032	100	15,480
Delhi	917,939	567,225	304,971	16,157	10,494	3,408	16,684
Coorg	168,726	130,753	14,720	..	3,309	80	19,854
East Punjab	12,771,323	5,457,610	4,491,637	2,395,646	134,380	1,305	300,845
West Bengal	21,371,046	14,371,987	5,317,633	10,075	60,284	39,106	1,481,971
Assam	7,607,564	3,255,295	1,865,715	3,444	35,592	460	2,447,058
Panth-Piploda	5,267	4,726	251	..	216	..	74
Total	230,453,872	175,618,356	31,972,271	2,696,248	3,811,452	102,732	17,252,813
States in Indian Union	72,469,900	50,563,823	8,841,295	1,467,861	2,575,334	22,732	8,996,855
Grand Total of Indian Union	302,923,772	226,182,179	40,813,566	4,164,109	5,386,786	125,464	26,251,668

Statements showing the population figures of the Dominion of Pakistan

Province	Total Population	Hindus	Muslims	Sikhs	Indian Christians	Anglo-Indians	Other
1	2	3	4	5	6	7	8
North-West Frontier Province	3,038,067	180,321	2,788,797	57,939	5,426	837	4,747
Sind	4,555,008	1,229,926	3,208,325	31,011	13,235	2,731	49,780
West Punjab	15,647,496	2,106,762	11,725,605	1,361,755	361,658	4,686	87,030
Baluchistan	501,631	44,623	438,930	11,918	2,633	263	3,264
East Bengal	41,632,648	11,644,965	29,264,575	1,226	52,797	2,687	666,398
Total	65,354,850	15,206,597	47,426,232	1,463,849	429,749	11,204	811,210

States and Agencies which have acceded to Pakistan Dominion

State	Total Population	Hindus	Muslims	Sikhs	Indian Christians	Anglo-Indians	Others *
1	2	3	4	5	6	7	8
Baluchistan	356,204	9,771	346,251	156	40	Nil	16
N.W. F. P.	46,267	17,310	22,068	4,472	571	13	1,833
Behawalpur	1,841,209	169,002	1,086,814	46,945	2,942	57	23,449
Khairpur	306,787	49,602	253,690	1,616	92	2	785
Total	2,049,467	245,685	1,720,923	53,159	3,645	72	26,083
Grand Total	67,404,317	15,452,282	49,147,055	1,517,008	439,394	11,276	837,302

Statements showing the population figures of the States which have not yet acceded to any Dominion

State	Total Population	Hindus	Muslims	Sikhs	Indian Christians	Anglo-Indians	Others
1	2	3	4	5	6	7	8
Hyderabad	16,338,534	13,310,045	2,097,475	5,330	216,980	3,680	706,044

NUMBER OF I.C.S., I.P., AND I.P.S. OFFICERS SERVING IN INDIA

105. *R. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to state province-wise and community-wise—

(a) the number of I. C. S. Officers:

(b) the number of Indian Police (I. P.) Officers; and

(c) the number of Officers of the Indian Political Service, still serving in India?

The Honourable Sardar Vallabhbhai Patel: A statement containing the information is placed on the table.

Statement showing province-wise and community-wise the number of officers of the Indian Civil Service, the Indian Police and the Indian Political Service who are still serving in India

Province	Service	Europeans	Hindus	Muslims	Sikhs	Indian Christians & Anglo-Indians	Domiciled Europeans & Anglo-Indians	Parsis	Other Communities	Remarks
Madras	I. C. S.	16	68	...	...	6	...	...	1 (Ceylonese).	
Madras	I. P.	8	15	2	...	2	2	...	...
Bombay	I. C. S.	*8	52	2	...	...	1	4	...	*Includes 5 officers retained for short periods.
Bombay	I. P.	†5	14	...	...	1	...	5	...	†Includes 4 officers retained for short periods.
West Bengal	I. C. S.	‡11	55	1	...	1	1	...	...	‡Includes 3 officers retained for short periods and one officer of mixed descent.
West Bengal	I. P.	§4	19	3	...	...	...	...	...	§Includes 1 officer retained for short period.
U. P.	I. C. S.	||6	64	5	1	4	1	2	1 (Armenian)	||Includes 3 officers retained for short periods.
U. P.	I. P.	¶16	30	3	4	...	2	...	...	¶Includes 9 officers retained for short periods.
East Punjab	I. C. S.	...	19	3	10	3	...	...	...	...
East Punjab	I. P.	**3	4	...	6	1	...	...	...	**Includes 1 officer retained for short period.
C. P. & Berar	I. C. S.	††4	30	...	...	3	3	1	1 (Ceylonese).	††Includes 1 officer retained for short period.
C. P. & Berar	I. P.	...	9	...	...	...	1	1	...	...
Bihar & Orissa	I. C. S.	‡‡3	41	...	...	1	...	...	1 (Jew)	‡‡Includes 1 officer retained for short period.
Bihar & Orissa	I. P.	§§9	24	2	...	...	...	...	...	§§Includes 1 officer retained for short period.
Assam	I. C. S.	|||5	12	2	...	...	...	2	...	|||All the 5 officers retained for short periods.
Assam	I. P.	¶¶6	4	1	...	...	...	...	...	¶¶Retained for short periods.
Central Government	I. P. S.	3	6	1	1	...	...	...	...	All I. P. S. officers are borne on the Central Cadre.

EUROPEAN OFFICERS OF IMPERIAL SERVICES TID AFTER POLITICAL CHANGES IN INDIA

106. *R. B. Lala Raj Kanwar: Will the Honourable Minister of Home Affairs be pleased to state, Province-wise, the number of European Officers belonging to the various Imperial Services in India, who have retired as a result of the recent political and administrative changes in the country?

The Honourable Sardar Vallabhbhai Patel: A statement containing the information is placed on the table.

Statement showing the number of European officers belonging to the Secretary of State's Services in India, who have retired as a result of the recent Political changes in the country

Province	Indian Civil Service	Indian Police Service	Indian Political Service	Indian Educational Service	Indian Service of Engineers	Indian Forest Service	Indian Veterinary Service	Indian Agricultural Service	Indian Medical Service (Civil)
Madras	33	15			4	5			13
Bombay & Sind	25	20			4*	6			9
Bengal	38	37			7*	5			11
United Provinces	48	30			4	5			7
Punjab & N. W.F.P.	51	45			19*	5		...	13
C. P. & Berar	22	17			...	3		1	5
Bihar & Orissa	28	17			3	4			8
Assam	9	11	...		1	1			7
Central Government . . . . .	...	...	101	...	4	...	...	...	27

*These figures are approximate. Exact figures are awaited.

DISTURBANCES IN DELHI

107. *Pandit Lakshmi Kanta Maitra: (a) Will the Honourable Minister of Home Affairs be pleased to lay on the table of the House a detailed statement of the disturbances that took place in the city of Delhi in the early part of September last?

(b) Is it a fact that a very large number of Muslims armed with cannons, machine guns, rifles and various other automatic weapons made a desperate bid to capture the city of Delhi by force?

(c) Is it a fact that the situation became so serious that the Military had to be called in, to cope with it and that tanks and armoured cars had to be used?

(d) Is it a fact that there had been pitched battles in several parts of the city for hours, between the Indian troops and the armed insurgents?

(e) What was the duration of these disturbances?

(f) Is it a fact that machine guns and other automatic weapons used by the rebels could not all be seized or traced?

(g) What steps have been taken by Government to prevent recurrence of such happenings in future?

(h) What were the casualties sustained on either side?

(i) How many of the insurgents have been taken into custody and how are they being dealt with?

(j) What categories and quantities of arms and ammunition have been so far secured from them?

The Honourable Sardar Vallabhbhai Patel: (a) A statement is laid on the table of the House.

(b) and (d). A large quantity of arms of various descriptions and ammunition have been recovered from Muslims. On several occasions Muslims in certain pre-dominantly Muslim localities aggressively used their fire-arms against the military, police and the non-Muslims of the locality. The military returned the fire and in certain instances owing to the difficulty in locating the sources of fire it took some time before the fire was silenced. This, however, cannot be said to be a desperate bid or pitched battle to capture the City of Delhi by force.

(c) Troops were called out in aid of the police but tanks and armoured cars were used for purpose of flag marches and patrolling only.

(e) The peak period was from the 6th to 15th September.

(f) Every effort was made to trace and seize the weapons and two-sten-guns were actually seized.

(g) (i) Public Safety Act and the Punjab Disturbed Areas Act have been extended to the Delhi Province.

- (ii) Reorganisation of the Delhi Police Force and increase in its strength.
 (iii) Enrolment of Special Police Officers.
 (iv) Arrest and detention of miscreants and prosecution of culprits.
 (v) Holding of peace meetings and propaganda for communal harmony.
 (h) The Police casualties were 2 killed and 7 injured while official figures of other known casualties during the disturbances are 583 killed and 394 wounded.
 (i) The total number of persons arrested in connection with the disturbances is about 4,000. They are being dealt with under the law.
 (j) A statement is laid on the table.

Statement referred to in reply to Part (a) of the question No. 107.

Prolonged disturbances in the Punjab particularly in Lahore and Amritsar and the influx of refugees had their inevitable reaction on the city of Delhi and tension developed. This tension was accentuated by the activities of the Khaksars who professed it as their aim that they would extend the boundaries of Pakistan to the Delhi and would prevent the flying of National Flag on the Red Fort. In August large-scale disturbances broke out in the Punjab and Delhi received an abnormal influx of refugees whose stories of atrocities created even more tension. Attacks then occurred on Muslims in neighbouring villages and in trains causing considerable loss of life. On the 25th August four Muslim employees of a Cotton Mill were killed following an alleged altercation between a Hindu and a Muslim in which the latter was alleged to have slapped the former. On the night of the 3rd September a bomb was thrown in a Hindu quarter in Karol Bagh; a Muslim was suspected to be the culprit. Serious rioting broke out in Karol Bagh involving loot, murder and arson including the death of an eminent surgeon. The trouble then spread to other localities, particularly Subzimandi, Turkman Gate, Pharagunj and Phatak Habash Khan. The peak period of the disturbances was roughly from the 6th to the 15th September when attacks on Muslims and looting of their property took place in many localities of the Capital including Connaught Place at New Delhi. On the 7th September troops had to be called out in substantial number. In several localities also attacks on Muslims occurred and prolonged firing from Muslim houses in Peshargunj, Subzimandi and Turkman Gate localities at the troops and Police and the inhabitants of the adjoining localities. The Police force became depleted as a result of desertions and resignations by Muslim members of the staff. Besides calling in the Military, Special Police Officers were enrolled. Carrying of weapons and assembly of five or more persons in public were banned and for several weeks curfew was imposed. The police and military fired on numerous occasions to disperse riotous crowds and looters. House to house searches were also undertaken to recover looted property. During the peak period of the disturbances steps were taken to search persons, vehicles and houses for illicit arms.

Statement referred to in Part (j) of the question No. 107.

Description.	Quantity.	
	Licensed.	Unlicensed
Guns D. B. B. L.	45	41
Shotguns	3	10
Rifles	71	31
Pistols or revolvers	7	32
Cartridges rifles	3,802	1,950
Stengun cartridges	...	243
Ammunition	...	3 boxes.
Sword and Kirpans	...	63
Daggers	...	46
Chhuras	...	116
Guptis (sword sticks and gun sticks)	...	14
Mortars etc.	...	45
Bombs	...	154
Hand grenades	...	4
Khukharis	...	8
Chhavis	...	6
Dao	...	1

ACCESSION OF JUNAGADH STATE

108. *Pandit Lakshmi Kanta Maitra: (a) Will the Honourable Minister of States be pleased to lay on the table of the House a detailed statement about the situation created by the action of the Junagadh State against the neighbouring States acceding to the Indian Dominion?

(b) Has the Junagadh State agreed to the proposed referendum with regard to the question of accession?

(c) If the answer to part (b) above be in the negative, what action is proposed to be taken by the Government of India for safeguarding the interests of the Kathiawar States acceding to the Indian Dominion?

The Honourable Sardar Vallabhbhai Patel: (a), (b) and (c). The Government of India's stand on the issue of the accession of Junagadh to Pakistan has been made public in the press communiques issued on the 25th September, 5th October and 1st November 1947. The matter is under consideration at Dominion level and I do not think it would be in the public interest to make a detailed statement at this stage. The Junagadh Ruler has not agreed to a referendum on the question of accession.

TRAINING OF YOUNG MEN IN GOVERNMENT OF INDIA DEPARTMENTS

109. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Home Affairs be pleased to state whether Government are aware that the scarcity of efficient trained young men is a serious problem?

(b) Have Government considered the problem and if so, what steps they propose to take in the matter?

(c) Have Government evolved any plan for the intensive training of young men in the various Departments of the Government of India?

(d) If the answer to part (c) above be in the affirmative, what are the plans?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) and (c). The Government of India appointed a Committee early in September this year to examine and make recommendations regarding the recruitment of administrative officers and to give them intensive training so as to overcome the existing shortage of trained man-power. The Committee has submitted its report on the 4th November. The report is under examination.

(d) A copy of the report is laid on the table of the House.*

EDUCATION IN ARMY, NAVY AND AIR FORCES

110. *Dr. P. S. Deshmukh: Will the Honourable Minister of Defence be pleased to state what steps Government are proposing to take for making available education in the Army, Navy and Air Forces in the country?

The Honourable Sardar Baldev Singh: It is not clear what exactly the Honourable Member has in mind, but on the assumption that he wishes to know what steps Government propose to take to provide military training to the public, I would reply that the Government are at present actively considering the recommendations of the National Cadet Corps Committee which would cover the youth of the country. Government consider that this is the first step to be taken.

If, however, the Honourable Member wants information about the facilities which at present exist for providing general education to the rank and file in the Armed Forces, it will be found in the statement which I lay on the Table of the House.

(i) *Education in the Navy.*—In the Navy it is proposed to maintain the same extensive educational facilities which have been built up in the past three years.

*Not printed in these Debates. A copy placed in the Library of the House.—Ed. of D.

In future boy entry will be the main source of recruitment to the Navy and educational subjects occupy about 50 per cent. of the time-table in the training programme of the Boy's Training Establishment.

All ratings afloat and ashore are encouraged to prepare for the Naval Educational Test One (short title E. T. 1) examination which is held three times a year.

This is a written examination and the subjects are :—

- (a) Language and General Knowledge ; and
- (b) Elementary Mathematics.

Either of these may be written in Hindustani (Roman Character) or English. This examination is roughly equivalent to the two years pre-matric standard.

Ratings who have passed this examination are encouraged to take the Naval Higher Educational Test (short title H. E. T.) examination which is also held three times a year. The subjects are :—

- (a) Arithmetic and Mensuration.
- (b) English and General Knowledge.
- (c) History.
- (d) Geography.
- (e) Algebra, Geometry and Trigonometry.
- (f) Mechanics.
- (g) Magnetism and Electricity.
- (h) Navigation.

According to Branch, candidates must qualify in five or six subjects to pass. This examination has been recognised as being equivalent to Matriculation by the Government of India for employment purposes and for purposes of admission by most of the Universities.

It is pointed out that a comparatively higher standard of educational attainment is necessary for advancement in most branches of the Navy. English continues to be the medium of instruction for the Naval Higher Educational Test, as this language is essential for the training of higher rates in the various Naval Technical Branches of the Navy.

School classes in preparation for these examinations are held in all ships and establishment carrying Schoolmasters, RIN. In the case of those smaller ships in which a Schoolmaster is not borne, educational facilities for the ship's Company are always made available in the various bases at which these ships call.

In addition to the above, Information Rooms, Fiction, General and Reference Libraries are maintained out of the Naval Educational Training Grant

Every opportunity is given to all ratings to utilise these facilities.

In addition to purely educational training, professional instruction is given in technical subjects such as Gunnery, Torpedo, Anti-Submarine, Visual Signalling and Wireless Telegraphy in specialist training establishments.

The knowledge so acquired is of considerable general educational value.

(ii) *Army*.—Educational training is an integral part of the soldier's training. The object of Indian Army Education is to educate the individual throughout his service as a man, as a soldier and as a citizen. This training will be carried out as a continuous process throughout the whole of a man's service.

Indian Troops are prepared for the following examinations :

- Recruits Test;
- Indian Army 3rd, 2nd and 1st Class Certificates of Education ; and
- Indian Army Special Certificate of Education.

Besides these, there are the Indian Army 3rd, 2nd and 1st Class English Certificates examinations. The Indian Army Special Certificate of Education has been recognised by most universities as equivalent to their Matriculation certificates.

Syllabus for the various examinations cover the following subjects:—

- Hindustani in Roman Script.
- Mathematics.
- Various Vernaculars.
- Geography.
- History.
- Citizenship and General Knowledge.
- Physiology and Hygiene.
- Everyday Science : and
- General and Commercial Geography.

It is compulsory for trained soldiers to carry out educational training for 5 periods per week. At present special emphasis is being laid on instruction for the Recruits Test and the Indian Army 3rd Class Certificate of Education specially with recruits, as these examinations are designed to enable the soldier to read and write in Roman Urdu, learn elementary arithmetic and read and write in his own vernacular. Indian Army Educational Corps officers provide instructions up to the soldier standard and the IMA, Dehra Dun, for Cadets. Officers and VCO's of the Indian Army are attached to Headquarters of Formations and major units for the training of Indian Troops.

(iii) *Royal Indian Air Force*.—This falls under two distinct headings:—

(a) *Technical Education*.—Imparted to officers and airmen and trainees to make them proficient in their trades. The major part of this work is carried out at the following Training Schools.

1. No. 1 Ground Training School.
2. No. 2 Ground Training School.
3. No. 3 Ground Training School.
4. Elementary Flying Training School.
5. Advanced Flying School.
6. Initial Training Wing.
7. Medical Training Centre.
8. Royal Indian Air Force Depot.

(b) *General Education*.—For the purpose of improving the general educational standard and providing a broad outlook and intelligent appreciation of current affairs, and creating interest in the cultural, scientific and political development of the present day civilization. This is carried out at all units.

(c) Promotion of airmen is subject to attainment of minimum of general educational standard in addition to proficiency in their trades and administrative ability and for this purpose two Service Educational Tests are held every year. The lower of the two tests has received the sanction of the Home Department (Government of India) for recognition as equivalent to Matriculation examination for the purpose of employment for war-service candidates.

(d) Besides, facilities exist for officers and airmen to take external examinations covering a wide variety of subjects, technical and non-technical, with a number of Institutes and Universities in this country and abroad.

EVASION OF PAYMENT OF INCOME TAX

111. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Finance be pleased to state whether Government are aware that a number of big financiers in the country dodge the income-tax Department?

(b) Have Government taken any steps to stop this?

(c) Are any further steps under contemplation?

The Honourable Shri R. K. Shanmukham Chetty: (a) The Government have reason to believe that there has been evasion of income-tax by big financiers, among others; it is possible that each of them has his own system.

(b) Yes; all possible steps permissible under the Income-tax Act have been taken to detect evasion.

(c) Yes; an Income-tax Investigation Commission has been set up to investigate specific cases of suspected evasion, and also to suggest amendments to the existing taxation laws in order to facilitate further the detection of tax evasion in future.

ANNUAL GRANT TO ALIGARH UNIVERSITY

112. *Shri Mohan Lal Saksena: (a) Will the Honourable Minister of Education be pleased to state as to how much annual grant is being given to the Aligarh University?

(b) Are Government aware of the political activities of the students of Aligarh Muslim University, particularly the part taken by them in the last general elections and in the referendum in the North West Frontier Province and Sylhet?

(c) Are Government aware that most of the members of its Executive Council and Syndicate have been advocates of Pakistan and the two-nation theory and that some of them are holding high positions in the Government of Pakistan?

(d) If so, what steps are being taken to eliminate the anti-national tendencies before giving any additional or existing grants to the University?

The Honourable Maulana Abul Kalam Azad: (a) The Aligarh Muslim University receives an annual grant of Rs. 3,00,000. A sum of Rs. 1,05,265 was given to the University during 1946-47 as a dearness allowance grant. The University Grants Committee recommended an interim recurring grant of Rs. 2,50,000 in a full financial year to enable the University to adopt the scales of pay approved by the Government of India for the teachers of the Central Universities. The amount of actual grant is to be determined after the receipt of details from the University. An advance grant of Rs. 2,25,000 was paid to the University for this purpose in 1946-47. This amount has yet to be adjusted. The grant for the current financial year has not yet been paid.

(b), (c) and (d). Beyond what has appeared in the press, the Government have no information regarding the political activities of the students of the University, the members of its Executive Council or staff of the University. Government are, however, of the opinion that an institution should not be judged by the activities of any particular group of its members in a particular time for it has often happened that members of a different group of the same institution at a different time have acted differently in a different situation. It is, however, self-evident that any institution which receives or expects help from the public revenues cannot carry on any activity which is against the education policy of the Government.

PROTECTION OF PROPERTY AND FUNDS OF EDUCATIONAL INSTITUTIONS IN LAHORE

113. ***Shri Mohan Lal Saksena:** (a) Will the Honourable Minister of Education be pleased to state what steps, if any, were taken for the protection of the property and funds of various educational institutions at Lahore founded and maintained by Indians who have been forced to evacuate to India?

(b) Have Government considered the advisability of arranging for their being shifted to India till existing conditions improve?

(c) Have Government any information regarding the funds of such institutions?

(d) Have the buildings of any of the educational institutions been requisitioned by the Government of Pakistan? If so, whether they are paying any rent for the same and to whom?

The Honourable Maulana Abul Kalam Azad: The question should have been addressed to the Honourable Minister of Relief and Rehabilitation. It has accordingly been transferred to the list of questions for the 27th November 1947, when it will be answered by the Honourable Minister of Relief and Rehabilitation.

WORKING OF BOARD OF TECHNICAL EDUCATION

114. *Shri Mohan Lal Saksena: Will the Honourable Minister of Education please lay on the table of the House a statement about the working of the Board of Technical Education?

The Honourable Maulana Abul Kalam Azad: It is presumed that the Honourable Member is asking for information in regard to the All India Council for Technical Education. As desired a statement is laid on the table of the House.

Statement regarding the working of the All India Council for Technical Education

On the advice of the Central Advisory Board of Education, the All India Council for Technical Education has been set up, in the first instance with advisory functions only and without prejudice or commitment to the full implementation of the Central Advisory Board's recommendations, i.e., the establishment of a National Council for Technical Education for the control of policy in technical education generally and for dealing with all technical institutions above the high school stage except the Technological Departments of Universities.

The immediate task assigned to the Council is—

- (a) to survey the whole field of technical education,
- (b) to consider all immediate projects for the development of technical education, and
- (c) to conduct preliminary investigation with a view to ascertain the conditions on which the authorities in control of existing institutions would be prepared to co-operate in an all India scheme.

The Council consists of 86 members representing the Central Legislature, the Ministries of the Government of India, Provincial and State Governments, National Planning Committee, Commerce and Industry, Labour, Professional Associations, Educational Interests, etc., and two Government nominees. Mr. Nalini Ranjan Sarker is its Chairman.

At the inaugural meeting of the Council held in April/May 1946, it was decided that for the proper discharge of the functions assigned to it, three types of Committees should be set up under the aegis of the Council:—

- (i) All India Boards of Technical Studies (in six different branches of Technology).
- (ii) Regional Committees (four—one for each region).
- (iii) Co-ordinating Committee (one).

All India Boards of Technical Studies.—Six Boards have been set up in the following branches of Technology:—

- (i) Engineering and Metallurgy.
- (ii) Architecture and Regional Planning.
- (iii) Commerce and Business Administration.
- (iv) Chemical Engineering and Chemical Technology.
- (v) Textile Technology.
- (vi) Applied Art.

Each Board has a membership of fifteen and is fully representative of the various interests concerned. Four specialists are nominated on each Board by the Coordinating Committee of the Council.

The functions assigned to the Boards are:—

- (1) To examine the existing regulations and syllabuses for certificates and diplomas in the different provinces and to frame definite regulations governing the grant of—
 - (a) All India Certificates,
 - (b) All India Diplomas,
 - (c) Higher Diploma of the Higher Technical Institutions.
- (2) To recommend what conditions should be prescribed for recognition of the different types of technical institutions taking into consideration—
 - (a) qualification, nature and number of teaching staff required and conditions of service,
 - (b) accommodation needed for teaching purposes and for staff and students,
 - (c) the nature and extent of the equipment required,
 - (d) facilities for practical training, and
 - (e) such other conditions as may be required for the recognition of the institutions

- (3) To recommend persons who should be appointed as inspectors and visitors to report on the conditions of the institutes with a view to the grant of initial recognition or continuation of recognition.
- (4) To recommend the names of persons who may be appointed as external examiners ;
- (5) To suggest names of assessors who will visit the centre, report on the soundness and standard of examinations.
- (6) To perform such other duties as may be necessary for the fulfilment of the above purpose or as may be prescribed by the Coordinating Committee.

Regional Committees.—Due to various reasons there has been delay in setting up these Committees. They are however, expected to come into existence in the near future. The functions proposed to be assigned to the Committees are :

- (i) To supervise the work of the technical institutions within the area.
- (ii) To appoint Boards of Examiners, taking into consideration the recommendations of the Boards of Technical Studies concerned and to arrange for the proper conduct of examinations.
- (iii) To publish the results of the examinations.
- (iv) To send reports to the Coordinating Committee about the conduct of examinations periodically.
- (v) To make preliminary examination of any institution seeking recognition and to forward recommendations to the Coordinating Committee.
- (vi) To survey the facilities for technical education and to make recommendation thereon to Coordinating Committee.

For the present some of the above functions are being performed by the Boards of Technical Studies and the rest by the Coordinating Committee of the Council.

Coordinating Committee.—This Committee is the executive organ of the All India Council for Technical Education. The Committee consists of twelve members who are elected by representatives of all interests represented on the All India Council for Technical Education. The Chairman of the Council is *ex-officio* the Chairman of the Coordinating Committee and the Educational Adviser to the Government of India is an *ex-officio* member. The Chairmen of the six All India Boards of Technical Studies are also *ex-officio* members of the Committee.

The functions assigned to the Committee are :—

- (i) to consider all recommendations made by the Boards of Technical Studies concerned and subject to the nature of the subject—
 - (a) place them before All India Council for Technical Education with its recommendations,
- or
- (b) pass its decision thereon,
- (ii) to nominate where necessary members to the respective Boards of Technical Studies,
- (iii) to grant, on the recommendations of the Regional Committees and the Boards of Technical Studies concerned, recognition to such institutions as have been inspected and reported on,
- (iv) to authorise the grant of certificates and diplomas on the results of examinations conducted by duly constituted examining Boards, such certificates being signed by the Chairman of the Council, the Secretary of the Council and the Chairman of the Board of Technical Studies concerned.
- (v) to approve the recommendations of the Board of Technical Studies concerned.
- (vi) to correspond with and receive reports from the Regional Committees and to co-ordinate the work of the Regional Committees where necessary, and
- (vii) take such other measures as may be necessary for the proper fulfilment of the duties of the Council.

REVIVAL OF INDIA TEA RESTRICTION ACT

115. *Shri V. I. Munishwami Pillai: (a) Will the Honourable Minister of Finance be pleased to state what was the total output of tea in the several tea producing provinces in the Indian Dominion during the years 1936-37 and 1945-46 and how much was consumed locally and how much was exported?

(b) Is it a fact that due to the operation of the Indian Tea Restriction Act, small growers are working at a loss?

(c) Do Government contemplate not to revive the Tea Restriction Act after 31st March, 1948?

The Honourable Shri E. K. Shanmukham Chetty: The question should have been addressed to the Honourable the Minister for Commerce. It will, therefore, be replied by him in due course.

PRODUCTION OF QUININE

116. *Shri V. I. Munishwami Pillai: (a) Will the Honourable Minister of Health be pleased to state the total quantity of quinine produced in the provinces having cinchona plantations during the years 1936-37 and 1945-46?

(b) What is the quantity used in the Indian Dominion and what is the quantity exported to outside countries?

(c) Is it a fact that synthetic quinine has been produced and that the price of and demand for quinine are going down?

(d) What are the provinces in which free quinine is being doled out to people living in malaria affected areas especially plantation areas?

The Honourable Rajkumari Amrit Kaur: (a) In 1936-37—77,953 lbs. In 1945-46—85,632 lbs.

(b) In pre-war years when supplies of quinine were readily available the annual consumption in India was about 210,000 lbs. No quinine is exported from India.

(c) Quinine as such has not been synthesised but other synthetic anti-malarial drugs have been produced. It is not yet possible to estimate the effects of the synthetic anti-malarial drugs on the demand for quinine or its price.

(d) All Provincial Governments distribute certain quantities of quinine free of charge through their Public Health Departments. Particulars are available in the Statistical Appendices attached to the Annual Reports of the Public Health Commissioner which are available in the library of the House.

STOCK OF AMMUNITION, ETC. IN CENTRAL ORDNANCE DEPOT, JUBBULPORE

117. *Seth Govinddas: (a) Will the Honourable Minister of Defence be pleased to state the amount of (i) Ammunition, (ii) Guns, and (iii) other arms which were in store in C.O.D., Jubbulpore on the 1st October, 1945, 1st October 1946 and 1st October 1947?

(b) Has there been a shortage in the quantity of stores, and if so, why?

(c) Where have the stores been sent to?

(d) Is it a fact that a large quantity of stores and ammunition of the said Depot have been dumped in the sea?

(e) If so, do Government propose to give details of the stores and ammunition sunk in the sea?

(f) Do Government propose to make a statement on the loss of military stores from various ordnance depots and their smuggling out into private hands?

(g) What steps do Government propose to take to prevent smuggling out of ammunition in future?

The Honourable Sardar Baldev Singh: (a) It is not in the public interest to disclose this information.

(b) The term 'shortage' is capable of several interpretations. If by 'shortage' is meant a difference between the ground and book balances as available to-day the answer is in the negative.

(c) Apart from issues to troops surplus and non-postwar types of stores and ammunition have partly been broken up or dumped at sea. Stores earmarked for His Majesty's Government in the U. K. have been shipped as directed by that Government to destinations outside India and Pakistan.

(d) Yes, Sir.

(e) Details are not available but the tonnage of stores and ammunition dumped at sea is being ascertained.

(f) and (g). The position has already been explained in my answer to parts (b) and (c) of Question No. 101 to-day.

CATEGORIES OF MENIAL GOVERNMENT SERVANTS

118. *Shrimati D. Velayudhan: (a) Will the Honourable Minister of Finance be pleased to state the categories of menial servants of Government?

(b) Are the watchmen and sweepers regular servants of Government?

(c) If not, are they paid the regular dearness allowance?

(d) Is there any grade in the salary of the sweepers and the watchmen?

The Honourable Shri R. K. Shanmukham Chetty: (a) The term "menial" went out of use in 1930 when it was replaced by the term "Inferior". The proper nomenclature now is "Central Service—Class IV", which includes peons, daftries, sweepers, watchmen etc. They are of three categories

(1) Those borne on regular establishment;

(2) Whole-time employees paid out of contingencies;

(3) Part-time employees paid out of contingencies.

(b) Yes; provided such employees belong to the first two categories.

(c) Dearness allowance is admissible to the first two categories but not to the third.

(d) The sweepers and watchmen borne on regular establishment are eligible for the scale of pay meant for the unskilled employees of Government namely Rs. 30—4—35. Wholetime employees paid from contingencies can be allowed pay upto this scale.

MOVEMENT OF UNITS OF INDIAN ARMY IN PAKISTAN

119. *Pandit Hirday Nath Kunzru: (a) Will the Honourable Minister of Defence be pleased to state what was the number of Units of the Indian Army in Pakistan on the 15th August?

(b) How many of them have been moved back to India and when will the remaining Units be brought back?

The Honourable Sardar Baldev Singh: (a) and (b). I lay a statement on the table of the House.

Statement showing the number of Indian Union units in Pakistan on the 15th August 1947, the number that have been moved back and the balance still in Pakistan

	In Pakistan on 15th Aug. 47	Moved back to India	Balance to be moved back
H. Q. formations	3	3	...
Armoured Corps Units	3	3	...
Artillery Regiments	11	8	3*
Engineer Units	15	11	4
Signal Units	13	10	3
Infantry Battalions	20	15	5
RIASC Units	10	5	5
Medical Units	6	5	1
IEME Units	26	20	6
Ordnance Units	2	1	1
Intelligence Units	3	3	...
Provost Units	1	1	...
Air Liaison Unit	1	...	1

Every effort is being made to bring out the remaining units as early as possible. A firm date cannot be given but it is hoped that all units, except those protecting non-Muslim evacuees, will have been moved into India by the end of November 1947.

*Two artillery regiments and five infantry battalions have been specifically retained in Pakistan for the protection of non-Muslim evacuees.

EMPLOYMENT OF BRITISH OFFICERS IN INDIAN DEFENCE FORCES

120. *Pandit Hirday Nath Kunzru: (a) Will the Honourable Minister of Defence be pleased to state whether Government have decided to continue to employ British Officers in the Indian Defence Forces after the 1st January, 1948?

(b) If so, what will be their number in the Navy, Army and Air Force respectively and in what capacities will they be employed?

The Honourable Sardar Baldev Singh: (a) Yes, Sir.

(b) (i) The exact number has not yet been worked out but it will be less than the existing number.

(ii) They will generally be employed in non-operational commands, certain specified advisory appointments, in the technical Arms and in training establishments including the Staff College and in junior and middle rank staff appointments. Only in the RIN, it may be necessary to employ some officers in operational command and in executive capacity.

INDIAN TECHNICAL OFFICERS IN DEFENCE FORCES

121. *Pandit Hirday Nath Kunzru: (a) Will the Honourable Minister of Defence be pleased to state whether there is a shortage of Indian technical officers in the Indian Defence Forces?

(b) If so, what steps have Government taken to increase the number of such officers?

The Honourable Sardar Baldev Singh: (a) Yes, Sir.

(b) (i) Grant of Commissions to suitable technical personnel from the ranks.

(ii) Transfer and training of officers with civil technical qualification who are employed in non-technical branches.

(iii) Recall of suitable technical Indian officers.

(iv) Recruitment to commissioned ranks of civilians with requisite technical qualifications.

DEFENCE CONSULTATIVE COMMITTEE OF INDIAN LEGISLATURE

122. *Pandit Hirday Nath Kunzru: Will the Honourable Minister of Defence be pleased to state whether Government propose to take steps during this session of the Constituent Assembly to revive the Defence Consultative Committee of the Indian Legislature which ceased to function on the 15th August?

The Honourable Sardar Baldev Singh: It is proposed to have a Standing Committee of the Legislature for the Ministry of Defence in place of the Defence Consultative Committee which ceased to function on the 15th of August.

REPORT OF NATIONAL CADET CORPS COMMITTEE

123. *Pandit Hirday Nath Kunzru: (a) Will the Honourable Minister of Defence be pleased to state whether Government propose to publish the Report of the National Cadet Corps Committee?

(b) Have Government taken any action on its recommendations?

The Honourable Sardar Baldev Singh: (a) and (b). The Report of the National Cadet Corps Committee is under consideration by the Defence Committee of the Cabinet. As soon as Government takes a decision, both the Report and Government's orders thereon will be published.

MEASURES FOR RELIEF OF LEPROSY

124. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Health be pleased to state what the percentage of lepers is with respect to the population in India and in what Province the disease is most prominent?

(b) What steps have been taken so far to implement the recommendations of the Bhore Committee in this regard?

(c) Do the Government of India give any special grants-in-aid to the Provinces for leper relief work; and, if so, what is the amount allotted to the Madras Province this year?

(d) Do Government propose to establish at least one hospital for lepers in each district and offer facilities in every hospital and dispensary for treatment of out-patients?

(e) Do Government propose to have co-ordination of relief work along with the Kasturi Bai Memorial Trusts and other organisations?

(f) If so, in what manner; if not, why not?

The Honourable Rajkumari Amrit Kaur: (a) The attention of the Honourable Member is invited to pages 186—188 of the Health Survey and Development Committee's Report, Vol. II, a copy of which is available in the Library of the House.

(b) The recommendations of the Bhore Committee have been taken into consideration by Provincial Governments while preparing their Five Year Plans. Most of the Provinces have included Anti-Leprosy Schemes in their plans. The implementation of the schemes rests with Provinces.

(c) The Central Government allots funds to provinces for development schemes in general and expenditure for approved Leprosy relief schemes can be met from the development grant. No grants are made specifically for Leprosy relief.

(d) to (f). This is the concern of Provincial Governments.

PRODUCTION AND IMPORT OF DRUG FOR LEPROSY

125. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Health be pleased to state whether Government are aware that in Russia a

specific for leprosy has been discovered by name "Oxydi Phtheric Acid" which has been successfully tried in Prof. Torsu Yev's clinic in Russia; and, if so, are any steps being taken to produce the drug in India or import the same?

(b) What are the results of the injections of oils hitherto used in leper clinics?

(c) How many clinics are there in India and in particular in the Madras Province, the number of hospitals and the number of in-patients therein?

The Honourable Rajkumari Amrit Kaur: (a) Government have seen reports of the use of Oxydiphtheric Acid in the treatment of leprosy by Russian workers. Definite information is however, not available at present regarding the specific value of this treatment. The matter will be investigated.

(b) In suitably selected patients treatment with oils, when supplemented with other measures such as control of diet, adoption of strict regime and eradication of other concomitant diseases, is of definite value.

(c) There were about 1,000 leprosy clinics in the whole of India before the partition. Detailed information is not available regarding the number now falling within the Dominion of India or about the number situated in Madras. There are about 92 leprosy in-patients hospitals in the Indian Dominion with a total accommodation for about 18,500 patients. Twelve of these are situated in Madras Province and have a bed strength of 2,900.

STRENGTH AND COMPOSITION OF BOUNDARY FORCE

126. *Ghani Gurmukh Singh Musafar: Will the Honourable Minister of Defence please state the strength of the Boundary Force, the various regiments represented therein and the composition of the Force according to communities and the name of the Commander?

The Honourable Sardar Baldev Singh: I lay a statement on the table of the House.

Statement showing the strength of the Punjab Boundary Force.

The strength of this Force was approximately 25,818 all ranks; this includes all units fighting and administrative. The figures below give the strength of each major community in this Force:—

Hindus . . . . .	. . . . .	13,638
Muslims . . . . .	. . . . .	9,777
Sikhs . . . . .	. . . . .	1,800
Others . . . . .	. . . . .	198
British Element . . . . .	. . . . .	507
		25,818

Name of the Force Commander—

Major-General T. W. Rees, C.B., C.I.E., D.S.O., M.C.

Composition of the Force and Regiments represented—

The Force consisted of a Force Headquarters, Force troops (similar to Divisional troops) and six Infantry Brigades. The table attached gives the units comprising the Force, with the class composition of each unit where such units were so organised. The composition of mixed composition.

PUNJAB BOUNDARY FORCE.
CLASS COMPOSITION BY SQNS/COYS.

Arm/Service	Total No.	Hindus	Muslims	Sikhs	Others	Total Strength					
						Br. Element	Hindus	Muslims	Sikhs	Others	Total
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
<i>H. Q. Formations—</i>											
H. Q. P. B. F.	1		Mixed								
H. Q. Inf Bdes	6		Mixed								
	7					48	184	121	59	11	423
<i>I. A. C.</i>											
18 Cavalry	3	2	1	..	..	5	362	181	..	..	548
One Composite Sqn. CIH	1		Mixed	Hindus and Muslims		1	90	46	..	..	137
	4					6	452	227	..	..	685
<i>R. I. A.—</i>											
One Bty 4 S. P. Fd. Regt.	1		1			3	..	188	..	..	191
<i>R. I. E.—</i>											
H. Q. Div. Engr. Gp.	2	1	1	..	..	11	22	24	..	..	57
Field Coys.	5	3	2	..	..	15	590	381	..	..	986
Field Pk Coys.	2	1	1	..	..	8	90	288	..	..	386
Rly Constr Coy.	1	1		..	..	3	215	..	..	..	218
Rly Opg. Coy.	1		Mixed (Majority Muslims)			..	76	174	46	23	319
	11					37	993	887	46	23	1,966
<i>I. S. C. Units</i>											
	8		Mixed			44	276	260	74	6	650

Imp. Infantry—

3/1st Punjab .	4	1	1	3	167	333	166	669
1/2nd Punjab	4	1	2	1	173	345	173	682
1st Ind Grenadiers .	4	3	1		604	202		811
2nd Mahrattas	4	4	..		803	..		808
5 Raj Rifles .	4	3	1		561	187		763
2 Raj Regt. .	4	2	2		358	359		719
3 Raj Regt. .	4	2	2		825	325		667
1st Baluch Regt. .	4	1	3	..	179	536		716
3 Baluch Regt.	4	1	3		198	596		801
4 Baluch Regt.	4	1	3		161	456		612
5 Baluch Regt.	4	1	3		184	552		739
1. F. F. Regt..	4	1	2	..	193	387	193	779
3 F. F. Regt.	4	1	2	..	169	338	169	677
4 F. F. Regt.	4	1	2	..	206	414	206	830
5 F. F. Rifles	4	1	1	..	200	400	200	801
3/16th Punjab Regt.	4	1	2	..	168	336	168	675
2nd Dogras .	4	4	..	..	776	..	..	779
3rd Dogras .	4	4	..	..	771	..	..	775
3 Mahar MG .	4	4	..	..	622	..	..	624
2 Bihar .	4	4	..	..	617	206	..	824
1 Coy 1 Sikh L. I. .	1	1	..	..	..	..	226	226
2/8 G. R. .	4	4	..	..	784	..	..	796
1/9 G. R. .	4	4	..	..	775	..	..	792
2/10 G. R. .	4	4	..	..	714	..	..	733
Total	93	118	9,998	5,971	1,501	..	17,288	

Arm/Service	Total No.	Total Strength									
		Hindus	Muslims	Sikhs	Others	Total					
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
<i>R. F. A. S. C.—</i>											
HQ. Dir Colms	1	1	..	..	..	..	5	..	..	..	5
Regt. Corps-RIASC	8	3	5	..	..	10	782	1,381	8	5	2,186
Comp. Mts.	4		Mixed Classes			2	86	62	17	1	168
1 P1 Pass. Coy RIASC	1		Mixed Classes			1	34	42	8	2	87
Total RIASC	14					13	907	1,485	33	8	2,446
Medical Services	12		Mixed Classes			23	491	264	52	70	900
Ind Elect & Mech Engns	25		Mixed Classes			14	562	362	97	66	1,101
Corps of Ind Mily Police	3		Mixed Classes			1	68	39	36	11	165
Intelligence Unit	1		Mixed Classes			..	7	3	2	1	13
GRAND TOTAL	179					307	15,938	9,777	1,900	196	26,818

**RESPONSIBILITY OF MUSLIM PERSONNEL OF BOUNDARY FORCE FOR WEST
PUNJAB ATROCITIES**

127 *Giani Gurmukh Singh Musafar: (a) Will the Honourable Minister of Defence be pleased to state whether Government are aware that the members of the Boundary Force stationed in West Punjab belonging to the Muslim community actually took part in murders, arson and looting in various districts of the West Punjab such as Lahore and Sheikhupura after the 15th August 1947?

(b) If so, do Government propose to lay on the table of the House the names of the regiments whose personnel participated in such atrocities?

(c) Are Government aware if any member of the Baloch regiment or any member of the Boundary Force who participated in such atrocities was put under close or open arrest, any inquiry started under the Army Regulations or anyone court-martialled?

(d) If the answer to part (c) above be in the negative, whose responsibility was it to maintain the discipline of the troops?

(e) What steps did the Government take against the Commander who failed to maintain discipline in his troops or order inquiry into their conduct?

The Honourable Sardar Baldev Singh: (a) No official reports have been received by Army Headquarters, India, or the Government of India on these incidents.

(b) Does not arise.

(c) Government of India have no information.

(d) That of the Supreme Commander.

(e) Does not arise, in view of the answers to parts (a) and (d) above.

DISTURBANCES IN PUNJAB AND OTHER PARTS OF INDIA

128. *Giani Gurmukh Singh Musafar: Will the Honourable Minister of Home Affairs please state what steps Government had taken when disturbances broke out during the period from March 1947 to 15th August 1947, at several places throughout India, *viz.*, Calcutta, Noakhali, Bihar, Multan, Rawalpindi, Lahore, Amritsar and other places in the Punjab?

The Honourable Sardar Vallabhbhai Patel: The information asked for by the Honourable Member relates to a subject which is the responsibility of Provincial Governments. I should like to point out however, that there were no disturbances in Noakhali and Bihar during the period covered by the question.

THE COMPOSITION OF INDIAN ARMY AND NUMBER OF BRITISH OFFICERS

129. *Giani Gurmukh Singh Musafar: Will the Honourable Minister of Defence please state:

(a) the total strength of the Indian Army on the 3rd June 1947;

(b) the number that went to Pakistan administration and the number left with the Indian Union after the division of the Army;

(c) the total number of British Officers serving in the Indian Army on the 3rd June 1947;

(d) the number of British Officers who opted for service in Pakistan and the Indian Union respectively;

(e) the number of British Officers who decided to retire; and

(f) the number of British Officers serving under the Government of India on the 7th November 1947?

The Honourable Sardar Baldev Singh: (a) 4,47,000.

(b) After division is complete Pakistan will have roughly 1,50,000 and India 2,60,000.

(c) 10,184.

(d) British Officers were not required to elect service between India and Pakistan. The total number of British officers of the Indian Army who volunteered for service after 15th August 1947, is 2,714 out of a total of 8,480 on that date.

(e) 5,716, including officers who have been absorbed by the British Army. Separate figure of those who decided to retire is not readily available.

(f) 1,204.

DISPOSITION OF INDIAN ARMY IN INDIAN DOMINION ON THE 15TH AUGUST 1947

130. *Giani Gurumukh Singh Musafar: Will the Honourable Minister of Defence please state:

(a) the disposition of the Indian Army in the Indian Dominion on the 15th August 1947;

(b) whether such disposition was done by the Supreme Command or British Officers; and

(c) if so, on what grounds, military or political, such dispositions were made?

The Honourable Sardar Baldev Singh: (a) I lay a statement on the table of the House.

(b) It was done by the Commander-in-Chief, India, before partition.

(c) In determining the disposition of troops the following factors are generally taken into account:—

(i) that troops are suitably located to render aid to the civil power and to resist any possible foreign aggression,

(ii) that troops are so disposed to enable training to progress efficiently, and

(iii) availability of accommodation.

Government have no reason to believe that the disposition of troops on 15th August, 1947 was based on any other ground.

Statement

On the 15th August 1947 major units of the Indian Army (including Gurkhas in the Indian Dominion were disposed as follows:—

Area	Armoured Regiments	Artillery Regiments	Infantry Battalions
Delhi and East Punjab	..	..	14
United Provinces .	1½	..	6
West Bengal and Assam	1	..	11
Bihar and Orissa .	1	1	8
Madras Area	..	..	5
Bombay Area	3	4	8
Deccan Area	1½	3	6

POSITION OF NATIONAL FLAGS *vis-a-vis* FLAGS OF THE RULERS

131. *Shri Ram Sahai: (a) Will the Honourable Minister of States be pleased to state what is the position in respect of the National Flag of the Rulers of those States that have their own separate Flags?

(b) In which of the State functions will it be necessary for the Rulers to use the National Flag?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). All acceding States have accepted the National Flag and are flying it on appropriate occasions along with their own flags.

UNSTARRED QUESTIONS AND ANSWERS

PUBLICATION OF LISTS OF INSCRIPTIONS DYNASTY-WISE.

1. Seth Govinddas: Will the Honourable Minister of Education please state if Government propose to consider the advisability of compiling and publishing, at an early date, lists of inscriptions, Dynasty-wise, for the convenience of writing history of this country? If not, why not?

The Honourable Maulana Abul Kalam Azad: Inscriptions in the *Corpus Inscriptionum Indicarum* are always published Dynasty-wise as in the case of the recent volumes of the *South Indian Inscription (Texts)* Series.

REPRINTING OF EPIGRAPHIA INDICA AND SOUTH INDIAN INSCRIPTIONS

2. Seth Govinddas: Will the Honourable Minister of Education please state:

(a) whether Government are aware of the fact that some of the Government publications containing inscriptions have long since gone out of print and the consequent hardship which those busy on research in Indian History feel; and

(b) if so, whether Government propose to consider the advisability of reprinting Government publications like the earlier volumes of *Epigraphia Indica* and *South Indian Inscriptions*?

The Honourable Maulana Abul Kalam Azad: (a) Yes.

(b) Volumes of the *Corpus Inscriptionum Indicarum* are reprinted but the volumes of *Epigraphia Indica* and *South Indian Inscriptions* are not reprinted when they go out of print. The whole question will be considered when the accumulated arrears have been dealt with.

INSCRIPTIONS DISCOVERED BY THE ARCHAEOLOGICAL DEPARTMENT

3. Seth Govinddas: Will the Honourable Minister of Education please state:

(a) the total number of inscriptions on stone and copper plates so far discovered and their impressions taken by the Archaeological Department;

(b) how many of these inscriptions have so far been published;

(c) what steps Government are taking to arrange for the publication of remaining number of inscriptions;

(d) what arrangements Government are making to get these inscriptions, particularly those in the South Indian languages translated into Hindi and English; and

(e) the reasons for publishing *South Indian Inscriptions* in texts only from Volume IV onwards?

The Honourable Maulana Abul Kalam Azad: (a) The total number of Inscriptions copied by the Archaeological Department is—

Stone inscriptions—31,047,

Copper Plates—681.

(b) The total number of inscriptions so far published are—

Stone inscriptions—7,925,

Copper Plates—447.

(c) Whenever the members of the Epigraphical Branch of the Archaeological Department are not engaged in field work, they are busily engaged in transcribing the inscriptions already copied and getting them ready for the press.

(d) English translations are published in *Epigraphia Indica* and the *Corpus Inscriptionum Indicarum*, in which inscriptions of all India importance are edited. There is at present, no arrangement for having them translated into Hindi. The Government of India, however, understands that the Nagri Pracharni Sabha, Benares, is considering a proposal to get the important inscriptions translated into Hindi.

(e) Prior to 1921 only the texts were published in the *South Indian Inscriptions* Series from Volume IV onwards, with a view to expediting the publication of texts. The inscriptions published in this series are mainly in South Indian Languages and are of local importance only.

SUPPLY OF ANSWERS TO QUESTIONS IN ADVANCE.

Shri Biswanath Das (Orissa : General) : Before you go on to the other items in the agenda, I wish to make a submission.

In the few days of experience that I have had, I see that we members are put to great inconvenience in putting supplementary questions in respect of the replies we want. This is because answers are not on the table and some-
12 NOON times we are not able to hear the Honourable Ministers in full. Therefore to avoid these difficulties, I submit that typed copies of replies may be laid on the table of the House at least fifteen minutes before the question hour. If that is not possible, I would further suggest that at least copies of replies may be given to questioners themselves, so that they will be in a position to put supplementaries.

In this connection, I submit, Sir, that we under the old dispensation were having this course of action, namely that the replies were placed in the Assembly Chambers of the Provincial Legislatures. These replies were placed fifteen minutes before the question hour so that the Honourable Members were in a position to know the replies and frame their supplementary questions. Having enquired of the practice from my Honourable friends who have something to do with other Legislatures, I find that in the United Provinces this practice has been adopted in a modified form, namely that one copy is being supplied to the Honourable Speaker and another copy is supplied to the questioner himself. I therefore submit that this wholesome practice may be followed in this Legislature and this will be very convenient from all points of view namely that it will give us more time to go through all the questions, because reading of the replies take a lot of time; secondly, it will be a convenience for members and there will be no difficulty of inaudibility. In these circumstances, I submit that you may please advise Government to follow this practice.

Mr. Speaker: I may state to the Honourable Member the difficulties which I have been feeling.

We have got a large list of questions and I have noticed that it does not become possible to go through more than 20/25 questions, and all others go in as unstarred questions. So far as possible, it is my desire to give the person who

puts the question—as presumably he has studied the subject—the first chance to put supplementaries. I would, therefore, request Honourable Members, so far as possible to restrain themselves and not put a supplementary on each and every question which they have not tabled themselves. That would curtail a good deal of our time and will give a better opportunity of thrashing out the subject if the questioner is allowed to put supplementary questions first.

Then there is another point, and that is as regards supplying these answers. Whatever practice formerly existed in certain Legislatures—such a practice did exist in Bombay when I was there—we have to consider whether that practice has to be taken into account in the new set-up of things now, when this House will have to deal with a large number of questions which will involve questions of world importance. We will have to see whether it is desirable to have all and sundry questions as are at present being put, on the smallest and biggest matters, and see whether that procedure can be followed now.

In the House of Commons, no written replies are supplied and the questions are disposed of very quickly. There are just a supplementary or two on points of importance and the matter proceeds. Here I am trying to give about three to four minutes to each question. That is too long a time, if the House wishes to function as a sovereign body and wishes to cover all fields on which information may be required. This is another consideration which has to be borne in mind.

However, I will consider the proposal which the Honourable Member has made and see what is possible. I have just stated my own reaction in the matter; and proceedings in the House to be really realistic should, as far as possible, be oral. I would therefore not, as I said before, commit myself to any decision. Yesterday Prof. Ranga referred to an agreement and then I said that there is no agreement. Even if there were, it is not binding.

PAPERS LAID ON THE TABLE

INSTRUMENTS OF ACCESSION BY INDIAN STATES AND GOVERNOR GENERAL'S ACCEPTANCE THEREOF AND OF STANDSTILL AGREEMENT BY THE STATES

The Honourable Sardar Vallabhbhai Patel (Minister for Home, Information and Broadcasting and States): In accordance with Sub-section (6) of section (6) of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, I place on the table of the House a copy of the Instruments of Accession executed by the Rulers of Indian States and of the Governor General's acceptance thereof and of the Standstill Agreement executed by the States.

FORM 1

INSTRUMENT OF ACCESSION OF (STATES INCLUDED IN PART A OF THE SCHEDULE ATTACHED)

WHEREAS the Indian Independence Act, 1947, provides that as from the 15th day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions-adaptations, and modification as the Governor-General may by orders specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I
Ruler of
in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and

I. I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority

established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by one by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose but I hereby under take that should the Dominion for the purposes of a Dominion law which applies in this state deem it necessary to acquire any land I will at their request acquire the land at their expenses or if the land belongs to me, transfer it to them on such terms as may be agreed, or in default of agreement determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

* Given under my hand this day of August, Nineteen hundred and forty-seven.

(Signed by the Rulers of States
in Part A of the Schedule)

I do hereby accept this Instrument of Accession.

Dated this day of August, Nineteen hundred and forty seven.

* Dates given in the Schedule.

Sd.) MOUNTBATTEN OF BURMA
Governor-General of India

SCHEDULE

THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A. Defence

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion; any armed forces including forces raised or maintained by an Acceding State, which are attached to or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.

3. Arms; fire-arms; ammunition.

4. Explosives.

B. External Affairs

1. External affairs ; the implementing of treaties and agreements with other countries ; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

2. Admission into, and emigration and expulsion from India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State ; pilgrimages to places beyond India.

3. Naturalisation.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

2. Federal railways ; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers ; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation ; the provision of aerodromes ; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircrafts.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

FORM II**INSTRUMENT OF ACCESSION OF (STATES IN PART B OF THE SCHEDULE ATTACHED)**

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of accession executed by the Ruler thereof:

NOW THEREFORE

I

Ruler of
in the exercise of my sovereignty in and over my said State Do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act"); and I further

declare that the Dominion of India may, through such agency or agencies, and in such manner as it thinks fit, exercise in relation to the administration of civil and criminal justice in this State all such powers, authority and jurisdiction as were at any time exercisable by His Majesty's representative for the exercise of the functions of the Crown in its relations with Indian States.

2. I hereby assume the obligation of ensuring that due effect is given to the provision of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. Without prejudice to the provisions of paragraph 1, I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law or this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this.....day of August, Nineteen hundred and forty-seven.

(Signed by the Rulers of States in Part B of this Schedule).

I do hereby accept this Instrument of Accession.

Dated this.....day of August, Nineteen hundred and forty-seven.

(Sd.) MOUNTBATTEN OF BURMA.
(Governor-General of India).

SCHEDULE

THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A. Defence

1. The naval, military and air forces of the Dominion and any other armed force raised or maintained by the Dominion : any armed forces, including forces raised or maintained by an Acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.

3. Arms; fire-arms; ammunition.

4. Explosives.

B. External Affairs

1. External affairs; the implementing of treaties and agreements with other countries extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

2. Admission into, and emigration and expulsion from India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.

3. Naturalisation.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.

*Dates given in the Schedule.

2. Federal railways ; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service tuminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carries of goods and passengers.

3. Maritime shipping and navigation, including shipping and navigation on tidal waters ; Admiralty jurisdiction.

4. Port quarantine.

5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

6. Aircraft and air navigation ; the provision of aerodromes ; regulation and organisation of air traffic and of aerodromes.

7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.

8. Carriage of passengers and goods by sea or by air.

9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Elections to the Dominion Legislature, subject to the provisions of the Act and of any Order made thereunder.

2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.

4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the Acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

AGREEMENT BETWEEN THE STATE OF AND THE DOMINION OF INDIA

WHEREAS it is to the benefit and advantage of the Dominion of India as well as of the Indian States that existing agreements and administrative arrangements in the matters of common concern, should continue for the time being, between the Dominion of India or any part thereof and the Indian States :

Now therefore it is agreed between the State and the Dominion of India that :—

1. (1) Until new agreements in this behalf are made, all agreements and administrative arrangements as to matters of common concern now existing between the Crown and any Indian State shall, in so far as may be appropriate, continue as between the Dominion of India or, as the case may be, the part thereof and the State.
- (2) In particular, and without derogation from the generality of sub-clause (1) of this clause the matters referred to above shall include the matters specified in the Schedule to this Agreement.
2. Any dispute arising out of this Agreement, or out of the agreements or arrangements hereby continued shall unless any provision is made therein for arbitration by an authority other than the Governor-General or Governor, be settled by arbitration according, as far as may be, to the procedure of the Indian Arbitration Act, 1899.
3. Nothing in this Agreement includes the exercise of any paramourncy functions.

.....State

Secretary to the Government of India.

SCHEDULE

1. Air Communications.
2. Arms and equipment.
3. Control of commodities.
4. Currency and coinage.
5. Customs.
6. Indian States Forces.
7. External Affairs.
8. Extradition.
9. Import and Export Control.
10. Irrigation and Electric Power.
11. Motor vehicles.
12. National Highways.
13. Opium.
14. Posts, Telegraphs and Telephones.
15. Railways (including police and other arrangements in Railway lands)
16. Salt.
17. Central Excises, relief from double income-tax and other arrangements relating to taxation.
18. Wireless.

NOTE

States included in Part A of the Schedule have signed the Instrument of Accession in Form I. States included in Part B of the Schedule have signed the Instrument of Accession in Form II. The Governor-General's Acceptance is the same for all States.

SCHEDULE I

PART A

Name of State	Date of signing the Instrument of Accession	Date of acceptance of the Instrument of Accession
1. Ajaigarh	9th August 1947	16th August 1947
2. Akalkot	11th August 1947	Do.
3. Alirajpur	8th August 1947	Do.
4. Alwar	5th August 1947	Do.
5. Aundh	10th August 1947	Do.
6. Balasinor	20th September 1947	4th November 1947
7. Bamra	9th August 1947	16th August 1947
8. Banganapalle	11th August 1947	Do.
9. Bansda	12th August 1947	Do.
10. Banswara	10th August 1947	Do.
11. Baoni	Do.	Do.
12. Baroda	Do.	Do.
13. Barwani	11th August 1947	Do.
14. Barundha	14th August 1947	Do.
15. Baria	8th August 1947	Do.
16. Bastar	5th August 1947	Do.
17. Baudh	14th August 1947	Do.
18. Benares	10th August 1947	Do.
19. Bhavnagar	5th August 1947	Do.
20. Bharatpur	3rd August 1947	Do.
21. Bhopal	15th August 1947	Do.
22. Bhor	9th August 1947	Do.
23. Bilaspur	10th August 1947	Do.
24. Bijawar	20th August 1947	4th November 1947
25. Bikaner	7th August 1947	16th August 1947
26. Bundi	Do.	Do.
27. Cambay	Do.	Do.
28. Chamba	30th September 1947	4th November 1947
29. Charkhari	8th August 1947	16th August 1947
30. Chhatarpur	11th August 1947	Do.
31. Chhota Udepur	12th August 1947	Do.
32. Cochin	9th August 1947	Do.
33. Cooh-Behar	Do.	Do.
34. Danta	14th August 1947	Do.
35. Datia	5th August 1947	Do.
36. Dewas (Junior)	12th August 1947	Do.
37. Dewas (Senior)	Do.	Do.
38. Dhar	Do.	Do.
39. Dharampur	8th August 1947	Do.
40. Dhenkanal	9th August 1947	Do.
41. Dholpur	14th August 1947	Do.
42. Dharangadhra	9th August 1947	Do.
43. Dhrol	15th August 1947	Do.
44. Dungarpur	12th August 1947	Do.
45. Faridkot	6th August 1947	Do.
46. Gangpur	11th August 1947	Do.
47. Gondal	15th August 1947	Do.
48. Gwalior	Do.	Do.
49. Idar	12th August 1947	Do.
50. Indore	14th August 1947	Do.
51. Jaipur	12th August 1947	Do.
52. Jaisalmer	Do.	Do.
53. Jambughoda	10th August 1947	Do.
54. Jamkhandi	Do.	Do.

Name of State	Date of signing the Instrument of Accession	Date of acceptance of the Instrument of Accession
55. Jajira	14th August 1947	16th August 1947
56. Jaora	8th August 1947	Do.
57. Jashpur	28th August 1947	4th November 1947
58. Jawhar	15th August 1947	16th August 1947
59. Jath	13th August 1947	Do.
60. Jhabua	15th August 1947	Do.
61. Jhalawar	10th August 1947	Do.
62. Jind	7th August 1947	Do.
63. Jodhpur	11th August 1947	Do.
64. Kalahandi	10th August 1947	Do.
65. Kanker	Do.	Do.
66. Kapurthala	14th August 1947	Do.
67. Karauli	4th August 1947	Do.
68. Kashmir	26th October 1947	27th October 1947
69. Keonjhar	11th August 1947	16th August 1947
70. Khairagarh	5th August 1947	Do.
71. Khilochipur	11th August 1947	Do.
72. Kishengarh	5th August 1947	Do.
73. Kolhapur	11th August 1947	Do.
74. Kotah	6th August 1947	Do.
75. Korea	7th August 1947	Do.
76. Kurundwad (Junior)	12th August 1947	Do.
77. Kurundwad (Senior)	11th August 1947	Do.
78. Kutch	Do.	Do.
79. Limbdi	15th August 1947	Do.
80. Loharu	11th August 1947	Do.
81. Lunawada	5th August 1947	Do.
82. Mandi	10th Sept. 1947	4th November 1947
83. Mangrol	20th Sept. 1947	28th Sept. 1947
84. Manipur	11th August 1947	16th August 1947
85. Maihar	14th August 1947	Do.
86. Malerkotla	10th August 1947	Do.
87. Mayurbhanj	5th August 1947	Do.
88. Miraj (Junior)	12th August 1947	Do.
89. Miraj (Senior)	10th August 1947	Do.
90. Mudhol	17th August 1947	4th November 1947
91. Morvi	15th August 1947	6th August 1947
92. Mysore	9th August 1947	Do.
93. Nabha	14th August 1947	Do.
94. Nagod	3th August 1947	Do.
95. Nandgaon	13th August 1947	Do.
96. Narsingarh	12th August 1947	Do.
97. Nawanagar	15th August 1947	Do.
98. Nayagarh	13th August 1947	Do.
99. Orchha	Do.	Do.
100. Palanpur	7th August 1947	Do.
101. Palitana	15th August 1947	Do.
102. Panna	6th August 1947	Do.
103. Patiala	11th August 1947	Do.
104. Partabgarh	14th August 1947	Do.
105. Patna	28th August 1947	4th November 1947
106. Phaltna	5th August 1947	16th August 1947
107. Porbandur	15th August 1947	Do.
108. Pudukkottai	8th August 1947	Do.
109. Radhanpur	2nd September 1947	4th November 1947
110. Raigarh	10th August 1947	16th August 1947
111. Rajkot	7th August 1947	Do.
112. Rajpipla	9th August 1947	Do.
113. Ramdurg	2nd August 1947	Do.
114. Ratlam	9th August 1947	Do.
115. Rampur	7th August 1947	Do.
116. Rewa	8th August 1947	Do.
117. Sachin	9th August 1947	Do.

Name of State	Date of signing the Instrument of Accession	Date of acceptance of the Instrument of Accession
118. Sæmdur	10th August 1947	16th August 1947
119. Samthar	6th August 1947	Do.
120. Sangli	2nd August 1947	Do.
121. Sant	13th August 1947	Do.
122. Sailana	14th August 1947	Do.
123. Savanur	15th August 1947	Do.
124. Savantwadi	14th August 1947	Do.
125. Sarangarh	13th August 1947	Do.
126. Saraikela	12th August 1947	Do.
127. Sirohi	15th August 1947	Do.
128. Shahpura	4th August 1947	Do.
129. Sitamau	Do.	Do.
130. Sonepur	11th August 1947	Do.
131. Suket	5th August 1947	Do.
132. Surgana	24th August 1947	4th November 1947
133. Sirmur	5th September 1947	Do.
134. Surguja	14th August 1947	16th August 1947
135. Tehri-Garhwal	8th August 1947	Do.
136. Tonk	Do.	Do.
137. Travancore	12th August 1947	Do.
138. Tripura	13th August 1947	Do.
139. Udaipur (Mewar)	7th August 1947	Do.
140. Vijayanagar	8th August 1947	Do.
141. Wadhwan	15th August 1947	Do.
142. Wankaner	Do.	Do.

PART B

1. Amar Nagar	27th August 1947	5th November 1947
2. Ambaliara	3rd September 1947	Do.
3. Athgarh	14th August 1947	Do.
4. Atlmalik	3rd November 1947	Do.
5. Bajana	20th September 1947	Do.
6. Balsan	10th October 1947	Do.
7. Baghat	26th September 1947	Do.
8. Baghal	Do.	Do.
9. Banka Pahari	17th September 1947	Do.
10. Beri	15th August 1947	Do.
11. Beja	4th October 1947	Do.
12. Bihat	17th September 1947	Do.
13. Bijna	12th August 1947	Do.
14. Bhajji	26th September 1947	Do.
15. Bilkha	27th August 1947	Do.
16. Bheaderwa	29th August 1947	Do.
17. Chuda	28th August 1947	Do.
18. Chhuikhadan	21st October 1947	Do.
19. Dharni	8th October 1947	Do.
20. Dhurwai	31st August 1947	Do.
21. Dujana	9th October 1947	Do.
22. Gaurihar	30th August 1947	Do.
23. Garraulli	15th August 1947	Do.
24. Ghodasar	8th September 1947	Do.
25. Jaso	25th September 1947	Do.
26. Jædan	27th August 1947	Do.
27. Jobat . . . . .	...	Do.
28. Jubbal	8th October 1947	Do.
29. Jetpur	27th August 1947	Do.
30. Kamta Rajaula	30th September 1947	Do.
31. Kathiawara . . . . .	...	Do.

Name of State	Date of signing the Instrument of Accession	Date of acceptance of the Instrument of Accession
32. Kaniadhana	25th August 1947	5th November 1947
33. Kawardha	9th August 1947	Do.
34. Katosan	11th September 1947	Do.
35. Khandpara	22nd October 1947	Do.
36. Kharsawan	15th August 1947	Do.
37. Khirasra	27th August 1947	Do.
38. Khadal	15th August 1947	Do.
39. Kumarsain	26th September 1947	Do.
40. Kunihar	7th October 1947	Do.
41. Kutharie	26th September 1947	Do.
42. Keontal	27th September 1947	Do.
43. Kotda Sangani	27th August 1947	Do.
44. Lakhtar	28th August 1947	Do.
45. Lathi	31st August 1947	Do.
46. Lugasi	29th October 1947	Do.
47. Maliya	29th August 1947	Do.
48. Mansa	27th August 1947	Do.
49. Muli	Do.	Do.
50. Mohanpur	1st September 1947	Do.
51. Naigawan Rebai	26th October 1947	Do.
52. Narsinghpur	11th November 1947	12th November 1947
53. Nimkhara	26th August 1947	5th November 1947
54. Paldeo	8th October 1947	Do.
55. Patdi	31st August 1947	Do.
56. Pathari	30th August 1947	Do.
57. Punadra	11th September 1947	Do.
58. Makrai	15th August 1947	Do.
59. Ranasan	1st September 1947	Do.
60. Ranpur	17th October 1947	Do.
61. Sarila	14th August 1947	Do.
62. Sakti	21st October 1947	Do.
63. Sanjeli	15th September 1947	Do.
64. Sayla	27th August 1947	Do.
65. Sudasna	3rd August 1947	Do.
66. Malpur	29th August 1947	Do.
67. Tharad	15th August 1947	Do.
68. Tharoch	26th September 1947	Do.
69. Taraon	14th August 1947	Do.
70. Tigiria	15th August 1947	Do.
71. Tori Fatehpur	14th August 1947	Do.
72. Udaipur	4th November 1947	Do.
73. Vala	27th August 1947	Do.
74. Valasna	30th August 1947	Do.
75. Varsoda	1st September 1947	Do.
76. Vasna	18th September 1947	Do.
77. Vadia	27th August 1947	Do.
78. Virpur	Do.	Do.
79. Vanod	30th August 1947	Do.
80. Wav	31st August 1947	Do.

SECOND SUPPLEMENTAL AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE IMPERIAL BANK OF INDIA AND THE FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF U. K. AND THE GOVERNMENT OF INDIA.

The Honourable Shri R. K. Shanmukham Chetty (Minister for Finance):
Sir, I lay on the table a copy of each of the following papers, namely:

(a) the Second Supplemental Agreement between the Reserve Bank of India and the Imperial Bank of India, and

(b) the Financial Agreement between the Government of the United Kingdom and the Government of India, and correspondence connected therewith.

RESERVE BANK OF INDIA

(INCORPORATED UNDER THE RESERVE BANK OF INDIA ACT 1934 (II OF 1934))

Second Supplemental Agreement between the Reserve Bank of India and The Imperial Bank of India

AN AGREEMENT made in the ninth day of April 1947 between the RESERVE BANK OF INDIA (hereinafter called "the Reserve Bank") of the one part and the IMPERIAL BANK OF INDIA (hereinafter called "the Imperial Bank") of the other part.

WHEREAS by an agreement (hereinafter referred to as "the Principal Agreement") made on the fifth day of April 1935 between the parties hereto the Imperial Bank was appointed as on and from the first day of April 1935 as the sole agent of the Reserve Bank upon and subject to the terms set out in the Principal Agreement.

AND WHEREAS on account of the passing of the Government of India Act 1935 and the India and Burma (Burma Monetary Arrangements) Order 1937 the Principal Agreement was modified by a supplemental agreement (hereinafter referred to as "the Supplemental Agreement") made on the twelfth day of July 1937 between the parties hereto.

AND WHEREAS the India and Burma (Burma Monetary Arrangements) Order 1937 was varied by the India and Burma (Burma Monetary Arrangements) (Amendment) Order, 1946 and the India and Burma (Burma Monetary Arrangements) (Second Amendment) Order 1946,

AND WHEREAS pursuant to the provisions contained in the India and Burma (Burma Monetary Arrangements) Order 1937 as so varied the Governor of Burma has given notice to the Governor General in Council determining the operation of part II of the India and Burma (Burma Monetary Arrangements) Order 1937 as and from the first day of April 1947.

NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the parties hereto as follows :

On and after the first day of April 1947 the Principal Agreement shall be construed as if

- (1) Clauses (i) and (v) of the Supplemental Agreement were omitted
- (2) For the words "the Central Government, the Provincial Governments, the Federal Railway Authority, the Governor of Burma (both in his dealings with the revenue of Burma and in his dealings with the Federal Fund of the Federated Shan States) and the Burma Railway Board?" occurring in clause (iii) of the Supplemental Agreement the words "the Central Government, the Provincial Governments and the Federal Railway Authority" were substituted.

IN WITNESS whereof the Common Seals of the Reserve Bank of India and the Imperial Bank of India have been hereunto affixed in the presence of their respective subscribing officials the day and year first above written.

THE COMMON SEAL of the Reserve Bank of India was hereunto affixed pursuant to a resolution of its Central Board in the presence of Sir Chintaman D. Deshmukh C.I.E., Governor and Sir Purshotamdas Thakurdas, K.B.E., C.I.E. and Sir Homi Mehta, K.C.I.E., K.B.E. two of the Directors of the Reserve Bank of India who in token of their presence have hereupon signed their names.

COMMON SEAL OF THE
RESERVE BANK OF INDIA

(Sd) C. D. DESHMUKH
Governor.
(Sd) PURSHOTAMDAS
THAKUR DAS
(Sd) HOMI MEHTA, Directors

THE COMMON SEAL of the Imperial Bank of India was hereunto affixed in the presence of Albert Rodrick Chisholm, the Managing Director and Sir Vithal N. Chandavarkar and Archibald Leslie Hutson two of the Directors of the Imperial Bank of India who in token of their presence have hereupon signed their names.

COMMON SEAL OF THE
RESERVE BANK OF INDIA

(Sd) A.R. CHISHOLM,
Managing Director.
(Sd) V.N. CHANDAVARKAR
(Sd) A.L. HUTSON, *Directors.*

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE GOVERNMENT OF INDIA

London, 14th August, 1947

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the Government of the United Kingdom") and the Government of India.

Being desirous of making a temporary arrangement for dealing with the sterling balances of India.

Have agreed as follows:—

ARTICLE I

For the purposes of this Agreement the sterling assets of the Reserve Bank of India shall be taken at the figure of £1,160 million.

ARTICLE II

1. The Reserve Bank of India shall open with the Bank of England a new account (hereinafter referred to as the "No. 2 Account"), to which the balance of the total assets referred to in Article I above, remaining at the close of business on the date of the signature of this Agreement, shall be transferred.

2. The No. 2 Account of the Reserve Bank of India shall be operated upon in accordance with the provisions of Article VI of this Agreement and any sums standing to the credit of the said Account shall be available only for the purposes prescribed in that Article.

ARTICLE III

1. There shall also be established at the Bank of England in the name of the Reserve Bank of India a new account (hereinafter referred to as the "No. 1 Account") to which any sterling received after the date of this Agreement by the Reserve Bank of India in respect of current transactions and any sums transferred from the No. 2 Account shall be credited.

2. The Government of the United Kingdom shall not restrict the availability of sterling standing to the credit of the No. 1 Account for payments for current transactions in any currency area or for the purpose of any payment to residents of the sterling area.

ARTICLE IV

1. There shall be transferred forthwith from the No. 2 Account to the No. 1 Account £35 million less the amount by which the total of the Reserve Bank of India's sterling assets, as established by Article I of this Agreement, exceeds the amount transferred to the No. 2 Account in accordance with paragraph 1 of Article II of this Agreement.

2. There shall also be transferred from the No. 2 Account to the No. 1 Account the equivalent of any sums paid from the No. 1 Account after the 15th July, 1947, in respect of:—

- (i) the transfer of ownership of military stores, equipment and fixed assets in India from the Government of the United Kingdom to the Government of India on the 1st April, 1947.
- (ii) the settlement of any matters outstanding under the Defence Expenditure Plan and of any other accounts relating to transactions which were connected with the War and took place prior to the 15th July, 1947;
- (iii) payments outside India as a result of Agreements for the release of assets which were vested in the Indian Custodian of Enemy Property;

(iv) pensions paid outside India by or on behalf of the Government of India or any Provincial Government in respect of which an eventual capitalisation scheme is contemplated;

(v) such other items as the two Governments may agree.

3. There shall be transferred from the No. 1 Account to the No. 2 Account the equivalent of any sums paid into the No. 1 Account after the 15th July 1947, in respect of :—

(i) the settlement of any matters outstanding under the Defence Expenditure Plan and of any other accounts relating to transactions which were connected with the War and took place prior to the 15th July, 1947;

(ii) such other items as the two Governments may agree.

ARTICLE V

1. In addition to the transfer provided in paragraph 1 of Article IV of this Agreement there shall also be transferred forthwith from the No. 2 Account to the No. 1 Account a sum of £30 million as a working balance which may be drawn upon from time to time to meet any temporary shortage in India's available means of payment abroad.

2. The level at which the working balance provided for in this Article has been maintained during the currency of this Agreement shall be taken into consideration in the consultations referred to in Article XI of this Agreement in the light of such data as may then be provided.

ARTICLE VI

(a) The No. 2 Account referred to in Article II of this Agreement shall be credited with—

(i) the assets referred to in Article II of this Agreement, including the proceeds thereof at maturity or on realisation;

(ii) the proceeds at maturity or on realisation of any investments purchased in accordance with established custom with funds standing to the credit of the No. 2 Account;

(iii) transfers from the No. 1 Account, being transfers provided for in paragraph 3 of Article IV and paragraph 2 of Article VIII of this Agreement;

(iv) such other transfers as may be agreed between the two Governments.

(b) The No. 2 Account shall be debited with—

(i) transfers in accordance with paragraphs 1 and 2 of Article IV paragraph 1 of Article V and paragraph 2 of Article VIII of this Agreement;

(ii) payments in respect of investments made in accordance with established custom;

(iii) such other transfers as may be agreed between the two Governments.

ARTICLE VII

The Government of India shall not restrict—

(a) the acceptance by residents of India, in settlement of payments for current transactions, of sterling at the disposal of residents outside India;

(b) the availability of any Indian rupees arising from permitted current transactions and accruing to residents of the sterling area for any payments inside India or for the purchase of sterling.

ARTICLE VIII

1. Such transfers of capital from India to the rest of the sterling area and *vice versa* as may be agreed between the Reserve Bank of India and the Bank of England shall be subject to the provisions of paragraph 2 of this Article.

2. The Reserve Bank of India and the Bank of England shall consult together at agreed intervals in order to establish by reference to the best statistical data available to them the net capital movement from India to the other countries of the sterling area or *vice versa* as the case may be, resulting from the agreed transfers of capital. Thereafter an amount equal to the net capital movement so established shall be transferred from the No. 2 Account to the No. 1 Account if the movement is one from India to the other countries of the sterling area or from the No. 1 Account to the No. 2 Account if the movement is in the reverse direction.

3. Notwithstanding anything in this Article the two Governments shall not restrict transfers of capital from India to the United Kingdom representing—

- (a) remittances of savings belonging to persons of United Kingdom origin leaving India in order to take up permanent residence in the United Kingdom; and
- (b) the voluntary repatriation of investments by persons regarded as resident in the United Kingdom for purposes of exchange control in the United Kingdom.

4. Transfers of capital falling within the description in sections (a) and (b) of the preceding paragraph shall be included in the computations for which paragraph 2 provides.

ARTICLE IX

1. The two Governments shall as often as may be necessary consult together with a view to ensuring the smooth working of the present Agreement.

2. The Reserve Bank of India and the Bank of England shall be entrusted with the technical execution of this Agreement and shall consult together as often as may be necessary in order to ensure its smooth working.

ARTICLE X

For the purpose of the present Agreement—

- (a) in relation to events happening on or after the 15th August, 1947, references to the Government of India shall be construed as references to the Governments of both the new Dominions set up by the Indian Independence Act, 1947 or to the Government of either of them, as the circumstances require and the expression "India" shall continue to denote the territories included in that expression immediately prior to the 15th August 1947;
- (b) the expression "sterling area" shall have the meaning from time to time assigned to it by the Exchange Control Regulations in force in the United Kingdom. After the coming into force in the United Kingdom of the Exchange Control Act, 1947, the expression "sterling area" wherever it occurs in the present Agreement shall be deemed to have been replaced by the expression "scheduled territories", which shall have the meaning from time to time assigned to it in the aforesaid Exchange Control Act, 1947;
- (c) the expression "payments for current transactions" shall have the same meaning as in Article XIX (i) of the Articles of Agreement of the International Monetary Fund;
- (d) in paragraph 2 of Article IV the expression "pensions" shall have the meaning assigned to it in the Indian Independence Act, 1947.

ARTICLE XI

The present Agreement shall come into force on the 14th August, 1947. It shall terminate on the 31st December 1947. Further consultations shall be held before the termination of this Agreement with a view to extending it or replacing it by another Agreement or other Agreements.

In witness whereof the undersigned being duly authorised thereto by their respective Governments, have signed the present Agreement.

Done at London this fourteenth day of August, 1947, in duplicate.

For the Government of the United Kingdom :

WILFRID EADY.

For the Government of India :

V. NARAHARI RAO.

FINANCE DEPARTMENT,

NEW DELHI;

The 30th August 1947.

LETTERS EXCHANGED BETWEEN THE LEADERS OF THE INDIAN AND THE
U. K. DELEGATION ON STERLING BALANCES AGREEMENT

LONDON;*Dated the 14th August, 1947.*

OFFICE OF THE HIGH COMMISSIONER FOR INDIA,

LONDON,

14th August, 1947.

PRIVATE BALANCES

DEAR SIR WILFRID EADY,

With reference to the Financial Agreement between our two Governments, which we have signed today it is necessary to record our understanding that Indian private sterling balances will not be subject, as the result of this Agreement, to any restrictions under Exchange Control Regulations in force in the United Kingdom which did not apply to them before the signature of the Agreement.

For the purposes of this letter, the expression "Indian private balances" refers to the sterling balances with banks in the United Kingdom owned by residents of India other than the Reserve Bank of India and the Authorised Dealers in Foreign Exchange in India; the balances of the Reserve Bank are dealt with by the Agreement itself and those of the Authorised Dealers in Foreign Exchange in India are covered by an understanding which has been reached between the Bank of England and the Reserve Bank of India.

I should be grateful if you would confirm that this correctly sets out the position.

Yours sincerely,

(Sd.) V. NARAHARI RAO.

OFFICE OF THE HIGH COMMISSIONER FOR INDIA,

LONDON,

14th August, 1947.

DEAR SIR WILFRID EADY,

I have to acknowledge your letter of today's date reading as follows :—

"On the conclusion of the discussions leading to the Financial Agreement which you and I have signed today on behalf of our respective Governments, I wish to express my appreciation of the spirit of cordiality and understanding which has been a feature of the negotiations.

"It is understood on the part of His Majesty's Government that the Agreement is of an interim nature to cover the period up to the end of the present calendar year and that it is without prejudice to any subsequent discussions regarding India's sterling balances.

"I should be grateful to have your confirmation that this is also the understanding of your Government."

I have pleasure in confirming that the understanding of your Government, as set out in that letter, is accepted by my Government.

May I on my part say how much we have appreciated the spirit of mutual sympathy and understanding which has pervaded the discussions between the two delegations?

Yours sincerely,

(Sd.) V. NARAHARI RAO.

OFFICE OF THE HIGH COMMISSIONER FOR INDIA,

LONDON,

14th August, 1947.

DEAR SIR WILFRID EADY,

I have to acknowledge your letter of today's date, reading as follows :—

"In the Interim Agreement which we have signed today neither Government has made any reference to the rate of interest to be earned on the sterling balances.

"His Majesty's Government understands that the Government of India have agreed with the Reserve Bank of India that during the currency of the Agreement the Bank will not alter the disposition of its sterling assets in such a manner as to increase appreciably the overall rate of interest which such assets are at present earning. Subject to this understanding the Reserve Bank will be free to alter its investments in accordance with normal central banking practice.

"I should be grateful to have your confirmation of this understanding on behalf of the Government of India."

I have pleasure in confirming that the understanding of your Government, as set out in that letter, is accepted by my Government.

Yours sincerely,
(Sd.) V. NARAHARI RAO.

OFFICE OF THE HIGH COMMISSIONER FOR INDIA,
LONDON,
14th August, 1947.

DEAR SIR WILFRID EADY,

I have to acknowledge your letter of today's date reading as follows:—

"With reference to the Financial Agreement between our two Governments, signed today, it is necessary to record our understanding regarding the sterling assets in the Silver Redemption Reserve which has been maintained hitherto for the purpose of enabling the Government of India to fulfil its obligation under Section 36 of the Reserve Bank of India Act, 1934.

"So long as it remains undisturbed His Majesty's Government will regard this Reserve as a capital asset of the Government of India and excluded from the scope of the present Agreement. In the event, however of the liquidation of this Reserve, in whole or in part, during the currency of the Agreement, the resultant proceeds should, as we see it, be credited to the No. 2 Account of the Reserve Bank of India; similarly any payments to the Silver Redemption Reserve in pursuance of the practice of maintaining the value of the assets therein shall be charged to the No. 2 Account.

"I should be grateful to have your confirmation that this is in accordance with the understanding of the Government of India."

I have pleasure in confirming that the understanding of your Government, as set out in that letter, is accepted by my Government.

Yours sincerely,
(Sd.) V. NARAHARI RAO.

OFFICE OF THE HIGH COMMISSIONER FOR INDIA,
LONDON,
14th August, 1947.

DEAR SIR WILFRID EADY,

I have to acknowledge your letter of today's date, reading as follows:—

"With reference to the Financial Agreement between our two Governments, signed today, I wish to record the understanding of His Majesty's Government regarding the treatment of the sum of United States dollars which has been allocated to India and which is known as India's "Post-War Dollar Fund". To the extent that any drawings on the unexpended balance of this Fund have been or are made during the period 15th July to 31st December, 1947 and equivalent amount in sterling shall be transferred from the No. 2 Account to the No. 1 Account of the Reserve Bank of India.

"I should be grateful to have your confirmation of this understanding on behalf of the Government of India."

I have pleasure in confirming that the understanding of your Government, as set out in that letter, is accepted by my Government.

Yours sincerely,
(Sd.) V. NARAHARI RAO.

TREASURY CHAMBERS,
GREAT GEORGE STREET,
S.W.I.,
14th August, 1947.

DEAR MR. NARAHARI RAO,

In the interim Agreement which we have signed today neither Government has made any reference to the rate of interest to be earned on the sterling balances.

His Majesty's Government understands that the Government of India have agreed with the Reserve Bank of India that during the currency of the Agreement the Bank will not alter the disposition of its sterling assets in such a manner as to increase appreciably the overall rate of interest which such assets are at present earning. Subject to this understanding the Reserve Bank will be free to alter its investments in accordance with normal central banking practice.

I should be grateful to have your confirmation of this understanding on behalf of the Government of India.

Yours sincerely,
(Sd.) WILFRID EADY.

THE HON. MR. V. NARAHARI RAO, C.S.I., C.I.E.

—————

TREASURY CHAMBERS,
GREAT GEORGE STREET,
S.W.I.,
14th August, 1947.

DEAR MR. NARAHARI RAO,

I have to acknowledge the receipt of your letter of today's date reading as follows:—

"With reference to the Financial Agreement between our two Governments which we have signed today, it is necessary to record our understanding that Indian private sterling balances will not be subject, as the result of this Agreement, to any restrictions under Exchange Control Regulations in force in the United Kingdom which did not apply to them before the signature of the Agreement.

"For the purposes of this letter, the expression 'Indian private balances' refers to sterling balances with banks in the United Kingdom owned by residents of India other than the Reserve Bank of India and the Authorised Dealers in Foreign Exchange in India; the balances of the Reserve Bank are dealt with by the Agreement itself and those of the Authorised Dealers in Foreign Exchange in India are covered by an understanding which has been reached between the Bank of England and the Reserve Bank of India.

"I should be grateful if you would confirm that this correctly sets out the position."

I have pleasure in confirming that your letter correctly sets out the position with regard to these private balances.

Yours sincerely,
(Sd.) WILFRID EADY.

THE HON. MR. V. NARAHARI RAO, C.S.I., C.I.E.

—————

TREASURY CHAMBERS,
GREAT GEORGE STREET,
S.W.I.,
14th August, 1947.

DEAR MR. NARAHARI RAO,

With reference to the Financial Agreement between our two Governments, signed today, it is necessary to record our understanding regarding the sterling assets in the Silver Redemption Reserve which has been maintained hitherto for the purpose of enabling the Government of India to fulfil its obligation under Section 36 of the Reserve Bank of India Act, 1934.

So long as it remains undisturbed His Majesty's Government will regard this Reserve as a capital asset of the Government of India and excluded from the scope of the present Agreement. In the event, however, of the liquidation of this Reserve, in whole or in part, during the currency of the Agreement, the resultant proceeds should, as we see it, be credited to the No. 2 Account of the Reserve Bank of India; similarly any payments to the Silver Redemption Reserve in pursuance of the practice of maintaining the value of the assets therein shall be charged to the No. 2 Account.

I should be grateful to have your confirmation that this is in accordance with the understanding of the Government of India.

Yours sincerely,
(Sd.) WILFRID EADY.

THE HON. MR. V. NARAHARI RAO, C.S.I., C.I.E.

TREASURY CHAMBERS,
GREAT GEORGE STREET,
S.W.I.,
14th August, 1947.

DEAR MR. NARAHARI RAO,

With reference to the Financial Agreement between our two Governments, signed today, I wish to record the understanding of His Majesty's Government regarding the treatment of the sum of United States dollars which has been allocated to India and which is known as India's "Post-War Dollar Fund". To the extent that any drawings on the unexpended balance of this Fund have been or are made during the period 15th July to 31st December, 1947 an equivalent amount in sterling shall be transferred from the No. 2 Account to the No. 1 Account of the Reserve Bank of India.

I should be grateful to have your confirmation of this understanding on behalf of the Government of India.

Yours sincerely,
(Sd.) WILFRID EADY.

THE HON. MR. V. NARAHARI RAO, C.S.I., C.I.E.

TREASURY CHAMBERS,
GREAT GEORGE STREET,
S.W.I.,
14th August, 1947.

DEAR MR. NARAHARI RAO,

On the conclusion of the discussions leading to the Financial Agreement which you and I have signed today on behalf of our respective Governments, I wish to express my appreciation of the spirit of cordiality and understanding which has been a feature of the negotiations.

It is understood on the part of His Majesty's Government that the Agreement is of an interim nature to cover the period up to the end of the present calendar year and that it is without prejudice to any subsequent discussions regarding India's sterling balances.

I should be grateful to have your confirmation that this is also the understanding of your Government.

Yours sincerely,
(Sd.) WILFRID EADY.

THE HON. MR. V. NARAHARI RAO, C.S.I., C.I.E.

MOTION RE ELECTION OF STANDING COMMITTEES TO ADVISE
MINISTRIES

The Honourable Pandit Jawaharlal Nehru (Leader of the House): Sir, I move:

“That this Assembly—

(a) do proceed to elect in such manner as the Honourable the Speaker may direct, members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the undermentioned Ministries of the Government of India the number to be so elected in respect of each Ministry, excluding the Chairman, being as follows :

Ministry of Agriculture	10
Ministry of Commerce	10
Ministry of Communications	10
Ministry of Defence	10
Ministry of Education	10
Ministry of External Affairs and Commonwealth Relations	10
Ministry of Food	10
Ministry of Health	10
Ministry of Home Affairs	10
Ministry of Industry and Supply	10
Ministry of Information and Broadcasting	10
Ministry of Labour	10
Ministry of Law	5
Ministry of Relief and Rehabilitation	10
Ministry of States	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	10

(b) do adopt the annexed Rules* to regulate the constitution and procedure of the said Standing Committees.”

I might add that in view of there being such a large number of committees to be appointed consisting of most members of this House it is desirable not to

ANNEXURE.

* Rules.

1. The Chairman of each Committee shall be the Minister in charge of the Ministry to which the Committee is attached or any officer deputed by him to act as Chairman when he is unable to be present, and an officer in that Ministry designated by the Chairman shall be Secretary to the Committee.

2. A member of a Committee who ceases to be a member of the Constituent Assembly shall cease to be a member of the Committee, and if a vacancy occurs in a Committee for this or any other reason during the course of the period for which the Committee was constituted a motion shall be made as soon as may be in the Constituent Assembly (Legislative) for the election of a member to fill the vacancy.

3. The following subjects shall be laid before the Standing Committee :

(1) All non-official Bills introduced or proposed to be introduced in the Assembly, and legislative proposals which the Ministry concerned intends to undertake and on which the Minister in charge desires the advice of the Committee.

(2) Reports of Committees and Commissions (not including unpublished reports of departmental committees) on which the Assembly is not adequately represented.

(3) Major questions of general policy on which the Minister in charge desires the advice of the Committee.

(4) Annual Reports.

(5) With the approval of the Minister in charge, any topic of public importance within the field of the Committee which a member of the Committee may propose for discussion :

Provided that—

(i) in cases of urgency a reference to the Committee may be dispensed with by the Ministry concerned,

increase the number of each committee. I have suggested 10 for almost all the committees. Therefore it is desirable not to increase the number; otherwise there may be a good deal of overlapping. As it is it would probably be desirable that a member should not join more than two committees as far as possible.

There are a number of amendments to the annexed Rules and some of those amendments certainly improve the procedure which we have to follow and when the time comes I shall accept some of them.

Mr. Speaker: Motion moved:

"That this Assembly—

- (a) do proceed to elect in such manner as the Honourable the Speaker may direct, members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the undermentioned Ministries of the Government of India the number to be so elected in respect of each Ministry, excluding the Chairman, being as follows:

Ministry of Agriculture	10
Ministry of Commerce	10
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Ministry of Food	10
Ministry of Health	10
Ministry of Home Affairs	10
Ministry of Industry and Supply	10
Ministry of Information and Broadcasting	10
Ministry of Labour	10
Ministry of Law	5
Ministry of Relief and Rehabilitation	10
Ministry of States	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	10

(ii) the following cases shall be excluded from the purview of the Committee:

- (a) cases concerning appointments,
 (b) all cases which the Minister in charge considers cannot be placed before the Committee consistently with the public interest.

4. The functions of Standing Committees will be purely advisory and their proceedings will be strictly confidential. No press representatives will be allowed to attend any meeting of a committee. Brief reports of the activities of each Committee mentioning the subjects discussed and the conclusions reached by the Committee but not the tenor of the discussions will be circulated to all members of the Assembly.

5. Meetings of the Standing Committees will be summoned by the Secretary not less than twice a year at such times as may be decided by the Minister in charge. The agenda of the meeting will be drawn up and circulated by the Secretary, together with a memorandum explaining the nature of each item of business and copies of such papers as the Minister in charge directs to be furnished to the Committee. Such papers will be returned by members to the Secretary at the close of each meeting. The proceedings of the Committee will be confined to items of business entered in the agenda, and any requests for further information will be dealt with under the orders of the Minister in charge.

6. At a meeting of a Standing Committee, the Secretary may be requested by the Minister to explain each item of business. The Chairman will then invite a discussion and the Secretary will note on the departmental file the general opinion of the Committee.

[Mr. Speaker]

(b) do adopt the annexed Rules* to regulate the constitution and procedure of the said Standing Committees".

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, may I suggest that this motion be put to the House in two parts—(a) the substantive portion and (b) the annexed Rules. There does not seem to be any amendment so far as part (a) is concerned and therefore it will be adopted unanimously. After that we will go on to part (b).

ANNEXURE.

*Rules.

1. The Chairman of each Committee shall be the Minister in charge of the Ministry to which the Committee is attached or any officer deputed by him to act as Chairman when he is unable to be present, and an officer in that Ministry designated by the Chairman shall be Secretary to the Committee.

2. A member of a Committee who ceases to be a member of the Constituent Assembly shall cease to be a member of the Committee, and if a vacancy occurs in a Committee for this or any other reason during the course of the period for which the Committee was constituted, a motion shall be made as soon as may be in the Constituent Assembly (Legislative) for the election of a member to fill the vacancy.

3. The following subjects shall be laid before the Standing Committee :

(1) All non-official Bills introduced or proposed to be introduced in the Assembly, and legislative proposals which the Ministry concerned intends to undertake and on which the Minister in charge desires the advice of the Committee.

(2) Reports of Committees and Commissions (not including unpublished reports of departmental committees) on which the Assembly is not adequately represented.

(3) Major questions of general policy on which the Minister in charge desires the advice of the committee.

(4) Annual Reports.

(5) With the approval of the Minister in charge, any topic of public importance within the field of the Committee which a member of the Committee may propose for discussion:

Provided that

(i) in cases of urgency a reference to the Committee may be dispensed with by the Ministry concerned,

(ii) the following cases shall be excluded from the purview of the Committee :

(a) cases concerning appointments,

(b) all cases which the Minister in charge considers cannot be placed before the Committee consistently with the public interest.

4. The functions of Standing Committees will be purely advisory and their proceedings will be strictly confidential. No press representatives will be allowed to attend any meeting of a Committee. Brief reports of the activities of each Committee mentioning the subjects discussed and the conclusions reached by the Committee but not the tenor of the discussions will be circulated to all members of the Assembly.

5. Meetings of the Standing Committees will be summoned by the Secretary not less than twice a year at such times as may be decided by the Minister in charge. The agenda of the meeting will be drawn up and circulated by the Secretary, together with a memorandum explaining the nature of each item of business and copies of such papers as the Minister in charge directs to be furnished to the Committee. Such papers will be returned by members to the Secretary at the close of each meeting. The proceedings of the Committee will be confined to items of business entered in the agenda, and any requests for further information will be dealt with under the orders of the Minister in charge.

6. At a meeting of a Standing Committee, the Secretary may be requested by the Minister to explain each item of business. The Chairman will then invite a discussion and the Secretary will note on the departmental file the general opinion of the Committee.

Mr. Speaker: I have no objection to adopt the suggestion. I will put the first part (a) to the House.

The question is:

“(a) That this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, members to serve until the end of the next financial year on Standing Committees to advise on subjects concerning the under-mentioned Ministries of the Government of India the number to be so elected in respect of each Ministry, excluding the Chairman, being as follows:

Ministry of Agriculture	10
Ministry of Commerce	10
Ministry of Communications	10
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Ministry of Labour	10
Ministry of Law	5
Ministry of Relief and Rehabilitation	10
Ministry of States	10
Ministry of Transport (other than Roads)	10
Ministry of Works, Mines and Power	10

The motion was adopted.

Mr. Speaker: I will now take part (b) and the amendments to the Rules.

Shri M. Ananthasayanam Ayyangar: Sir, I beg to move:

- (i) “That in part (b) of the motion, in Rule 1 for the words ‘any officer deputed by him the words ‘any member elected by the Committee’, be substituted.”

With your permission, Sir, I shall move the other amendments also, viz., Nos. 2, 3 and 4 relating to the same rule, so that Honourable Members may have a comprehensive idea as to what my intention is.

I move:

- (ii) “That in part (b) of the motion, in Rule 1 after the word ‘Chairman’ where it occurs for the second time the words ‘for that meeting’ be inserted”;
- (iii) “That in part (b) of the motion, in Rule 1 for the word ‘he’ the words ‘the Minister’ be substituted ”and
- (iv) “That in part (b) of the motion, in Rule 1 for the word ‘Chairman’ where it occurs for the third time, the words ‘the Minister’ be substituted.”

My object in making these motions is this. As Honourable Members will find, the rule as it stands makes the Minister the Chairman of each Committee and if he is absent on any particular occasion, the rule provides that an officer deputed by him may officiate as the Chairman for that meeting. My amendment is that instead of an officer, any member of the committee (the committees consist of members of the House) may elect one from among themselves as Chairman for that meeting. We have passed the earlier part of this motion according to which ten members of the Assembly will be elected as members of each committee. My proposal is that instead of any officer deputed by the Chairman any member elected by the committee from among themselves may act as Chairman for that meeting, in the absence of the Minister concerned. Such a Chairman will not be the Chairman for all meetings that may be held from time to time but only for that meeting, when the Minister is unable to be present. For the word “he” I want the word “Minister” to be substituted so as to make it clear. The rule as amended with these four amendments which are of a formal nature consequent on the first amendment, will read as follows:

“The Chairman of each Committee shall be the Minister in charge of the Ministry to which the Committee is attached or any member elected by the Committee to act as Chairman for that meeting when the Minister is unable to be present, and an officer in that Ministry designated by the Minister shall be the Secretary to the Committee.”

Mr. Speaker: The question is:

- (i) "That in part (b) of the motion, in Rule 1 for the words 'any officer deputed by him' the words 'any member elected by the Committee' be substituted; "
- (ii) "That in part (b) of the motion, in Rule 1 after the word 'Chairman' where it occurs for the second time the words 'for that meeting' be inserted; "
- (iii) "That in part (b) of the motion, in Rule 1 for the word 'he' the words 'the Minister' be substituted; " and
- (iv) "That in part (b) of the motion, in Rule 1 for the word 'Chairman' where it occurs for the third time, the words 'the Minister' be substituted. "

The motion was adopted.

Shri M. Ananthasayanam Ayyangar: Sir, I move the next amendment:

- (i) "That in part (b) of the motion, in sub-rule (1) of Rule 3, the following be omitted, namely:
'and on which the Minister in charge desires the advice of the Committee'."

The other amendment of mine relating to the same rule may also be taken together with this. I move:

- (ii) "That in part (b) of the motion, in sub-rule (3) of Rule 3, the following be omitted, namely:
'on which the Minister in charge desires the advice of the Committee'."

The object of these amendments is this. The rule says "The following subjects shall be laid before the Standing Committee" and then at the end of sub-rule No. (1) Honourable Members will find that there is a limitation to the subjects that may be placed before the Committee,—all non-official Bills, legislative proposals either in the form of bills or resolutions and memoranda "on which the Minister in charge desires the advice of the Committee." I do not want this limitation on the subjects that have to be placed before the Committee. The same thing is repeated in sub-rule (3) which says "Major questions of general policy on which the Minister in charge desires the advice of the Committee." Those words also may be omitted. With your permission, Sir, and with the leave of the House I would add at the end of Rule 3 the words "and financial proposals", *i.e.*, major questions of general policy and financial proposals. I want that each committee should have the opportunity of looking into the budget relating to that Ministry, and giving priorities and they should also be able to suggest retrenchment or additions relating to the general policies which are placed before the committee. All general policies will have to be implemented by financial commitments and therefore I feel that there is a lacuna. I would, with your permission, like to add the words "and financial proposals".

Mr. Speaker: Is it necessary to add those words? Every general policy will include financial considerations.

Shri K. Santhanam (Madras: General): But it will not be the case *vice versa*.

Shri M. Ananthasayanam Ayyangar: Financial proposals will always involve scrutiny of the policy, whereas the converse need not be true. You know very well that we are in the habit of scanning them too closely.

Mr. Speaker: I was feeling another difficulty. There is also a Standing Committee for the Ministry of Finance. What will happen in case there is a conflict of views between that committee and the other committees so far as financial proposals are concerned.

Shri M. Ananthasayanam Ayyangar: May I respectfully submit to you and the House that instead of there being a conflict, it will facilitate the work of the Standing Finance Committee? The Standing Finance Committee consists of fifteen members and subjects relating to all the Ministries come up for

consideration before the Standing Finance Committee. They would certainly like to have the opinion of the Members of the House on the various Standing Committees with reference to each one of those Ministries. However clever the Members of the Standing Finance Committee may be they cannot be omniscient and it will be open to them to accept or reject the advice given.

Mr. Speaker: The only question is whether it is permissible at this stage to make an addition to the amendment.

Haji Abdus Sattar Haji Ishaq Seth (Madras: Muslim): On the observation from the Chair that these rules will govern the conduct of the Standing Finance Committee also, I find some difficulty. The motion of the Honourable Member is that these Rules will regulate "the constitution and procedure of the said Standing Committees". And, in the said Standing Committees the Finance Committee is not mentioned. I do not think these Rules will govern the conduct of the Standing Finance Committee.

Mr. Speaker: Any way, it will be a matter for the decision of the House on merits. What I am at present considering is whether I should permit the Honourable Member to add to his amendment, though he has not given previous notice of the addition. I think that the matter is of some importance and that I should not bar it by refusing to give my leave.

Amendments moved:

"(i) That in part (b) of the motion, in sub-rule(1) of the Rule 3, the following be omitted, namely:

' and on which the Minister in charge desires the advice of the Committee';

"(ii) That in part (b) of the motion, in sub-rule (3) of Rule 3, the following be omitted namely:

' on which the Minister in charge desires the advice of the Committee';

and the words ' and financial proposals ' be added after the words ' general policy '."

The Honourable Shri R. K. Shanmukham Chetty (Minister for Finance): With regard to the financial proposals being placed before these Advisory Committees, there is a possibility of very serious conflict, because every proposal for expenditure which comes before the Standing Finance Committee must necessarily relate to some Ministry or other. If, for instance, a number of items of expenditure are considered necessary by the Standing Committee of that Ministry, then the hands of the Standing Finance Committee are practically tied and the Standing Finance Committee cannot examine whether it is wise or necessary to include certain items of expenditure passed by the Standing Committees, and very serious conflicts will arise. In the alternative, the Standing Finance Committee will become absolutely of no use.

Mr. Speaker: I myself pointed out the difficulty. But I am putting the amendment just for the consideration of the House.

The Honourable Pandit Jawaharlal Nehru: Sir, there is this difficulty which you were good enough to point out and which the Honourable Finance Minister has also drawn attention to. I think the difficulty, however, need not frighten us. Ultimately in regard to these financial proposals it is the Standing Finance Committee that will have the final word. As such I see no reason why it should be intimidated by any suggestion on financial proposals coming through any other Committee. No doubt the Standing Finance Committee will look into it, and if it does not fit in with the financial programme, it will negative the suggestion. In any event, whether you put those words or not, I have no doubt that any proposals which are to be examined by any of these Standing Committees will have to be examined in relation to their financial aspect. The whole picture has got to be considered by the Standing Committees.

[Pandit Jawaharlal Nehru]

The Standing Committees of the past have met normally twice a year and their meetings have often been formal meetings, restricted to problems placed before them. I am not myself conversant with these meetings—I have attended only one or two—and the meetings did not strike me as being very helpful. I hope in future the Standing Committees would perform much more important functions. We have said that they should meet at least twice a year, and I do not wish to change that wording in the Rules. But I hope that they will be able to meet oftener. I hope also that they will not only meet oftener but meet really to survey the whole scene of their activities and not merely confine themselves to the problem before them. I should certainly like to put the whole picture before them and take their help in the matter. There are, however, some exceptions to this. Obviously, sometimes something has to be done urgently, and the Standing Committee cannot meet. We must also have authority to do some things which cannot easily be placed before them for reasons of State policy or secrecy. Those things cannot be placed before them. Subject to that, I hope each Standing Committee will be given the fullest co-operation and information by the Minister concerned.

I am prepared to accept the amendment moved by Mr. Ayyangar. But there is one small matter to which I should like to draw the attention of the House. At the end of Rule 3 there is the Proviso "Provided that (i) in cases of urgency a reference to the Committee may be dispensed with by the Ministry concerned and (ii) the following cases shall be excluded etc." The second proviso is all right. It gives the protection I ask. But I am not quite clear, from the way it is printed, whether the first Proviso applies to the whole Rule or not. The way it is printed with the colon makes rather confusing. I hope it refers to the whole Rule. If so, I accept the amendment moved by Mr. Ayyangar.

Mr. Speaker: The question is:

"(i) That in part (b) of the motion, in sub-rule (1) of Rule 3, the following be omitted, namely:

'and on which the Minister in charge desires the advice of the Committee';

(ii) "That in part (b) of the motion, in sub-rule (3) of Rule 3, the following be omitted, namely:

'on which the Minister in charge desires the advice of the Committee';

and the words 'and financial proposals' be added after the words 'general policy'."

The motion was adopted.

Shri H. V. Kamath (C. P. and Berar: General): Mr. Speaker, Sir, I move:

"That in part (b) of the motion, in Rule 5, for the words 'twice a year' the words 'four times a year' be substituted."

My amendment is an extremely simple one. If the amendment be accepted, the Rule will read as follows:

"Meetings of the Standing Committees will be summoned by the secretary not less than four times a year.....etc."

The amendment speaks for itself and it is hardly necessary for me to expatiate on it. It may be argued of course, I realize, against this amendment that the practice so far has been to have meetings not less than twice a year. But I would submit that this practice, along with so many others, represents to my mind a hangover from the days of bureaucratic imperialism which it is high time we discarded, at any rate after the new set up since 15th August. I submit that my amendment has been tabled with a view to facilitating the work of the various Ministries. As Members of a sovereign Dominion Parliament I think we should work on these Committees earnestly, effectively and efficiently. I would therefore commend this amendment for the acceptance of the Honourable the Mover as well as of the House.

Mr. Speaker: Amendment moved:

"That in part (b) of the motion, in Rule 5, for the words 'twice a year', the words 'four times a year' be substituted."

The Honourable Pandit Jawaharlal Nehru: I have just stated that I look forward to the Standing Committees meeting pretty frequently. But it will not be desirable to fix a number like four in these Rules. What the Rule says is they should meet *at least* twice a year. They may meet many more times. I think, however, that to lay down a statutory rule that every Committee should meet at least four times a year will perhaps be undesirable and might place some difficulty. As a matter of fact, apart from the administrative matters, if the Members of the Committee themselves want to meet at any time I am quite sure that they can meet. They will have the fullest co-operation of the Ministry.

I hope that the committees will work smoothly and frequently, but I would request the Mover of this to leave it at that and not have a hard and fast rule about every committee meeting at least four times a year.

Shri H. V. Kamath: In view of the assurance given by the Honourable the Leader of the House, I do not wish to press my amendment. I beg leave of the House to withdraw the amendment.

Mr. Speaker: Has the Honourable Member the permission of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: I put the second part of the Motion, as amended, before the House.

The question is:

"(b) That this Assembly do adopt the annexed rules * to regulate the constitution and procedure of the said Standing Committees."

The motion was adopted.

ANNEXURE

Rules*

1. The Chairman of each Committee shall be the Minister in charge of the Ministry to which the Committee is attached or any member elected by the Committee to act as Chairman for that meeting when the Minister is unable to be present, and an officer in that Ministry designated by the Minister shall be Secretary to the Committee.

2. A member of a Committee who ceases to be a member of the Constituent Assembly shall cease to be a member of the Committee, and if a vacancy occurs in a Committee for this or any other reason during the course of the period for which the Committee was constituted, a motion shall be made as soon as may be in the Constituent Assembly (Legislative) for the election of a member to fill the vacancy.

3. The following subjects shall be laid before the Standing Committee:

(1) All non-official Bills introduced or proposed to be introduced in the Assembly, and legislative proposals which the Ministry concerned intends to undertake.

(2) Reports of Committees and Commissions (not including unpublished reports of departmental committees) on which the Assembly is not adequately represented.

(3) Major questions of general policy and financial proposals.

(4) Annual Reports.

(5) With the approval of the Minister in charge, any topic of public importance within the field of the Committee which a member of the Committee may propose for discussion:

Provided that—

(i) in cases of urgency a reference to the Committee may be dispensed with by the Ministry concerned,

(ii) the following cases shall be excluded from the purview of the Committee:

(a) cases concerning appointments,

(b) all cases which the Minister in charge considers cannot be placed before the Committee consistently with the public interest.

ELECTION TO COUNCIL OF INDIAN INSTITUTE OF SCIENCE,
BANGALORE

آریہل مولانا ابوالکلام آزاد : جناب ! میں یہ تجویز پیش کرتا ہوں "کہ ایسے طریقہ سے جو آریہل اسپیکر منظور کریں ایک ممبر کے چلنے کی کاروائی اختیار کریں، جو انڈین سائنس انسٹیٹیوٹ بلگلور کی کونسل میں اس اسمبلی کی نائیلڈگی کریگا یہ چلنا اس غرض سے ہوگا کہ ۱۹۳۷ء سے ۱۹۳۹ء تک کی مدت کا چلنا وقت باقی رہ گیا ہے اسکی کسی پوری کی جائے۔ یہ کاروائی ان قواعد کی دفعہ ۱۱ کے ماتحت ضروری ہے جو بلگلور انسٹیٹیوٹ کے فلڈ اور جائیداد کے انتظام کے لئے قرار دئے گئے ہیں اور جو ۲ دسمبر ۱۹۳۷ء کو پچھلے قیہارٹمنٹ ایجوکیشن - ہیلتھ لہلڈز کے نوٹی فیکشن سے گزرتے آئے انڈیا میں شائع ہو چکا ہے - جو ممبر اب چلنا جائیگا وہ دراصل پلڈت لکشمی کانت مہترا کی خالی جگہ بھرنے کے لئے ہوگا چلہوں اس غرض سے پچھلی اسمبلی نے چلنا تھا چونکہ وہ اسمبلی جسٹے انہوں چلنا تھا ۱۵ اگست ۱۹۳۷ء کو ختم ہو گئی اس لئے ان کی کونسل کی ممبری بھی ختم ہو گئی۔"

The Honourable Maulana Abul Kalam Azad (Minister for Education): Sir I
NOVC:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Speaker, a member to represent this Assembly on the Council of the Indian Institute of Science, Bangalore, for the residue of the triennium 1947-49 (both years inclusive in pursuance of the provisions of clause 11 (Secondly) of the Scheme for the Administration and management of the Properties and Funds of the said Institute (which was published in the Gazette of India with the Notification of the late Department of Education, Health and Land No. F. 53-1/37, dated the 2nd December, 1937, and which as subsequently amended, is in force with the substitution of a reference to this Assembly for the reference to the Indian Legislative Assembly in the said clause), in place of Pandit Lakshmi Kanta Maitra who was elected to represent the Indian Legislative Assembly on the said Council and who consequent on the Assembly ceasing to function, ceased to be a member of the Council on the 15th August, 1947.

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the Speaker, a member to represent this Assembly on the Council of the Indian

4. The functions of Standing Committees will be purely advisory and their proceedings will be strictly confidential. No press representatives will be allowed to attend any meeting of a Committee. Brief reports of the activities of each Committee mentioning the subjects discussed and the conclusions reached by the Committee but not the tenor of the discussions will be circulated to all members of the Assembly.

5. Meetings of the Standing Committees will be summoned by the Secretary not less than twice a year at such times as may be decided by the Minister in charge. The agenda of the meeting will be drawn up and circulated by the Secretary, together with a memorandum explaining the nature of each item of business and copies of such papers as the Minister in charge directs to be furnished to the Committee. Such papers will be returned by members to the Secretary at the close of each meeting. The proceedings of the Committee will be confined to items of business entered in the agenda, and any requests for further information will be dealt with under the orders of the Minister in charge.

6. At a meeting of a Standing Committee, the Secretary may be requested by the Minister to explain each item of business. The Chairman will then invite a discussion and the Secretary will note on the departmental file the general opinion of the Committee.

Institution of Science, Bangalore, for the residue of the triennium 1947-49 (both years inclusive) in pursuance of the provisions of clause 11 (Secondly) of the Scheme for Administration and Management of the Properties and Funds of the said Institute (which was published in the Gazette of India with the Notification of the late Department of Education, Health and Lands No. F. 53-1/37, dated the 2nd December, 1937, and which as subsequently amended, is in force with the substitution of a reference to this Assembly for the reference to the Indian Legislative Assembly in the said clause), in place of Pandit Lakshmi Kanta Maitra who was elected to represent the Indian Legislative Assembly on the said Council and who consequent on that Assembly ceasing to function, ceased to be a member of the Council on the 15th August, 1947.

The motion was adopted.

ELECTION TO GOVERNING BODY OF INDIAN RESEARCH FUND ASSOCIATION

The Honourable Rajkumari Amrit Kaur (Minister for Health): Sir, I beg to move:

"That the members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, three persons from among their number to sit on the Governing body of the Indian Research Fund Association."

Mr. Speaker: The question is:

"That the members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, three persons from among their number to sit on the Governing body of the Indian Research Fund Association."

The motion was adopted.

Mr. Speaker: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for election
1 Ministry of Agriculture	21-11-47	26-11-47
2 Ministry of Communications		
3 Ministry of Commerce		
4 Ministry of Defence	22-11-47	27-11-47
5 Ministry of Education		
6 Ministry of External Affairs and Commonwealth Relations		
7 Ministry of Food	25-11-47	29-11-47
8 Ministry of Health		
9 Ministry of Home Affairs		
10 Ministry of Industry and Supply	26-11-47	1-12-47
11 Ministry of Information and Broadcasting		
12 Ministry of Labour		
13 Ministry of Law	27-11-47	2-12-47
14 Ministry of Relief and Rehabilitation		
15 Ministry of States		
16 Ministry of Transport (other than Roads)	29-11-47	3-12-47
17 Ministry of Works, Mines and Power		
18 Council of the Indian Institute of Science, Bangalore		
19 Governing Body of the Indian Research Fund Association	1-12-47	4-12-47

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the dates mentioned for the purpose. The elections, which will be conducted in accordance with the Regulations for the holding of elections by means of the single transferable vote, will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 a.m. and 1 p.m.

**RESOLUTION RE CENTRAL ROAD FUND AND STANDING
COMMITTEE FOR ROADS**

The Honourable Dr. John Matthai (Minister for Railways and Transport): May I ask you, Sir, whether you will be good enough to suspend the rule which requires a Member who moves a resolution to begin by stating the motion as set out in the List of Business? As you will see, it covers 3 foolscap pages and I think it would be a waste of time of the House to read it since copies of this resolution have already been circulated. I may say, Sir, that ten years ago when a resolution in these identical terms was moved in the old Legislature, the President extended a Similar indulgence to my predecessor then in office.

Mr. Speaker: The resolution will be taken as read.

The Honourable Dr. John Matthai: I beg to move the resolution standing in my name:

"This Assembly hereby resolves that:

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than 2 annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum as near as may be equivalent to the share in such proceeds arising from taxed motor spirit used in aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Central Government for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Fund.

(3) For the purposes of this resolution 'taxed motor spirit' shall mean motor spirit upon which the duty of customs or excise shall have been paid and in respect of which no rebate of such duty shall have been given.

3. (1) The Road Fund shall be allocated as follows:

(a) a portion equal to fifteen per cent., shall be retained by the Central Government as a Central reserve;

(b) out of the remainder there shall be allocated by the Central Government—

(i) a portion for expenditure in each Governor's Province,

(ii) a portion for expenditure in the Chief Commissioner's Provinces,

(iii) a portion for expenditure in the Acceding States and

(iv) a portion for expenditure in such non-acceding Indian States as may be eligible thereto under any agreement for the time being in force,

as near as may be in the ratio which the consumption of taxed motor spirit, other than motor spirit used in aviation, in each area for which an allocation is to be made shall bear to the total consumption in India and the States referred to in sub-clause (iv) above, of taxed motor spirit, other than motor spirit used in aviation during the calendar year ending during the financial year concerned.

(2) The portions allocated for expenditure in Governors' Provinces shall be retained by the central Government until they are actually required for expenditure in the manner herein-after specified.

(3) If in the opinion of the Central Government, the Government of any Governor's province has at any time—

(a) failed to take such steps as the Central Government may recommend for the regulation and control of motor vehicles within the province, or

(b) delayed without reasonable cause the application of any portion of the Road Fund allocated or re-allocated as the case may be for expenditure within the province,

the Central Government may resume the whole or part of any sums which it may at that time hold for expenditure in that province.

(4) All sums resumed by the Central Government from the account of any Provincial Government as aforesaid shall be re-allocated between the credit accounts of Provincial Governments and the reserve with the Central Government in the ratio of the main allocation for the financial year preceding the year in which the re-allocation is made:

Provided that the sum so calculated as the share of the province from whose account the resumption has been made shall also be credited to the reserve with the Central Government.

4. The balance to the credit of the Road Fund or of any allocation thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Fund save as herein-after provided.

6. The Central reserve with the Central Government shall be applied first to defraying the cost of administering the Road Fund and thereafter upon such schemes for research and intelligence and upon such special enquiries connected with roads and upon special grants-in-aid for such objects connected with roads as the Central Government may approve.

7. The sums allocated for expenditure in the Provinces may, subject to the previous approval of the Central Government to each proposal made, be expended upon any of the following objects, namely :

- (i) on the construction of new roads and bridges of any sort ;
- (ii) on the reconstruction or substantial improvement of existing roads and bridges ;
- (iii) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Fund, or from loans approved or sanctioned by the Central Government ;
- (iv) to meet charges, including the cost of establishment, connected with the preparation of schemes of road development or with the administration of provincial Boards of Communications ;
- (v) to meet charges including the cost of establishment connected with the control of motor transport ; and
- (vi) on the interest and amortization of loans approved or sanctioned before the date of this Resolution by the Central Government, and spent or to be spent on the construction, reconstruction or substantial improvement of roads and bridges.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Fund, the Central Government shall have regard to the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

9. (1) A Standing Committee for Roads shall be constituted each financial year consisting of—

- (a) the Minister in charge of the relevant portfolio, provided that should the said Minister be unable to be present at any meeting he shall nominate a person to deputise for him ;
- (b) twelve members elected by the members of the Constituent Assembly from amongst themselves ; and
- (c) the Chief Commissioner of Railways.

(2) The said Minister shall be the Chairman of the Committee : Provided that should he be unable to be present at any meeting, the person nominated to deputise for him under sub-paragraph (1) shall act as the Chairman of the meeting.

(3) No approval to any proposal for expenditure from the Road Fund shall be given by the Committee unless it is supported by a majority of the members present and voting.

(4) All proposals for expenditure from the Central reserve and all other proposals for expenditure from the Road Fund to be made in the Provinces shall be referred by the Central Government to the Standing Committee before the proposals are approved.

10. The functions of the Standing Committee shall be :

- (a) to consider the annual budget and accounts of the Road Fund ;
- (b) to advise upon all proposals for expenditure from the Central reserve ;
- (c) to advise upon the desirability of all other proposals involving expenditure from the Road Fund in the Provinces ;
- (d) to advise upon proposals for the resumption of monies held by the Central Government as provided for in sub-paragraph (3) of paragraph 3 of this Resolution ; and
- (e) to advise the Central Government generally on all questions relating to roads and road traffic which the Central Government may refer to the Committee."

This resolution relates to two matters the constitution of a Road Fund and the constitution of a Standing Committee for the administration of the Road Fund. I may say, Sir, at the beginning that all that this resolution seeks to do is to continue a policy which has been in existence for the past seventeen years. The only changes which are made in this resolution are changes mainly of a verbal character arising from the constitutional changes which have taken place. There is one point of substance regarding which a change is indicated

[Dr. John Matthai]

in this resolution, and that is as regards the allocations from this Fund to States. As Honourable Members will have noticed, the Resolution proposes that allocations to States will be confined to States which have acceded to the Union or to States which are eligible for these grants under existing agreements. With the exception of that, Sir, the resolution follows the policy which has been in force during the past seventeen years. The policy outlined in this resolution goes back to the time when a Committee was appointed by the old legislature to examine problems relating to the development of roads over which our distinguished countryman Dr. Jayakar presided. The old Government's policy based on those recommendations was announced in 1930, and ever since then, this particular policy has been in operation.

I will briefly sum up, Sir, the main features of the Resolution. First of all, there is to be a Road Fund which is to be fed by revenues derived from a duty of not less than 2 annas per gallon levied on petrol. I want to make it clear that the way in which para. 1 of the Resolution is stated does not authorise Government to levy this duty. The duty will be levied in accordance with the procedure followed in regard to finance bills. All that this Resolution does is to authorise the Government to earmark the funds derived from this duty for the purpose of road development.

The second feature of the proposals embodied in the Resolution is that out of the funds so derived, fifteen per cent. would be allocated to the Central Government for the formation of a Central Reserve. The purpose of the Central Reserve is to finance specified major projects in which two or more Provinces or States may be interested, or it may be used for purposes of experiment and research in regard to road construction and development.

The third feature is that funds will be allocated to Provinces and States from this Fund on the basis of the petrol consumption in the areas concerned.

The fourth feature is that the administration of this Fund and expenditure from it would be subject to the control of the Sanding Committee.

Sir, I want to make it perfectly clear before I sit down that the object of this Resolution is simply to continue for the time being the policy which has been in force all these years. The Resolution does not commit the House to any permanent arrangements regarding the Road Fund or the Road Committee. My own intention is that as soon as the Committee has been appointed under this Resolution, they should take up the question of the lines on which the basis and the composition of the Fund and the Committee should be determined for the future. Therefore, I would suggest with regard to the amendments of which notice has been given that it would probably be a more satisfactory arrangement if the issues raised in these amendments were brought up before the Committee after it has been appointed. Sir, I beg to move.

Mr. Speaker: I also do not propose to read the motion. I take it that the motion is there before the Honourable Members and therefore put it to the House. Resolution moved:

"This Assembly hereby resolves that :

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than 2 annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum as near as may be equivalent to the share in such proceeds arising from taxed motor spirit used in aviation during the calendar year ending in the financial year concerned, and such shall be at the disposal of the Central Government for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Fund.

(3) For the purposes of this resolution 'taxed motor spirit' shall mean motor spirit upon which the duty of customs or excise shall have been paid and in respect of which no rebate of such duty shall have been given.

3. (1) The Road Fund shall be allocated as follows :

- (a) a portion equal to fifteen per cent. shall be retained by the Central Government as a central reserve ;
- (b) out of the remainder there shall be allocated by the Central Government—
 - (i) a portion for expenditure in each Governor's Province,
 - (ii) a portion for expenditure in the Chief Commissioner's Provinces,
 - (iii) a portion for expenditure in the Acceding States, and
 - (iv) a portion for expenditure in such non-acceding Indian States as may be eligible thereto under any agreement for the time being in force,

as near as may be in the ratio which the consumption of taxed motor spirit other than motor spirit used in aviation, in each area for which an allocation is to be made shall bear to the total consumption in India and the States referred to in sub-clause (iv) above, of taxed motor spirit, other than motor spirit used in aviation during the calendar year ending during the financial year concerned.

(2) The portions allocated for expenditure in GOVERNOR'S PROVINCES shall be retained by the Central Government until they are actually required for expenditure in the manner herein after specified.

(3) If in the opinion of the Central Government, the Government of any Governor's province has at any time—

- (a) failed to take such steps as the Central Government may recommend for the regulation and control of motor vehicles within the province, or
- (b) delayed without reasonable cause the application of any portion of the Road Fund allocated or re-allocated as the case may be for expenditure within the province,

the Central Government may resume the whole or part of any sums which it may at that time hold for expenditure in that province.

(4) All sums resumed by the Central Government from the account of any Provincial Government as aforesaid shall be re-allocated between the credit accounts of Provincial Governments and the reserve with the Central Government in the ratio of the main allocation for the financial year preceding the year in which the re-allocation is made :

Provided that the sum so calculated as the share of the province from whose account the resumption has been made shall also be credited to the reserve with the Central Government.

4. The balance to the credit of the Road Fund or of any allocation thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Fund save as herein-after provided.

6. The Central reserve with the Central Government shall be applied first to defraying the cost of administering the Road Fund and thereafter upon such schemes for research and intelligence and upon such special enquiries connected with roads and upon special grants-in-aid for such objects connected with roads as the Central Government may approve.

7. The sums allocated for expenditure in the Provinces may, subject to the previous approval of the Central Government to each proposal made, be expended upon any of the following objects, namely :

- (i) on the construction of new roads and bridges of any sort ;
- (ii) on the reconstruction or substantial improvement of existing roads and bridges ;
- (iii) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Fund or from loans approved or sanctioned by the Central Government ;
- (iv) to meet charges, including the cost of establishment, connected with the preparation of schemes of road development or with the administration of provincial Boards of Communications ;
- (v) to meet charges including the cost of establishment connected with the control of motor transport ; and
- (vi) on the interest and amortization of loans approved or sanctioned before the date of this Resolution by the Central Government, and spent or to be spent on the construction, reconstruction or substantial improvement of roads and bridges.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Fund, the Central Government shall have regard to the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

[Mr. Speaker]

9. (1) A Standing Committee for Roads shall be constituted each financial year consisting of—

- (a) the Minister in charge of the relevant portfolio, provided that should the said Minister be unable to be present at any meeting he shall nominate a person to deputise for him;
- (b) twelve members elected by the members of the Constituent Assembly from amongst themselves; and
- (c) the Chief Commissioner of Railways.

(2) The said Minister shall be the Chairman of the Committee: Provided that should he be unable to be present at any meeting, the person nominated to deputise for him under sub-paragraph (1) shall act as the Chairman of the meeting.

(3) No approval to any proposal for expenditure from the Road Fund shall be given by the Committee unless it is supported by a majority of the members present and voting.

(4) All proposals for expenditure from the Central reserve and all other proposals for expenditure from the Road Fund to be made in the Provinces shall be referred by the Central Government to the Standing Committee before the proposals are approved.

10. The functions of the Standing Committee shall be:

- (a) to consider the annual budget and accounts of the Road Fund;
- (b) to advise upon all proposals for expenditure from the Central reserve;
- (c) to advise upon the desirability of all other proposals involving expenditure from the Road Fund in the Provinces;
- (d) to advise upon proposals for the resumption of monies held by the Central Government as provided for in sub-paragraph (3) of paragraph 3 of this Resolution; and
- (e) to advise the Central Government generally on all questions relating to roads and road traffic which the Central Government may refer to the Committee."

Shri Biswanath Das (Orissa: General): Sir, I had given notice of three amendments but after hearing my Honourable Friend, I do not propose to move those amendments but it is fair that I should place on record that we do not like that petrol should go so lightly taxed. Time has come when the scale of taxation should be graduated equitably and in such a manner that the people who could pay more should be ready and willing to take their due burden of taxation. Looked from this point of view, there is no reason and much less justification why petrol should go with so light a duty and especially why aviation petrol should go with a very small duty. A duty on petrol has very little justification unless it is meant and utilised to develop the roads—in constructing new ones or maintaining existing roads.

Mr. Speaker: May I point out to the Honourable Member that the substance of the motion is really the constitution of the Committee, and that the point that he is making out now and which he included in his amendment, is really one which is not admissible at the present stage? I thought he would just invite attention to his point but then it seems he is trying to go into the merits of the whole case. I am afraid it is not permissible on this motion to do so. The proper place will be when the Finance Bill or the Budget comes up, when the Honourable Member will have ample opportunities of putting forward his views. If he has to say anything about the constitution of the Committee or the distribution of the Fund collected—as one of his amendment shows—it is perfectly all right. But I do not propose to allow discussion as to what the petrol duty should be or what the general structure of taxation in the country should be.

Shri Biswanath Das: Sir, I am highly thankful for your suggestion but I have to submit that I am only stating certain facts with a view that the Honourable Members of this House will be able to apprise properly the other points that I have placed before them. It is in this view of the question that I have to state these facts. I may also invite your attention to the fact that the Resolution moved by my Honourable friend includes the levy of a petrol cess. Considered from that point of view, the facts I have stated are not irrelevant.

Sir, my submission was that the time has come when we have to change the existing conditions and the system and method of taxation. Sir, if the petrol cess is intended to be utilised for the development and construction of roads, I wish to say that more money on this account is necessary to be utilised than the 15 per cent. allotted for the Central Reserve. My submission is that the Fund may be so adjusted that the Government of India may have more reserve with them so that the Central Government could go to the aid of Provinces and States to provide facilities of roads and communications in undeveloped areas.

Sir, in this connection I may bring to the notice of the Honourable Members of this House that the Provinces of Assam, Orissa and C.P. and Berar are the worst sufferers. Of course, there are other provinces, but of all the provinces in India the provinces I have mentioned are the ones having vast areas undeveloped. That is why I submit that this petrol cess should be considerably increased, so that the Government may get more money out of this proportion of 85 per cent. and 15 per cent. and the Committee that we are constituting may be able to devote more money to go to the aid of these undeveloped areas. With these words, I appeal to the Government to look to this aspect of this question before they bring forward their budget proposals and make up their mind to allocate more funds for being devoted for this purpose.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, in view of the statement made by the Honourable the Mover, I do not propose to move the amendments to the various rules standing in my name, but I would like that a small amendment should be made. In clause 9 regarding the Standing Committee, it says:

“ A Standing Committee for Roads shall be constituted each financial year ”.

Sir, you remember that the various committees for the constitution of which the Honourable the Premier moved today and which was accepted by the House just now, were constituted for the remaining period of the present financial year and till the end of the next financial year. Therefore, I would suggest that the words “each financial year” in clause 9 (1) may be omitted.

Then in the Resolution that was moved relating to the constitution of the Standing Committee for Roads. . . .

The Honourable Dr. John Matthai: I have not moved it yet.

Shri M. Ananthasayanam Ayyangar: If perchance that Committee which is to be constituted is to continue till the end of the next financial year, i.e. till the end of 31st March, 1949, then, if these rules stand in the present form, namely, that each financial year a fresh election shall take place, these two will conflict. Therefore I suggest the omission of the words “each financial year” in clause 9.

Mr. Speaker: The point is not clear to me. The Honourable Member refers to some kind of conflict between a motion that has come before the House and the words “each financial year”. What I understand is that this Resolution refers to the constitution of that Committee and that Constitution will go on. This Resolution is not coming before the House from year to year. I understand it defines the constitution. Am I right?

The Honourable Dr. John Matthai: That is so, Sir.

Mr. Speaker: If that is so, why should it not provide that a Committee shall be constituted each financial year?

Shri M. Ananthasayanam Ayyangar: Because we are going by another Resolution. There are two Resolutions standing in the name of the Honourable Mover. He moved the first one relating to the constitution and set-up of the Committee with which we are dealing. The next Resolution, which he has not moved, says that “a Committee for Roads shall be constituted consisting of 12

[Shri M. Ananthasayanam Ayyangar] members in the manner prescribed by the Speaker" and so on. You will kindly see, Sir, that the period of tenure of that Committee has been limited under the terms of this Resolution to March 31st, 1948. That read with this, will mean that at the end of 31st March, 1948, for the next financial year there will have to be a fresh Committee brought into existence. There is no conflict between the rules as they stand, but I would urge upon him that in view of the fact that we have appointed various Committees moved by the Honourable the Prime Minister till the end of the next financial year, namely, till the end of March, 1949, the Committee for Roads may also be allowed to continue till that period and if that is so, this will militate against that, I mean if the words "each financial year" in the present rules are retained. If they are omitted, these rules may be applied to any Committee which is brought into existence at any time, whatever might be the period, and therefore I believe this amendment will be acceptable to the Mover himself.

The Honourable Dr. John Matthai: I may perhaps, with your permission, Sir, say that this matter was discussed by my Honourable friend and me and I quite understand the position that he has explained. I agree with him in what he has said. If this Resolution is passed in the terms in which I have moved it, there would certainly be a conflict between the clause 9 of this Resolution and certain amendments which have been under discussion between me and the Honourable Member in regard to the next Resolution which is coming up for consideration before the House. In any case, Sir, the Resolution that I have moved sets out the basis and composition of this Road Funds Committee and it deals only with a temporary period. It is meant to be simply an arrangement for the provisional continuation of the existing system. It is quite likely that within the next few months, as soon as this Committee is appointed, the procedure set out in this Resolution would have to be altered fundamentally, so that the present Resolution deals only with a temporary situation. Thereafter, it may be possible for the Committee to go into the whole matter and discuss the lines on which a permanent constitution can be drawn up.

Shri M. Ananthasayanam Ayyangar: Does the Honourable the Mover then suggest that he would bring up these rules for the Road Funds Committee before the next Budget session?

The Honourable Dr. John Matthai: Yes, that is what I told the House.

Shri M. Ananthasayanam Ayyangar: Even then, the omission of the words "each financial year" here may not stand in the way of any Committee being appointed during the interim period.

The Honourable Dr. John Matthai: I am sorry I was not clear. I am agreeing with the Honourable Member to the omission of the words "each financial year" and shall accept his amendment.

Shri M. Ananthasayanam Ayyangar: Then, Sir, I may be permitted to make a few observations on the rules as they stand.

Mr. Speaker: First of all, the Honourable Member may move his amendment.

Shri M. Ananthasayanam Ayyangar: Sir, I beg to move:

"That in sub-clause (1) of Clause 9 of the Resolution, the words 'each financial year' be omitted."

Mr. Speaker: Motion moved:

"That in sub-clause (1) of Clause 9 of the Resolution, the words each financial year be omitted."

The Honourable Member may now proceed.

Shri M. Ananthasayanam Ayyangar: In sub-clause (1) of clause 2, it is stated:

"From the proceeds of such extra duty in any financial year there shall be deducted as near a sum as may be equivalent to the share in such proceeds arising from taxed motor spirit used in aviation during the calendar year ending in the financial year concerned."

I do not know, why, Sir, a difference has been made between the financial year and the calendar year.

Then, Sir, I would like to know from the Honourable the Mover whether it is from this Road Fund that highways are going to be put up or are going to be maintained or whether there is a separate fund or whether this expenditure will be met from general revenues.

Then, Sir, I would like to draw the attention of the Honourable Member to Rule 3 sub clauses (3) and (4). There is a heavy penalty that is imposed on

Governors' Provinces which do not utilise for any reason the allocation of the Road Fund during that particular year. The provision that now stands is that those monies may be re-allocated at the end of the year to various Provinces including this province. I suggested that these might also be added to the reserve. There may be various undertakings which may be completed within two or more years or, a period of three years. Therefore provision must be made for accumulating this on behalf of any particular province as a reserve and kept as a Central reserve so that it may be utilised at the end of three years or any period by that particular Government.

I would like to know, Sir, from the Honourable Member if in the administration of this Road fund which has been constituted a long time ago there has been any default and there have been occasions for the Central Government to withdraw the contributions that have been made to any particular Government for not having expended those amounts within that period and if so whether they have tried to accumulate this reserve and what the attitude of the Central Government has been in that regard.

Then, Sir, in clause 7 it is stated that 'the sums allocated for expenditure in the Provinces may, subject to the previous approval of the Central Governmentto each proposal made, be expended upon any of the following objects'. I would like to know, Sir, if the Central Government has got any agency by which the allocation may be made. The Central Government must certainly have an agency by which it can go into individual matters. For instance my Honourable friend Dr. Subrahmanyam who hails from Trichinopoly just told me that there is a proposal to construct a bridge on the Cauvery at a cost of nearly 20 or 30 lakhs if not more. But the situation is such that the ordinary traffic is all one way and there is heavy traffic. The place that has been chosen is not a place over which the traffic would be ordinarily diverted. I would like to know what agency is consulted in a matter like this.

Then, Sir, in paragraph 8 so far as the transport of agricultural produce is concerned it appears to be the policy of the framers of this Constitution to help in facilitating the transport of agricultural produce from place to place. What are the rules which have been till now laid down for facilitating the transport of agricultural produce? Has there been a scheme evolved? The House will kindly refer to the last few lines in clause 8:

"The Central Government shall have regard to the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways."

I do not know, Sir, how the Honourable the Mover proposed to reduce the cost of transport of agricultural produce by road.

Then as regards the constitution I would urge that if the Honourable Member is not able to preside over this Standing Committee for any reason, it is not any officer of his Department that should be allowed to preside, but a member of the Committee who is a member of the Legislature.

Lastly, Sir, I would urge upon him that not only the matters that are brought up by the Honourable Member or the Department before the Committee should be considered, but any member must be allowed an opportunity to place all relevant matters relating to his Department before the Committee for consideration.

The Honourable Dr. John Matthai: Well, Sir, most matters that my Honourable friend has referred are matters which, as I said before, would come before this committee that we are appointing and I do not think that it is necessary that I should take up the time of the House by discussing them on the merits. There are certain points of information which the Honourable Member has raised. As far as I am able to tell at present, Sir, the question of reducing the cost of transport of agricultural produce has been actively engaging the consideration of the Central Government. Of course it is not a matter in regard to which it is possible to lay down a principle which would be capable of universal application. It is a matter that would have to be discussed with reference to the circumstances of each case. Then my Honourable friend asked me what the position of the National Highways was. Now the expenditure incurred by the Central Government in respect of national highways is an entirely separate matter, which is not covered by the provision which is set out in this Resolution. I am not in a position at present to state whether in the past there have been cases where the Central Government was called upon to resume grants once made, but I am prepared to have the matter looked into. As regards the minor point raised as to the basis of the year which is taken into account in regard to the allocation of funds for development of Aviation that is a matter also that I would like to look into. Generally, Sir, I am in agreement with the suggestions which my Honourable friend has made.

With regard to what Mr. Biswanath Das said regarding the financial part of the Resolution, the point has been covered by what you have said. I entirely agree with you, if I may say so. As regards the other matters I think they would come up for consideration before the Committee very shortly.

Mr. Speaker ; The question is.

"That in sub-clause (1) of clause 9 of the Resolution, the 'words each financial year' be omitted."

The motion was adopted.

Mr. Speaker : The question is :

"This Assembly hereby resolves that :

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than 2 annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum as near as may be equivalent to the share in such proceeds arising from taxed motor spirit used in aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Central Government for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Fund.

(3) For the purposes of this resolution 'taxed motor spirit' shall mean motor spirit upon which the duty of customs or excise shall have been paid and in respect of which no rebate of such duty shall have been given.

3. (1) The Road Fund shall be allocated as follows :

(a) a portion equal to fifteen per cent., shall be retained by the Central Government as a central reserve ;

(b) out of the remainder there shall be allocated by the Central Government—

- (i) a portion for expenditure in each Governor's Province,
- (ii) a portion for expenditure in the Chief Commissioners' Provinces,
- (iii) a portion for expenditure in the Acceding States, and
- (iv) a portion for expenditure in such non-acceding Indian States as may be eligible thereto under any agreement for the time being in force,

as near as may be in the ratio which the consumption of taxed motor spirit, other than motor spirit used in aviation, in each area for which an allocation is to be made shall bear to the total consumption in India and the States referred to in sub-clause (iv) above, of taxed motor spirit, other than motor spirit used in aviation during the calendar year ending during the financial year concerned.

(2) The portions allocated for expenditure in Governor's Provinces shall be retained by the Central Government until they are actually required for expenditure in the manner hereinafter specified.

(3) If in the opinion of the Central Government, the Government of any Governor's province has at any time—

- (a) failed to take such steps as the Central Government may recommend for the regulation and control of motor vehicles within the province: or
- (b) delayed without reasonable cause the application of any portion of the Road Fund allocated or re-allocated as the case may be for expenditure within the province,

the Central Government may resume the whole or part of any sums which it may at that time hold for expenditure in that province.

(4) All sums resumed by the Central Government from the account of any Provincial Government as aforesaid shall be re-allocated between the credit accounts of Provincial Government and the reserve with the Central Government in the ratio of the main allocation for the financial year preceding the year in which the re-allocation is made:

Provided that the sum so calculated as the share of the province from whose account the resumption has been made shall also be credited to the reserve with the Central Government.

4. The balance to the credit of the Road Fund or of any allocation thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Fund save as hereinafter provided.

6. The Central reserve with the Central Government shall be applied first to defraying the cost of administering the Road Fund and thereafter upon such schemes for research and intelligence and upon such special enquiries connected with roads and upon special grant in-aid for such objects connected with roads as the Central Government may approve.

7. The sums allocated for expenditure in the Provinces may, subject to the previous approval of the Central Government to each proposal made, be expended upon any of the following objects, namely:

- (i) on the construction of new roads and bridges of any sort;
- (ii) on the reconstruction or substantial improvement of existing roads and bridges;
- (iii) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Fund or from loans approved or sanctioned by the Central Government;
- (iv) to meet charges, including the cost of establishment, connected with the preparation of schemes of road development or with the administration of provincial Boards of Communications;
- (v) to meet charges including the cost of establishment connected with the control of motor transport; and
- (vi) on the interest and amortization of loans approved or sanctioned before the date of this Resolution by the Central Government, and spent or to be spent on the construction, reconstruction or substantial improvement of roads and bridges.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Fund, the Central Government shall have regard to the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

[Mr. Speaker]

9. (1) A Standing Committee for Roads shall be constituted 'consisting of—

- (a) the Minister in charge of the relevant portfolio, provided that should the said Minister be unable to be present at any meeting he shall nominate a person to deputise for him;
- (b) twelve members elected by the members of the Constituent Assembly from amongst themselves; and
- (c) the Chief Commissioner of Railways.

(2) The said Minister shall be the Chairman of the Committee: Provided that should he be unable to be present at any meeting, the person nominated to deputise for him under sub-paragraph (1) shall act as the Chairman of the meeting.

(3) No approval to any proposal for expenditure from the Road Fund shall be given by the Committee unless it is supported by a majority of the members present and voting.

(4) All proposals for expenditure from the Central reserve and all other proposals for expenditure from the Road Fund to be made in the Provinces shall be referred by the Central Government to the Standing Committee before the proposals are approved.

10. The functions of the Standing Committee shall be:

- (a) to consider the annual budget and accounts of the Road Fund;
- (b) to advise upon all proposals for expenditure from the Central reserve;
- (c) to advise upon the desirability of all other proposals involving expenditure from the Road Fund in the Provinces;
- (d) to advise upon proposals for the resumption of monies held by the Central Government as provided for in sub-paragraph (3) of paragraph 3 of this Resolution; and
- (e) to advise the Central Government generally on all questions relating to roads and road traffic which the Central Government may refer to the Committee."

The motion was adopted.

ELECTION TO STANDING COMMITTEE FOR ROADS

The Honourable Dr. John Matthai (Minister for Railways and Transport):

I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, twelve members to serve until the end of the next financial year on the Standing Committee for Roads which will be constituted to advise the Central Government in the administration of the Central Road Fund and such other questions relating to roads and road traffic which the Central Government may refer to the Committee."

Mr. Speaker: The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, twelve members to serve until the end of the next financial year on the Standing Committee for Roads which will be constituted to advise the Central Government in the administration of the Central Road Fund and such other questions relating to roads and road traffic which the Central Government may refer to the Committee."

The motion was adopted.

Mr. Speaker: I have to inform Honourable Members that for the purpose of election by means of the single transferable vote of members to the Standing Committee for Roads the programme of dates will be as follows:

1. Nominations to be filed in the Notice Office upto 12 Noon on Monday, the 1st December.
2. Election, if necessary, will be held on Thursday, the 4th December in the Assistant Secretary's room (No. 21) in the Council House between the hours of 10-30 a.m. and 1 p.m.

INDIAN TRADE UNIONS (AMENDMENT) BILL

The Honourable Shri Jagjivan Ram (Minister for Labour): Sir I beg to move:

"That the Bill as amended be passed."

Mr. Speaker: Motion moved.

"That the Bill as amended be passed."

The Honourable Shri Jagjivan Ram: Sir, I move:

"That in clause 4 of the Bill, in place of the amendment adopted by the House yesterday introducing a new section 28 F. (A), the following amendments be made in the proposed Section 28 F as permitted by you, Sir—

(a) in sub-section (2) for the words 'in this section' the words 'in sub-section (1)' shall be substituted;

(b) after sub-section (3), the following sub-section shall be added, namely:

'(4) The executive of a recognised Trade Union shall be entitled to display notices of the Trade Union in any premises where its members are employed, and the employer shall afford the executive reasonable facilities for that purpose.'

Mr. Speaker: The question is:

"That in clause 4 of the Bill, in place of the amendment adopted by the House yesterday introducing a new section 28 F. (A), the following amendments be made in the proposed section 28 F as permitted by you, Sir—

(a) In sub-section (2), for the words 'in this section' the words 'in sub-section (1)' shall be substituted;

(b) after sub-section (3), the following sub-section shall be added, namely:

'(4) The executive of a recognised Trade Union shall be entitled to display notices of the Trade Union in any premises where its members are employed, and the employer shall afford the executive reasonable facilities for that purpose.'

The motion was adopted.

Prof. Shibban Lal Saksena (U. P. : General): Sir, as I said yesterday, it is rather strange that this Bill originated in the last Assembly, the Select Committee on the Bill was also formed in the last Assembly and now we are called upon to pass the Bill as it has emerged from the Select Committee. Also, as I said yesterday, we got the papers in the morning only and could not go through the amendments. But after going through the Bill carefully and considering all that the Honourable Minister has said, I think I should state what I feel about it.

Mr. Speaker: I think the Honourable Member can continue after Lunch.

PANEL OF CHAIRMEN

Mr. Speaker: I have to inform the House that under sub-rule (1) of rule 3 of the Constituent Assembly (Legislative) Rules, I nominate Mr. Hussain Imam, Pandit Thakurdas Bhargava and Shri V. I. Munishwami Pillai on the Panel of Chairmen for the current session.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly reassembled after Lunch at Half-Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

PRINTING OF DOCUMENTS AND STATEMENTS LAID ON THE TABLE

Dr. B. Pattabhi Sitaramayya (Madras: General): Being new to the House, I do not know what is the position in respect of documents laid on the table. There are important documents like the Instrument of Accession of States, of which we should like to have copies in our hands.

Mr. Speaker: The usual practice is that copies are laid on the table: ordinarily they are printed in the reports. If a request is made, copies can be had but not necessarily of all the documents. And, in the case of very important documents which a large number of Members wish to have I can order them to be printed and distributed. There are a number of papers laid on the table and it is not always possible to distribute them all.

Pandit Hirday Nath Kunzru (U. P. : General): Will you please direct in this case that copies of the papers laid on the table today by Sardar Vallabhbhai Patel with regard to the accession of the States and those laid on the table by

[Pandit Hirday Nath Kunzru]

the Finance Minister regarding the financial agreement arrived at between the United Kingdom and the Government of India be supplied to every Member? They are such important documents that I am sure every member would like to have them. I do not know what the practice here is, but so far as I remember, in the Council of State, every such document was circulated to every member without any request on the part of any member.

Mr. Speaker: I do not know what the practice in the Council of State was but it was a much smaller House and it was easier to distribute copies. In a big House like this, it becomes a problem. However, these are important documents no doubt. They shall be printed in the reports. But if Members are anxious to have them much earlier, I will ask that they be printed.

Mr. E. K. Sidhwa (C. P. and Berar: General): It is advisable to send them in advance. Reports sometimes take two to three months to print.

Mr. Speaker: Ordinarily it does not take as much as that. But it takes a sufficiently long time.

INDIAN TRADE UNIONS (AMENDMENT) BILL

Prof. Shibban Lal Saksena (U. P.: General): I wish to say how I feel about this Bill which we are going to pass into an Act. The purpose of this Bill is obvious and I think everybody will agree with the Honourable the Minister for Labour that the purpose is a laudable one. Strikes should be reduced to the minimum especially now when we are a free country. When we have to catch up with other countries far advanced of us, surely our industries must run smoothly. The only question is whether this Bill achieves the object for which it has been designed. I personally think that this Bill falls very far short of the purpose for which it has been designed. There are two ways to stop strikes. One is by muzzling labour, by repression as was done during the years 1942 to 1946: the other is by removing the causes of the strikes, and I think the National Government of free India must resort to the latter method. I therefore tried to go through this Bill and see whether it helps to remove the causes of strikes. I have studied the *Labour Gazette* for several months and tried to see the working of the Trade Union Act for the last three or four years and I have found that the main cause of strikes, besides wages, is victimisation of the personnel. From my own experience, in fact in the last one year I have had personally to represent labour in about 30 adjudications, I have found invariably that the main dispute was about victimization and that too merely for being office-bearers of trade unions. It was the same in railways, in the posts and telegraphs, in the sugar industry, in the jute industry. Whether they are the officers of the Government or the authorities of a factory, they all dislike the workers forming themselves into trade unions and they neither want them nor their office-bearers to take a prominent part in trade union work. I, therefore, wish to see in this Act some provision to safeguard the rights of the office-bearers in order to give these workers facilities to organise unions freely. I thank the Honourable Minister for the provision against some malpractices by the mill-owners. But I think that a fine of Rs. 1,000 for infringement of these regulations is nothing. I have known factories which have spent lakhs of rupees to win adjudications with a view to get active trade union workers expelled from their service. Even though the adjudication proceedings are costly still in most cases even after the award being in favour of workers the mill-owners would simply not have them back at their jobs. Until there is some stricter penalty for these malpractices by millowners, the thing will simply not work. The present provision in the Bill

made in that respect is quite illusory. In the U. P. we have an ordinance to maintain industrial peace and in it the Government has provided three years' imprisonment as the penalty for not carrying out the awards of the Arbitration Courts or Adjudicators. This Bill in effect does not put on the employers any real obligation to permit the office-bearers of trade unions to carry on their work properly. Therefore, I think the real purpose of this Act, which should have been to enable the office bearers of the unions to organise themselves freely into strong, powerful, disciplined unions, will not be served. They have not been given even the very elementary rights for organising themselves into trade unions. Yesterday we requested the Honourable Minister to give these rights. He gave three reasons for refusal to incorporate these rights in this Bill. He said first of all that the Works Committees which have been formed under the Industrial Disputes Act will serve to investigate the complaints, but I have an experience of the working of that Act for the last two years.

The Honourable Shri Jagjivan Ram (Minister for Labour): The Act has not yet worked for two years!

Prof. Shibban Lal Saksena: It is more than a year that it has been working. During the last one year I have felt that the Works Committees have not been and will not be able to perform the functions which the amendment of Mr. Santhanam was intended to enable the Trade Unions to perform by enabling them to investigate complaints on the spot of occurrence. In fact the Works Committees have not been authorised to do any such thing. I will read out the clause about the formation of Works Committees in the Industrial Disputes Act. It runs as follows:—

"In the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and workmen engaged in the establishment, so however that the number of representatives of workmen on the Committee shall not be less than the number of representatives of the employer. The representatives of the workmen shall be chosen in the prescribed manner from among the workmen engaged in the establishment and in consultation with their trade union, if any, registered under the Indian Trade Unions Act, 1926."

"(2) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workmen and, to that end to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters."

These committees were formed of an equal number of millowners' and labourers' representatives. The purpose of these committees is to promote goodwill and to try to secure amity. What happens is that there are two parties in every committee and the committee as such has no powers to make investigations on the spot of occurrence of a dispute. When there is a dispute there are always two equal sections in the committee—the labourers want something and the industrialist or the employer does not want to grant it. The result is that there is a deadlock and there is no power vested in the Works Committees to investigate the causes of the dispute and to remedy them. If they had such a power they might be able to find out the cause of dispute and try to serve some useful purpose. The present Works Committees will not serve such a purpose. There are sixty unions in the U. P. sugar industry and in spite of the existence of Works Committees it has not been

[Prof. S. L. Saksena]

possible for them to resolve their disputes. I said yesterday that the mill-owners are chary of the union officials going into the mill premises to investigate complaints. After the rejection of Mr. Santhanam's amendment by the legislature, the millowners will become still more hostile. They will think that the legislature has refused to concede this right to trade unions. In fact this Bill should have been an advance on the prevailing practice. The present position is that in most of the sugar factories, unions have been given offices in the premises. This Bill has refused to give them that right which our friend Dr. Pattabhi wanted to give them, *viz.*, to give them offices inside the factory premises.

In his minutes of dissent to the Select Committee Report, Mr. N. M. Joshi has suggested that reasonable leave should be granted to workers when they attend functions of their unions. In the Postal as well as in the Railway Departments when workers go to attend the meetings of their unions special casual leave is granted to them. When the Government itself has granted such a right to its employees, why should such a right not be granted under the Bill to workers of *bona fide* unions to enable them to attend the union meetings on special casual leave. I therefore feel that this Bill falls short of the accepted practice prevailing in Government Departments. The result will be that industrialists who are not so enlightened will take advantage of this Bill and say that the legislature itself has refused to allow the workers this right and therefore they would not give them that right. This will result in deadlocks and friction between the employers and workmen.

I was surprised by the observation of the Honourable Member that this Bill was really meant for agricultural labourers. I would have been glad if this Bill really applied to them and would have welcomed such a thing but I do not know how the Bill can apply to them. The preamble of the Indian Trade Unions Act, 1926 as amended by the Bill will read as follows:—

"Whereas it is expedient to provide for the registration and recognition of Trade Unions and in certain respects to define the law relating to registered and recognised Trade Unions and to certain unfair practices in *industrial or trade employment*; it is hereby enacted as follows:—"

So the scope of the Bill is limited to "industrial or trade employment". The definition of "workmen" in Section 2g of the Trade Union Act runs as follows:—

"And workmen means all persons employed in trade or industry". So "trade or industry" are the things that come under the purview of the Bill, and I do not think agriculture can be covered by these words, unless "trade" is interpreted so widely as to include agriculture or is defined in the Act to include agriculture also. I do not think unions of agricultural labourers can be registered under this Act. I know of one union whose registration has been hanging on for more than one year, because the Registrar objected that it did not come under the words "trade or industry". It is a union of farm labourers in a sugarcane plantation of a sugar factory. I do not know whether agriculture can be covered by the word trade. I would have wished that the matter be clarified, and the word "trade" should be defined to include agriculture, or in the preamble and in the definition of workmen, the word "agriculture" should also be included with trade and industry. I know that the Honourable Minister is anxious to give the benefits of this Bill to agricultural labourers but to do this he should widen the scope of this Bill to apply it also to unions of labourers who are working in the fields or in agriculture. That would very greatly extend the usefulness of the Bill by covering the agricultural labourers as well. I have studied the Bill and I know that at present it does not

apply to them and therefore the argument that this is really intended for those labourers also is something which does not hold good. I would therefore suggest to the Honourable Minister that he should himself amend the Bill or bring another Bill to extend the scope of this Bill to include those workers who are not industrial workers but work in fields or farms or plantations.

My fear is that this Bill will encourage the formation of yellow unions because under this Bill the millowners have been given the option to recognise the unions themselves voluntarily. What would happen is that the millowners will form yellow unions in their factories and they would give them voluntary recognition. There is no provision that they must satisfy certain conditions before they can recognise the unions voluntarily. In such cases the genuine unions will have to wait for three months to get a reply from the millowners in which they will invariably trot out some reason why they do not consider the genuine union to be more representative. The matter will then go before the labour court and there will be investigation as to the merits of the two rival labour unions. There is no provision in the Bill to decide the rival claims of the two unions. Only recently the Allahabad High Court gave a ruling that where there are two unions in a factory there should be a referendum. There is no such provision in this Bill before us here. So the yellow unions will be at a much greater advantage in the matter of recognition under this Bill than the genuine unions which will get involved in financial difficulties in contesting matters in labour courts.

As regards collection of subscriptions inside the premises it does not mean collection at the machine. I know many cases where workmen who live in quarters near the factories are not allowed to be approached by union officials. If the officials of registered unions are not permitted to go and collect subscriptions in their quarters, the work of the unions will become very difficult. When the employer wishes to have a yellow union, the officers of the yellow union would be allowed to collect subscriptions inside the factory or deductions will be made from the wages of workmen, whereas to the genuine unions this Bill does not give the right to collect subscriptions inside the factory premises. I therefore feel that the apprehension of the Honourable Minister that yellow unions will be encouraged by permitting collection of subscriptions inside the factory premises has really no valid foundation.

Then I feel that the adoption of this Bill will put upon the unions very big responsibilities which at the present stage they might not be able easily to fulfil. I know from experience of trade unions for the last so many years that about 66 per cent. of the unions are not able to submit their returns properly. In fact they do not know all the intricacies of law and therefore in spite of their best will they are not able to do so. Under this Bill so many further obligations have been put upon them that they will not be able to fulfil their requirements.

Secondly, the employer has been given the right under section 28G to apply to the Labour Court for withdrawal of recognition of the Union on any of the three conditions mentioned in section 28J. What will happen will be that any employer who is opposed to trade unions will always apply under this section for withdrawal of recognition, simply to harass the workers. There will be the application, and even if it is a false one, the workers will have to defend themselves against it. They do not have the resources and the money and they will be at a great disadvantage, with the application hanging over them. This power should not have been given to the employer but to the Registrar who, after due investigation, should have been empowered to move the machinery against the Unions. If the employers are allowed to do it, they will worry the unions who will then find great difficulty in carrying on their normal work under such conditions.

[Prof. S. L. Saksena]

Again, the period of six months which has to elapse before a union can again apply for recognition is too long a period, as it will create a big gap. Our experience in the U. P. has been that the cause of many of the industrial disturbances has been delay in settling disputes. Things do not move quickly enough, in spite of the fact that in our province there is an ordinance more effective and efficient than the Industrial Disputes Act. If the views of our Ministry had been invited in this matter they would have also pointed out that the delay caused in disposing of disputes is one of the causes of the disturbances and it must be eliminated. The period of six months is too long. It should not be more than one month in any case. That itself is long because labour has not got the patience to wait. To my mind the periods of six months and three months appear very leisurely and they do not take account of the present conditions of industrial labour. Labour wants, and I hope that Government also wants, things to be done quickly. In other countries the position is quite different. In Australia which is a very new Commonwealth things are very different. I studied the Arbitration Act of New South Wales. I was arguing an arbitration case, and there it was a question of the employers wanting to victimize the general secretary of the Federation. I found that our country has got no labour laws to guide us in defending such cases whereas other countries have got elaborate laws in this respect. I want that our Minister should supplement these Acts by elaborate legislation as regards the rights of members and office bearers of trade unions. In New South Wales the office-bearers of the unions have got many immunities. In fact there are provisions for severe and effective penalties to the industrialists if they victimized genuine trade union workers and they have got elaborate provisions for all contingencies. Although the purpose behind this Bill is very genuine and very sincere, that it must promote the welfare of labour and industry in this country, I do feel that this Bill may not be able to achieve its purpose because it falls short of the requirements of the situation. I hope that the Honourable Minister will invite the opinions of the various Governments who have been dealing with this problem, especially of our Government in the U. P. and also other Governments about this matter. I hope that the reports from them will convince the Honourable Minister that an elaborate piece of legislation by the Central Government to cover all these things is urgently needed. I hope this small Bill which has been introduced will be supplemented by that legislation very soon.

Shri Harihar Nath Shastri (U. P.: General): Sir, I rise to support the motion for the passage of this Bill and to congratulate the Honourable Minister for the same. I regret it was not possible for me to make my humble contribution to the discussion that took place yesterday on this Bill due to the fact that it was only when I came to the House that a copy of the Bill was handed over to me, and as such there was hardly any time for me to study the Bill or to propose any amendments. Now, at this stage when the Bill is passing through its final phase, it is hardly an appropriate moment to subject the Bill to any detailed criticism. All the same I shall crave your indulgence to permit me to make a few observations even though it may not be ordinarily permissible at this stage.

The reason for a measure of this kind has since long been felt by the working classes of this country. In fact in the year 1929 when the Royal Commission on Labour in India was set up the demand for compulsory recognition was pressed before it by Indian labour. But the Commission at that time shelved the issue. All the same, due to obvious difficulties and handicaps that the trade unions in this country have been experiencing, the demand for compulsory recognition, on their part has been persistent. For the first time any

serious notice to this problem was taken by the Government of Bombay which in the year 1938 introduced the Bombay Industrial Disputes Bill and incorporated provisions regarding compulsory recognition in that Bill. That gave great impetus to the Indian working classes to agitate on an all-India basis for a measure of this kind. In the year 1942 the Tripartite Labour Organization was set up by the Government of India, and since then the question of compulsory recognition has been cropping up from time to time before that conference, with the result that in the beginning of the year 1946 the Labour Department of the Government of India produced a Bill which was later on referred to a Select Committee and that Report was considered by this House yesterday. I am glad to note, Sir, that the Bill, as it emerged from the Select Committee and as it was finally adopted by the House yesterday, does register a distinct improvement in the old Bill.

It confers rights of recognition to trade unions though in a restricted sense.

It makes the Bill still more effective by declaring certain actions or 3 P.M. certain steps on the part of the employers as unfair practices and by restricting the so called right of the employers to victimize workers at their sweet discretion. So, Sir, I feel that the Bill does afford an opportunity to the Indian working class to develop the trade union movement on sound and right lines though of course it is only a beginning. Now, Sir, I would be failing in my duty if while supporting this measure I do not say that this Bill does not adequately fulfil the expectations of the working class in this respect. I find that the Bill is vague and incomplete in certain respects. I shall here, instead of going into details, just point out one glaring defect that seems to have escaped the attention of the Select Committee. The Bill lays down certain conditions by fulfilling which a trade union can be entitled to secure recognition from the employers and from the Government. Now the defect is that according to this Bill, if in a particular industry there are more unions than one, even if there are half a dozen unions and all those unions fulfil the conditions for recognition as laid down in this Bill, all of them are at one and the same time entitled to be recognised by the employers under this Act. Now this, Sir, in my humble opinion, instead of stimulating the growth of a sound trade union movement in the country, will stand in the way of its healthy growth, and will be a great impediment. In the 1926 Act, Sir, which is sought to be amended by this amending Bill, there was provision for the registration of trade unions. Now in that Act, too, as many as 3, or in cities like Bombay and Calcutta, as many as half a dozen unions in one particular industry, were registered without any restrictions being placed on them. Now, instead of that defect being removed under this amending Bill, consciously or unconsciously, or for reasons best known to the Government, that evil has been further extended by this omission which entitles, two unions and more than two unions even, to be recognised under this Bill. All that I can say at this moment in this regard Sir, is that in due course of time the Government will scrutinize the Bill and will bring an amending Bill to do away with this evil.

Now coming to the privileges as conferred under this Bill, certain amendments were proposed yesterday. I was inclined to support one of the amendments that was proposed by my Honourable friend Mr. Santhanam, and I thought it was only proper that facilities of that nature should be conferred on trade unions. All the same I did not support it for the simple reason that I felt that as long as this evil of dual unionism as introduced in this Bill is not done away with, any conferment of additional rights to trade unions in this country will, instead of stimulating their growth, add to further confusion. I would, therefore, suggest that, after that defect is removed, trade unions

[Shri Harihar Nath Shastri]

should be conferred additional rights as suggested in the Minority Report of the Select Committee. In fact such privileges are being enjoyed in certain provinces in this country—for instance in the province of Bombay where the Industrial Relations Act has been passed, almost similar provisions do exist with regard to compulsory recognition of trade unions and there is no reason why such provisions should not be introduced in the Central legislation.

Sir, as I said in the beginning, I do not propose to make any detailed observations on this Bill, and in conclusion I should only like to submit that the sole motive that has actuated me to support this Bill, to congratulate the Government, and also to offer certain suggestions or criticisms is that I stand for building up a strong and disciplined trade union movement in this country. Yesterday, in the course of speeches that were made on the floor of this House, references were made to unauthorized strikes or uncalled for strikes. I do admit, Sir,—I should be frank enough to admit—that there are disruptive tendencies in the trade union movement in this country and there are groups and parties that are exploiting the trade union movement for their party aggrandizement, and accentuating the situation for their selfish ends. But I might just submit, Sir, that I stand for a trade union movement which on the one hand should secure to labour their rightful place in the new set-up of our country, and at the same time which should make them realise their responsibilities to the country which is passing through an unprecedented crisis at the present moment. It is in fact the realisation of this very fact that has prompted genuine trade unionists in this country to take steps to form an independent, genuine trade union organisation only recently under the name of the Indian National Trade Union Congress and I am sure, Sir, that very shortly—in the course of a few months—that organisation will become the only representative organisation of labour that will promote the tasks that the working class of this country is faced with.

With these few remarks, Sir, I support the passage of the Bill and commend it for the acceptance of the House.

Mr. B. K. Sidhwa (C. P. and Berar: General): Mr. Speaker, Sir, while supporting this motion, I congratulate the Honourable Member in charge of this Bill for having suggested so many improvements in the old Trade Unions Act. The many sound provisions which are included in this Bill undoubtedly go to prove that he is very sincere towards improving and ameliorating the conditions of the workmen. This is more or less due also, Sir, to his personal knowledge of the working of this class and as he rightly stated yesterday it is not that he has knowledge but he comes from that class. That is really the beauty of it that the Member is in a position to place a Bill which would be really a popular one.

With all that, Sir, I do feel that there are not in this Bill some provisions which are, considering the present conditions of the working class, ought to have been included and some of the provisions are still retrograde. I am sure while the portfolio is in charge of such an able and enthusiastic Member who takes interest in the labour class, he will himself in a very short time bring in a further amending Bill. And considering the present conditions, I do believe that he will give this matter his utmost and immediate consideration. Times, Sir, are changing so fast that in the olden days probably we thought a Bill or an Act that was passed a year ago could not be worthy of consideration for amendment even after a year or so. But today conditions as we know in India are so rapidly going ahead that that consideration has to be set aside.

One of the provisions over which there has always been conflict between the employer and the employee, has been provided for in Chapter III under unfair practices of both the union and the employer and I really give him a compliment

for the courage that he has shown in adding this clause for telling employers as to what they should not do.

“ The following shall be deemed to be unfair practices on the part of an employer, namely :—

To interfere with, restrain, or coerce his workmen in the exercise of their rights to organise form, join or assist a Trade Union and to engage in concerted activities for the purpose of mutual aid or protection.....”

There are some other clauses which I need not read, but this clause, Sir, has really been the main contention in the struggle that existed and exists between the employer and the employee and I should say between the trade union and the employer. I wish, Sir, that while this provision has been made, it will be made very effective. The Honourable Minister has also told the trade unions that they should not support any irregular strikes or submit false returns and I do feel from my own experience that there are some trade unions who really submit false and bogus reports and he has warned them that that also is to be desisted.

Sir, I have to make an observation, as I stated yesterday, about the recognition of the unions. This is a burning question for the labouring class and I do not understand why that has escaped the notice of the Honourable Member. This question is not of yesterday but is there for the last ten years. In the Provincial legislatures and even in this House, Sir, it has been stated times out of number that the union having been registered under the provisions of this Act, having complied with all the provisions, the Government having gone into the details of that union, it was most unfair on the part of the employer to find fault and not to recognise it. Employers do not recognise it not because there is any fault in the trade union but because they feel that if they recognise then they will have to submit to the other provisions of the State laws. From that point of view, Sir, there has been always a great deal of conflict between an employer and the trade unions. I know of instances where there have been strikes on this issue of non-recognition. We are all anxious to avoid strikes, we do not want strikes—we want more production today. I am not in favour of strikes for minor matters. So we do feel that if you really want to avoid the strikes this is one of the measures: that a trade union once registered must automatically be recognised by the employer. I have listened to the answers given yesterday as to why it should not be recognised automatically. I have yet to know why any period has to be given or even why any additional provisions have to be followed when the Government have seen that the provisions have been fully complied with. Under these circumstances I am not merely stating this view point on behalf of the labourers of the trade union but I am mentioning it in the interests both of the employers and the employees that this part of the question has to be tackled very soon if the strikes are to be avoided. From my personal experience I have seen, Sir, that wherever the employers recognise the union, there have been more or less no strikes. With common consent the initial stage, the initial path, has been made so smooth that a strike never arises over a minor matter. But fundamentally, if at the time of the recognition of a union a struggle arises, then you can very well appreciate what the position would be on other major questions of wages, etc. As I am sure the Honourable Member in charge will be very keen himself to avoid a strike—we all are interested—we want more production—I want to bring this matter to the notice of this Honourable House.

Sir, I would not take long on this matter because as I stated I was also under a disadvantage in not sending any amendment because the Bill was presented to us all abruptly, but I do not lose any faith; I shall have certainly another opportunity to bring in proposals if I feel necessary—I do feel I would not be given an opportunity—because the Honourable Minister himself will consider this question in passing the Bill.

[Mr. R. K. Sidhwa]

But what I would like to point out is that only the day before yesterday, the All-India Congress Committee met in Delhi and passed a Resolution setting out the objectives to be followed by the Congress after August 15. There is a paragraph in that Resolution which is worthy of consideration here, and I expect the Honourable Minister would follow it minutely and see whether he does not realise that the time has come when the workers' interests are to be safeguarded. The paragraph relating to industrial labourers runs thus:

" In the case of industries which in the nature of things must be run on a large scale and on Centralised basis, they should belong to the community and they should be so organised that workers become not only co-sharers in the profits but are also increasingly associated with the management and administration of the industry "

This, Sir, comes from an organisation like the A.I.C.C. to whom we have the honour to belong and to whom this Government has the honour to belong and most of the members of this House have the honour to belong. I am sanguine that this Resolution which was passed only the day before yesterday by the Congress would not be overlooked. The time has come when you cannot ignore the labourers and merely concentrate attention in paying them increased wages and a few small concessions. The employers have in their own time made enough money and they are making enough money today also. What does it matter to them if they share a little of this profit with the labourers. In whose interests would it be, if they share it? I say, it would be in the interests of the employers themselves. The Government nowadays realise that whenever they give a licence for opening a new factory or a new industry in some of the provinces—and I do hope they will do it in the Centre also—the workers' residential quarters must be provided in the factories and unless that is done, the licence would not be granted. They now realise this. I know that in the absence of these residential quarters the workmen who are living two miles or three miles from the factory have to leave their houses an hour or so before the factory opens, which adds to their working hours. Wherever the labourers' quarters have been provided, it has brought about happy results and I would therefore contend that this should be insisted upon. Of course, the paragraph that I have read out to you goes far far ahead, and we are merely asking for recognition here. I was mentioning the other day the illustration of the N.W.R. Union where the Railway Board of the previous regime have provided second class passes for the members to attend meetings and given leave as present in the service register. It is nothing new that they have done, but the result of it is there is a harmonious working between the railway employers and employees. The latter, though there is not complete unanimity between the two, surely feel that their employers are looking to their interests. When I was making this remark yesterday, somebody behind me remarked "They want also some allowances to be paid." That is the mentality of some of our friends who do not see eye to eye with the welfare of labourers. I ask if we could get allowances for attending meetings, I do not see any reason why those labourers attending meetings should not also receive allowances. However, I definitely feel, Sir, that facilities should be given to the trade union members and I do repeat that if these facilities are provided it would be in the interests of the employers themselves. I humbly request the Honourable Minister for Labour to bear this point also in mind and incorporate some of the facilities which I have mentioned in the Bills which he may bring hereafter.

Unfortunately, yesterday we had a little difference of opinion on this matter, but I am not very much worried about it. Fighting, we get our rights and we shall have to fight for the rights of the labourers also. I am confident that, having as we do an able Minister in charge of this Bill who is himself taking very keen interest in labour, he will in a very short time bring in another amending Bill giving facilities to the workers. Let me say, again, Sir, that while I

advocate the cause of the labourers—and I have always advocated it in the Labour Unions—I have not ignored the other side *viz.*, the view point of the employers because I feel that unless both go together the result will not be good and therefore the Congress has very wisely stated that time has come when the employers should share a little money with the labourers, they should also be urged to give them a right in the administration. With these words, I support the motion.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I move:

“ That the question be now put ”.

Mr. Speaker: The question is:

“ That the question be now put ”.

The motion was adopted.

The Honourable Shri Jagjivan Ram: Sir, at the very outset I want to make it clear, as I did when referring this Bill to the Select Committee, that I do not take the credit for this Bill to myself. This Bill was introduced with the labours of my predecessor, the Honourable Dr. Ambedkar. As I made clear when this Bill was referred to the Select Committee, it requires improvement in several respects. Some improvements were effected in the Select Committee, but the whole Trade Unions Act requires a very thorough overhauling. If I have not been able to do this as yet, it is because the Department was engaged in rather more important and urgent Bills, some of which are still pending before the Assembly. However, I may assure my Honourable friends that the amendment of the Trade Unions Act is under my active consideration and I shall bear all the suggestions that have been made in mind when I bring a fresh amending Bill.

Certain points have been raised which I want to clear here. Mr. Saksena has raised the question of victimisation of personnel—especially office-bearers of the unions. I will again refer him to the section in this Bill and you will find as has been rightly pointed out by my Honourable friends Shri Harihar Nath Shastri and Mr. Sidhwa as well that the Bill does provide ample safeguards against the victimization of trade union officials and also the workers.

As regards the works committees which have been provided under the Trade Disputes Act, trial has not been given to the working of the works committees, I am afraid, in most of the sugar mills there are no works committees. The Act was passed only last year. Rules were framed and published and three months' time was given to the trade unions and other interests to suggest amendments to the rules. The rules have recently been finalized and in many of the factories and mills works committees have not been established as yet. So we have not given sufficient trial to the working of the works committees and it will be rather premature to pronounce any judgment over that. I believe, Sir, that mutual discussion and negotiation between the employers and the employees opportunity for which has been offered by the works committees is a thing which will avoid a lot of friction between them. Mr. Saksena has pointed out to me that I should see some of the labour legislations in other countries and try to adopt them according to the conditions in this country. I am thankful to him. But at the same time I may point out to him that in no other country there is any legislation providing compulsory recognition. It is the first Bill of this kind, but I feel, in this country there is a necessity for such a legislation. In other countries the workers are organised and enlightened enough to take care of themselves. But here we cannot leave this thing to the working classes themselves and therefore we had to come in. In other countries Governments have not come in to force the employers to recognise the trade unions of the workers.

Mr. B. K. Sidhwa: What about the United States?

The Honourable Shri Jagjivan Ram: No compulsory recognition.

Mr. B. K. Sidhwa: As far as my knowledge goes it is compulsory. However, we are not for recognition.

The Honourable Shri Jagjivan Ram: As Pandit Harihar Nath Shastri has rightly pointed out the Royal Commission suggested that the recognition of trade unions could be left to the employers and as far as possible there should be voluntary recognition by the employers. That has been given a fair trial and we found that the employers have not risen equal to the occasion and they have been creating all sorts of difficulties in the way of the recognition of a trade union. The one difficulty, as has been pointed out directly by Pandit Harihar Nath Shastri and my friend, Mr. Saksena, while giving a sort of reply to my speech yesterday, that the Bill may encourage the formation of various unions in a single concern, does not hold good. The Trade Unions Act, no doubt, gives ample scope for the formation of a number of unions in one factory or in one concern and if one were to accept the suggestion of Mr. Sidhwa which he has very vehemently urged that as soon as a union is registered it should be recognised, it will mean the recognition of a number of trade unions in a single concern or in a single factory.

I may point out to remove the misapprehension of Mr. Shastri that here the Labour Courts will see if the trade unions which apply for recognition is representative of workmen or not. I will refer him to sub-clause (b) of Clause 28(d) which reads "it is representative of all the workmen employed by the employer in the industry or those industries". It is my handicap, Sir, that I am not a lawyer and I cannot give a legal interpretation. But I think that the court while deciding whether a trade union should be recognised or not will take this matter into consideration and will see whether this particular trade union is really a representative one of the workmen in that factory or industry or not and if 'representative' has got any meaning it will certainly have the meaning as to what percentage of the workers in that concern are members of that trade union. Obviously there will not be more than one trade union which will be representative of all the workmen in that factory or that concern and naturally only one trade union will get recognition. I hold the opposite view that these will discourage the formation of more than one union in one industry or in one concern and I stand for that. I am one of those who always feel that in one concern or industry or factory there should not be more than one union. Unfortunately, Sir, under the Trade Unions Act there is scope for the formation of more than one trade union. Much can be said for and against that provision. I will not on this occasion go into the details of fact. That will be on some occasion when the amendment is brought to the main Act.

I wanted to have some further provisions in the Bill, but the difficulty was that according to the Legislative Department and according to the rules, no further section which was not concerned in this Bill could be amended by any fresh proposals. So I could not do what I wanted to do. But I will certainly bear in mind all the suggestions that have been made here in the next amending Bill, but I do certainly feel, Sir, that this Bill does go a long way in giving some rights to the working classes and if anyone feels here that it does not confer any right, I think he is not correct. There are provisions which confer certain rights on them.

Mr. Sidhwa has pointed out a paragraph from the Congress Resolution. I may point out to my friend, Mr. Sidhwa, that the present Government is always alive to the objective before it. I personally look up to that date when the workers will not be mere partners in the industry but when the distinction of the employer and the employe will be totally eliminated. Not only in the industry, I may inform my friend Mr. Saksena that not from today but for the last 12 years I have been striving for the principle that land belongs only to those who can work on land. Sir, I commend the Bill be passed.

Mr. Speaker: The question is:

"That the Bill as amended be passed".

The motion was adopted.

PRESS (SPECIAL POWERS) BILL.

The Honourable Sardar Vallabhbhai Patel (Minister for Home, Information and Broadcasting and States): Sir, I move:

"That the Bill to continue certain special powers conferred on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter be taken into consideration".

In placing this Motion before the House, I wish to assure the House that we are conscious of the value and the importance of the sacred privilege of the liberty of the press which is one of the four freedoms which have been so much spoken of in international circles. But I must also inform you that since the time that I have been in charge of the Ministry of Home Affairs, the press in this country has enjoyed the widest possible freedom that it had ever enjoyed in the past and it is my desire that it should continue to do so and to enjoy even wider freedom than they are enjoying at present. Unfortunately the circumstances that have forced me to come to this House with this Bill are such that there is considerable justification for it. I will give a short background of the origin of this legislation. Sir, you are aware that the Interim Government came into existence at a time when the country was involved in a serious communal conflict resulting from the fixing or announcement of a "Direct Action Day" by the then Muslim League of India which pressed for partition of the country. A fortnight after the great Calcutta Killing we assumed office and subsequent events are an unfortunate history of reaction and retaliation from one stage and one place to another stage and another place; we have not yet seen the end of it. In consequence of these occurrences almost all the Governments were compelled in one form or another to adopt measures restricting the freedom of the press. The first province which was compelled to take action was the one in which the "Direct Action Day" was celebrated. After that its sparks flew rapidly from place to place; and then almost all provinces passed Ordinances or were compelled to pass Ordinances in one form or another to restrict the liberty of the press in this connection. Delhi was the only place where the mouth-piece of the protagonists of the "Direct Action Day" flourished. We were then accused of allowing the spread of violent propaganda of communal hatred and bitterness and of allowing this place to be used as a place for dissemination of undesirable information and literature. Then I was compelled to place an Ordinance before the Interim Government, but before I took that step I invited the editors of newspapers to a conference. That conference almost unanimously realised and recognised the necessity of controlling the liberty, which had become almost synonymous with license, in the matter of publication of undesirable news and undesirable criticism. In that conference even the editor of the *Dawn* had to agree that some sort of control was necessary. I felt it to the Editors' Conference to impose restrictions on themselves instead of forcing the Government to take action, because I considered it very undesirable for a popular Government to be compelled to take action to curb the liberty of the press. They themselves formed a committee in which Government had no hand and formulated a code of conduct which they undertook to obey. To my regret I found that the code was not honoured; they themselves in several cases agreed that several of them had been guilty of violating the code or the self-imposed restrictions which they themselves had accepted. When that situation arose I tried to negotiate with and influence those who were responsible for the violation of those restrictions which they themselves had formulated through the leading members of the community who had influence on them,

[Sardar Vallabhbhai Patel]

But I did not succeed. Eventually I got instructions or advice from several provincial Governments to take immediate action in the matter of putting restrictions on the press in Delhi. The first to come forward with this suggestion was the Governor of the Punjab who approached the then Viceroy and through him asked the Central Government to take some action in this matter. Then I took a copy of the Ordinance which was in existence in the U. P. and on the model of that Ordinance I formulated an Ordinance which was placed before the then interim Government. This Ordinance was passed by the Cabinet; and I thought that after it was passed it would not be necessary to renew it. Unfortunately that hope also was not realised. We were overtaken by the Punjab holocaust whose sparks flew rapidly all round and there was an influx of refugees from the Punjab into Delhi. We had to renew the Ordinance. I had very reluctantly to get this Ordinance through the new Government, and now that the legislature is sitting it is necessary to bring this piece of legislation forward for the approval of the House. Several papers have sprung up anew who hardly realise any responsibility as to the consequences of the matter that they publish: Apart from the scurrilous and scandalous attacks that are made against the head of the Government and the members of Government, the people who are in charge of publishing these pamphlets and newspapers are full of anger because of the sufferings that they have gone through in the part of the country from which they come. These are not people in whose hands a pen can be safely given. They are not in a fit state to handle a pen. Therefore, with all my sympathy for these people who want to ventilate their anger and ask their sympathisers to take retaliatory measures, I as representative of a popular Government cannot help coming to you to utilise this opportunity of helping the Government in recognising the necessity of getting through this emergency legislation.

It is an emergency legislation, to meet with an emergency the like of which India has not seen in the past. You will all recognise that and you are aware of it. It is not necessary for me to dilate upon it. Let us hope that we shall get through this crisis much earlier than the period that might be fixed in this legislation. It is my hope and wish, and I hope it is the hope of all of you that we may not have to put into effect any section of this legislation.

I may tell you that when I assumed office I called a conference of the newspaper editors in India and put before them a proposal for a committee to frame proposals to bring in the existing legislation on a par, so far as freedom of the press is concerned, with the freedom of the press enjoyed in the most progressive countries in the world. That Committee is still sitting. But unfortunately, simultaneously, I have to come here for a piece of legislation which is intended to meet with a particular emergency.

There are undoubtedly some provisions in the existing legislation, which is called an emergency legislation also. But when that legislation was passed, the Legislature never contemplated that a catastrophe of this kind would overtake India and therefore the existing legislation is not enough to meet the requirements of the present situation. In fact the very evil which we want to prevent, that is the publication of undesirable news and comments, exaggerated and false news, if we have to take action under the ordinary existing legislation, the publicity gets much wider than the publicity by the newspapers. The offender is entitled to have recourse to courts, the Government has to file its case, and then the publicity that the proceedings get in a court of law is well known to all. Therefore we cannot evade the necessity of having legislation which avoids the procedure by which publicity becomes widened.

In this country where we have a secular State where different communities with different religions, different sects, have been residing for centuries and who we wish should reside in future, we have a responsibility to see that the

gulf between the communities is not widened and nothing which is preventible or which can be prevented without violating the principles of justice and fairplay is done. Therefore, the purpose of this Bill is simply to prevent improper distribution of news which is undesirable, improper circulation of news and comments, exaggerated and false news which tend to create disturbances and violence: that is the only purpose of this Bill. I do not think there is anybody in this House who will challenge the necessity of this Bill or the recognition of the emergency that faces us.

We have with great difficulty been able to prevent a great catastrophe in Delhi. Remember that this legislation is meant for the provinces governed by the Chief Commissioners, that is the province of Delhi and the province of Ajmer-Merwara and some one or two other provinces. But really it is intended for these two small areas of Delhi and Ajmer-Merwara. In both these areas there is considerable communal tension and I must say that in both these areas there is the existence of a group of people who hardly realise their responsibility and who have started the profession of editors for which they are not fit. In Delhi there is a great number of responsible papers. Some of them also have erred but we have taken no action against them. But in both Delhi and Ajmer-Merwara considerable literature has come out recently because of the communal disturbances and because of communal tension existing in both these areas. Therefore, we have to be wide awake and I hope that in the consideration of this small piece of legislation, you will view its provisions in the light of the existing circumstances that surround us. You may be aware that there is no province in India where today a legislation of this kind is not in existence. We have put in a milder piece of legislation. A more drastic piece of legislation has been passed by the United Provinces, Bihar, Bengal, East Punjab and other provinces. Therefore, we cannot when we are surrounded by this atmosphere evade our responsibility. Provinces governed by Chief Commissioners are the special responsibility of the Central Government because they are centrally administered areas. Therefore, I move:

4 P.M.

"That the Bill to continue certain special powers conferred on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter, be taken into consideration."

Mr. Speaker: Motion moved:

شری دیس بندھو گھتا: سبھا پتی جی! آنریبل ہوم منسٹر صاحب نے جو بل ہاؤس کے سامنے پیش کیا ہے مجھے افسوس ہے کہ ایک پریس مین کی حیثیت سے میرے لئے اس بل کا سواگت کرنا باوجود اسکے کہ اس کے پکھ میں جو باتیں کہی گئی ہیں وہ کئی وزن رکھتی ہیں اور اس ہاؤس کی توجہ کی مستحق ہیں مشکل ہے - اس میں شک نہیں کہ آنریبل ہوم منسٹر صاحب نے اپنے عہدہ کا چارج لیتے ہی پریس لٹز کمیٹی (Press Laws Committee) مقرر کر کے پریس کو موقع دیا کہ وہ آزاد ملکوں کی طرح آزاد ہندستان کے لئے پریس لٹز (Press Laws) تجویز کریں اسلئے ملک میں حالات کا پیدا ہونا چلکی وجہ سے اس طرح کا بل پیش کرنے کی ضرورت پڑی بڑے دکھ کی بات ہے - بل ہذا سے میرا کتنا ہی اختلاف ہو میں یہ کہونگا جو باتیں ہمارے ہوم منسٹر صاحب نے اس کی تائید میں کہی ہیں انہیں نظر انداز نہیں کیا جا سکتا - یہ حقیقت ہے کہ پچھلے ایک سال کے عرصہ میں سنٹرل پریس ایڈوائزری کمیٹی (Central Press Advisory Committee)

شری دیھو بلندھو گھتا]

کے سامنے جسکا ایک ممبر میں بھی ہوں کئی اخبارات کی ایسی قابل اعتراض تصویریں آئیں جنکی بنا پر خود سنٹرل ایڈوائزری کمیٹی (Central Advisory Committee) نے گورنمنٹ سے سفارش کی کہ اُنکے خلاف کوئی کارروائی کی جائے۔ ایسے بھی موقعے آئے جبکہ گورنمنٹ نے باوجود سنٹرل ایڈوائزری کمیٹی (C. A. C.) کی سفارش کے بعض اخبارات کے خلاف کوئی کارروائی نہیں کی۔ سچ تو یہ ہے کہ دہلی پریس کا ایک سیکشن (section) متواتر ایسے اشتعال انگیز آرٹیکل (article) لکھتا رہا کہ ہم یہ نہیں کہہ سکتے کہ پچھلے چند مہینوں میں ملک میں جو کچھ ہوا اس کی ایک بڑی بھاری ذمہ داری پریس پر نہیں ہے۔ اسکے باوجود اچھا ہوتا کہ اس طرح کا بل ہاؤس کے سامنے پیش کرنے سے پہلے پریس کو اُس پر پوری طرح غور کرنے کا موقعہ دیا جاتا۔ آج جو بل ہاؤس سامنے لایا گیا ہے وہ بڑے ایک Ordinance کی شکل میں جاری کیا گیا تھا۔ آرڈیننس (Ordinance) کے بارے میں یہ خیال ہوتا ہے کہ وہ ایک عارضی چیز ہے اسلئے اُسکی دفعات پر زیادہ دھیان نہیں دیا جاتا۔ لیکن جب آرڈیننس (Ordinance) کو قانون کی شکل دی جائے تو ضروری ہو جاتا ہے کہ اُسکی ہر دفعہ پوری طرح غور و خوض کیا جائے اور وچار کیا جائے کہ اُس میں پولیس کی آزادی کا کہاننگ لکھا رکھا گیا ہے۔ پریس کی آزادی کے نقطہ نگاہ سے غور کیا جائے تو مجھے یہ کہنے میں ذرا بھی تامل نہیں ہے کہ اگر یہ بل کوئی دوسری حکومت ہمارے سامنے لاتی تو ملک کا پریس اُسے ہرگز منظور نہ کرتا۔ اس بل میں سب سے بڑی قابل اعتراض بات یہ ہے کہ اخبارات اُسکی زد میں آئے بغیر صحیح خبروں کو بھی نہیں چھاپ سکتے۔ آج ملک ایسے خراب حالات سے گذر رہا ہے اور ملک کے ہر ایک حصہ میں کچھ نہ کچھ ایسے شرمناک واقعات رونما ہو رہے ہیں جنکی صحیح رپورٹ شائع کی جائے تو فرقہ دارانہ مذاہرت پھیلے بغیر نہیں رہ سکتی۔

صورت حالات ایسی انسوسناک ہے کہ اخبارات اگر نمک مرچ نہ لکھیں اور محض صحیح صحیح حالات چھاپ دیں تو بدامنی ملک میں پھیلے بغیر نہیں رہ سکتی۔ اسلئے اخبارات کی اُس مشکل کا احتیاط رکھنا ضروری تھا۔ دوسری قابل اعتراض بات بل میں یہ ہے کہ لکھنے اور چھاپنے والے کی نیت نہیں دیکھی جاتی حالانکہ تعزیرات ہند کی دفعات 123 الف اور 153 میں بھی ماہنامہ کی نیت کا ثابت کیا جانا ضروری ہے۔ علاوہ بریں حکام کو اتنے وسیع اختیارات دئے گئے ہیں کہ وہ جس اخبار کو چاہیں اور چاہتے عرصہ کے لئے چاہیں بند کر سکتے ہیں۔ پھر اُن کے حکم کی کوئی ایڈیل نہیں۔ اس لحاظ سے اس بل کی تائید کرنا کسی بھی جرنلسٹ (journalist) کے لئے مشکل ہے۔ لیکن میں یہ محسوس کرتا ہوں اور اس سے مجھکو اُنکو

نہیں ہے کہ ہم جس نازک دور میں سے گزر رہے ہیں اُسکو سامنے رکھتے ہوئے administration کے ہاتھ مضبوط کرنا بھی ہمارا فرض ہے۔ اسلئے میں اس بل کی مخالفت بھی نہیں کر سکتا۔ مجھے بھروسہ ہے کہ دیپش کی بھلائی اور پریس کی آزادی کا خیال جناب ہوم ممبر صاحب کو ہم سے کم نہیں اور وہ آج اس بل کی ضرورت محسوس کرتے ہیں تو ہمیں اُنکی بات ماننی چاہیئے۔ مجھے خوشی ہے کہ انہوں نے یہ اطمینان دلا دیا ہے کہ اُس کا منشا پریس کی آزادی کو طلب کرنا نہیں ہے بلکہ اخبارات کو اس امر کا احساس کرانا ہے کہ اُن کے سر پر بھی ملک کے امن وامان کی ذمہ داری ہے اور ضرورت ہے کہ وہ سلہل کر چلیں۔ میں نے ہوم منسٹر صاحب سے دریافت کیا تھا کہ کیا اسکے بعد بھی press advising کا طریقہ جاری رکھیں گے۔ جسکے جواب میں انہوں نے فرمایا کہ دہاں، اسکے معنی یہ ہیں کہ اخبارات کو خود اپنے ہی نمائندوں پر مشتمل کمیٹی کے سامنے اپیل کرنے کا حق ہوگا۔ اور اگر کوئی اخبار اس بل کی زد میں آتا ہے تو اُسکے لئے یہ گنجائش ہے کہ وہ سنٹرل ایڈوائزری کمیٹی کے سامنے اپنا case پیش کر سکے۔ یہ assurance ایک بہت بڑی assurance ہے اور اسکی موجودگی میں۔ میں بھی اسکی مخالفت نہیں کر سکتا۔ البتہ یہ بات میں آئیڈیل ہوم منسٹر صاحب سے ضرور کہونگا کہ پریس اوفیسر (Press Officer) جو مقرر کئے جاتے ہیں عام طور پر ایسے ہوتے ہیں کہ انہیں پریس کا کوئی تجربہ نہیں ہوتا۔ اسلئے ضرورت ہے کہ ایسا انتظام کیا جائے کہ اُنڈہ تجربہ کار آفیسرز (officers) رکھے جائیں۔ میں اُمید کرتا ہوں کہ ایسا کوئی موقعہ نہیں آئے گا کہ اس بل کے ماتحت کسی اخبار کے خلاف حکومت کو کارروائی کرنی پڑے۔ میں ایک بات دو ایک شہدوں میں عرض کرنا چاہتا ہوں۔ بعض اخباروں کو یہ شکیت ہے کہ اُنکے خلاف ان دو مہینوں میں بہت سے مقدمات سنٹرل ایڈوائزری کمیٹی (Central Advisory Committee) کی رپورٹ پر ہوئے ہیں جو کانگریس (Congress) گورنمنٹ کی طرف سے مقرر کی گئی ہے۔ میں اس بات کی پر زور مخالفت کرتا ہوں اس لئے کہ سنٹرل ایڈوائزری کمیٹی (Central Advisory Committee) کے ممبر ملک کے سارے اخبارات جو آل انڈیا ایڈیٹرز کانفرنس (All-India Editors' Conference) کے ممبر ہیں منتخب کرتے ہیں۔ حقیقت یہ ہے کہ سنٹرل ایڈوائزری کمیٹی (Central Advisory Committee) کانگریس کے اخبارات کی نمائندہ نہیں ہے۔ وہ تمام اخبارات کی نمائندہ ہے۔ اس میں ہر خیال کے اور ہر وچار کے لوگ ہیں۔ اس میں مسلمان بھی ہیں اس میں ہندو بھی ہیں۔ کانگریس والے بھی ہیں اور non-Congress والے بھی ہیں۔ اس لئے یہ خیال کرنا کہ سنٹرل ایڈوائزری کمیٹی (Central Advisory Committee) پارشل (partial) ہے بالکل غلط ہے۔ سنٹرل ایڈوائزری کمیٹی (Central Advisory Committee) کی ہمیشہ یہ کوشش

[شری دیہی بلدھو گپتا]

رہی ہے کہ وہ پریس کی آزادی کو جہاں تک ہو سکے برقرار رکھے اور اس کی حفاظت کرے۔ میں اس اُمد کے ساتھ بل ہذا کی مخالفت کرنے سے اعتراض کرتا ہوں کہ حکومت کے لئے اس کے استعمال کا موقع نہیں آئیگا اور جس طریق پر پریس آرڈینانس (Press Ordinance) ایک مردہ آرڈیننس (Ordinance) رہا تھا۔ یہ بھی ایک مردہ قانون دھیگا۔

(English translation of the above speech)

Shri Deshbandhu Gupta (Delhi): Mr. Speaker, as a journalist, I am sorry to say, it is difficult for me to welcome the Bill presented by the Honourable the Home Minister before the House, though the arguments put forward in its favour have sufficient weight and deserve the attention of this House. There is no doubt that the Honourable the Home Minister, as soon as he assumed the charge of his office, by convening the Press Laws Committee, gave opportunity to the press of suggesting Press Laws like other independent countries, for Free India. But, in the country, arising of such a situation, which necessitated the presentation of such a Bill, is a matter of regret. However much I may disagree with the above Bill, I will say that I cannot overlook the facts which our Honourable Minister has said in its support.

It is a fact, that in the course of the last one year, before the Central Press Advisory Committee of which I am also a member, there came such objectionable writings from several newspapers on the basis of which the Central Advisory Committee itself recommended to the Government that some action should be taken against them. There were some cases also where the Government did not take any action against some of the newspapers inspite of the advice given by the Central Advisory Committee to do so. The truth is that a section of the Delhi Press went on writing continuously such inflammatory articles that we cannot, today, say that a very heavy responsibility does not fall upon the press for what happened during the last few months. It would have been better, had the press been consulted, before it was presented to the House.

The Bill brought today before us, was previously promulgated in the shape of an Ordinance, and the Ordinance is supposed to be a temporary measure, and therefore, its sections are not much considered; but when it is given the shape of a Law, each article of it is carefully examined and fully considered, to ensure the freedom of the press. If this Bill is considered from the point of view of the freedom of the press, then I have not the least hesitation to say that had it been brought forward before us by the alien Government, the press of the country would never have accepted it. The first great objectionable point of this Bill is that the newspapers cannot publish even correct news without being hit by it. Today, the country is passing through such bad times, and in every part of it some such shameful events are taking place which, if correctly reported, would certainly spread communal hatred. The present circumstances are so sad that even if the papers publish merely correct events and do not exaggerate and embellish them, peace of the country is bound to be disturbed. The second objectionable point in this Bill is that the writer's and the printer's intentions are not taken into consideration, though to prove the intention of the accused is compulsory, even under Sections 124A and 153 of the Indian Penal Code.

Moreover, the magistrates have been given such wide powers that they can stop the publication of any paper they like, and for whatever period they desire, and no appeal lies against their verdict. So, with these ends in view it is hard for any journalist to support this Bill. But, I feel and cannot deny the

fact that keeping in view the critical circumstances through which we are passing, it is also our duty to strengthen the hands of our administration. Therefore, I cannot, even oppose this Bill. I am confident that the Honourable the Home Minister cherishes the country's welfare and the freedom of the press no less than us, and as, today, he feels the necessity of this Bill we ought to support him.

I am glad that he has assured us that the object of the Bill is not to nullify the freedom of the press, but it is to make the newspapers feel that they have also on their heads the responsibility to keep peace and tranquillity in the country, and they should therefore necessarily act warily.

I had inquired of the Honourable the Home Minister, as to whether the Press Advising system will also continue after this Bill, in reply he said yes. It means that the newspapers will have the right to appeal to the Committee comprised of their own representatives, and if any newspaper comes into the striking range of this Bill, it is free to represent its case before the Central Advisory Committee. Really, it is a very great assurance, and while it is there, I, also, cannot oppose the Bill.

However, I must point out to the Honourable the Home Minister, that the Press Officers are usually of a type who have no experience of the press at all. It is, therefore necessary that in future such arrangements should be made as to appoint officers who have experience of the press. I hope that under this Bill no chance would arise when the Government will have to take action against any newspaper.

I should like to say one thing in a word or two, that is, some of the papers complain that in the course of the last two months a number of cases have been filed against them on the reports of the Central Advisory Committee, which has been appointed by the Congress Government. I strongly oppose this view, as the members of the Central Advisory Committee are selected by all of the papers which are members of the All-India Newspapers Editors' Conference. The fact is that the Central Advisory Committee is not at all the representative of the Congress papers, but it is the representative of all the newspapers. As it has members of every shade of opinion: there are Muslims as well as Hindus, Congressmen and non-Congressmen, therefore, to say that the Central Advisory Committee is partial is absolutely incorrect. The Central Advisory Committee has always been endeavouring to maintain and safeguard the freedom of the press. I abstain from opposing the above Bill, with the hope that the Government will have no occasion of using it; and in the same manner in which the Press Ordinance remained a dead Ordinance, this may also, remain a dead law.

[At this stage Mr. Speaker vacated the Chair which was then occupied by Mr. Hossain Imam (one of the Panel of Chairmen)].

पण्डित बालकृष्ण शर्मा : अध्यक्ष महोदय, आज माननीय गृह मंत्री ने हमारे सामने जो प्रस्ताव उपस्थित किया है, और जो कानून पास करने के लिए हमसे कहा है, उसकी मैं पूर्ण रूप से प्रशंसा करता हूँ और उसका समर्थन करता हूँ।

मेरे भाई, पूर्व वक्ता ने यह कहा कि पत्रकार की स्थिति में वह इस प्रकार के प्रस्ताव का समर्थन नहीं कर सकेंगे कम से कम उन्होंने यह कहा था कि उनके लिए इसका समर्थन करना कठिन है। मैं भी एक पत्रकार हूँ और अपने जीवन का बहुत सा भाग पत्रकार कला की साधना में ही बिताया है, किंतु मैं साहसपूर्वक आपसे कहता हूँ, सभापति महाशय, कि एक पत्रकार की स्थिति में मैं पूर्ण रूप से अक्षरशः इस बिल को समर्थन करता हूँ !

[पण्डित बालकृष्ण शर्मा]

वास्तव में हमने कुछ विचारों को उधार लेकर के, और कुछ विचारों से बंध करके एक अपनी धारणा बना ली है, और हम यह समझने लगे हैं कि प्रत्येक अवस्था में स्वतंत्र भाषण की और अन्य प्रकार की स्वतंत्रता बहुत अच्छी वस्तु है। किंतु मैं बहुत नम्रतापूर्वक सभापति महाशय आपके द्वारा, इस सभा की सेवा में यह निवेदन करना चाहता हूँ कि यह एक तमाशा है जो हम बहुत ऊंची ऊंची बातें करते हैं, फ्रीडम आफ प्रेस, फ्रीडम आफ स्पीच और फ्रीडम आफ एसोसियेशन की। आज मैं देख रहा हूँ कि हमारे देश की जैसी परिस्थिति होती जा रही है उसमें यह तीनों चीजें हमारे देश के लिए एक दावानल हैं।

आज यदि हम सभा सोसाइटियों की स्वतंत्रता के नाम पर षडयंत्रकारिणी संस्थायें प्रस्तुत करते चले जाय, आज यदि छापे की स्वतंत्रता के नाम पर अनर्गल बातें बकने वालों को प्रोत्साहन देते चले जाय और उनके प्रति कुछ न कहें, आज यदि हम भाषण की स्वतंत्रता के नाम पर विद्वेष और घृणा का राग अलापने का अवसर लोगों को दें तो मैं विश्वास दिलाता हूँ कि हमारा सारे का सारा समाज, और हमारा सारे का सारा राष्ट्र एक दिवा स्वप्न भी नहीं होगा। और हमें बहुत सजगता पूर्वक यह बात देखनी है कि क्या वास्तव में इसी को हमें फ्रीडम आफ प्रेस, वास्तव में हम इसी को फ्रीडम आफ एसोसियेशन कहते हैं? वह कहीं एक ऐसी भयंकर वस्तु तो नहीं है कि हमें और समाज को नाश की ओर ले जा रही हो; और आज वह ले जा रही हो हमारे देश को विश्रृंखलता की तरफ, घृणा और विद्वेष की तरफ पतन की तरफ? और इसलिए मैं तो विनयपूर्वक निवेदन करूंगा आपसे कि यह जो आज माननीय गृह मंत्री ने हमारे सामने एक बिल उपस्थित किया है वह अत्यन्त आवश्यक है और उसके बिना हम अपने समाज में किसी भी प्रकार का कोई नियंत्रण रख नहीं सकते।

इसमें कोई संदेह नहीं है कि विचार की स्वतंत्रता एक अच्छी स्वतंत्रता है, भाषण की स्वतंत्रता एक अच्छी स्वतंत्रता है, और आप जानते हैं कि हमारे देश में, हमारी परिपाटी में, हमारी संस्कृति में, हमारी सभ्यता में, हमने विचारों के और उनके प्रकट करने के ऊपर कभी कोई बंधन नहीं लगाया। आप तमाम की तमाम 'हिंदू सिस्टम आफ फिलास्फी' देख लीजिये। हमारे यहां जो भिन्न भिन्न विचार धारायें बही हैं, आप उन्हें देखें, हमने किसी पर कोई बाधा नहीं लगाई। क्यों? क्योंकि ऐसा करके हमने समझा और ठीक ही समझा कि "वादे वादे जायते तत्व बोधः"।

इस बात को हम मानते हैं, इस बात को स्वीकार करते हैं कि भिन्न २ प्रकार के सत्य से मनुष्य एक तत्व तक पहुंचता है। लेकिन जहां हम देख रहे हैं कि विचारों के

प्रदर्शन करने का एक मात्र उद्देश्य मनुष्य की बुद्धि को नीचा गिराना है, जहां प्रदर्शन का एक मात्र उद्देश्य आपस में लड़ाना है, खंड-खंड करना है, रक्त शोषण की वृत्ति है, वहां किसी अवस्था में हम इस विचार स्वातंत्र्य को, इस भाषण स्वातंत्र्य को, इस छापे की स्वतंत्रता को प्रोत्साहित नहीं कर सकते। ऐसी स्थिति में हमें उसके ऊपर बंधन लगाना पड़ेगा और मैं समझता हूँ कि जो हाथ हमारे ऊपर, या समाज के ऊपर यह बंधन लगा रहे हैं वे हाथ इतने पवित्र हैं, वे इतना सन्मानित हैं और वे इतने संवेदनशील तथा इतने सजग हैं कि उनके द्वारा कभी भी मुझे अन्याय की आशंका नहीं है। इसलिए मैं इसका समर्थन करता हूँ। निस्संदेह यदि आज इस प्रस्ताव को कोई दूसरी सत्ता हमारे ऊपर इस कानून को लादती, इस प्रकार की कोई विजातीय सरकार, जो हमारी सरकार नहीं होती, हमारे सामने ऐसा विधान उपस्थित करती तो, निस्संदेह हमें उसका विरोध करना पड़ता और हम उसको कभी स्वीकार न कर सकते। कारण कि सदउद्देश्य की जिस भावना से प्रेरित हो कर हमारे पिता और हमारी माता हमको चांटे लगाती है उस भावना से, सभापति महाशय, एक डाकू तथा चोर हमें चांटे नहीं लगा सकता। और जो बंधन हमें अपनी सरकार से स्वीकार्य हो सकते हैं, वे बंधन निश्चित रूप से पराई सरकार से हमको स्वीकृत नहीं हो सकते। किंतु आज इस प्रकार के कानून की, इस प्रकार के विधान की आवश्यकता है, यह तो इसी से स्पष्ट है कि यदि इस प्रकार के विधान का भय हमारे देश के पत्रकारों को न होता तो मैं आपको विश्वास दिला सकता हूँ, सभापति महोदय, कि समाचार पत्रों द्वारा ऐसी-ऐसी बातों का प्रचार होता कि जो हमने यहां पर खून खराबी दिल्ली में देखी, कदाचित् उससे कई गुनी अधिक हो जाती। और इसीलिये मैं समझता हूँ कि आज हमको संयम की आवश्यकता है, आज हमको नियमन की, बंधन की आवश्यकता है और यह वर्तमान विधान जो सरदार साहब ने हमारे सामने उपस्थित किया है, हमको एक नियमन की ओर, ऐसे स्वस्थ बंधन की ओर अग्रसर करता है, उसमें बंधने के लिए हमें प्रोत्साहित करता है।

निस्संदेह कभी कभी एक यह प्रश्न उठ जाता है कि जिन दिनों में मुकदमे चला करते थे, हमारे देश में, दफा १२४ के अंतर्गत तो हम लोग सब इस बात को कहते थे “कि भाई हमने एक सच्ची बात कही है, सही बात कही है तुम उसके ऊपर क्यों एतराज करते हो ?” तो उस समय कहा जाता था “ट्रुथ इज नो प्ली फार सेडिशन” कोई सेडिशन बात कहे, कोई राज द्रोहात्मक बात कहे, और वह सत्य हो तो कोई बात नहीं है, लेकिन उसके लिए दंड भोगना पड़ेगा। आज, हमारे भाई, पूर्व वक्ता ने यह कहा कि इसमें, इस विधान में जो हमारे सामने है, इस बात की गुंजाइश है कि यदि हम सत्य बात भी कोई लिखेंगे तो हमारे ऊपर मुकदमा चल सकता है। मैं पूछता हूँ कि क्या सर्वदा ऐसा अवसर होता ही है कि हम सत्य बात को कहें और बिना उसके हमें रोटी न पचे ? बहुत से ऐसे अवसर होते हैं कि जिसमें हमें सत्य बातों को छिपाना पड़ता है, सार्वजनिक

[पण्डित बालकृष्ण शर्मा]

हित में छिपाना पड़ता है। हम जानते हैं कि सत्य कभी कभी इतना प्रबल, इतना उद्विग्नकारी होता है कि उसे सर्व साधारण सहन नहीं कर सकते। आज यदि हम मारकाट की, खून खराबी की सच्ची घटनायें भी छापें तो सर्व साधारण हमारे इस सत्य को ग्रहण करने के लिए उद्यत नहीं हैं। महात्मा गांधी के से लोग आज इस प्रकार के सत्य को अनुद्विग्न भाव से स्वीकार कर लेंगे, हमारे गृह मंत्री के सदृश्य लोग उसे स्वीकार कर लेंगे, लेकिन सर्व साधारण जन इस रूप में सत्य वृत्तांत को ग्रहण करनेमें असमर्थ हैं। और इस कारण इस बिल के विरोध में यह तर्क उठाना कि इसमें सत्य बात नहीं छप सकती एक अशुद्ध तर्क है, "ए रांग लोजिक" (a wrong logic) है, क्योंकि हम जानते हैं कि इस समय जो हमारी अवस्था है उस में सत्य बात को कहकर अपने समाज की रक्षा हम नहीं कर सकते, और इसलिये सत्य बात के ऊपर भी हमें बंधन लगाना पड़ेगा। यह बात हमें समझ लेनी चाहिये कि जह्र तक कि हम 'फ्रीडम आफ प्रेस' (freedom of press) की बात कहते हैं, इंग्लैंड (England) की 'फ्रीडम आफ प्रेस' (freedom of press) की, रूस की 'फ्रीडम आफ प्रेस' (freedom of press) को फ्रांस की 'फ्रीडम आफ प्रेस' (freedom of press)की, तो मैं, सभापति महाशय, आप के द्वारा यह प्रश्न करूंगा कि 'फ्रीडम आफ प्रेस' (freedom of press) या छापे की स्वतंत्रता है कहाँ? यह एक हू-हू-चिड़िया है जिसके दर्शन नहीं हो सकते। क्या विलायत में 'फ्रीडम आफ प्रेस' (freedom of press) है? कोई समाचार पत्र आपकी बात को छाप नहीं सकते। कहीं है 'फ्रीडम आफ प्रेस' (freedom of press)? अमीरिका में है? ऐसी परिस्थिति में किसका साहस है कि 'फ्रीडम आफ प्रेस' का नाम ले? मैं कहता हूँ ऐसा अवसर राष्ट्र के निर्माण काल में आता है जब हमें 'फ्रीडम आफ प्रेस' को समाप्त करना पड़ता है; और आज वह अवसर है। और अवसर पड़ेगा तो सरदार वल्लभ भाई पटेल निर्ममता पूर्वक उसे समाप्त करेंगे यदि उनकी समझ में आ जायगा कि इस स्वतंत्रता से हम देश की क्षति कर रहे हैं और उसे हम नष्ट कर रहे हैं।

इसलिये मैं निवेदन करूंगा कि हम इन शब्द जंजालों में फंसकर बिल्कुल विचलित न हों। हम निर्भयता पूर्वक और शांति पूर्वक अपना कर्तव्य करते रहेंगे। सभापति महोदय मैं समझता हूँ इस सम्बंध में बहुत कुछ कहना आवश्यक नहीं है। आज देश में कुछ ऐसे विशेष लोग हैं कि जो कुछ भी सार्वजनिक सरकार करती है उसका वे विरोध करते हैं और वह हू-हा मचाते हैं। वे हू-हा मचाएँ, किंतु हम जानते हैं कि हम जो जनता के प्रतिनिधि हैं, उनकी हू-हा से नहीं डरेंगे और हर चीज का मुकाबला करने को हम तैयार रहेंगे।

(English translation of the above speech)

Pandit Balkrishna Sharma (U.P.: General): Mr. Chairman, I approve and fully support the resolution and the Bill presented by the Honourable the Home Minister in the House today and which we have been asked to pass.

My friend, who has just preceded me has said, that as a journalist he will not be able to support this Bill. He has said, at least, that it would be difficult for him to support the Bill. I am also a journalist and have spent a considerable time of my life in the accomplishment of journalism, but I can say, Mr. Chairman, with confidence, that in the capacity of a journalist I support this Bill in every respect and every word of it.

In fact, on borrowing a few ideas and influenced by other views we are holding that the freedom of speech and other kinds of freedom are good at all stages. But I most humbly through you, Mr. Chairman submit before the House, that it is all a show when we loftily speak of the freedom of press, freedom of speech, and the freedom of associations. Today, I find that in the present state of affairs in our country, these three will act like a wild fire.

If today, in the name of freedom of associations and societies we go on forming conspiring bodies, in the name of freedom of the press we go on encouraging those who utter poisonous speeches and we do not check them, and if in the name of freedom of speech we give an opportunity to the masses to sing their songs of hatred and enmity, then I can assure you that the whole of our society and our entire administration shall not last for a day. We have therefore got to judge it whether this was what we called the freedom of press, and the freedom of association, or it was something very dangerous that was drifting us away and our country towards bondage and hatred, enmity and downfall. I, therefore, submit that the Bill presented by the Honourable the Home Minister is very essential as without this Bill we cannot exercise any kind of control over our society.

There is no doubt that the freedom of thought is good, that the freedom of speech is good. In our country, in our civilisation and in our culture we never imposed any restriction on thought or its expression. If you examine the entire system of Hindu philosophy, if you study the different schools of thought that prevailed in our country, you will find that we never imposed any restriction on anything. Why? Because by doing so we understood and rightly understood, "The knowledge of reality dawns as you discuss more". We acknowledge and we admit that man has to adopt different modes of truth to attain the ultimate truth. But when we see that the sole object of expressing the views is to debase the mind of the people; when we see that the sole purpose of demonstration is to bring the people into conflict with one another, have them cut into pieces, and there is a tendency towards bloodshed, then we cannot, in any circumstances, encourage the freedom of thought, freedom of speech and the freedom of the press. In that condition, we shall have to impose restrictions. And I know that the authority that is putting this restriction on us or on the society, is so pious, so highly respected, so experienced and so alert that I never expect any injustice from it. I, therefore, support the Bill. Undoubtedly if any other power had today, thrust this resolution on our shoulders—any other foreign Government—that had not been our Government, a Bill like ours, then we would have certainly opposed it and had not passed it. The reason being Mr. Chairman, just as our parents slap us with the feeling of doing good to us, a thief or a dacoit could not slap us with that feeling. The restrictions that would be acceptable to us from our Government could not be acceptable from an alien Government. That there is a need for this Bill today—this legislation today, is evident from the fact that if there were no fear of this legislation for our journalists, I can assure you, there would have been such a propaganda by the press that the incidents of bloodshed witnessed by us in Delhi had been given many times their proportions.

[Pandit Balkrishna Sharma]

For this reason, I say, we need restraint, we need discipline, we need a binding. The present Bill presented by Sardar Sahib prompts us to take steps towards that healthy legislation and encourages us to brace that binding. Certainly, sometimes, this question arises that the time when, in our country, cases were being tried under Section 124, we used to say, "We have said something that was true, that was correct. Why do you have an objection to it?" And then it was said, "Truth is no plea for sedition". If there is anything seditious, if there is anything revolting punishment will have to be suffered on that account while it did not matter if that was a fact. Today my friend who has just preceded me, has said that by this Bill which is before us it is possible that if we write even the truth it is quite likely that we may be sued in a court of Law. I may ask you, "Is it always necessary that we must tell the truth, as if we could not do without it"? On many occasions we have to conceal the facts, we have to conceal them, in the interest of the people. We also see that a fact is so potent sometimes, so agitating that a common man cannot bear it. Today if we publish the actual incidents of murder and bloodshed the public is not prepared to accept them. Men like Mahatma Gandhi will have them without any excitement, men like our Home Member will have them, but a common man is incapable of taking such a truth in this form. To raise an objection to the Bill on the ground that correct events cannot be published, is a wrong argument: it is a wrong logic. We know that in the present state of affairs we cannot protect our society by telling the truth. We will, therefore, have to censor even the truth. When we talk of the freedom of press—the freedom of press in England, the freedom of press in Russia, the freedom of press in America, I have to ask this question, through you, Mr. Chairman, where this freedom of press exists? It is something which exists only in name. It is something which you cannot see. Does the press enjoy any freedom in the foreign countries? You cannot have anything published in the papers there. Do you find the freedom of press in America? Who dares talk of the freedom of press in the present circumstances? Let me tell you that such occasions arise only during the period of formation of a Government when we have to finish the freedom of press. This is therefore the time for it. And if there be need, Sardar Vallabhbhai Patel will put an end to it quite dispassionately, provided that he thinks that this freedom is proving injurious to the country. I have, therefore, to request you that we should not be misguided by this propaganda. We should do our duty peacefully and fearlessly. I think, Mr. Chairman, I need not say anything more on the point. There are certain people in the country today who oppose and raise a hue and cry what the Government does. Let them do it—but we, who are the representatives of the people shall not be affected by their cries and shall always be ready to face everything.

Begum Aizaz Rasul (U. P. : Muslim): Sir, the very able and persuasive manner in which the Honourable the Home Minister has moved this Bill would ordinarily have left very little scope for any Member of this Honourable House to oppose this motion. But, Sir, the fact is that circumstances are such that we sitting in this House cannot forget our responsibilities and oppose this measure that the Honourable the Home Minister has brought forward.

It is indeed a sad thing that one of the first measures of legislation to be brought up by a popular Ministry after the advent of freedom for our country should have been a measure that suppresses the freedom of the press. But, Sir, we have to realise that the necessity for such a measure must indeed be so great that a responsible Minister of a popular Government is obliged to bring such legislation before this House. Sir, no one can deny that the responsibilities of the press are indeed great. They are always great, they will

always be great but in the conditions that are prevailing in the country today and especially after the attainment of freedom when every individual has to weigh his actions and his words before uttering them, a great measure of responsibility falls upon the press which brings to the world news, good and bad, which shapes the policies of Governments and which holds in its hands the fate not only of individuals but of nations. Therefore, Sir, I say that the press should have been the first to have realised its great responsibilities after India had become a free country. It is a matter of great regret that such a necessity should have arisen which should have obliged the Honourable the Home Minister to have brought this measure before this House.

But we cannot in this House forget our responsibilities either and I feel that though reluctantly, though feeling that for a free country it is indeed a sad thing to have to pass such legislation, which curtails the liberties of the people we are obliged to give our wholehearted and full support to this measure. It is only to be hoped that no necessity would arise for this legislation to be put into effect and that saner counsels will certainly prevail amongst those individuals and proprietors and editors of papers not to disseminate matter which does not service to the country but only poisons public mind and worsens the conditions already prevalent. Therefore, Sir, it is right and proper that such legislation should be introduced. Drastic situations require drastic measures and no one can deny the fact that the conditions prevailing in our country today are such as require very careful handling and as little publicity as possible should be given to undesirable news.

One Honourable speaker remarked that it is a matter for regret that even the dissemination of correct news comes under the jurisdiction of this measure. I would remind him or a small Persian couplet which says:—

دروغ مصلحت آمیز به از راستی فتنه انگیز

(*Darogh maslahat amez beh az راستی fitna angez*)

Sir, it means that it is sometimes better to indulge in a little falsehood, in order to avoid mischief than to tell the truth which may be harmful. Today we are confronted with such a situation when even the dissemination of correct news will be harmful from the public point of view and if the Government consider it desirable that a particular piece of news should not be published then certainly it should come under this legislation. I would like to go a step further, Sir, and say that statements by individuals or by Members of Government either here or in the other Dominion, should certainly come under great control of the Government. We have found during these last two and a half unhappy months that statements coming from leaders of different Parties have unfortunately done more harm in spreading the unrest and contributed to the prolonging of the very unfortunate state of affairs that is at present prevailing in our country. Therefore those of us who are connected with public life and have some experience of the working of the minds of the people have to realise our responsibilities in that respect because we know how easily feelings can be inflamed and how a big conflagration can result from a small spark. But, Sir, if there are such amongst us who do not realise the responsibilities that today confront us and that today are laid upon our shoulders, and control our speeches and statements. Keeping in view primarily the necessity of creating peaceful conditions then it is certainly the duty of Government to see that our actions and our speeches and our statements are rigorously censored.

Sir, I should have thought that the press would have been the first to realise its responsibilities. The Honourable the Minister has told us that he gave every opportunity to the press not to oblige him to bring forward such legislation and it would have been in the fitness of things if this legislation should not have been brought here. This would have been so if responsible persons had realised their responsibilities and framed their actions accordingly.

[Begum Aizaz Rasul]

but if that is not so, the Government cannot give up its responsibilities. As the Honourable the Home Minister has very rightly remarked, it is one of the sacred and fundamental responsibilities of Government to protect the rights of the people and see that every section of the people is well treated. Sir, it is also the duty of Government to see that no community gets the upper hand in disseminating news harmful to the public and make unjustifiable and unfair attacks in the press on any certain community. Therefore, this measure that has been brought forward today, sad though we may feel that necessity for it should have arisen, is a very important and urgent one and should have the wholehearted support of the House.

With these few words, Sir, I support the motion before the House.

श्री आर० वी० घुलेकर : सभापति जी, मुझे बड़ी प्रसन्नता है कि आज हमारे

इस भवन की एक बहुत पुरानी मशहूर कार्यकर्त्री श्रीमती एजाज रसूल बेगम साहेबा ने यह समझा कि इस तरह का बिल यहां पर पेश होना चाहिये। मुझे बड़ी प्रसन्नता हुई कि उन्होंने यहां पर खुले तौर से इस बात का इकबाल किया कि उन्होंने और उनकी पार्टी ने १५ अगस्त के पहले और कई साल तक बराबर यह वीज बोया था जिसके कारण इस भारतवर्ष में बहुतसी गड़बड़ पैदा हो गई। आज जब कि हमारी स्वतंत्रता आई है इस समय भी कुछ पहले जैसे बिल पेश करने पड़ते थे वैसे ही अब भी पेश करने पड़ते हैं जिनसे हमारे छापेखानों पर और कुछ हमारे अखबारों पर कुछ बंधन लगाये जायें। यह नतीजा इस तरह निकला कि आप खुद देखते हैं कि तमाम पाकिस्तान में लाखों आदमी मारे गये, बच्चे मारे गये, औरतें मारी गईं और लाखों की जायदाद का नुकसान हुआ। वह अखबार जिसने यह आग फैलाई वह देहली से ही निकलता था इसलिए मैं समझता हूँ और उम्मीद करता हूँ कि जो श्रीमती जी ने अभी कहा वह उसको आयन्दा भी याद रखेंगी और मैं समझता हूँ कि वह इस बात का ख्याल रखेंगी कि आयन्दा कोई ऐसा मौका उनकी पार्टी की तरफ से न आने पावे जिससे कि हिंदुस्तान को नुकसान हो।

मैं यह कहना चाहता हूँ कि यह बिल बहुत ठीक मौके पर पेश किया गया है। मेरे एक दोस्त यहां पर भी गड़बड़ पैदा करना चाहते हैं और मैं उम्मीद करता हूँ कि शायद ऐसा कोई मौका न आये कि इस बिल को इस हाउस के अन्दर भी काम में लाना पड़े। क्योंकि इस भवन में हर शख्स को आजादी है। दिल्ली में जो आग फैलाई है वह आपको मालूम है और आप यह चाहते हैं कि यहां पर भी वही किया जाय। इसलिए मैं कहता हूँ कि हमारे दोस्त की हरकत से हमारे जो कुछ भी प्रिविलेज हैं जिससे हम सब कुछ आजादी से कर सकते हैं वह भी छीन लिये जायेंगे। इसलिये मैं उम्मीद करता हूँ कि जो बिल सामने लाया गया है वह बहुत सस्ती के साथ बरता जाय। मेरे लायक दोस्त ने यहां पर इस बात को कहा है कि शायद ऐसा मौका न आये। मैं तो यह कहता हूँ कि मौका जरूर लाया जाय। अभी तक कुछ अखबारों में छिपी जवान मे और दबो तौर से इस तरह की चीजें शायद हो रही हैं जिससे जो मुल्क के टुकड़े हो गये और जो टुकड़ा अलग हो गया है उसको हर किस्म की इमदाद दी जाय। इस तरह की चीजें पैदा की जा रही हैं

जिससे यह मालूम हो कि यहां लोग जुल्म कर रहे हैं। मैं आपकी इजाजत चाहूंगा और इस बात को बतलाऊंगा कि हमारे शहर झांसी में जहां पर कि एक लड़के को छूरा भोंक दिया गया था और उसके बाद एक लड़की को मार दिया गया था वहां जिन लोगों ने लड़के और लड़की को मारा उन्होंने ही अखबार में यह छपवाया कि हमारे ऊपर यहां के जो अक्सरियत वाले लोग हैं अर्थात् बहुमत वाले हैं, बड़ा भारी अन्याय कर रहे हैं और लोगों को इधर उधर से इकट्ठा करके जोरों से कहने लगते हैं कि हमको यहां से जाने को मजबूर किया जा रहा है। दो तीन हजार का मजमा इकट्ठा कर लिया गया और फिर कहने लगे कि हमको तो पाकिस्तान जाने को यहां के लोग मजबूर करते हैं और ऐसी हालत पैदा कर रहे हैं जिससे कि हम न रह सकें। इस तरह की चीजें अखबारों में छपती हैं और उसका असर बहुत बुरा होता है। बराबर हमारे यू० पी० के प्रांत में और दूसरी जगह अखबारों में छापी जाती हैं। बहुत सी दरखास्तें गवर्नमेंट के पास भेजी जाती हैं कि कुछ ऐसे मेम्बर हैं जो इस बात को चाहते हैं कि इस मुल्क से यहां के कुछ लोग पाकिस्तान चले जायं। मैं कहना चाहता हूँ कि यहां पर जो बिल लाया जा रहा है वह जरूर पास किया जाय और होम मेम्बर साहब से इस बात की प्रार्थना करूंगा कि इस किस्म के जितने अखबार जो यहां हिन्दुस्तान में हैं जिन में हैड लाइन्स या सुर्खी दूसरी किस्म की दी जाती है और अन्दर ऐसी बातें लिखी जाती हैं जिससे कि हिन्दुस्तान की दुनियां में बदनामी हो बंद किये जावें। मैं समझता हूँ कि इस किस्म की चीज को रोकने के लिये यह बिल नाकाफी है और इससे भी सख्त अगर हो सके तो लाना चाहिये। इतना कहकर मैं चाहता हूँ कि हर शख्स को इसका समर्थन करना चाहिये और इसको सख्ती से बरता जाय।

(English translation of the above speech)

Shri R. V. Dhulekar (U. P.: General): Mr. Chairman, it gives me great pleasure to have to say that one of our old well-known members of this House, Begum Aizaz Rasul, has thought that such a Bill should be presented here. I have been very much pleased that she has frankly admitted here that she and her party had sown seeds prior to 15th August and many years before which have resulted in creating large-scale disturbances in India. To-day when we have achieved our independence we had to present some Bills—as we had been doing before—which tend to impose certain restrictions on some of our papers and presses. You will yourself observe that this is the obvious result of the **orgy of murder** of lakhs of men, women and small children and loss of property worth several lakhs which took place in the whole Pakistan. The paper that indulged in inflammatory writings was being published from Delhi. Therefore, I think and hope that my Honourable Lady friend will remember for future also what she has stated now. And I further hope that she will bear this in mind that there will not arise any opportunity in the future when her party may act prejudicially to the interests of India.

I may say that this Bill has been presented at the most opportune moment. One of my friends wanted to create disturbance here as well and I hope that there will not arise any contingency to bring into operation the provisions of this Bill in this House. Because everyone in this House has got liberty. You are aware of the sparks of trouble that have flown over Delhi and you want that the same thing should be repeated here. This is what I say that we will be deprived of all of our privileges with which we can act freely by the action of our

[Shri R. V. Dhulekar]

friend. Therefore I hope that the Bill which has been brought before the House should be rigidly enforced. My Honourable friend has stated here that probably such an opportunity may not come. I wish that such an opportunity must be brought about. Uptil now such matters are being published in the papers in a tacit manner in order to render every possible assistance to those portions of the country which have been partitioned and the portion which has been cut off. Such conditions are being created as may give rise to the apprehension that the people here are committing atrocities. I may be permitted to say that in my place, Jhansi, where a boy was stabbed and after that a girl killed, the very people who perpetrated this murder managed to publish in the papers that they were being subjected to grave injustice at the hands of the people of the majority community of that place. They gathered people from the surrounding areas and went on emphatically saying that they were being compelled to leave the place. A gathering of about two to three thousand persons was arranged and then it was declared that the local people were forcing them to migrate to Pakistan and creating such conditions which would render it impossible for them to live there. Such matters are published in the papers and it produces a very bad effect. These are published alike in the papers in the Province of U.P. and elsewhere. Many representations are made to the Government that there were certain members who wished that some of the people from this country should leave for Pakistan. I want to say that this measure which is being brought before the House should be passed and I would request the Honourable Minister of Home Affairs to prohibit publication of such papers in India as publish scurrilous headlines or headings and contain such matters inside which may bring slur on India before the world.

I feel that this Bill is quite inadequate to meet this necessity and a more rigid measure should be introduced, if possible. With these words, I wish that everyone should support this Bill and that it should be strictly enforced.

श्री जय नारायण व्यास : महोदय, जो बिल होम मिनिस्टर साहब ने हमारे सामने उपस्थित किया है उससे ऐसा मालूम होता है कि इस बिल के जरिये वह प्रेस की आजादी छीन रहे हैं। लेकिन दरअसल वह प्रेस की आजादी नहीं छीन रहे हैं बल्कि प्रेस का लाइसेंस छीन रहे हैं। प्रेस के लाइसेंस की वजह से आज हिन्दुस्तान में खास तौर से चीफ कमिश्नर के प्राविंस के आसपास आग लगाई जा रही है और खूनी कार्य किया जा रहा है जिससे कि इस सरकार को उलटकर एक सामन्ती सरकार कायम कर दी जाय। यह षडयंत्र में देख रहा हूँ और मैं समझता हूँ कि इस बिल की यहां बहुत सख्त जरूरत है।

मैं एक चीफ कमिश्नर प्राविंस (Chief Commissioner's Province) के नजदीक रहने वाला हूँ। मेरा मतलब अजमेर मेरवाड़ा से है जिसके चारों तरफ देशी राज्य फैले हुए हैं। इसमें जोधपुर, मेवाड़ वगैरह दूसरी रियासतें भी आ जाती हैं। उस अजमेर मेरवाड़ा का इलाका भी बहुत छोटा है और इस अजमेर मेरवाड़ा को इस तरह सामन्ती राज्य बनाने का एक खास अड्डा बनाया जा रहा है और वहां से इतने गंदे और भद्दे खबरों निकलते हैं और गंदा प्रचार किया जाता है और मेरी समझ में नहीं आता और मुझे तो होम मिनिस्टर साहब से शिकायत है कि उन्होंने अब तक इस तरह तवज्जह क्यों नहीं दी।

में ज्यादा वक्त नहीं लेना चाहता हूँ लेकिन थोड़े से अखबारात का एक आध नमूना मैं आपके सामने पेश करना चाहता हूँ, जिससे मालूम हो जाय कि इस तरह के बिल की जरूरत क्यों है। 'क्षत्री वीर', 'हिंदू संदेश', 'राष्ट्रीय पताका' जोधपुर से, 'छात्रधर्म जयपुर से निकलता है। 'वीर भूमि' उदयपुर से निकलता है। 'तेज प्रताप' अलवर से निकलता है। और इन सब अखबारात के अंदर बहुत ही गंदे प्रचार हमारी सरकार के खिलाफ होते हैं। मैं एक दो नमूने आपके सामने रखूँ जिससे आपको मालूम हो जाय कि इस बिल की क्यों जरूरत है।

'हिंदू संदेश' ५ नवम्बर का जो कि जोधपुर से निकलता है ऐसा लिखता है :

“कहीं जाने वाली भारत सरकार केवल यह कहने के सिवाय कि 'यह कैसे हो गया, हमें तो इसका अन्दाज ही नहीं था', कुछ भी इन अत्याचारों के विरुद्ध ठोस कदम उठाने का साहस न कर सकी, आगे की रोक थाम का प्रबंध न कर सकी। अपनी आजाद सरकार को नपुंसक समझकर हिंदू जनता ने आक्रमणकर्ताओं का सामना किया, उन्हें मार कर भगाया ही नहीं बल्कि उनके दिलों में यह भाव, कि हम ही सब में श्रेष्ठ हैं हमें सब तरह से काफिरों को प्रयोग में लाने का अधिकार है मिटा कर अपनी वीरता धीरता की धाक उन दुश्मनों पर जमाही नहीं दी अपितु वर्षों से घुसे, वे हमारे घरों को छोड़कर भाग निकले। आक्रमणकर्ताओं के समक्ष बनी वही सरकार, नपुंसक सरकार, अपने आकाओं को, जिनके वोटों पर वह बनी थी अपना तीसमारखांपन दिखाते हुए गोलियों से भुनवाने लगी, जेलों के सीकचों में कस दिया, करोड़ों रुपया जुमाने के नाम पर चूसकर पंगु बना दिया।”

इस तरह की और न जाने कितनी बातें लिखी जा रही हैं। ऐसा सब लिखने का कोई कारण है। ऐसा न समझ लिया जाय कि यह कोई बिना मकसद के है। हमारे होम मिनिस्टर साहब ने यह फरमाया कि यह अखबार-नवीस बहुत इरिस्पोंसिबिल (irresponsible) हैं और वह अपनी रिस्पोंसिबिलिटी (responsibility) को नहीं समझते हैं। मैं उन से इस बात में सहमत नहीं हूँ, और मैं समझता हूँ कि वह जो कुछ करते हैं वह एक दूसरी रिस्पोंसिबिलिटी (responsibility) को पूरा करने के लिये करते हैं। और वह दूसरी जिम्मेदारी यह है कि आज जो नेशनल गवर्नमेंट है, उसको उलट दिया जाय और उसके बदले में एक फासिस्ट तरीके की सरकार कायम की जाय। इन्हीं अरुवारों के जरिये से प्रचार किया जा रहा है कि हमारी सरकार नपुंसक है, वह किसी काम की नहीं है और वह मुस्लिम परस्त है। और वह हिन्दुओं को कुचलती है। और न मालूम क्या क्या लिखा जाता है। यह कहा जाता है कि इस सरकार ने कभी शासन नहीं किया है। यह सरकार कभी शासन नहीं कर सकती है, और यह गिरनेवाली है, और अंगरेजी सरकार फिरवापिस आने वाली है। इसलिये यहां पर देशी सरकार कायम करने के लिये जमीदारों, जागीरदारों और राजाओं की

[श्री जय नारायण व्यास]

सरकार कायम की जानी चाहिये। ऐसा अखबारों में प्रचार किया जा रहा है। अजमेर-मेरवाड़ा जो कि आपका एक प्राविंस है, उसको राजपूताने के साथ मिला देना चाहिये। यह प्रचार भी उसी के साथसाथ किया जा रहा है। उसको मिलाने के लिये स्कीम (Schemes) बनी हुई हैं। एक अखबार 'राष्ट्र पताका' कहता है कि अजमेर मेरवाड़ा का वह हिस्सा जो देवली के पास है, उसको मेवाड में मिला देना चाहिये। और ऐसे अखबारों को बदकिस्मती से ऐसे २ लेखक भी मिल जाते हैं जो अपने को सोशलिस्ट कहते हैं और सामन्त शाही के साथ उनको मिलाने में अपनी मदद देते हैं। ऐसे-ऐसे प्रचारक भी आज अजमेर-मेरवाड़ा में भेजे गये हैं, स्वामी, सन्यासी न मालूम कितने। एक स्वामी माधवानन्द हैं जो अपने को जोधपुर महाराज का गुरु कहते हैं। वह कहते हैं कि मैं तो राजपूतों और क्षत्रियों का संगठन करता हूँ और मैं देश की रक्षा करने के लिये यह कर रहा हूँ। महाराज जोधपुर भी कहते हैं कि हमें सिर्फ राजपूताना ही नहीं, बल्कि सारे देश भर के हिंदुओं की रक्षा करना है और उसके लिये मैं आपका सहयोग चाहता हूँ। इसी तरह का अलवर, उदयपुर और दूसरी रियासतों में प्रचार किया जा रहा है। इस तरह के परचों से देश भर में प्रचार कर रहे हैं कि कांग्रेस खूनी है और इसको मिटा देना चाहिये और उसके बदले में दूसरे तरह की सरकार कायम करनी चाहिये। खुले तौर पर यह कहा जा रहा है कि क्षत्री लोग ही राज्य कर सकते हैं और उन्हीं का राज्य कायम करना चाहिये। यह मौजूदा सरकार राज्य करने के लायक नहीं है। मैं कोई क्षत्रियों से नफरत नहीं करता, लेकिन कोई यह चाहे कि मौजूदा सरकार को हटाकर, क्षत्री राज्य कायम करे, तो मैं अपना खून बहाकर उस राज्य को मिटाने की कोशिश करूँगा। सच्ची बात यह है कि जो प्रचार हो रहा है, वह प्रचार हम लोगों को, हमारी डेमोक्रेसी को, हम लोगों की आपस में मिलजुल कर रहने की जो प्रवृत्ति चल रही है, इन सब को खत्म करने के लिये हो रहा है और ऐसी बातों को रोकना, प्रेस की आजादी को रोकना नहीं है। मैं श्री देशबंधु जी को आपकी मारफत बतला दूँ कि मैं भी एक छोटा सा पत्रकार हूँ। पत्रकारों की जायज आजादी के लिये लड़ने के लिये मैं सदा तैयार रहूँगा। लेकिन यह आजादी नहीं है। यह तो गुन्डापन है। कोई अखबार गुन्डेपन का प्रचार करे तो मैं समझता हूँ कि हमें उसको रोकना चाहिये और अगर हम नहीं रोकेंगे तो हम अपने आपको रोक देंगे, अपनी आजादी को रोक देंगे और इन्सानियत, राष्ट्रीयता और अपनी डेमोक्रेसी और जनतंत्रवाद को खत्म कर देंगे। इन शब्दों के साथ मिनिस्टर साहब ने जो बिल पेश किया है, उस बिल की मैं पुरजोर टाईड करता हूँ। -

(English translation of the above speech)

Shri Jainarain Vyas (Jodhpur State): Sir, from the Bill introduced by the Honourable Minister for Home Affairs it appears that through this Bill he is trying to curtail the liberties of the press. As a matter of fact it is not the freedom of the press which he intends to restrict, but it is the licence of the press which he wants to limit. It is this licence of the press which is being

used to inflame the feelings of the masses in India, particularly in the Chief Commissioners' provinces. It is this licence of the press which is responsible for the sanguinary happenings that are taking place these days. Its object is to overthrow the present Government and put a feudal government in its place. I am alive to this sinister design and I realise what grave necessity is there for this Bill.

I come from a place which is close to a Chief Commissioner's Province, I mean the province of Ajmer-Marwara which is surrounded on all sides by native States of Jodhpur, Mewar, etc. This province of Ajmer and Merwara is very small, and efforts are being made to convert it into a base for establishing a feudal government. Filthy and rotten papers are published in these states and evil propaganda is made. I am at a loss to understand, in fact, I have a complaint to make to the Hon'ble Home Minister, why he has not paid his attention to it so far. I do not want to take much time, but I do want to place before you a specimen or so from a few of such papers so that the Honourable Members may have an idea as to why this Bill is needed. *The Khshatri Vir*, *The Hindu Sandesh*, and *The-Rashtraya Pataka* are published in Jodhpur; *The Chhatra Dharm* is issued from Jaipur, *The Bhumi* comes out from Udaipur, and *The Tej Partap* has its offices at Alwar. Vicious propaganda is made against our Government by these papers. Let me give you a few quotations from these so that you may appreciate why we need this Bill.

The Hindu Sandesh of the 5th November which is issued from Jodhpur writes as follows:

"The so called Indian Government has only said that it was surprised to find how all this had happened. It has further said that it never could imagine that things would take such a turn. This Government could not dare take any strong step to suppress these atrocities. It failed to prevent further deterioration. Finding their independent government quite incompetent, the Hindu masses faced the attackers, and not only did they rout them but also made them realise that it was not Muslims alone who were the most powerful, and that they were mistaken in cherishing the idea that the Muslims have the right to treat the non-Muslims in whatever way they liked. These raiders were not only impressed by the valour and bravery of the Hindus, but they even fled from the houses they had been living in for years. The very government which had failed to suppress the raiders, started firing wantonly on the very people who had voted for its very formation; and it took pride in it. It put them behind bars; extracted crores of rupees as fines and reduced them to a state of utter helplessness."

Who knows how many more such things are being published. There is a motive behind all this. It should not be taken as something without an aim. The Honourable Minister for Home Affairs said that these pressmen are very irresponsible, and that they do not realise their responsibility. I do not agree with him there. I think that whatever these pressmen are doing, is being done to discharge another responsibility; and this another responsibility is to replace the present national government by a fascist government. The columns of these very papers are utilised for propagating to the public that our present government is impotent; that it is useless, and that it favours the Muslims and crushes the Hindus. Many such things are being written. It is said that this government has no experience of administration. It can never rule; it is bound to collapse and the British Government is sure to return. To establish an Indian Government, therefore, it is imperative that we should have a government comprising of landlords, jagirdars and princes. This sort of propaganda is being made by these papers. Propaganda is also being made for amalgamating with Rajputana States our province of Ajmer and Merwara. Schemes have been made for attaching this territory to these States. *The Rashtra Pataka* suggests that the part of Ajmer and Marwara which adjoins Devli should be annexed to Mewar.

[Shri Jainarain Vyas]

Unfortunately, such papers get writers too of this type. These writers style themselves as socialists but in reality they contribute towards efforts for attaching these areas to the States. Many such propagandists have been sent to Ajmer-Marwara. Many Swamis and Sanyasis have visited this province. One such man is Swami Madhwa Nand who calls himself the Guru of the Maharaja of Jodhpur. He professes to bring together the Rajputs and the Kshatriyas, and he says that he is doing so in the interest of the defence of the country. The Maharaja of Jodhpur also puts in a few words saying that it is not Rajputana alone which he has to protect, but all the Hindus of this country; and for that he seeks this Swami's help.

Similar propaganda is being made in Alwar, Udaipur and other States. Newspapers of this kind are being used to propagate all over the Country that the Congress is stained with blood; it should be annihilated, and its Government should be replaced by a different kind of Government. It is being said openly that only the Kshatriyas are entitled to govern and that only they should run the Government. This present Government is unfit for ruling the public. I do not hate the Kshatriyas; but if it is desired to overthrow the present Government and boost up a Government by the Kshatriyas, then I do not refrain from saying that I will not spare the last drop of my blood for putting it to an end. The fact is that all this propaganda is directed against us, against our democratic Government, against our desire to live united. To stem such evils is not to take away the liberty of the press. Let me, Sir, through you tell Mr. Deshbandhu that I am also a small journalist. I shall always be prepared to fight for the legitimate freedom of the journalist. But this is no freedom. This is goondaism. And if any paper preaches goondaism, I think, we must check it. If we don't do so, we shall be annihilating ourselves and losing our freedom. It will mean the death of humanity, nationality, our democracy and our socialism. With these words, I strongly support the Bill introduced by the Honourable Minister.

The Honourable Sardar Vallabhbhai Patel: Sir, I have no doubt in my mind that the House is fully aware of the situation in the country and the necessity of having a legislation of this kind. I am glad the various speakers have spoken in an emphatic tone about the necessity of the measure. Now I wish to say a few words by way of digression and I hope with your permission the House will appreciate and tolerate it. I have the experience of this House for a short period only but outside the House also I have taken some interest in the proceedings of this House. I have no doubt that the proceedings of this House in the past have been utilised to serve the end which is the object of this legislation to prevent. In the past it has been so. This House has been used for the purpose of creating communal tension inside and outside, both in the matter of interpellations, speeches and often in the matter of Bills also. We have put in questions deliberately with the object of creating the situation for the purpose of canvassing the support of particular sections of communities. I appeal to the House also to take this matter into consideration that in a new India, in the new Parliament, this House is not the forum to be utilised for the purpose of creating any such situation or any such atmosphere. I appeal to all Members not to give interpellations in the manner in which they were giving in the past. I have seen some questions that have been received. I only appeal because all these questions and answers and all these proceedings that are taking place here are published in the Press and the Press will take advantage of the attitude we take here. Then they will be justified in saying that 'what we are doing is not worse than what you are doing. You are enjoying certain privileges. We are also enjoying certain privileges.' That is a digression by way of precaution. Now with the partition of the country the atmosphere of this House and the tone of the debate

must have a different tune. We must be helpful in establishing traditions and creating conditions, an atmosphere in the country for harmony, unity and peace in the land, which is the greater responsibility of the members of this House.

Now so far as the Bill is concerned, I do not think that I can say more than those friends who themselves are editors and who know where the shoe pinches. As has been rightly said this Bill is a check not against the liberty of the Press, but against the liberty which has been turned into a worse form of licence. As has also been acknowledged that although this Ordinance has been in force for more than a year we have held our hands and rarely exercised the powers that are given by it.

Our friend from Ajmer-Merwara read out a passage from a newspaper. Even in an advanced province like Bombay the newspapers are carrying on in such a manner that an old liberal friend of mine sent me a cutting in which it was stated that as this Government had been bitterly criticized in the foreign press,

particularly in England, the representative of the Home Department of Government has selected forty beautiful Sikh girls to send them to England and give one to each of the editors in Fleet Street. When that cutting was sent to the Home Minister of Bombay he said he could do nothing because there is no section of the law under which he could take action. Is the Home Member to go and file a suit of defamation for the publication of these scurrilous and malicious libels? You will see that there are many papers of this kind who realise that freedom has come and freedom can be used in this manner. If you do not teach people how to enjoy freedom you will lose that freedom because, as has been said, there are many people who have dreams that as the British power which was an established power and used to protect everybody has disappeared, the place of that power will be taken by anybody who can organise a few goondas. This Government is strong enough to resist any pressure from any quarter of that type. But in this House we must see that we protect every legitimate right and interest which must be protected in a free country. But we must not allow either the press or public assembly meetings or public platforms or privileged places like the Assembly to be used for the purpose of destroying freedom which is won after hard struggle and considerable sacrifice.

Sir, I am grateful for the support that has been given to this measure.

Mr. Chairman: The question is:

“That the Bill to continue certain special powers conferred on the administration in Chief Commissioners' Provinces for the better control of the dissemination of undesirable matter, be taken into consideration.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 20th November, 1947.