

Thursday, 6th April, 1950

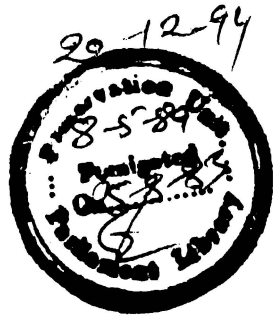


# PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT

---



VOLUME II, 1950

---

FIRST SESSION  
OF  
PARLIAMENT OF INDIA  
1950

*Saturday, 1st April, 1950.—*

Oral Answers to Questions . . . . .	1223—1243
Written Answers to Questions . . . . .	1244—1245

*Monday, 3rd April, 1950.—*

Oral Answers to Questions . . . . .	1247—1269
Statement correcting Answer to Starred Question No. 957 of 20th March, 1950 re Average Cost of Education per Student . . . . .	1270
Written Answers to Questions . . . . .	1270—1278

*Tuesday, 4th April, 1950.—*

Oral Answers to Questions . . . . .	1279—1300
Written Answers to Questions . . . . .	1300—1308

*Wednesday, 5th April, 1950.—*

Oral Answers to Questions . . . . .	1309—1335
Written Answers to Questions . . . . .	1335—1348

*Thursday, 6th April, 1950.—*

Oral Answers to Questions . . . . .	1349—1370
Written Answers to Questions . . . . .	1370—1374

*Saturday, 8th April, 1950.—*

Oral Answers to Questions . . . . .	1375—1397
Written Answers to Questions . . . . .	1397—1402

*Monday, 10th April, 1950.—*

Oral Answers to Questions . . . . .	1403—1428
Written Answers to Questions . . . . .	1428—1442

*Tuesday, 11th April, 1950.—*

Oral Answers to Questions . . . . .	1443—1462
Written Answers to Questions . . . . .	1463—1474

*Wednesday, 12th April, 1950.—*

Oral Answers to Questions . . . . .	1475—1497
Written Answers to Questions . . . . .	1497—1504

*Friday, 14th April, 1950.—*

Oral Answers to Questions . . . . .	1505—1536
Written Answers to Questions . . . . .	1536—1538

*Saturday, 15th April, 1950.—*

Oral Answers to Questions . . . . .	1539—1562
Written Answers to Questions . . . . .	1563—1566

*Monday, 17th April, 1950.—*

Oral Answers to Questions . . . . .	1567—1591
Point of Order re Supplementary Questions . . . . .	1592
Written Answers to Questions . . . . .	1592—1606

PARLIAMENTARY DEBATES  
(PART I—QUESTIONS AND ANSWERS)

Thursday, 6th April, 1950.

*The House met at a Quarter to Eleven of the Clock.*

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

MANUFACTURE OF EARTHENWARE AND PORCELAINWARE

\*1464. **Shri Sidhva:** (a) Will the Minister of **Industry and Supply** be pleased to state the total number of factories existing in India for the manufacture of earthenware and porcelainware?

(b) What is the total annual output in quantity and value?

(c) Is it a fact that insulators are manufactured in India?

(d) If so, are they used for Government purpose and other private purposes?

(e) What is the quantity of insulators imported from abroad, what is the total requirement of India and what is the production from the existing factories?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) 21.

(b) 3,741 tons valued at Rs. 66 lakhs approximately in 1949.

(c) Yes.

(d) Yes.

(e) *Imports* (in value):

1946-47	Rs. 1,79,596.
1947-48	Rs. 1,88,852
1948-49	Rs. 1,68,684

Figures in terms of quantity are not available

*Requirements:*

L. T. Insulators	50,00,000 pieces
H. T. Insulators	2,50,000 ..

*Production (1949):*

L. T. Insulators.	22,39,204 pieces
H. T. Insulators.	1,36,750 ..

**Shri Sidhva:** What was the total requirement? I could not follow.

**Dr. S. P. Mookerjee:** 50, lakhs.

**Shri Sidhva:** And the production?

**Dr. S. P. Mookerjee:** About 22 lakhs in 1949.

**Shri Sidhva:** Am I to understand that production is larger than the requirements?

**Dr. S. P. Mookerjee:** No. Requirement of L.T. insulators is 50,00,000 pieces whereas the production in 1949 was 22,89,000.

**Shri Sidhva:** Is it the intention of Government to increase production of these in the near future?

**Dr. S. P. Mookerjee:** Yes, Sir.

**Shri Kesava Rao:** May I know whether Government has given any aid to private industry in porcelain and earthenware?

**Dr. S. P. Mookerjee:** No direct aid. In fact, in 1948, production was higher; but in 1949 production was less.

**Dr. Deshmukh:** Do we import any earthenware and porcelainware besides insulators and if so what is the value?

**Dr. S. P. Mookerjee:** So far as L. T. insulators are concerned, we are not allowing any import; that has been banned completely. H. T. insulators are not in the O.G.L. and a ceiling of Rs. 5 lakhs has been fixed.

**Dr. Deshmukh:** May I know whether we import anything else by way of porcelainware other than insulators?

**Dr. S. P. Mookerjee:** We do import; but I have not got figures.

**Shri Dwivedi:** What is the total value of crockery and porcelainware imported into India from outside?

**Mr. Speaker:** He has just now said that he has not got the figures.

**Shri Gautam:** What are the causes for production going down in 1949 as compared with 1948, and what steps are Government taking to check production from going down?

**Dr. S. P. Mookerjee:** I am told that two of the factories did not work to full capacity due to labour troubles. Now these troubles have disappeared.

**Shri Deshbandhu Gupta:** Is it not a fact that import of cheap goods from Japan are also responsible for the fall in production to some extent?

**Dr. S. P. Mookerjee:** Not in so far as L.T. insulators are concerned.

**Shri Deshbandhu Gupta:** I want to know about crockery.

**Mr. Speaker:** He has stated that he has no figures for crockery. Next question.

#### EXPORT OF BEEF

\*1465. **Seth Govind Das:** Will the Minister of Commerce be pleased to state the weight of beef exported from India in the year 1949-50 and its value?

**The Minister of Commerce (Shri Neogy):** Exports of beef are not separately recorded in our foreign trade returns but it has been ascertained that no export has taken place excepting perhaps unrecorded negligible quantities as ships stores.

**सेठ गोविन्द दास :** यह गो मांस जो बाहर जाता है उसके सम्बन्ध में बन्दरगाहों को इस प्रकार की हिदायतें हैं कि गो मांस इस देश से बाहर न जाय ?

**Seth Govind Das:** As regards the beef, that is exported, have instructions been issued to the port authorities that it should not be exported?

**Mr. Speaker:** Have any instructions been issued to the port authorities?

**Shri Neogy:** There is hardly any export at all.

**सेठ गोविन्द दास :** आपने अभी यह कहा कि एक्सपोर्ट यहां से नहीं है और आपने यह भी कहा कि नैग्लेजिबल है । मगर मैं यह जानना चाहता हूँ कि इस तरह की कुछ ऐसी हिदायतें हैं कि बीफ़ यहां से एक्सपोर्ट न किया जाय ?

**Seth Govind Das:** You have just said that there is hardly any export and if at all it is quite negligible. But I want to know whether any instructions have been issued that beef should not be exported from here?

**Shri Neogy:** This matter is considered of hardly any practical importance when there is no export taking place.

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

#### RADIO MANUFACTURE

\*1466. **Seth Govind Das:** Will the Minister of Industry and Supply be pleased to state:

(a) the number of radio sets manufactured in India in the year 1949-50; and

(b) the lowest cost and sale prices of an Indian-made radio?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) 16,838 domestic radio receivers, in 1949.

(b)	Lowest Cost	Sale price ex-Factory
	Rs.	Rs.
5 valve AC/DC Set	161	185
Dry Battery Set	128	162

**सेठ गोविन्द दास :** जहां तक रेडियो बनाने का सम्बन्ध है हिन्दुस्तान में कितनी फैक्टरियां अभी चल रही हैं और कितनी और हैं जिनके बाबत यह उम्मीद है कि वह जल्दी से चलने लगेंगी ?

**Seth Govind Das:** As far as the manufacture of radio receiving sets is concerned how many factories are actually doing this work in India, and about how many it is expected would begin working soon?

**Dr. S. P. Mookerjee:** There are eight factories now. Three are proposed to be established very soon.

**सेठ गोविन्द दास :** इस देश में कितने रेडियो सेट इम्पोर्ट किये जाते हैं और कितने दिनों में आशा की जा सकती है कि हम अपने रेडियो सेट तैयार कर सकेंगे ?

**Seth Govind Das:** How many radio sets are imported every year in this country and when is it expected that we would be able to manufacture our own radio sets?

**Mr. Speaker:** He means import?

**Dr. S. P. Mookerjee:** In 1948-49, 36,980 complete radio receivers of the value of Rs. 67,78,542 were imported. So far as production is concerned, the maximum capacity of all the firms when they start functioning will be 100,000 sets per year.

**बाबू रामनारायण सिंह :** इस देश में रेडियो सेट बनाने के कारखाने कहां कहां पर हैं, मैं उन जगहों का नाम जानना चाहता हूँ।

**Babu Ramnarayan Singh:** What are the places where the radio set manufacturing factories are located?

**Dr. S. P. Mookerjee:** There is none in Bihar. There are three in Bombay, one in Bangalore, three in Calcutta, and one in Delhi. Of the three new factories, two will be in Bombay and the other will be in Karampur.

**An hon. Member:** None in Jubbulpore?

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

**Pandit Munishwar Datt Upadhyay:** Are community receivers also manufactured in India?

**Dr. S. P. Mookerjee:** Yes.

**Shri Kishorimohan Tripathi:** May I know how Indian radios compare in prices and quality with foreign radios?

**Dr. S. P. Mookerjee:** I suppose the hon. Member uses both.

**Shri Rathnaswamy:** May I know what efforts Government is making to see that the price of the radio sets manufactured in India is within the reach of the common man?

**Dr. S. P. Mookerjee:** We are helping the different firms by giving them raw materials and also other technical advice so that the cost of production may go down. In fact, some of the factories claim that they will be able to sell radio sets at Rs. 50 per set.

**Shri M. A. Ayyangar:** May I know from the hon. Minister if the manufacturing apparatus is also produced in this country?

**Dr. S. P. Mookerjee:** Considerable parts are to be imported.

**Shri M. A. Ayyangar:** May I know whether Transmitters are being manufactured either on behalf of Government or by private industry?

**Dr. S. P. Mookerjee:** We have received project reports for the manufacture of these items. That matter is under consideration by Government.

सेठ गोविन्द दास : जितने रेडियो सेट अभी यहां पर बनते हैं उनके सब हिस्से यहां पर बनते हैं या कुछ हिस्से यहां बनते हैं और क्या कुछ हिस्से बाहर से मंगाये जाते हैं ?

**Seth Govind Das**: Of the radio receiving sets manufactured here are all the component parts made in India or some of them are imported from outside?

**Dr. S. P. Mookerjee**: I said that some parts and components have to be imported.

सेठ गोविन्द दास : यह कब तक आशा की जा सकती है कि रेडियो सेट के सब पार्ट्स यहां पर ही बनने लगेंगे ?

**Seth Govind Das**: When it is expected that all the parts of the radio receiving sets would be manufactured here?

**Dr. S. P. Mookerjee**: If the new factory about which Government has received project reports, comes into existence, we will be able to be self-sufficient completely.

#### EXPERTS OF CEREALS AND Ghee

\*1467. **Seth Govind Das**: Will the Minister of Commerce be pleased to state the amount and value of cereals and ghee exported from India in the year 1949-50?

**The Minister of Commerce (Shri Neogy)**: I place on the Table of the House a statement giving the required information. [See Appendix VI, annexure No. 4].

सेठ गोविन्द दास : इस स्टेटमेंट में क्या मैं एक बात जान सकता हूँ कि जितनात घी का एक्सपोर्ट है वह कितना है ?

**Seth Govind Das**: May I know the total quantity of ghee exported from here mentioned in this statement?

**Shri Neogy**: The total quantity of ghee that went out was 137 cwts.

सेठ गोविन्द दास : क्या गवर्नमेंट इस बात का विचार कर रही है कि इस देश में जब घी की इतनी कमी है तो बाहर घी न भेजा जाय ?

**Seth Govind Das**: When ghee is so scarce in this country, have Government under consideration any such proposal that it may not be exported to other countries?

**Shri Neogy**: It is not a question of spending any ghee as a commercial export. All that went out of the country went out as personal baggage of travellers.

#### SINGLE LARGEST AMOUNT OF IMPORT LICENSE

\*1468. **Shri Sidhva**: Will the Minister of Commerce be pleased to state what was the single largest amount of license for import of goods from foreign country granted to an individual in the year 1948 and to whom it was granted?

**The Minister of Commerce (Shri Neogy):** As regards commercial imports, the largest licence granted to any individual firm was the licence given to the Standard Vacuum Oil Company for Rupees Four crores thirteen lakhs thirty nine thousand and five hundred and fortysix only. If, however, licences granted for Government sponsored capital projects are also taken into account, then the largest licence would be the one given to the Power Gas Corporation Ltd. (England), Calcutta, for plant, machinery, equipment, machine tools, etc. for Sindri Fertiliser Project for a c.i.f. value of Rs. 7 crores.

**Shri Sidhva:** What is the largest single amount of license given for paper import?

**Shri Neogy:** I have not the figure. I did not know that I would be required to give such detailed information.

**Shri Sidhva:** May I have the figures?

**Shri Neogy:** Yes, if he puts a question.

#### STRIKES AND LOCK-OUTS

\*1469. **Shri Kesava Rao:** (a) Will the Minister of Labour be pleased to state the total number of strikes and lock-outs in the textile, cement and sugar industries and in tea plantations during the current year?

(b) What is the total number of working days lost on account of these strikes and lock-outs?

(c) What is the number of workers involved?

(d) What are the reasons for the strikes?

**The Minister of Labour (Shri Jagjivanram):** (a) to (d). The information is being collected and will be placed on the Table as early as possible.

**Shri Kesava Rao:** May I know if it is a fact that most of these strikes and lock-outs are due to the influence of Communists?

**Mr. Speaker:** Let him have the information and then put the question.

श्री ए. ए. एल. वर्मा : क्या माननीय श्रम मंत्रीजी बता सकेंगे कि जब राजस्थान की किशनगढ़ कलाय मिल रुई के अभाव में करीब दो सप्ताह बंद रही तो उन दिनों का मुआवजा मजदूरों को दिया गया है ?

**Shri M. L. Varma:** Will the hon. Minister of Labour be pleased to state whether the workers of the Kishangarh Cloth Mill in Rajasthan have been given wages for those two weeks when the said Mill remained closed due to scarcity of raw cotton?

**Mr. Speaker:** I don't think it arises. Let the information be placed on the Table of the House and then let him put the question.

**Shri Kishorimohan Tripathi:** May I know if the disputes leading to the strikes in any case were referred to the Tribunal and if so, were any of the strikes declared illegal?

**Shri Jagjivan Ram:** That has been done in many cases but I have not got the specific cases.



## COCONUT PRODUCTS (EXPORT AND IMPORT)

\*1470. **Dr. M. M. Das:** Will the Minister of Commerce be pleased to state:

- (a) the countries from which coconut products are imported into India;
- (b) the total value of these imports for the years 1948-49 and 1949-50;
- (c) the States of India from which coconut products are exported; and
- (d) the total value of such exports during the years 1948-49 and 1949-50?

**The Minister of Commerce (Shri Neogy):** (a) to (d). I place on the Table of the House two statements. [See Appendix VI, annexure No. 42.]

Statement I shows the value of coconut and its products imported into India by sea from abroad during the years 1947-48, 1948-49 and the period of eight months from April to November, 1949, together with the details of countries of consignment.

Statement II shows the value of coconut and its products exported by sea from the States of India during the years 1947-48, 1948-49 and the period of eight months from April to November, 1949.

**Dr. M. M. Das:** May I know what particular products of coconuts are exported and what particular products are imported into this country?

**Shri Neogy:** The principal coconut products that are exported are coir matting, coir fibre etc. So far as copra and coconut oil are concerned, the export is generally prohibited though subject to some slight exceptions which were in the first instance made in favour of export to Pakistan and later, to a very small extent for purposes of export of coconut oil to Western Germany. So far as fresh coconuts are concerned, their export is also generally prohibited but as a very special case, a small quantity of fresh coconut had been allowed recently for export to hard currency countries.

**Dr. M. M. Das:** May I know whether the Indian production of copra and coconut oil is sufficient for our own consumption?

**Shri Neogy:** No. Our requirements of coconut oil are about 1,20,000 tons against our indigenous production of only 76,000 tons.

**Shri Karunakara Menon:** May I know the amount received by import duties on coconut oil in the years 1948-49 and 1949-50?

**Shri Neogy:** I must ask for notice of that.

**Shri B. Velayudhan:** May I know whether we have any treaty negotiated with Ceylon for import of coconut oil and copra?

**Shri Neogy:** There was an agreement in regard to copra and coconut oil with Ceylon but no definite commitment about a guaranteed offtake or of a fixed contract price has been made.

**Shri B. Velayudhan:** May I know whether Pakistan is exporting any coconut oil to India which she had originally imported from Ceylon?

**Shri Neogy:** As the hon. Member knows trade with Pakistan is at a standstill.

**Shri Kamath:** From which foreign countries are coconut products imported into India, and are those products such that they cannot be manufactured in this country?

**Shri Neogy:** I have already indicated that this country's production is insufficient for meeting our demands.

**Shri Kamath:** What are the products imported?

**Shri Neogy:** That would be coconut oil, I take it. The statements that I have placed on the Table give detailed information as regards the various countries from which imports are taking place of the various items.

#### FOREIGN FIRMS MANUFACTURING RAW FILMS

**\*1471. Dr. M. M. Das:** Will the Minister of **Industry and Supply** be pleased to state:

(a) the names of foreign firms, whose applications have been sanctioned by the Government of India for establishing factories for the manufacture of raw films in India; and

(b) the terms, if any, under which the said firms have been allowed to establish such factories?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) No such applications have been sanctioned.

(b) Does not arise.

#### FOREIGN FIRMS FOR MANUFACTURE OF TANNED LEATHER

**\*1472. Dr. M. M. Das:** Will the Minister of **Industry and Supply** be pleased to state:

(a) the names of foreign firms, whose applications have been sanctioned by Government for manufacturing tanned leather in India; and

(b) the terms, if any, under which the said firms have been given such sanction?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) No such applications have been sanctioned.

(b) Does not arise.

**Dr. M. M. Das:** May I know whether it is a fact that the raw materials for the existing tanneries in this country such as hides and skins are insufficient?

**Dr. S. P. Mookerjee:** Yes.

#### DISPLACED PERSONS IN RAJASTHAN

**\*1473. Shri Raj Bahadur:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of shops, stalls and houses constructed so far in Rajasthan for the re-settlement of displaced persons;

(b) the amount of loans, (i) commercial; (ii) agricultural and (iii) educational, advanced to displaced persons settled in Rajasthan;

(c) the amount of stipends to displaced students and trainees; and

(d) the arrangement for primary education for the children of the displaced persons?

**The Minister of State for Rehabilitation (Shri Mohan Lal Saksena):** (a) Stalls and Shops—522, Houses—300. Besides this a sum of Rs. 25 lakhs has been given to Bhopal Housing Society, Udaipur.

(b) Industrial and Commercial—Rs. 19,33,413

Agricultural.— Rs. 99,19,617

Educational— Rs. 2,869

(c) Stipends— Rs. 27,202

(d) 58 primary schools are being run by the Department of Education, Rajasthan exclusively for displaced children. In addition to this the capacity of some of the existing schools has been increased.

**Shri Raj Bahadur:** May I know how far does the number of houses, shops and stalls given to us fall short of the total requirements of the displaced persons in Rajasthan?

**Shri Mohan Lal Saksena:** It is difficult for me to give the extent but for the next year we have programmes to build more of these buildings.

**Shri Raj Bahadur:** May I know the number of students who got stipends?

**Shri Mohan Lal Saksena:** I have not got the information regarding stipends.

**Shri Raj Bahadur:** I wanted to know the number of children who have benefited from the primary education arrangements.

**Shri Mohan Lal Saksena:** All children in the new settlements and camps are expected to be in primary schools and therefore they must all be benefiting by the arrangements.

**Shri Balwant Sinha Mehta:** What is the machinery to implement all these plans in Rajasthan?

**Shri Mohan Lal Saksena:** There is a Rehabilitation Ministry in Rajasthan, there is a Rehabilitation Commissioner and I understand that there are refugee officers and Deputy Rehabilitation Commissioners for different districts.

**Shri Kamath:** Arising out of the answer to part (a) of the question, has the Rajasthan Government asked for any of the timber huts imported from Sweden for the purpose of shops and stalls there?

**Shri Mohan Lal Saksena:** No.

**Shri Kamath:** That is good: that is something.

**लाला अचिन्त राम :** क्या माननीय मंत्री जी बतलायेंगे कि गवर्नमेंट ने जो एप्लीकेंट्स को लोन्स मंजूर किये हैं, उन पूरे लोन्स को एप्लीकेंट्स को देने में या एप्लीकेंट्स की तरफसे पूरे लोन्स का फायदा उठाने में जो रुकावटें हैं उनको दूर करने के लिए गवर्नमेंट ने क्या इन्तिजाम किया है ?।

**Lala Achint Ram:** Will the hon. Minister be pleased to state what steps have the Government taken to remove the obstacles that are in the way of given full amounts of loans to these applicants, who have been granted loans, or in taking the full advantage of these loans by the applicants?

**श्री मोहन लाल सक्सेना :** मैं नहीं जानता कि किन रुकावटों की तरफ आनरेबिल मेम्बर इशारा कर रहे हैं। वहां पर लोन्स कमेटीज हैं, और जितना रुपया हमको एवलेबिल होता है हम दे देते हैं और उससे लोन दिये जाते हैं। एग्री-कल्चरल लोन्स में कोई रुकावट नहीं है। जो आदमी जमीन पर सैटिल किये जाते हैं उनको तकावी और फुड लौन्स दिये जाते हैं। लेकिन हर एक आदमी को दूकानदारी करने के लिए लोन नहीं दिये जा सकते। क्योंकि जितनी दूकानें हैं और जितने आदमी उन दूकानों में खप सकते हैं उतनों को ही लोन दिया जाता है, और इस वास्ते अगर वही एक रुकावट है तो वह दूर नहीं की जा सकती।

**Shri Mohan Lal Saksena:** I do not know to which obstacles the hon. Member is alluding. The Loans Committee is there and whatever amount of money is available we hand over to the said Committee and out of this money loans are given. There are no obstacles in giving agricultural loans. *Taccavi* and food loans are given to those persons who are settled on lands. Loans can not be given to each and every person to open shops. Loans are given to that extent only to which shops can be opened and can employ adequate number of persons therein. If that could be considered an obstacle then it can not be removed.

**Shri Raj Bahadur:** What was the total demand on account of commercial, agricultural and educational loans as against the loans sanctioned?

**श्री मोहन लाल सक्सेना :** मैं इस वक्त यह इनफारमेशन नहीं दे सकता क्योंकि सवाल में यह बात नहीं पूछी गई थी।

**Shri Mohan Lal Saksena:** I can not give this information just now, because the information sought does not fall within the scope of the question asked.

#### RESULT OF INDO-PAKISTAN BOUNDARY DISPUTES TRIBUNAL'S AWARD

\*1474. **Shri B. K. Das:** (a) Will the **Prime Minister** be pleased to state how much territory has been a gain or a loss to India in each case of the four disputes referred to the Indo-Pakistan Boundary Disputes Tribunal presided over by Lord Justice Bagge as a result of their decisions?

(b) which country is in possession of the territory gained or lost in each case?

(c) From what time will the territory be restored to the country entitled to it?

**The Minister of Transport and Railways (Shri Gopaldaswami):** (a) The decisions of the Bagge Tribunal are being examined and the boundaries have still to be demarcated. It is not possible to give an idea of the gain or loss of territory till the examination is completed and the boundary demarcated on the ground.

(b) and (c). The Governments of India and Pakistan have agreed that the *status quo* should be maintained and that any transfer of territory which may be necessary on account of the decisions of the Tribunal, shall take place on a mutually agreed date after the boundary has been demarcated on the ground.

**Shri B. K. Das:** I was informed in reply to a question on the 25th February 1948 that in Chursandaspur there were armed parties of the Eastern Pakistan Government employed in anti-smuggling work and that it was under the Eastern Bengal Administration. What is the position now?

**Shri Gopaldaswami:** I do not know what has happened on the particular Char but which Chars will remain in India and which will go to Pakistan would depend upon the actual demarcation of the middle line of the stream.

**Shri B. K. Das:** May I know whether in the Mathabhanga region which was one of the disputed areas referred to the Bagge Commission, the area which was awarded to India under the Radcliffe Award was greater than what has been awarded by the Bagge Commission?

**Shri Gopaldaswami:** We have asked the West Bengal Government to send us a detailed report as to the difference in area between the two Awards by giving effect to the Bagge Award. We are still awaiting a report from them.

**Shri B. K. Das:** May I know whether there are other regions under dispute than those which were referred to the Bagge Commission?

**Shri Gopaldaswami:** It is a question of the demarcation of the entire boundary. The officers of the two Governments are engaged on it and they are trying to make a survey of this boundary. After that survey is completed they will undertake the actual demarcation.

**Shri B. K. Das:** What were the reasons for the delay in conducting the joint survey that was proposed more than two years ago?

**Shri Gopaldaswami:** The delay was due to the differences on the methods to be adopted and it has not yet been finally settled. The officers of the two Governments are meeting for that purpose.

**Shri B. K. Das:** May I know whether the recent inroads into Indian territory by the police of Pakistan were due to the non-demarcation of boundaries or were they due to the communal situation?

**Shri Gopaldaswami:** It is difficult to say. I think even in cases where the boundary is fairly clear there have been inroads beyond the line from one side to the other. It is not always possible, when there are forces on either side, to keep to a line which is not demarcated by actual pillars.

**Shri B. K. Das:** I am referring to the recent happenings near Jainagar in West Bengal. I think that there is clear demarcation of boundary there. If not, may I know whether that is one of the reasons for the Pakistan inroad into our territory?

**Shri Gopaldaswami:** I am afraid I am ignorant of the fact that there is a clear demarcation of the boundary at that particular point. I shall have to get that verified.

**Shri Hanumanthaiya:** What is the population of this area?

**Shri Gopaldaswami:** It extends over a considerable length of the boundary and it is difficult to say the actual number of the population.

**Shri Hanumanthaiya:** Are the wishes of the people concerned going to be ascertained before the transfer is effected?

**Shri Gopaldaswami:** At present we have not yet taken up that question. It is possible that the demarcation in one or two of these cases might involve not only transfer of territory but transfer of a certain number of people from

one side to the other. But if that is going to be of any substantial dimensions we shall have to consider as to whether the populations also should be transferred or whether we should come to an alternative arrangement with the other country.

**Shri Ethirajulu Naidu:** Besides the four disputes which were referred to the Bagge Tribunal, have there been other boundary disputes which had existed previously or have since arisen?

**Shri Gopalaswami:** You mean on the Bengal side?

**Mr. Speaker:** Presumably on the Bengal side.

**Shri Gopalaswami:** There have been no other, so far as I know.

#### IMPORT LICENSES FOR GOODS PURCHASED IN PAKISTAN BEFORE DEVALUATION

**\*1475. Sardar Hukam Singh:** Will the Minister of Commerce be pleased to state:

(a) whether any merchants have applied for import licences for their goods to be brought to India, which had been bought and paid for in Pakistan before devaluation of the rupee; and

(b) whether any licences have been given for the import of such goods?

**The Minister of Commerce (Shri Neogy):** (a) and (b). Yes.

**Sardar Hukam Singh:** What is the value of the goods paid for before the devaluation, in respect of which applications had been made to the Government for import licences?

**Shri Neogy:** I have a very long list of cases in regard to which action has been taken as indicated in the answer. But I am told that the list is not complete. It is very difficult for me to give any approximate idea of the value of the goods covered by this arrangement.

**Sardar Hukam Singh:** Besides the impediments placed by the Pakistan Government are there any other difficulties in the way of the Government granting import licences to all these persons who have paid for these goods?

**Shri Neogy:** I would not like to say definitely about all cases but as far as my information goes there has not been much difficulty in many of these cases for the goods to be brought out to India.

**Sardar Hukam Singh:** Have any licences been given during the last three or four months?

**Shri Neogy:** I think so. Even now some of the applications are under consideration.

#### NEW INDIAN MERCHANT NAVY FLAG

**\*1476. Shri S. C. Samanta:** Will the Minister of Commerce be pleased to state:

(a) the colour and size of the New Indian Merchant Navy Flag; and

(b) from when it is being used in Indian ships?

**The Minister of Commerce (Shri Neogy):** (a) and (b). I place on the Table a copy of the Ministry of Commerce Notification No. 73-M.I.(2)/47, dated the

24th December, 1949, which gives the information asked for by the hon. Member [See Appendix VI, annexure No. 48.]

**Shri S. C. Samanta:** May I know why the National Flag is not used as the Merchant Navy Flag?

**Shri Neogy:** I should like to explain that the National Flag is an integral part of the Red Ensign which we have adopted for the Mercantile Marine of India. If my hon. friend were to look up a book which I have in my hand, he will find pictures of the various flags have been given there and if he refers to the flag for, say the United Kingdom, he will see that the Red Ensign for the United Kingdom is really a reproduction of the Union Jack on a red ground. In place of the Union Jack we have substituted our National Flag and that constitutes the Red Ensign for India.

**Shri S. C. Samanta:** Do any other countries use their National Flags as Merchant Navy Flags?

**Shri Neogy:** Most of the other countries have a distinctive ensign of their own for purposes of the Merchant Navy and we have followed their example in this matter. I might add that before the distinctive flag for the Merchant Navy was adopted by us, we had authorised the use of the National Flag side by side with the British Red Ensign. Now the British Red Ensign has disappeared and we have substituted our own Red Ensign of the pattern that I have indicated.

#### INDIANS IN COUNTRIES OF WESTERN HEMISPHERE

**\*1477. Dr. R. S. Singh:** (a) Will the **Prime Minister** be pleased to state the number of Indians who have settled down in different countries of Western Hemisphere?

(b) In which of the countries abroad are Indians given equal citizenship rights?

(c) How many of such Indians have acquired the citizenship of those countries?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) There are no accurate statistics available on the number of Indians settled in the different countries of the Western Hemisphere. Figures available are given below:

Name of country	No. of Indians
Canada.	3,000
U. S. A.	2,405
Brazil.	40
Argentine.	600
Dutch Guiana.	56,000
Panama.	500
Newfoundland.	Nil
British Guiana	180,129
British Honduras.	1,366
Jamaica.	22,821
Leeward Islands.	99
Trinidad and Tobago.	214,177
Grenada.	5,000
St. Lucia.	2,189

It is possible that these figures include Pakistanis also.

(b) The rules and regulations are different in the various countries but once they are nationalised there is rarely any discrimination.

(c) No precise figures are available.

**Dr. B. S. Singh:** May I know whether the Indians who have settled permanently in our sister Commonwealth country of Canada are given equal facilities in regard to citizenship rights as enjoyed by immigrants from Europe?

**Dr. Keskar:** I think before some time they were not entitled to citizenship because the question of Canadian citizenship itself was under consideration. But now it has been settled and I think that as a matter of principle there is no obstruction to their acquiring Canadian citizenship.

**Dr. B. S. Singh:** May I know whether Indians of British Guiana and other British possessions of Caribbean Sea Islands have been given any representation in the Governor's Executive Council there on the basis of their citizenship rights?

**Dr. Keskar:** Many times there have been representations by Indians with regard to various rights that they should have had but which they had not. I have not got here the details before me, but there have been discussions and negotiations with regard to the position of Indians in British Guiana. I might add here that generally speaking, they are not undergoing any very great discrimination.

**Dr. B. S. Singh:** Is it a fact that Dr. B. C. Roy was discriminated against while on his tour of the United States in 1947?

**Mr. Speaker:** I think it is going into past history. He has given the present position.

**Shri Kamath:** In any of the Western Hemisphere countries referred to by the Deputy Minister, are Indians subject to any disabilities such as segregation or invidious discrimination in railway trains and public places?

**Dr. Keskar:** Generally speaking, I think, no. But as I stated, rules and regulations in different countries are extremely varied, so it is very difficult for me to say anything. Excepting I think the United States where there are very rigorous immigration laws, I do not think in any other country there is any discrimination as segregation to which my hon. friend refers. Even in the United States I do not think there is any segregation in railway trains or similar things for Indians.

**Shri Kamath:** Is the treatment in India of the nationals of those countries referred to by the Minister regulated on a reciprocal basis?

**The Prime Minister (Shri Jawaharlal Nehru):** It is such a vague question. As a matter of fact, there is no particular grievance in regard to the treatment of Indians in those countries mentioned. There may be a question of certain rights in the British colonial territories, for instance in Africa or elsewhere, and some difficulties arise. In the United States of America there is no difficulty about an Indian who is there. There may be difficulties about his becoming a citizen—that is another matter. So, the question of reciprocal rights does not arise in such matters.

**Prof. Ranga:** How do we treat our Indians who have acquired citizenship rights of those other countries when they have to seek in this country employment, educational facilities and other opportunities?



**Shri Jawaharlal Nehru:** The hon. Member means Indians, who have ceased to be Indian nationals, seeking employment in India?

**Prof. Ranga:** Yes, Sir.

**Shri Jawaharlal Nehru:** It depends. If they are good enough we welcome them.

**Dr. Deshmukh:** Is it not a fact that facilities for trade and commerce are far more easily available in India to outsiders than the same facilities available for Indians in other countries?

**Shri Jawaharlal Nehru:** Well, the answer is both "Yes" and "No". "No" in the sense that the same facilities, absolutely the same, are technically, theoretically, not available. Practically speaking, highly developed industrial countries have enormous concerns, enormous resources and a person without resources cannot easily compete.

**Dr. B. S. Singh:** May I know whether the Indian labourers in Canada, Panama, Brazil and Argentine can become members of the labour unions of those countries on the basis of equality.

**Dr. Keskar:** The question that my hon. friend has asked concerns so many different countries that it is not possible to give an offhand answer.

#### IMPORT DUTY ON PAPER

\*1478. **Shri V. J. Gupta:** (a) Will the Minister of **Industry and Supply** be pleased to state what is the protective import duty on foreign paper and whether it is levied on such varieties as are not manufactured in India also and if so, why?

(b) Are Government aware that on account of protective tariff the quality has deteriorated and prices are kept very high in the case of Indian paper?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) No protective duty is levied on imported paper.

(b) Does not arise.

#### CORPORATION FOR EXPORT OF COTTAGE INDUSTRIES PRODUCTS

\*1479. **Prof. S. N. Mishra:** Will the Minister of **Industry and Supply** be pleased to state:

(a) whether Government propose to set up a corporation to develop Cottage Industry exports; and

(b) if so, the nature and constitution of the corporation envisaged?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) The All India Cottage Industries Board recommended, at its meeting held at Jaipur last month, the establishment of a State-sponsored corporation for the export of Cottage Industries product. The proposal is now under the consideration of Government.

(b) The proposals of the Cottage Industries Board are that the State Governments and Co-operative Organisations should contribute capital and combine to establish the corporation. The proposal further is that the corporation should not be monopolistic but should supplement the efforts of private trade.

**Prof. Ranga:** Has the resolution been circulated to the State Governments?

**Dr. S. P. Mookerjee:** No, Sir.

**Shri Satish Chandra:** Have the Government considered the possibility of importing or manufacturing and popularising the use of Japanese machinery of the type that has been installed at Arab-ki-Surai for small scale industrial development of the country?

**Dr. S. P. Mookerjee:** I am afraid it will not arise out of this question.

**Shri B. Velayudhan:** May I know whether there is any representative of the All-India Village Industries Association on this Board?

**Dr. S. P. Mookerjee:** The matter is still under consideration and no conclusion has been arrived at.

**Dr. Deshmukh:** How long will it take for Government to come to a decision on this?

**Dr. S. P. Mookerjee:** I hope, Sir, that within a month we will be able to come to a definite conclusion.

**Dr. Deshmukh:** Is it a fact that the hon. Minister is awaiting the report of the State Trading Committee on this point?

**Dr. S. P. Mookerjee:** If the hon. Member assures me that Government will get something valuable from the report of that committee we will certainly consider it.

**Shri T. N. Singh:** Is it a fact that negotiations have been going on between the Governments of India and Japan for the establishment of a corporation for, export and import purposes of cottage industries goods.

**Dr. S. P. Mookerjee:** Some such proposal was made, but we have not followed it up.

**Shri B. Velayudhan:** May I know whether Government have any desire to have a representative of the All India Village Industries Association on this Board.

**Dr. S. P. Mookerjee:** We have not decided yet what will be the composition of the Corporation.

**Shri Shiva Rao:** May I ask my hon. friend when the resolutions of the All-India Cottage Industries Board which was adopted about six weeks ago are likely to be published?

**Dr. S. P. Mookerjee:** I think they are being printed. But the hon. Member will realise that the proposal which was made by the Board envisages the establishment of a Corporation which will raise finance to the extent of Rs. 50 lakhs. That is a matter which cannot be decided immediately.

**Shri Shiva Rao:** I am afraid my hon. friend misunderstood the question. When are those resolutions which were adopted six weeks ago likely to be published?

**Dr. S. P. Mookerjee:** They have been circulated to Members, I believe.

**Shri Kamath:** Is it not a fact, Sir, that the State Trading Committee having been appointed by the hon. Minister's colleague, the Minister of Commerce, he can definitely expect something valuable from that Committee?

**Prof. S. N. Mishra:** Are there any alternative proposals before Government to encourage export of cottage industries products?

**Dr. S. P. Mookerjee:** I shall place the proceedings of the Board on the Table of the House and hon. Members will see the recommendations.

**Shri Ramalingam Chettiar:** Did Government in the Agricultural Ministry convene a conference on cottage industries recently?

**Dr. S. P. Mookerjee:** That is so.

**Shri Ramalingam Chettiar:** Are their resolutions also under consideration?

**Dr. S. P. Mookerjee:** They really relate to the organisation and strengthening of cooperative societies and are under consideration.

**Shri Ramalingam Chettiar:** Don't they differ from the recommendations of the Cottage Industries Board with reference to marketing?

**Dr. S. P. Mookerjee:** That is the possible danger of calling too many conferences.

#### LICENSE TO PAKISTAN SHIPS FOR INDIAN COASTAL TRADE

\*1480. **Prof. S. N. Mishra:** (a) Will the Minister of Commerce be pleased to state whether it is a fact that Government have decided not to issue license to Pakistan ships for Indian Coastal trade?

(b) If so, has there been any protest from the Government of Pakistan?

**The Minister of Commerce (Shri Neogy):** (a) Yes. With effect from the 16th February, 1950, no licence is being issued to Pakistan ships for plying on the Indian Coast.

(b) No.

**Prof. S. N. Mishra:** May I know the reason for the discontinuance of the licence?

**Shri Neogy:** Well, there is more than one reason. As a matter of fact, our original intention was to continue to licence some amount of Pakistan tonnage for the purpose of participating in the coastal trade of India. We expected full cooperation from Pakistan in this matter. The degree of cooperation that we expected was not forthcoming. Not merely that, in December last the Pakistan Government amended their Control of Shipping Act to extend its scope to all foreign ships engaged not only in their coastal trade but also in the trade between India and Pakistan. These were the principal reasons for the decision which was taken in February, 1950 to discontinue licensing of Pakistan ships for coastal trade.

#### SECESSION OF DEWANGIRI TO BHUTAN

\*1481. **Shri M. Hasarika:** (a) Will the Prime Minister be pleased to state whether it is a fact that Dewangiri, the gateway of Bhutan situated in Kamrup District of Assam within the Indian territory, has been handed over to Bhutan and if so, why?

(b) What are the circumstances that led to the secession of the territory?

(c) What is the total area seceded?

(d) What safeguards, if any, have been given to the indigenous Indian traders there?

**The Deputy Minister of External Affairs (Dr. Kekar):** (a) to (c). Under article 4 of the Treaty between the Government of India and the Government of Bhutan signed on the 8th August, 1949, the Government of India agreed to return, as a measure of goodwill, to the Government of Bhutan about 32 square miles of territory in the area known as Dewangiri.

(d) The treaty provides for the continuance of free trade and commerce between India and Bhutan and secures equal justice to the Indian subjects residing in Bhutan with the subjects of the Government of Bhutan. No special safeguards for these traders are considered necessary.

**श्री एम—हजारिका :** क्या देवानगिरी रेलव स्टेशन के नजदीक और आसाम का समतल भूखंड में होने के कारण क्या यह भविष्य में भारत के लिये सत्रनाक नहीं है ?

**Shri M. Hazarika:** Would Dewangiri being situated near the railway station and lying in the plains of Assam not prove a source of danger to India in future?

**Mr. Speaker:** I am afraid he is asking for some opinion. No question about opinion is admissible. He may ask for information if he likes.

**Shri A. B. GuFung:** In addition to secession of Dewangiri to Bhutan, may I know whether it is a fact that the original subsidy paid by India to Bhutan has been increased from Rs. 2 lakhs to 5 lakhs; if so, why?

**Dr. Kekar:** As a measure of goodwill towards the Government of Bhutan.

**Shri Borooah:** Is it not a fact that the Bhutan Government seceded Dewangiri to the Government of India in 1864-65 and ever since Dewangiri has been an integral part of the State of Assam?

**Dr. Kekar:** Dewangiri has been a part of Assam.

**Shri Borooah:** Is it not a fact that the inhabitants of Dewangiri are not Bhutias, but inhabitants of India and Indian both by race and by citizenship?

**Mr. Speaker:** What is the hon. Member driving at? He is trying to establish some proposition.

**Shri Borooah:** I am only asking for information, Sir.

**Dr. Kekar:** Secession has not been made on any racial basis. This area, together with a still larger territory, was seceded by the Government of Bhutan to India. Some negotiations took place recently between the two Governments, and we thought it advisable, as a measure of goodwill and friendship, to give them back, this small piece of territory.

**Shri Buragohain:** Is our Government represented in Bhutan?

**Dr. Kekar:** Our political officer at Ghantak represents us in Bhutan

**Shri Buragohain:** Is any entry permit necessary for Indians to go into Bhutan?

**Dr. Kekar:** Yes. But I might add that people who traditionally trade with Bhutan, especially from Assam side, are not required to produce any permits.

**Shri Tyagi:** May I know, Sir, under what provision of the law was a piece of Union territory given to a foreign state in exchange of friendship?

**The Prime Minister (Shri Jawaharlal Nehru):** Bhutan is not a foreign state.

**Shri Tyagi:** But is not the territory which was seceded a part of the Union? May I point out that Article 3 of the Constitution lays down. . . .

**Mr. Speaker:** But the question hour should not be used for arguments

**Shri Tyagi:** In view of this provision...

**Mr. Speaker:** The hon. member is still arguing. What is his question?

**Shri Tyagi:** My question is this. In view of Article 3(c) in which it is laid down that Parliament alone can make a law to diminish or re-adjust the territory of a State, why was not the Parliament consulted and why was a part of the territory of the Indian Union seceded to Bhutan without taking the sanction of Parliament by law?

**Shri Jawaharlal Nehru:** It is difficult for me, with my inadequate legal attainments, to answer my hon. friend's question immediately. But as a matter of fact this was done before the Constitution came into being.

Secondly, may I add this? There is a great deal of talk about secession of territory. This is a very small territory of a few square miles involving certain areas which are, may be they are inhabited, but it has a certain religious and sentimental value to the people of Bhutan but which has no other value to anybody else. (*Interruption*).

**Mr. Speaker:** I do not propose to allow any further arguments.

**Shri Tyagi:** Is any Bill coming before Parliament for enactment in this behalf?

**Mr. Speaker:** He has already got the information before him. I am going to the next question.

**Shri Tyagi:** Is it legal?

#### EXPENDITURE ON FOREIGN PUBLICITY

\*1482. **Shri M. V. Rama Rao:** Will the **Prime Minister** be pleased to state.

(a) the expenditure incurred during the years 1948-49 for foreign publicity, and

(b) the expenditure incurred during the years 1948-49 and 1949-50 over ceremonial matters relating to foreign visitors and Consuls?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Expenditure incurred on Foreign Publicity during 1948-49 is Rs. 25,35,210.

(b) The expenditure incurred on the entertainment of foreign visitors and diplomats during 1948-49 and 1949-50, from the Hospitality Fund is as under:

(1) 1948-49—Rs. 1,51,597.

(2) 1949-50—Actual expenditure figures have not yet been compiled. but an expenditure amounting to Rs. 1,49,922 has so far been sanctioned as a charge against the Hospitality Fund.

**Shri M. V. Rama Rao:** May I know the expenditure incurred over external publicity work in 1949-50?

**Dr. Keskar:** I think it was given in reply to another question on the 30th March and the matter was discussed in detail then.

**Shrimati Durgabai:** May I know whether it is not a fact that our foreign publicity wing is very inefficient and if so, what steps do Government propose to take?

**Mr. Speaker:** Order, order. It assumes something and then asks for some information.

**Shri M. V. Rama Rao:** May I know the amount spent on the publication of pamphlets and magazines and the amount spent on the setting up of the fourteen additional libraries in 1949-50?

**Dr. Keskar:** I require notice to get all this information.

**Shri Kishorimohan Tripathi:** Is it a fact that the number of our Press attaches in the Embassies abroad has been reduced during the year 1949-50 as a measure of economy?

**Mr. Speaker:** I think this was answered previously.

**Dr. Keskar:** Yes.

**Shri Deshbandhu Gupta:** May I know, out of these Rs. 25 lakhs, how much was spent on miscellaneous items and how much on publications?

**Dr. Keskar:** Two weeks ago the same question was put and a detailed statement was laid on the Table. If my hon. friend wants, I can furnish him a copy.

**Shrimati Durgabai:** May I know whether there is any proposal under consideration to merge both internal and external publicity in the Information and Broadcasting Ministry as was the case some time ago?

**Dr. Keskar:** No.

**Shri Rathnaswamy:** May I know whether the expenditure incurred by Government is commensurate with the external publicity obtained by them?

**Mr. Speaker:** Again it is a matter of opinion.

**Prof. Ranga:** What steps are being taken to improve the efficiency of our external publicity machinery?

**Mr. Speaker:** It comes to the same thing.

**Prof. Ranga:** No, Sir. The hon. the Prime Minister himself admitted the other day that the efficiency of our foreign publicity service is very low. That is why I am asking this question.

**Mr. Speaker:** That question was disposed of then.

**Prof. Ranga:** No. He only made a statement of fact. I am asking now, keeping that in mind, whether any steps and if so what steps, are being taken by Government?

**The Prime Minister (Shri Jawaharlal Nehru):** Publicity as such is putting across something that is happening. The content of publicity is what this House and the Government do.

**Mr. Speaker:** I think we shall proceed to the next Question.

#### IMPORT OF MILK POWDER

\*1468. **Lala Raj Kanwar:** Will the Minister of Commerce be pleased to lay on the Table of the House a statement showing:

(a) the quantities of milk powder which were imported into India during the years 1947-48, 1948-49 and 1949-50 (up to 31st December 1949 or any later date); and

(b) the countries from which milk powder is imported into India?

**The Minister of Commerce (Shri Neogy):** (a) and (b). I place on the Table of the House two statements giving the requisite information. [See *Appendix VI, annexure No. 44.*]

**Lala Raj Kanwar:** What is the total value of milk powder imported into India in the course of last year?

**Shri Neogy:** The total value in 1948-49 was Rs. 48,05,035.

**Lala Raj Kanwar:** Is there any milk powder manufactured in India?

**Shri Neogy:** Very little indeed.

**Lala Raj Kanwar:** May I know whether it is a fact that milk powder that is imported is mostly Horlicks and if so, what is the quantity of Horlicks that is imported into the country?

**Shri Neogy:** When we talk of milk powder we do not generally think of Horlicks milk. But I am not in a position to give separate figures for Horlicks milk.

**Lala Raj Kanwar:** May I know whether any restrictions have been placed on the import of Horlicks milk in regard to quantity?

**Shri Neogy:** I require notice of that question.

**Maulvi Wajed Ali:** Is there any proposal to increase the production of milk powder in India in view of the demand for foreign powder?

**Shri Neogy:** The problem is one of increasing the supply of milk first and milk powder next.

#### INDIAN FOREIGN SERVICE

\*1484. **Lala Raj Kanwar:** Will the **Prime Minister** be pleased to state:

(a) the sanctioned strength of the Indian Foreign Service;

(b) the number of vacancies, if any, existing in the said service at present; and

(c) by what time these vacancies are likely to be filled up?

**The Deputy Minister of External Affairs (Dr. Keekar):** (a) The total strength of the Indian Foreign Service has not yet been finally fixed. So far seventy-seven permanent posts have been sanctioned.

(b) None.

(c) does not arise.

**Shri Dwivedi:** How many Rulers or Rulers' relatives are there in the employment of the Indian Foreign Service out of the 77 mentioned by the Deputy Minister?

**Dr. Keekar:** There are a few—I think not more than two or three. They are not Rulers, but certain members of the ruling families. I do not think their number is more than two.

**Prof. Banga:** They are no longer ruling families.

**Shri Kamath:** Since the 15th of August, 1947 upto date, how many appointments, or rather what percentage approximately of appointments made to the Indian Foreign Service has been made through the agency of the Federal or Union Public Service Commission and how many directly by the Ministry or through a Special Selection Board?

**Dr. Keskar:** The Special Selection Board is in every way equal to the Union Public Service Commission. It is a Special Public Service Commission constituted by Government. Regarding the number of appointments, I cannot give the exact figures of those selected by the Special Selection Board and those by the Union Public Service Commission. I might also add that in respect of many appointments persons were transferred from their permanent service in other Departments of Government. Their number is sufficiently large.

**Shri Kamath:** Were any of the appointments made by this Board or, as the Minister said, Special Commission, at any time subsequently referred to the Union Public Service Commission for confirmation or whether they were never so referred?

**Dr. Keskar:** This Board had power to make appointments as much as the Union Public Service Commission. So the question of appointments made by it being referred to the latter does not arise.

**Shri Kamath:** What is the position today? Are appointments to the Indian Foreign Service not made through the U.P./S.C. but by the Board itself?

**Dr. Keskar:** The Selection Board was constituted at a time when there was urgent need for recruiting people to the Indian Foreign Service, and we had to fill up our cadres quickly. This Board had a Member of the F.P.S.C. also on it. It was for a very temporary purpose and it is no more needed. It does not exist now, because it has been dissolved.

**Dr. Deshmukh:** Out of the personnel of the Indian Foreign Service, may I know how many belong to the I.C.S.—either retired or actually in service?

**Dr. Keskar:** I cannot give the figures off-hand.

**Lala Raj Kanwar:** May I know when the strength of the Indian Foreign Service is likely to be finalised?

**Dr. Keskar:** The Indian Foreign Service is for the moment an expanding Service and it is difficult to determine the strength of a Service where Missions are going to be established.

**Shri Tyagi:** Are these employees permanent in service?

**Mr. Speaker:** Order, order. The Question Hour is over.

## WRITTEN ANSWERS TO QUESTIONS

### INDIAN TRADERS IN GIBRALTAR

\*1485. **Shri S. Sivan Pillay:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that the Gibraltar Aliens Traders Ordinance is being used to "squeeze out" Indian merchants in that country;

(b) whether it is a fact that a deputation of Indian merchants met the Indian High Commissioner in London to protest that they are being "squeezed out" of trade in the fortress colony; and



(c) whether the question has been taken up with the Government concerned and if so, with what result?

**The Deputy Minister of External Affairs (Dr. Keskar):** (a) Representations have been made by the Indian Merchants Association to the Indian High Commissioner in London about certain difficulties and restrictions on trade in Gibraltar.

(b) Yes.

(c) Our High Commissioner in London has urgently taken up the matter with the British Government and their reply is awaited.

#### REDUCTION IN SIZE OF STORES DEPARTMENT, LONDON

**\*1486 Shri Brajeshwar Prasad:** (a) Will the Minister of Industry and Supply be pleased to state what action has been taken by the Government on the recommendation of Mr. S. Dutt suggesting a reduction in the size of the Stores Department, London?

(b) Do Government propose to lay on the Table of the House a copy of the recommendations of Mr. S. Dutt, Additional Secretary, External Affairs Department?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) The Report of Mr. Dutt so far as it relates to this Ministry, is under consideration.

(b) No.

#### REGISTERED DEALERS IN IRON AND STEEL

**\*1487. Shri Kahudiram Mahata:** Will the Minister of Industry and Supply be pleased to state:

(a) the number of registered dealers in Steel and Iron;

(b) how many of them are Co-operative Organisations; and

(c) what is the number of applications from Co-operative Organisations still pending?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) 1,619.

(b) 24

(c) Four.

#### AGREEMENTS EXECUTED BY INDUSTRIAL COMMITTEE ON PLANTATION

**\*1488. Shri Borooah:** (a) Will the Minister of Labour be pleased to state whether all the terms of the agreement arrived at by the Industrial Committee on Plantation held on 31st March, 1948 have been fulfilled by the Tea Planters?

(b) If not, what steps have Government taken for their implementation by the Tea-Planters?

**The Minister of Labour (Shri Jagjivan Ram):** (a) and (b). Yes, to the extent it has been possible. The agreements reached were:

(i) *Increase in the rate of dearness allowance.*

This has been allowed.

(i) *Medical Care.*

The Employers' Associations have recommended the adoption of accepted standards. It has however not been possible for them to implement the recommendations because of shortage of building materials and equipment etc. The Government are examining the question of supply of controlled materials for this purpose.

(iii) *Appointment of Standing Committee.*

The committee has since been constituted.

(iv) *Plantation Legislation.*

A Bill is under the consideration of the Government.

## EXPORTS TO SWEDEN

**\*1489. Shri Sanjivayya:** (a) will the Minister of **Commerce** be pleased to state whether Government are aware that Sweden has recently made a relaxation of import regulations?

(b) If so, do Government propose to encourage export of articles which Sweden requires from India?

**The Minister of Commerce (Shri Neogy):** (a) and (b). Yes Sir.

## IMPORT OF WATCHES AND CLOCKS

**\*1490. Shri Sanjivayya:** (a) Will the Minister of **Commerce** be pleased to state the total value of imports of watches, clocks and time-pieces put together during the year 1948-49?

(b) From which countries were these imported?

**The Minister of Commerce (Shri Neogy):** (a) and (b). I place on the Table of the House a statement giving the required information [See *Appendix VI annexure No. 45.*].

## EDUCATIONAL LOANS TO DISPLACED STUDENTS

**\*1491. Shri Balmiki:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of displaced students State-wise who have received loans for further studies during 1948-49; and

(b) what further modifications have been made in the rules of loans regarding displaced students?

**The Minister of State for Rehabilitation (Shri Mohan Lal Saksena):** (a) A statement showing State-wise the number of displaced students to whom educational loans were sanctioned and the amount of loans upto 28th February, 1950 is placed on the Table of the House. [See *Appendix VI, annexure No. 46.*].

Information about number of displaced students receiving loans during 1948-49 is not readily available.

(b) A copy of the scheme for grant of loans to displaced students is placed on the Table of the House. [See *Appendix VI, annexure No. 47.*].

FUEL ECONOMY SECTION

\*1492. **Shri Massey:** Will the Minister of **Industry and Supply** be pleased to state:

(a) the cost of the Fuel Economy Section under the Coal Commissioner to organise and co-ordinate fuel economy throughout all industries for the years 1944-45 to 1948-49 (Officers and staff to be shown separately);

(b) what is the basis for calculating economy in coal in each industry;

(c) on the above basis what was the rate of consumption in 1944-45 and 1948-49, in each industry; and

(d) whether there is a market (other than Railways) for coal from smaller collieries?

**The Minister of Industry and Supply (Dr. S. P. Mookerjee):** (a) A statement showing the required information is laid on the Table of the House.

(b) The heat value of coal used per unit of production in each industry, depending on quality of coal, equipment etc.

(c) Information is not available.

(d) Yes, low grade coal is mostly utilised in the manufacture of Soft Coke for domestic use, and for brick burning purposes.

STATEMENT

	1944-45 Rs.	1945-46 Rs.	1946-47 Rs.	1947-48 Rs.	1948-49 Rs.
Officers.	22,680/-	60,650/-	57,925/-	12,510/-	Nil
Staff.	14,975/-	54,435/-	63,300/-	37,870/-	41,805
<b>Total</b>	<b>37,655</b>	<b>1,15,085</b>	<b>1,21,225</b>	<b>50,380</b>	<b>41,805</b>

HOUSES FOR MIDDLE CLASS DISPLACED PERSONS

\*1493. **Sardar Hukam Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether Government have any scheme for providing houses to middle class displaced persons in Delhi who cannot purchase or build houses; and

(b) if so, what that scheme is?

**The Minister of State for Rehabilitation (Shri Mohan Lal Saksena):** (a) Yes.

(b) The Government have so far built 3,000 houses and over 5,000 tenements for displaced persons in Delhi.

Besides, 550 are under construction and are likely to be ready before the rains set in. Accommodation has also been found for about 1,90,000 persons in evacuee houses.

## LICENSE FOR IMPORTING SELF-RAISING FLOUR

**161. Shri Kamath:** Will the Minister of Commerce be pleased to state:

(a) whether one Nathulal Mangai of Madras City applied for an import licence to import self-raising flour from Australia for the period January-June, 1949;

(b) whether his application was rejected;

(c) whether the said Nathulal Mangal made a representation on 19th August 1949, making serious allegations against the licensing authorities; and

(d) if so, whether the allegations were enquired into and if so, with what result?

**The Minister of Commerce (Shri Neogy):** (a) to (c). Yes, Sir.

(d) The allegations were enquired into, but as some of them related to the licence granted to Messrs. K. Ramson and Co. I shall incorporate the results of this enquiry also in the statement that I have promised to place on the Table of the House in connection with Starred question No. 904 answered on 16th March, 1950.

---

Thursday, 6th April, 1950



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IV, 1950

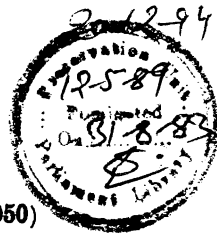
(1st April, 1950 to 20th April, 1950)

First Session

of the

PARLIAMENT OF INDIA

1950



## CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), 1st Session, 1950,—  
In Volume IV,—

1. No. 3, dated the 4th April, 1950,—  
Page 2507, line 19 from bottom for "tribal and other backward areas" read "scheduled castes".
2. No. 4, dated the 5th April, 1950,—  
Page 2561, line one under clause 182, for "—ssion" read "submission".
3. No. 6, dated the 8th April, 1950,—
  - (i) Page 2647, line 11 from bottom for "so" read "to".
  - (ii) Page 2648, line 9 after "far" read "so".
  - (iii) Page 2670, line 11 from bottom for "coutry" read "country".
4. No. 7, dated the 10th April, 1950,—  
Page 2710, line 13 from bottom for "its" read "to", and in last line for last word "we read "were".
5. No. 9, dated the 12th April, 1950,—
  - (i) Page 2810, line 6 from bottom for "act" read "Act".
  - (ii) Page 2822, for existing line 19 from bottom read "into effect on 19th October, 1949 certain actions had been taken under the old".
6. No. 10, dated the 14th April, 1950,—  
Page 2832, for existing line 19 from bottom read "(Occupancy or tenancy right not to be extinguished)".
7. No. 11, dated the 15th April, 1950,—
  - (i) Page 2896, line 24 after "not" insert "go".
  - (ii) Page 2900, line 7 for "express" read "expenses".
8. No. 12, dated the 17th April, 1950,—
  - (i) Page 2922, line 12 for "Shri Hussain Iman" read "Shri Hussain Imam".
  - (ii) Page 2923, line 4 for "all the said" read "all is said".  
(iii) صفحہ ۲۹۲۳ لائن ۴ میں - دہڑوڑو کی جگہ دہڑوڑو پڑھیں -
- (iv) Page 2930, between lines 10 and 11 from bottom insert "[MR. DEPUTY-SPEAKER in the Chair]".
- (v) Page 2934, line 1 for "49, 5000" read "49, 500".
9. No. 14, dated the 19th April, 1950,—
  - (i) Page 3020, line 9 from bottom for "re-established" read "re-establish".
  - (ii) Page 3022, line 19 for "away" read "way".
  - (iii) Page 3024, line 12 for "members" read "numbers".
  - (iv) Page 3025, line 18 for "placed" read "displaced".
  - (v) Page 3026, line 19 from bottom for "by 375" read "be 375".
  - (vi) Page 3029, line 28 for "by" read "ly".
  - (vii) Page 3031, line 12 after "Notified" insert "Area".
- (viii) पृष्ठ ३०३९, पंक्ति १२ में "जातना" के स्थान पर "जानता" पढ़ें और पंक्ति २२ में "जिस को की कि" के स्थान पर "जिस को कि" पढ़ें।
- (ix) Page 3044, line 20 for "Mr. Speaker" read "Mr. Deputy-Speaker".

10. No. 15, dated the 20th April, 1950.—

- (i) Page 3059, line 16 for "Article any" read "Article 327".
  - (ii) Page 3084, line 11 from bottom for "effected" read "effete".
  - (iii) Page 3087, line 26 against "9. Tripura" for "6" read "2".
  - (iv) Page 3104, line 8 for "Formaula" read "Formula".
-

## CONTENTS

*Volume IV—From 1st April, 1950 to 26th April, 1950*

SATURDAY, 1ST APRIL, 1950—	PAGES.
Committee to examine suggestions for amendment of Rules of Procedure and Conduct of Business in Parliament . . . . .	2401
Committee of Privileges . . . . .	2401—2402
Election to Central Advisory Council for Railways . . . . .	2402
Election to Standing Finance Committee for Railways . . . . .	2402
Election to Standing Committee for Roads . . . . .	2402—2403
Election to Central Advisory Board of Archaeology . . . . .	2403
Election to Court of University of Delhi . . . . .	2403
Government Premises (Eviction) Bill—Passed . . . . .	2404—2451
Road Transport Corporations Bill—Referred to Select Committee . . . . .	2451—2452
Ajmer-Merwara Tenancy and Land Records Bill—Discussion on motion to consider as reported by Select Committee—not concluded . . . . .	2452—2458
<b>MONDAY, 3RD APRIL, 1950—</b>	
Election to Committees—	
Standing Finance Committee . . . . .	2459—2463
Public Accounts Committee . . . . .	2463
Estimates Committee . . . . .	2464—2466
Standing Committees for Ministries of Agriculture, Commerce, Communications and Defence . . . . .	2466—2467
Foreign Exchange Regulation (Amendment) Bill—Withdrawn . . . . .	2467
Ajmer-Merwara Tenancy and Land Records Bill—Consideration of clauses—not concluded . . . . .	2467—2498
<b>TUESDAY, 4TH APRIL, 1950—</b>	
Election to Committees—	
Standing Committees for Ministries of Education, External Affairs, Food and Health . . . . .	2499
Business of the House . . . . .	2500—2502
Resolution <i>re</i> Qualifications for Election to Parliament and Legislatures of States . . . . .	2502—2547
<b>WEDNESDAY, 5TH APRIL, 1950—</b>	
Election to Committees—	
Standing Finance Committee . . . . .	2549
Indian Central Coconut Committee . . . . .	2549—2550
Indian Oilseeds Committee . . . . .	2550
Standing Committees for Ministries of Home Affairs, Industry and Supply, Information and Broadcasting and Labour . . . . .	2550—2551
Part C States (Laws) Bill—Introduced . . . . .	2551
Foreign Exchange Regulation (Amendment) Bill—Introduced . . . . .	2551
Opium and Revenue Laws (Extension of Application) Bill—Introduced . . . . .	2551
Ajmer-Merwara Tenancy and Land Records Bill—Passed as amended . . . . .	2552—2567
Labour Relations Bill—Referred to Select Committee . . . . .	2567—2584
Trade Unions Bill—Referred to Select Committee . . . . .	2584—2588



## THURSDAY, 6TH APRIL, 1950—

Elections to Committees—	PAGES
Standing Committees for Ministries of Law, Rehabilitation, States and Transport (other than Roads) . . . . .	2589
Nawab Salar Jung Bahadur (Administration of Assets) Bill—Passed . . . . .	2590—2591
Army Bill—Passed as amended . . . . .	2591—2623
Air Force Bill—Passed as amended . . . . .	2623—2625
Army and Air Force (Disposal of Private Property) Bill—Passed . . . . .	2625—2628

## SATURDAY, 8TH APRIL, 1950—

Papers laid on the Table—	
Delhi Road Transport Authority (Motor Vehicles Insurance Fund) Rules . . . . .	2629
Elections to Committees—	
Standing Committee for Ministry of Education . . . . .	2629
Standing Committee for Ministry of States . . . . .	2629—2630
Standing Committee for Ministry of Transport (Other than Roads) . . . . .	2630
Standing Committees for Ministry of Works, Mines and Power and Department of Scientific Research, Central Advisory Council for Railways and Standing Finance Committee for Railways . . . . .	2630—2631
Displaced Persons (Claims) Bill—Introduced . . . . .	2631
Indian Patents and Designs (Amendment) Bill—Passed as amended . . . . .	2631—2632
Opium and Revenue Laws (Extension of Application) Bill—Passed . . . . .	2633—2634
Foreign Exchange Regulation (Amendment) Bill—Passed . . . . .	2634—2635
Industrial Disputes (Appellate Tribunal) Bill—Discussion on motion to consider as reported by Select Committee—not concluded . . . . .	2635—2641, 2641—2672
Resignation of Shri Himmat Singh K. Maheshwari . . . . .	2641

## MONDAY, 10TH APRIL, 1950—

Motions for Adjournment re—	
Raids by Pakistani Ansars . . . . .	2673—2675
Statement on Agreement between India and Pakistan . . . . .	2675—2681
Election to Committees—	
Standing Committee for Roads, Central Advisory Board of Archaeology, Court of the University of Delhi, Standing Finance Committee, Indian Oilseeds Committee, Standing Committee for Ministry of Education, Standing Committee for Ministry of States, Standing Committee for Ministry of Transport (Other than Roads), Public Accounts Committee, Committee on Estimates, Indian Central Coconut Committee . . . . .	2681—2682, 2700—2701
Prohibition of Manufacture and Import of Hydrogenated Vegetable Oils Bill—Circulated . . . . .	2682—2700, 2703—2738
Priority for introduction of Private Members' Bills . . . . .	2701—2708

## TUESDAY, 11TH APRIL, 1950—

Absence of certain Ministers . . . . .	2739
Elections to Committees—	
Standing Committee for—	
Ministry of Commerce . . . . .	2740
Ministry of Law . . . . .	2740
Ministry of Transport . . . . .	2740
Imperial Council of Agricultural Research . . . . .	2740—2741
Bhopal and Vindhya Pradesh (Courts) Bill—Introduced . . . . .	2741
Inland Steam-Vessels (Amendment) Bill—Introduced . . . . .	2741

	PAGES
<b>TUESDAY, 11TH APRIL, 1950—Contd.</b>	
Industrial Disputes (Appellate Tribunal) Bill—Passed as amended . . . . .	2742—2776
Repealing and Amending Bill—Passed . . . . .	2776—2777
Part C States (Laws) Bill—Passed . . . . .	2777—2784
<b>WEDNESDAY, 12TH APRIL, 1950—</b>	
Elections to Committees—	
Standing Committees for—	
Ministry of Information and Broadcasting . . . . .	2785
Ministries of Commerce, Law and Transport (Other than Roads) . . . . .	2785—2786
Indian Council of Agricultural Research . . . . .	2786
Administration of Evacuee Property Bill—Consideration of Clauses—not concluded . . . . .	2786—2824
Representation of the People Bill—Introduced . . . . .	2797—2798
<b>FRIDAY, 14TH APRIL, 1950—</b>	
Papers laid on the Table—	
Authenticated Schedule of Authorised Supplementary Expenditure—Other than Railways—Supplementary Expenditure for 1949-50 . . . . .	2825—2826
Supply of Advance Copies of statements laid on the Table in answer to Questions . . . . .	2826—2827
Elections to Committees—	
Standing Committees for—	
Ministry for Agriculture . . . . .	2827
Ministry of Communications . . . . .	2828
Ministry of Rehabilitation . . . . .	2828
Ministry of Works, Mines and Power . . . . .	2828
Ministry of Information and Broadcasting . . . . .	2829
Administration of Evacuee Property Bill—Passed as amended . . . . .	2829—2859
Resolution regarding Central Road Fund and Standing Committee for Roads—Adopted . . . . .	2860—2865
Indian Tariff (Third amendment) Bill—[Amendment of items 28(4), 60(6), etc., of First Schedule]—Passed . . . . .	2865—2871
<b>SATURDAY, 15TH APRIL, 1950—</b>	
Papers laid on the Table—	
Statement of cases in which lowest tenders have not been accepted by the India Store Department, London . . . . .	2873
Resignation of Shri S. H. Prater . . . . .	2873
Elections to Committees—	
Standing Committees for Ministries of Agriculture, Communications, Rehabilitation and Works, Mines and Power . . . . .	2873
Bhopal and Vindhya Pradesh (Courts) Bill—Passed as amended . . . . .	2874—2887
Insurance (Amendment) Bill—Discussion on motion to consider as reported by Select Committee—not concluded . . . . .	2887—2917
<b>MONDAY, 17TH APRIL, 1950—</b>	
Business of the House—	
Cancellation of Debate on Bengal . . . . .	2919
Papers laid on the Table—	
Annual Report of Petroleum Division . . . . .	2919
Meetings of Standing Committees . . . . .	2919
Khaddar (Protection of Name) Bill—Introduced . . . . .	2919—2920
Insurance (Amendment) Bill—Discussion on clauses—not concluded . . . . .	2920—2951
Demands for Supplementary Grants for 1950-51 . . . . .	2951—2970
Demand No. 7—Irrigation, Navigation, Embankment and Drainage Works . . . . .	2951—2952
Demand No. 61—Census . . . . .	2951—2953

	PAGES
<b>MONDAY, 17TH APRIL, 1950—contd.</b>	
Demands for Supplementary Grants for 1950-51—contd.	
Demand No. 68—Communications (including National Highways)	2951—2955
Demand No. 69—Other Civil Works	2951—2955
Demand No. 70—Territorial and Political Pensions	2951—2955
Demand No. 71—Superannuation Allowances and Pensions	2951—2955
Demand No. 72—Stationery and Printing	2952—2955
Demand No. 74—Expenditure on Displaced Persons	2952—2955
Demand No. 89-A—Vindhya Pradesh	2952—2970
Demand No. 104—Capital Outlay on Civil Works	2952—2970
Demand No. 110—Interest-Free and Interest Bearing Advances	2952—2970
Appropriation (No. 2) Bill—Introduced	2970—2971
<b>TUESDAY, 18TH APRIL, 1950—</b>	
Statement <i>re</i> Bill relating to Fair Wages	2973—2974
Statement <i>re</i> Observations made during Debate on Appropriation (Railways) Bill	2974
Papers laid on the Table—	
Constitution (Removal of Difficulties) Order No. II (Amendment) Order	2974
Election to Committee—	
Standing Committee for Roads	2974—2975
Appropriation (No. 2) Bill—Passed	2975—2989
Insurance (Amendment) Bill—Passed as amended	2989—2999
Inland Steam Vessels (Amendment) Bill—Passed	2999—3000
Representation of the People Bill—Discussion on motion to consider—not concluded	3000—3009
Supply of U. P. rice to Madras	3009—3015
<b>WEDNESDAY, 19TH APRIL, 1950—</b>	
Statement by Dr. S. P. Mookerjee on his resignation as Minister of Industry and Supply	3017—3022
Papers laid on the Table—	
General Report of Geological Survey of India for 1948	3022
Report on issue of Import Licence in favour of Messrs. K. Ramson & Co., Madras	3022
Vacation of Seats	3023
Elections to Committees—	
Court of University of Delhi	3024—3035
Standing Committee for Roads	3024
Reserve Bank of India (Amendment) Bill—Introduced	3024
Representation of the People Bill—Discussion on motion to consider—not concluded	3024—3035
	3035—3036
<b>THURSDAY, 20TH APRIL, 1950—</b>	
Representation of the People Bill—Passed as amended	3037—3099
Displaced Persons (Claims) Bill—Passed as amended	3099—3105

# PARLIAMENTARY DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Thursday, 6th April, 1950

The House met at a Quarter to Eleven of the Clock.

[ MR. SPEAKER in the Chair ]

## QUESTIONS AND ANSWERS

(See Part I)

11-45 A. M.

### ELECTIONS TO COMMITTEES

STANDING COMMITTEES FOR MINISTRIES OF LAW, REHABILITATION, STATES,  
AND TRANSPORT (OTHER THAN ROADS)

**Mr. Speaker :** I have to inform the House that upto the time fixed for receiving nominations for the Standing Committees for the Ministries of Law, Rehabilitation, States and Transport (other than Roads), ten nominations in the case of the first and 15 nominations in the case of each of the remaining three Committees have been received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following members to be duly elected :

I. *Standing Committee for the Ministry of Law.*—(1) Shri C. Subramaniam, (2) Shri Mohammad Ahmad Kazmi, (3) Chaudhri Hyder Husein, (4) Shri Datatraya Parashuram Karmarkar, (5) Shri S. K. Ahmad Meeran, (6) Prof. K. K. Bhattacharya, (7) Dr. R. U. Singh, (8) Dr. P. K. Sen, (9) Dr. Bakhshi Tek Chand, and (10) Shri Braja Kishore Prasad Sinha.

II. *Standing Committee for the Ministry of Rehabilitation.*—(1) Dr. Bakhshi Tek Chand, (2) Lala Achint Ram, (3) Shri Basanta Kumar Das, (4) Shrimati Jayashri Raiji, (5) Shri Suresh Chandra Majumdar, (6) Shri Mihir Lal Chattopadhyay, (7) Shrimati Uma Nehru, (8) Shri Phani Gopal Sen, (9) Shri Mahendra Hazarika, (10) Lala Raj Kanwar, (11) Shri Ramprasad Potai, (12) Khwaja Inait Ullah, (13) Shri A. M. Rathnaswamy, (14) Moulvi Wajed Ali, and (15) Shri T. Channah.

III. *Standing Committee for the Ministry of States.*—(1) Shri Muhammed Hifzur Rahman, (2) Shri B. N. Munavalli, (3) Shri V. S. Sarwate, (4) Shri Gulabshankar Amritlal Dholakia, (5) Major General Maharaj Shri Himatsinghji, (6) Shri Narendra Pragji Nathwani, (7) Captain Awadhesh Pratap Singh, (8) Shri Gokul Lal Asawa, (9) Shri S. Sivan Pillay, (10) Sardar Ranjit Singh, (11) Shri Shambhu Nath Shukla, (12) Shri H. S. Rudrappa, (13) Shri Ram Sahai Tewari, (14) Shri C. R. Iyyunni, and (15) Shri N. Alexander.

IV. *Standing Committee for the Ministry of Transport (other than Roads).*—(1) Shri Ram Chandra Upadhyaya, (2) Shri Theble Orson, (3) Shri C. R. Iyyunni, (4) Shri P. Kunhiraman, (5) Kaka Bhagwant Rai, (6) Shri V. M. Obaidullah, (7) Dr. Mono Mohon Das, (8) Shri V. J. Gupta, (9) Shri Ari Bahadur Gurung, (10) Shri Nemi Saran Jain, (11) Dr. Y. S. Parmar, (12) Shri Gopinath Singh, (13) Shri Kailash Pati Sinha, (14) Shri S. K. Ahmad Meeran, and (15) Shri Satis Chandra Samanta.

## NAWAB SALAR JUNG BAHADUR (ADMINISTRATION OF ASSETS) BILL

**Mr. Speaker :** The House will now proceed with the Legislative Business. We are first taking up items Nos. 4 and 5—the hon. Sardar Patel's Bill.

**The Minister of Home Affairs and the States (Sardar Patel) :** Sir, I thank you and the House for accommodating me. I have to get this measure passed which will take very little time of the House. I beg to move :

“That the Bill to provide for the administration of the assets of the late Nawab Salar Jung Bahadur of Hyderabad and for matters connected therewith, be taken into consideration.”

I also beg to offer an apology to the House for introducing a measure which is more or less of an individual character, but which has become necessary for certain reasons. Nawab Salar Jung died in March, 1949, and has left considerable property behind. His succession has been a matter of dispute between various claimants *inter se*, as well as between Government and the claimants. Government contend that he has no direct heir and as he has died without any heir the property must vest in Government. There are some claimants who claim as successors—distant successors—but they are contesting amongst themselves also. Under these circumstances it was found necessary to make immediate arrangements for the management of the property. A Committee was appointed in Hyderabad State to take over the estate immediately and another Committee of the Judges of the High Court for deciding the question of succession. So far as the property inside the State of Hyderabad is concerned, the Committee was given powers to take over the property. But there are other valuable properties outside Hyderabad State, in India, and there are some immovable properties in Poona, Ootacamund and such places and also securities and shares worth about Rs. 35 lakhs or more. So it became necessary that we should take over this property in possession and manage it properly. The Committee is in charge of this, and so far as the property beyond or outside the limits of Hyderabad is concerned, we gave them power to manage these estates by means of an Ordinance. This Ordinance is to expire shortly and therefore it has become necessary to bring in this piece of legislation in order to allow the Government to continue the present state of things. This is a short piece of legislation and I move that the Bill be taken into consideration.

**Mr. Speaker :** Motion moved :

“That the Bill to provide for the administration of the assets of the late Nawab Salar Jung Bahadur of Hyderabad and for matters connected therewith, be taken into consideration.”

**Maulvi Wajed Ali (Assam) :** May I know, on a point of information, from the hon. Deputy Prime Minister how long it will take for the Committee of High Court Judges to decide about the question of the legal heir? As it is a matter for the civil court and law to decide, will it take a long time to decide the legal heir of the late Nawab?

**Sardar Patel :** Unfortunately I am not one of the Judges and I cannot give the time. But usually the High Court and the Judges take a long time and therefore this Bill is necessary.

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

“That the Bill to provide for the administration of the assets of the late Nawab Salar Jung Bahadur of Hyderabad and for matters connected therewith, be taken into consideration.”

*The motion was adopted.*

**Mr. Speaker :** We will now take the Bill clause by clause. There are a large number of amendments. Are any of them going to be moved ?

**Sardar Patel :** If they are of a drafting character, the Draftsman can take care of them.

**Mr. Speaker :** Is the hon. Member Mr. Munavalli going to move any of his amendments ?

**Shri Munavalli (Bombay)**: Such of them as are acceptable.

**Mr. Speaker**: He is not going to accept any, as I understand.

**An Hon. Member**: They are only of a drafting nature.

**Mr. Speaker**: Is the hon. Member Mr. Basi Reddi moving any of his amendments?

**Shri P. Basi Reddi (Madras)**: No, Sir.

**Mr. Speaker**: There are no other persons who have tabled any amendments. So I will put the clauses.

*Clauses 1 to 11 were added to the Bill.*

*The Schedule was added to the Bill.*

*The Title and the Enacting Formula were added to the Bill.*

**Sardar Patel**: I beg to move:

"That the Bill be passed".

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

"That the Bill be passed".

*The motion was adopted.*

#### ARMY BILL

**The Minister of Defence (Sardar Baldev Singh)**: I beg to move:

"That the Bill to consolidate and amend the law relating to the Government of the regular Army, as reported by the Select Committee, be taken into consideration."

I have nothing to add to what was said when the Bill was referred to the Select Committee, but I want to inform the House that before I introduced the Bill in the House, this Bill was carefully examined by a Special Officer, who was appointed to go into this matter. He spent a number of months in examining the different provisions of the Bill and after a careful examination, he produced this Bill, which has now been examined again by the Select Committee. When this Bill was referred to the Select Committee a number of criticisms was made of the different provisions of the Bill. The Select Committee has very carefully gone into the different provisions of the Bill and has suggested certain amendments. I must say that the Members of the Select Committee have taken a very keen interest in the different provisions of the Bill, particularly in view of the criticism of the very severe punishments that have been provided under the different clauses. This Bill may look as very severe in certain respects, but I want to submit to the House that it is absolutely essential that discipline in the Army should be maintained. Wherever we find that certain mistakes have taken place, or certain irregularities have been committed, we are anxious that they should not go without adequate punishment and that is the reason why certain provisions have been made under certain sections, which look apparently very severe but actual practice has shown that those provisions are very, very essential to maintain discipline in the Army.

I have nothing more to add and if any points are raised by hon. Members during the course of discussion or while moving their amendments, if any amendments are moved, then I propose to reply to that criticism. With these words, I move that the Bill be taken into consideration.

**Mr. Speaker**: Motion moved:

"That the Bill to consolidate and amend the law relating to the government of the regular Army, as reported by the Select Committee, be taken into consideration."

**Pandit Kunzru (Uttar Pradesh)**: The Bill before us deals with a very important matter. I have no doubt, as the hon. the Defence Minister said, that the Members of the Select Committee carefully considered every clause of the Bill, and introduced such amendments as they thought were necessary to remove the defects

[Pandit Kunzra]

noticed by them. But the Bill even as it has emerged from the Select Committee requires careful consideration in certain respects. The first point to which I want to draw the attention of the House is to the application of the Bill to the armed forces maintained in India.

Clause 1 says :

"It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf".

Clause 4 says :

"The Central Government may by notification, apply, with or without modifications, all or any of the provisions of this Act to any force raised and maintained in India under the authority of that Government, including any force maintained by a Part B State, and suspend the operation of any other enactment for the time being applicable to the said force."

It is scarcely likely that the law will be applied in part or with modifications to the regular forces maintained by the Union. It seems to me, therefore, that the application of the law with or without modifications and of all or any of its provisions relates to other forces not included in the regular forces maintained by the Union. In so far as these forces are auxiliary, the reason for taking power to modify the Act or limit the provisions applicable to them is clear, but do Government intend to modify the Act or to make any change in the law or in any way to limit its provisions in connection with the forces maintained by a Part B State? This question gains force when we consider clause 5 which deals with the application of the Act to the forces of acceding States. The clause reads :

"The Central Government may, by notification, direct that any person or persons belonging to the land forces of any Part B State shall be attached to any body of the regular Army or that the whole or a part of the said forces shall act with any body of the regular Army, or shall be placed at the disposal of the Central Government, and thereupon the forces so attached and members of the said force shall become subject to this Act."

Now, if the law that we are going to pass is to be applied with or without any modifications to the forces maintained by Part B States, then it is obvious that clause 5 is rather superfluous. The language of clause 5 creates the fear that the Army Act may not be extended to the forces maintained by Part B States. I do not know what the intention of Government in this respect is. In reality, under the Constitution it is Parliament that has the right to decide this matter. My hon. friend, the Defence Minister, the other day, referred to the agreement entered into with the Unions of States and said in effect that the Forces maintained by these Unions had to be administered subject to this agreement. Now, I should like to draw his attention to article 259 of the Constitution which says :

"Notwithstanding anything in this Constitution, a State specified in Part B of the First Schedule having any Armed Forces immediately before the commencement of this Constitution may, until Parliament by law otherwise provides, continue to maintain the said Forces after such commencement subject to such general or special orders as the President may from time to time issue in that behalf."

Parliament has clearly the right under article 259 of the Constitution to abolish the Forces maintained by any Part B State. But, so long as these Forces are allowed to exist, there is no bar to the exercise of parliamentary authority with regard to their administration. With regard to everyday matters of administration, the President may issue orders and they will be binding on the Rajpramukhs. But, so far as I have been able to understand the language of article 259, it does not debar Parliament from bringing the Forces maintained in Part B States under the operation of the Army Act. This being the position, why has it not been made clear that the Army Act will be extended to these Forces? Since the matter is in doubt, the question naturally arises how the Forces in Part B States will be governed, if the Army Act does not apply to them. Perhaps the Government of India intend to advise the Rajpramukhs to apply the Army Act to the Forces of their States. I do not understand, as I have already said, why this roundabout way should be chosen

and why we should not utilise the provisions of the Constitution in order to decide the matter now. If there is still any doubt in the mind of any hon. Member about the competence of Parliament to legislate in the manner suggested by me, I shall refer to the Proclamations issued by the Unions of States and by the two continuing States on the 24th of January accepting the provisions of the Constitution which was being adopted by the Constituent Assembly of India and stating that the provisions of the Constitution would, as from the date of its commencement, supersede and abrogate all other constitutional provisions inconsistent therewith which were at that time in force in the State. I attach considerable importance to the position that the Forces of Part B States are to occupy in future in relation to the Army Act. Whatever modification we may make in the application of the law, it is necessary that they should be governed by the Army Act. If the Forces were really integrated with the Forces of the Indian Union as was practically claimed by the Defence Minister the other day, there would be no need for treating them differently from our own regular Forces. I do not see why this need should arise at all. But, granting that the Army Act may be applied to the Forces of Part B States in a modified form, why should we not make it clear on the face of it that the Act shall, with such modifications as the Government of India may decide, be applicable to these Forces? Clause 4 only says that the Central Government may bring the Forces of Part B States under the operation of the Army Act. It does not lay any obligation on the Central Government to do so. What I desire is that the law should make it clear that the Army Act shall apply to the Forces of Part B States as it will apply to the Forces of the Indian Union though with such modifications as may be considered necessary by the Central Government.

The second point that I should like to refer to is the competence of military and civil courts with regard to the trial of persons subject to military law who have committed what have been called in the Bill before us, 'civil offences'. Clause 69 says:

" Subject to the provisions of section 70, any person subject to this Act who at any place in or beyond India commits any civil offence shall be deemed to be guilty of an offence against this Act, and, if charged therewith under this section, shall be liable to be tried by a court-martial and, on conviction, be punishable as follows..... "

This means that a person who is subject to the military law, if he commits a civil offence, shall be held to have contravened the Army Act and be liable to be punished accordingly. It is of course not obligatory on the military authorities to charge any person subject to military law who commits civil offences as an offender under the Army Act, but they have the power to do so.

Clause 70 lays down that in certain cases civil offences shall not be triable by a court martial. Soldiers who have been guilty of murder or of culpable homicide or of rape can and must, with certain exceptions, be tried only by civil courts. The operation, therefore, of clause 69 extends apparently to all offences other than those mentioned in clause 70. But clauses 125 and 126 show that a soldier who is guilty of the commission of a civil offence can be tried by a criminal court too. The language of clauses 125 and 126 is such as to make it difficult to understand the effect of clause 69 on these two clauses. The point that we are concerned with is this. Is a soldier, if he is guilty, say, of the offence of arson or abduction, or dacoity, to be tried only by a court-martial or is he subject to the ordinary criminal law of the land? Must he always, because he belongs to the Armed Forces, be tried in the manner laid down in the Army Act or can he, as a citizen of India, be tried by the ordinary criminal court of the land? Clauses 125 and 126 create the feeling that the criminal courts may claim to try such a person if he has committed any of the offences described as civil in the Bill and if there is any difference of opinion between a criminal court and the military authorities, then the criminal court may require that the matter shall be referred to the Central Government. The language, however, is such as not to place the matter beyond doubt. I hope, therefore, that the hon. Defence Minister will tell us authoritatively what the intentions of the



[Pandit Kunzru]

military authorities in this respect are and whether his legal advisers think that the language of the clauses to which I have drawn the attention of the House is such as to enable the ordinary criminal courts to claim to try a soldier who has been guilty, e.g., of the offence of abduction or arson.

Lastly, I should like to refer to the position of the Judge Advocate-General and the officers of his Department in connection with the trial of offenders subject to the Army Act. The Judge Advocate-General and his colleagues occupy a position of great importance. I understand that these officers do not occupy the same position as the Advocate-General or the other legal officers in a province in respect of criminal prosecutions for which the State Government is responsible. Their position is of greater authority and importance. They have to interpret the Army Act, advise the officers constituting the Court Martial and at the end of a trial, sum up the case. It is of the utmost importance, in view of this, that these officers should be properly trained. I understand that the officers of the Judge Advocate-General's Department are chosen from the Regular Army Officers and then given such legal training as would fit them for the discharge of their future duties. I am told by those who are in favour of this system that it has worked well and that the decisions of the military courts as guided by the Judge Advocate-General and his officers, have given general satisfaction. Nevertheless it is necessary when old institutions are changing that this system too should come under review. The existing system of recruitment may have answered its purpose well so far but we have to consider whether this system is capable of improvement, so that the law may be progressively administered in accordance with the changes in public sentiment and expert opinion regarding the manner in which it should be applied.

I grant that it is necessary for any person who has to advise the military courts to be familiar with military life. He should be acquainted with the life of a soldier : he should understand the atmosphere in which the soldier works and his psychology. But is it necessary for this purpose that he should first be recruited as a Cadet and trained as an ordinary officer and then drafted into the Judge Advocate-General's department? Will it not be advisable to take men who have received a good legal training and acquired some legal experience and then to give them such special training and enable them to acquire such experience as would enable them to become acquainted with military life, so that they may be able to discharge their duties efficiently.

The law is on all hands regarded as a difficult subject. Some universities in the West attach so much importance to it as to require that a man shall have graduated in Arts or Science before taking up the study of law. This restriction has been placed obviously because it is desirable that a lawyer should be a well educated man and that he should be in a position to understand legal principles and to appreciate the manner in which they ought to be applied in different circumstances.

**Shri Kamath (Madhya Pradesh) :** What about law-makers?

**Mr. Speaker :** We are not on that point now.

**Pandit Kunzru :** Now the military officers will, generally speaking, be men who have read only up to the matriculation standard. It will, I believe, be no disadvantage of them to say that they will be at a disadvantage in comparison with people who have received a better education and a regular legal training and will thus be better able to understand legal principles and the manner in which they should be applied.

I do not want to speak dogmatically on this subject: but after having discussed the matter with those competent to advise on it I have the feeling that a change of system is desirable. I think that on the whole it will be better to recruit men from the legal profession and give them such general and special

training as will enable them to become familiar with military law and military life rather than take military officers with their limited education and then train them to become legal advisers of the military authorities. To guard myself against any misunderstanding I should like to add to what I have said that there are at the present time among military officers a number of people possessing a legal degree. This is only an accident. They have been selected from the Emergency Commissioned Officers recruited during the war among whom there are many officers who were practising lawyers before they joined the Army. But the Army will not always continue to have this advantage and it is desirable therefore to consider the matter carefully. I do not say that a change must necessarily be made, though I have clearly indicated where my own preference lies. The matter should, however, be considered carefully. So far as the public knows the old system has gone on without any enquiry into it and what I ask for is that it should be fully inquired into. It may be decided in the end to retain the present system but we shall in that case know the relative advantages of the two systems to which I have referred and the reasons for which the military authorities consider the existing system to be better than what appears to me to be preferable.

I believe these are the only important matters raised by the Army Bill and I hope that my hon. friend the Defence Minister will give us the information that I have asked for and also undertake to see that the question of the recruitment of officers to the Judge Advocate-General's department is taken into consideration before long.

**Shri Ethirajulu Naidu (Mysore):** Sir, the Army Bill is not such a comprehensive measure as the name suggests. Hon. Members who have no doubt gone through the provisions of this Bill will agree with me when I say that this is more or less the Penal Code and the Criminal Procedure Code for the Army. In a Bill which covers about 196 clauses there are only 33 clauses which deal with the scope of the Bill and other ancillary matters. The rest deal with offences, punishments and procedure.

The hon. Defence Minister referred to one matter, namely, that apparently the punishments provided in the Bill looked excessive. May I elaborate it a little further? In every clause which lays down the punishment for offences, there is a phrase added on, e.g., "punishable with death or such other punishment as in this Act provided". The effect of that will be seen when reference is made to clause 71 and one or two succeeding clauses of the Bill. Clause 71 which lays down punishments awardable by courts-martial, says that punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by courts-martial, according to the scale following, that is to say, death, transportation for life, imprisonment, cashiering, dismissal from the service, reduction to the ranks, right down to a severe reprimand or a reprimand. Though in each section severe and impressive punishments are provided for, they are followed by the alternative "or such other punishment as is provided in this Act".

The need for providing such severe punishment and for the extent to which it can be scaled down, coming down to a mere reprimand, is that if we take, for instance, insubordination—it may be either a refusal to shoot the enemy or a refusal to salute his officer. It is not possible to lay down a particular sentence to cover this wide range of possible offences. Similarly, with regard to theft it may be a sten gun or a pin; it is not possible in either case to limit the punishment within a small range.

[MR. DEPUTY-SPEAKER in the Chair]

It was therefore felt in the Select Committee, on which I had the privilege of serving, that we may as well leave the punishments as originally suggested in the Bill. I will have occasion again, before I conclude, to refer to clause 71 in another connection.

[Shri Ethirajulu Naidu]

I may also mention that the Select Committee has suggested some change in clause 154. It now reads :

"The findings and sentences of general courts-martial may be confirmed by the Central Government, or by any officer empowered in this behalf by warrant of the Central Government."

It was felt that consistently with our status as a Republic and in recognition of the sanctity of human life, that clause should be amended into its present form so as to provide that the sentence of death should not be inflicted unless it was confirmed by the President of the Republic. I might at this stage point out that the Army Act in the U.S.A. has a similar provision. I read from the U.S. Army Act:

"In addition to the approval required by article forty-six, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely :

\* \* \* \* \*

(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution, subject to the provisions of article 50, upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division."

Then, with regard to clause 71 to which I said earlier that I would be reverting. It prescribes the punishments in a sliding scale: death; transportation for life, imprisonment, cashiering in the case of officers, dismissal from the service, reduction to the ranks, forfeiture of seniority, forfeiture of service, severe reprimand or reprimand, forfeiture of pay and allowances. Then comes :

"(k) forfeiture in the case of a person sentenced to cashiering or dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such cashiering or dismissal."

This item is put down as sub-clause (k). My difficulty is that I consider it is not a separate punishment by itself, but it can go only with sub-clause (d), that is, "cashiering, in the case of officers." I may, if I am not going out of the way, mention that some representatives of the Army who were appearing at the Select Committee meetings to assist us told me, when this was pointed out, that they would make the necessary change. I thought the change would have been effected, but I see that it has not been done. I am not still able to get over the feeling that it is a contradiction. Let me make my point clear. Clause 71 provides a sliding scale of punishments. Sub-clause (k) of that clause does not contain a punishment which can be awarded by itself, but it is an additional punishment that can be awarded where punishment under sub-clause (d) is awarded. Sub-clause (k) says that additional penalties like withholding of moneys may be inflicted in the case of a person sentenced to cashiering. I would therefore suggest that these sub-clauses may be re-cast. I would suggest that sub-clause (d) may be re-cast as follows :

"(d) cashiering, in the case of officers, with or without withholding of arrears of pay and allowances and other public moneys due to them."

I have great pleasure in supporting the Bill.

**Shri S. N. Sinha (Bihar)** : I wish to confine remarks to clause 70 of this Bill. Actually I had given notice of an amendment for including even cognizable offences in clause 70. Clause 70 seeks to extend the jurisdiction of ordinary criminal courts to offences like murder, culpable homicide not amounting to murder, and rape, when committed in respect of persons not subject to this Act. Clause 70 has mentioned the three circumstances in which even these offences will not be subject to the ordinary jurisdiction of criminal courts. I fail to understand the

Reasons which weighed with the members of the Select Committee in not including offences like kidnapping, abduction, dacoity or other cognisable offences when committed on the civilian population. It is well known to the House that when Army men are on leave, on account of a quarrel or their falling into the company of undesirable people, they commit offences like dacoity, etc. This Act grants them immunity from being hauled up for such offences before ordinary criminal courts. Clause 69 mentions that except in the three cases specified in clause 70, all other offences which an Army man is accused of will be punishable by a court-martial.

The hon. Member, Pandit Kunzru, in referring to this point felt that it is not obligatory on the Military authorities to treat any of those offences as I have mentioned as being offences under this Act. I am sorry, I do not agree with this interpretation. Clause 69 makes the position clear enough. It leaves no option to the Military authorities to hand over these cases to the ordinary criminal courts for trial, but it is quite clear that a person who commits any of those offences will be hauled up before the courts-martial. In fact, the intention of clause 69 is to restrict the jurisdiction of ordinary criminal courts except in the cases mentioned in clause 70.

I also do not agree with the interpretation put by the hon. Member, Pandit Kunzru, upon clauses 125 and 126. He said that a soldier who is guilty of civil offences can be tried by a criminal court. I am afraid his interpretation is entirely wrong. Clause 125 says: "When a criminal court and a court-martial have each jurisdiction in respect of an offence, it shall be in the discretion of the officer commanding the army" to decide whether the case should be decided by a criminal court or a court-martial. The jurisdiction of the criminal court is restricted by clause 69 and does not extend to the offences I have mentioned. So, my submission is that clause 70 may be re-cast in order to include the offences I have mentioned. My feeling is that in the new set-up persons subject to this Act should not have immunity from the ordinary criminal courts or the ordinary law of the land if they are not on active service and are on leave and indulge in such offences. I have not come across any provision in this Act which lays down the procedure by which the machinery of a court-martial can be set in motion by an ordinary person in respect of whom these offences have been committed. Secondly ordinary people are liable to be deterred from approaching the Military authorities for setting the court-martial machinery in motion against Army men for the redress of their grievances. So, I feel that any immunity given is likely to put a premium on the proneness of the Army men to commit these offences while on leave. Therefore, I submit that offences of a cognisable nature and those of a serious nature like those mentioned in clause 70 should also be included. I have already mentioned sections like 376, 395 and 396 or kidnapping and abduction. I am at one with the Defence Minister in his anxiety to preserve the discipline of the Military and I do not want any inroad to be made on this close preserve. But I do feel that in the changed circumstances, Army personnel should not feel removed from the ordinary people or the ordinary law of the land, and they should not enjoy immunities for offences committed when they are not on active service and are not doing anything in the discharge of their duties as Army men.

With these words, I plead that clause 70 should be re-cast.

**Shri T. N. Singh (Uttar Pradesh):** This Bill is of very great importance, for we are today passing a new law for our National Army. The national character that was given to the Army after 1945 is really a welcome change in the traditions of the Army which no doubt have been very noble, very brave and full of heroism. At the same time, I feel that we should keep in mind certain fundamental principles.

The previous speakers have ably dealt with some of the points which I had in my mind and in respect of which I had tabled amendments. But I want to draw

[Shri T. N. Sing']

attention to a class of people known as "soldiers of fortune" in the Middle Ages. Later on or simultaneously they were called "mercenaries". If we look at the history of the middle ages or even that of the 18th century, we find that there were persons whose one brother served in England, next served in Spain, then again in France or Germany along with their brothers or cousins employed there. It was soon realised that such soldiers of fortune were not a very healthy class who should be encouraged. I wish to draw your attention to the fact that even today that "race of soldiers of fortune" is not ended. There are persons who have taken to this army just as a mere profession and we can easily find their brothers or cousins taking up army service not only in this country but also in other countries. There are several instances where a member of the family is employed in the army of our country, while another member of the same family is engaged in the army of another nation. Now, I say that this class of people, this race of soldiers of fortune, though a dying race, is yet there and we have to take note of this fact. We are today making a beginning in the direction of a national army. We have made a beginning, I should say, and it is a very good beginning—an army of which we are all proud. I say that such a class of people, a set of people who have members of their family in different armies should be discouraged. We should try to put our finger on this class of people.

It may be, that my tabled amendment, putting restrictions on those whose close relations are employed in a foreign army, may be misunderstood, because of certain points arising out of Indo-Pakistan relations. That was not my motive. What I wanted to do by my amendment was to draw the attention of Government to the fact that there are a set of people who believe in the army profession as a method of earning their livelihood. In these days when we talk of a national army, we mean that one need be in the army only when he is prepared to give up his life and everything for the sake of his country. But there may be a set of people whose close relations are in foreign armies but who join our army only for the sake of earning their livelihood. That class of people should be discouraged. I was assured that Government by its rule-making powers will discourage such people. All that I am trying to do is to lay down some basic principles by which people who do not join the army because of their love for the nation and love for their country, should not be given a place in the national army. There is no more any question of our army being a mercenary one. We have today in our midst people who have joined the army because they want to sacrifice their all for the sake of the nation and who will stand by the country in case of any danger or peril.

For these reasons, while I have no desire to move my amendment, I do feel it my duty to draw the attention of the House and the Government to this aspect of the matter and I am sure they will keep it in mind.

*The House then adjourned for Lunch till Half Past Two of the Clock.*

*The House re-assembled after Lunch at Half Past Two of the Clock.*

(MR. SPEAKER in the Chair.)

**Ch. Ranbir Singh** (Punjab): I had a mind to express my views on the Report of the Select Committee on this Bill because I come from a district which gave about 60,000 recruits in the last World War. But I decided to forego that opportunity because the hon. the Defence Minister appealed in the name of discipline. Coming from amongst that class of people whom some people used to call as mercenaries, others as martial people, some others as professionals or by such other names, but whose qualification is that whenever they are reminded of discipline, whatever they might feel about any particular matter, whether they feel that it is right or wrong, whether they agree or disagree with it, they at once obey, I also decided to obey him. But my hon. friend from Uttar Pradesh, Shri T. N. Singh, who spoke last provoked me to my something. Although, according to me, there are many

clauses in this Bill which are very harsh and may also to some extent to detrimental to the interests which I represent, I was forced to obey in the name of discipline. But my hon. friend Shri T. N. Singh said "he is remaining silent because he thinks that these people, or some of them, who are known as mercenaries join the army for the sake of a profession". And he said that some of them joined the Indian Army while the others joined the foreign Army. Whatever I could follow from my hon. friend's speech I think he meant to say that they are not of good character or some may say they are of bad character, and so it is necessary to have such a strong Bill. I do not agree with this version, and I can challenge my friend. I would request even the Defence Minister to let us know how many of our friends whom my hon. friend would describe as 'patriots' joined the Army when the Indian nation was fighting, or is fighting in the Kashmir operations. Previously he might say that the Army was not an Indian Army. But after our attaining freedom it was a national cause and the Army also was a national one. May I know from my hon. friend or from the Defence Minister how many of those friends whom my hon. friend calls "nationalists" joined the Army as personnel, not as officers. I know that many of them joined as officers, but very few of them joined as personnel. And I come from those who joined the Army as personnel or who constitute the majority so far as the personnel of the Army goes.

As my hon. friend Mr. Naidu remarked, to me it appears that this Report of the Select Committee is a report for enacting a civil and penal court for the military. I agree with him in his remark because it speaks very little as regards the appointment or as regards commission or recruitment, or regarding the pension rights or other rights of the men in the Army. The overwhelming clauses of this Bill or this Select Committee Report deal with discipline and punishment. So, according to me it is not an Army Bill. It would have been right if it had been named as the Civil and Penal Bill for the Military.

Anyway, I wish to bring to the notice of the hon. the Defence Minister certain matters so far as commission goes. Even when this Bill was referred to Select Committee I made a request of him which I repeat now also. The only reference in the Bill regarding commission is that "the President may grant, to such person as he thinks fit, a commission as an officer, or as a junior commissioned officer or appoint any person as a warrant officer of the regular Army." In this connection I wish to request him again that it will be good in the interest of the country, it will be good for the people who fight and it will create enthusiasm in them if he lays down some instructions that the persons who are recruited for commissions should only be recruited from the Army personnel, because they would have on the one hand some experience of the Army and on the other experience of the actual people whom they are to administer.

There is another clause about which I wish to say something and that is regarding civil offences. There are two angles of it and one angle has been represented by my friend on that side. He says that there may be cases of kidnapping or dacoity which may be committed by the Army personnel who are on leave and they may go scot-free because no civil court can take any action against them in the presence of this Bill which is going to become an Act. To some extent I agree that there may be persons who may be called 'undesirable' in the Army, as there are everywhere, who may do some mischief while on leave and go back to the Army and the civil authorities will not be able to take any action against them. But I have another point to place before the House, or rather the other angle of it, and that angle is this. As everybody in the House, knows, in court-martial they are somewhat rather hard in their decisions and they do not allow such freedom to the people for representing their case as the civil courts do. So, these people cannot go scot-free. Whosoever it may be, even if they be on leave, when they commit any offence like dacoity or kidnapping they will be duly dealt with according to this law. And I think that the punishment which will be awarded to them by the court-martial will be hard in comparison with the punishment which they would have got.

[Ch. Ranbir Singh]

from the civil court where they would have got better facilities for representing their case and fighting their case. In whichever way the hon. the Defence Minister may take it, I think this clause should be amended in a way to meet the wishes of the House.

**Sardar Hukam Singh** (Punjab): I must also confess that I was also provoked by the speech of my hon. friend Mr. T. N. Singh, though after a personal discussion with him now—because he is by my side—I am to some extent satisfied that he did not mean what we understood it to be. If he had only expressed that individuals whose loyalty was doubtful or who could not be expected to be patriots under the circumstances, should not be recruited or encouraged in future recruitment, certainly that was understandable. When he said that such classes of soldiers who had been serving were mercenary soldiers or soldiers of fortune, certainly what I understood was that perhaps those people or those classes of persons who have been recruited during the English period and have been serving under them, should not be encouraged now for recruitment into the Army. I have even in personal discussion conveyed to him as well that because he used these words “classes of people” it was certainly liable to be misunderstood. I want to make it clear that if somebody has that apprehension and feels like that, that those soldiers were mercenary and that that class of people ought to be discouraged, then, I feel that he is sadly mistaken. Those brethren of ours who were then living on this service in the Army certainly were compelled by the economic circumstances because we were in bondage. We could not give them any employment and the economic conditions were such that they were forced to take service in the Army and that was also one of the professions which they could carry on under those circumstances. It is not fair to stigmatize them because I am proud that our Army has always proved loyal to the country and patriotic as well, whenever an opportunity arose. If we were simply to call those soldiers as mercenaries, I wonder what we would call those administrators, the I.C.S. people and other persons who were working in the offices and especially those administrators who ordered firing on innocent people. I even go further and say that those people who took contracts, supplied materials and did other services were as guilty as these soldiers themselves and if we are all praise for these administrators, because now after the change of circumstances, they are proving so loyal, then certainly we should not doubt the loyalty of those persons who serve in the Army and we should give them the same encouragement as we are giving to other persons in other services. I might give an instance. During the year 1942 a senior I.C.S. officer was specially deputed to go to America and carry on propaganda against the Indians and he did it very successfully, but afterwards we have entrusted to him our external affairs and we are proud that he is conducting himself quite satisfactorily. (*Interruption.*) All right, that is a question of opinion. Then again, I remember there was a case of a Police Commissioner in U. P. who ordered firing on innocent persons in Ballia and how have we treated him? He was not only retained but he has been promoted to a higher rank. Still I do not say that that is a mistake. I say they have adjusted themselves to the new circumstances. We should applaud them and give them every encouragement and should not doubt their loyalty.

So far as the Army is concerned, I have felt not only on this occasion, but on other occasions as well that there is some bitter feeling that they were martial races. Now we have removed that distinction and there is some bias growing against those people who were serving there. I am one of those who believe that equal opportunity should be afforded to everybody and I do not say that any class of people or persons coming from any quarter of our country should be debarred from having that equal opportunity, but at the same time, I feel that we should not give any chance to those loyal officers and soldiers of ours who have served and who have now adjusted themselves in the changed circumstances and who are serving us very loyally and in a patriotic spirit that we doubt them. What would have happened

if we had thrown them out immediately after winning our freedom ! We wanted them immediately in Kashmir and how they have acquitted themselves is known to everybody. Even now the clouds are not clear and we wish them every success in their endeavour, but who knows what might turn out tomorrow ! We need their services and their patriotism very much more than on previous occasions. Therefore, we should give them every encouragement and I feel that these words would go to cheer them and to encourage them. We are proud of them. Such a policy as I understand my hon. friend wanted would not help very much. He tells me that I was wrong. I am very glad that I was wrong. Any other policy would dishearten them and would certainly do us a great harm.

**Shri T. N. Singh :** On a point of personal explanation, Sir, I only referred to a set of people who I said were serving in one country and their brothers belonging to the same family were serving in another country and I said that such persons are always classed as soldiers of fortune or mercenary soldiers and in the context of things and the situation which exists at present, my point was obvious. I also referred to certain neighbouring countries and therefore, I see no reason why I was misunderstood in this very simple statement of mine.

**Mr. Speaker :** Hon. Dr. Ambedkar.

**The Minister of Law (Dr. Ambedkar) :** If other hon. friends do not want to speak, I thought I would like to reply to the two points raised by my hon. friend Pandit Kunzru because they have a constitutional aspect.

**Mr. Speaker :** I would give him precedence.

**Dr. Ambedkar :** My hon. friend Pandit Kunzru, in the course of his speech on the motion, raised two points. As they refer to the constitutional aspect of the matter, I thought that it may be appropriate that I should deal with them rather than leave them to be dealt with by my hon. colleague.

The first point was that clauses 4 and 5 of the Bill were inappropriate in view of the fact that they made separate mention of the Forces in Part B States. I will take these two sections separately.

With regard to section 4, I think my hon. friend will agree that under the scheme of this Act, there is a distinction to be made between what is known as the regular Army and Forces which do not form part of the regular Army. My friend will see that the regular Army is defined under item 21 of section 3 which deals with definitions. For instance, there are what are called Assam Rifles, Bhil Corps and several other units which may be mentioned as illustrations which do not form part of the regular Army. As the Act principally applies to the regular Army, it is necessary to provide for an eventuality where the provisions of this Act would have to be extended and applied to units which are not part of the regular Army. That is the purpose of section 4. Section 4 says.....

**Pandit Kunzru :** Are these Forces Part B States Forces ?

**Dr. Ambedkar :** I am coming separately to Part B States. So far as section 4 seeks to apply the provisions of this Act to units for the moment other than those referring to Part B States, I do not see that there can be any valid objection to the provisions contained in that particular section.

With regard to section 5 which deals with Part B States, my hon. friend's contention was that this was inappropriate, and also the latter part of section 4 which made mention of Part B States. The answer to that question is this. My hon. friend will remember that in the earlier part of the Constituent Assembly, the position was that the States in Part B which were then called Acceding States, had been given power to raise and to maintain independent Forces of their own. If he has got a copy of the original draft of the Constitution, he will see item 4 on page 189 and he will also find that I took objection to that provision. I did not want



[Dr. Ambedkar]

that any particular unit under the Union should have a right to raise and to maintain troops. I was glad that my contention prevailed, and that part of the entry was deleted. So that, the right to raise and maintain troops under the Constitution exclusively belongs to the Union. Although this position was accepted, it did not remove altogether the difficulty.

As my hon. friend well knows, there were certain covenants that were entered into between the Government of India and the various Indian States mentioned in Part B. One of the terms of the covenant was that the States which had certain Forces maintained and raised by them should be continued to be maintained by them and that what should be prevented was the raising of new troops. The existing units were to be continued. Then arose the question what is to happen to the existing units : were they to be independent or were they to be subordinate to the military authorities of the Government of India ? A compromise was entered into which is mentioned in article 259 to which he referred. Therein it is provided that although the troops already raised were to continue, they were to be subject to any law that Parliament might make. Now, it was possible for Parliament to make a law declaring that for all purposes the troops raised already by the States in Part B would be regarded as part of the regular Army of India. That is, of course, the intention. But, as I said, these matters were governed by the covenant. Although the Rajpramukhs who represent the States in Part B were prepared to accept the provisions contained in article 259, that is to say, confer the power on Parliament to make such a law, they still desired that they should continue to be the Commanders-in-Chief of those Forces and that their position ought to be safeguarded. These things arising out of the covenants which, as I said, had already been entered into and on the basis of which accession was made, had to be respected. I hope and trust that a time will come when the States would voluntarily agree to Parliament exercising complete jurisdiction, effecting complete assimilation between the Indian regular Army and the Forces raised by them. Therefore, what we have to do today is to effect a sort of a compromise. These sections 4 and 5 really represent the best compromise that we can make.

**Pandit Kunzru :** If I may interrupt my hon. friend, he has dealt with a very wide question. My criticism was limited to one point only. Why has not the power conferred on Parliament by article 259 of the Constitution been used to extend the Army Act to Part B States Forces ?

**Dr. Ambedkar :** That is what I am dealing with.

**Pandit Kunzru :** I did not deal with the wider aspect of the problem on which my hon. friend has dwelt so far.

**Dr. Ambedkar :** But, the wider aspect is the real aspect. The whole question is governed by the covenants which were entered into before the Constitution was made, unless, of course, my hon. friend's position is that covenant or no covenant, agreement or no agreement, understanding or no understanding, wherever Parliament has got power, Parliament should exercise it. That would be a different position.

**Pandit Kunzru :** Surely my hon. friend knows that on the 24th January the Unions of States and the State of Mysore issued a proclamation accepting the Constitution and saying that the agreements that were inconsistent with the provisions of the Constitution were invalid.

3 P. M.

**Dr. Ambedkar :** Yes. That may be so. As I said we are following really an understanding. Before I go to that, I would like to draw his attention to the

fact that he has not adverted to an important point of clause 2, *viz.*, part (h) of clause 2 which says :

" persons belonging to the land forces of a Part B State, when such persons are attached to any body of the regular Army for service, or when the whole or a part of the said forces is acting with any body of the regular Army or is placed at the disposal of the Central Government in pursuance of a notification under section 5 ;"

Therefore, it is not altogether as though this law places the Forces in States in Part B in a separate water-tight compartment. When the Central Government issues a notification under clause 5, then as soon as the notification is issued, this Act would apply to that part of the Army in Part B States automatically. He will also see that under clause 5 there is power given to the Central Government to see that any particular Part of the Forces in Part B shall for the purposes of this Act be treated as attached to the Indian Army. That also is a direct power of intervention so far as attachment of certain Forces is concerned.

My friend asked why we have not taken direct action. The answer is, to my mind, obvious. He will realize that the Forces in States in Part B were raised under their own individual laws and were not raised under any Act of the Central Government. The condition on which enrolment was made in Part B States materially differed from the rules and conditions regarding enrolment of personnel to the Indian Regular Army. One important difference was this that the person enrolled in the Indian Regular Army was bound to serve anywhere but with regard to a person enrolled in Forces belonging to the Part B States, such a condition was not there. I think it is in everybody's knowledge that their conditions of service were confined to their States and the widest circuit of their service was India. It was during the war that special provision was made when these troops were placed under the control of the Government of India with the condition that they may be used anywhere. It was the Government of India who bore the expenditure and sent them to battle-fields outside India. That being so, it does appear to be somewhat difficult, harsh and illegal even to compel a man who has been enrolled under different set of circumstances to come and be a part of the Regular Army. Consequently, the fact that we have had covenants with the States forces as to adopt what might be regarded as a *via media* and I do not think that from either point of view any objection could be raised to the provisions contained in clauses 4 and 5.

Now I come to the other point raised by him, *viz.*, clause 70 which deals with the authority of the Court Martial to try what are called civil offences. It is quite true that offences against civilians should be tried by civilian courts and not by military courts but there are considerations which weigh on the other side and which support the provisions contained in this Bill. Let me give first some of the difficulties which one has to face in deciding upon an issue of this sort. Suppose an offence is committed by a soldier within the barracks where the army is stationed, which should be the forum, the Court Martial or the ordinary Magistrate's Court ? Let me point out another difficulty and it is this. An offence is committed against a civilian but that offence is such that while it involves the breach of an ordinary criminal law at the same time, it involves what is called a breach of the rules of discipline which every soldier must follow. What would be the appropriate forum in a case like this where the act committed by a soldier is equally an offence under the ordinary criminal law and is also a breach of discipline under the Army rules? Take another illustration. Supposing an army is about to move from one place to another : every soldier belonging to that army must move. Then suppose we made a provision that every offence committed by a soldier must be tried by a civilian court. It might be that a recalcitrant soldier who does not want to move with the troops to another station deliberately gets himself involved in some kind of a crime in order to stay back so that the civilian judge may try him. Should that be allowed ? If my friend himself were to exercise his mind on the subject he would find many other difficulties with which he would be confronted if he came to the dogmatic conclusion that all offences committed by a soldier against a civilian must be as a rule tried by a civilian court.

**Pandit Kunkra :** That was not my contention.

**Dr. Ambedkar :** Therefore, I say there can be no question of having any dogmatic opinion about this question. None can say that all such offences must be tried by the Military Court nor can anyone say that no such offence shall be tried by a civilian court. Consequently the Bill makes certain compromises which are in keeping with the necessities of the case. The trial of offences committed by a soldier which are to be tried by a military court are limited in number. They are murder, culpable homicide, etc.

**Pandit Kunkra :** By a military court or a criminal court ?

**Dr. Ambedkar :** By a criminal court. All others may be tried by court martial.

In connection with this there are other provisions in the Bill which must also be taken into consideration. They are clauses 125, 126 and 127. The discretion or the jurisdiction of the courts martial to try offences which are left to them is not absolute but it is governed by the provisions to which I have referred, namely, the military court under clause 125 may decide whether they want to try the offence. If the civil courts think that the offences should be tried by them they should under clause 126 obtain the permission of the Government of India and if the permission is granted they can proceed to try the offence. There is a further provision which in a sense is rather an extraordinary thing, namely, "Successive trial". If it was found that the offence was a grave or serious one but the court martial which was permitted to try the offence let off the man with a light punishment, then subject to the permission granted by the Government of India, the man could be tried twice. Having regard to the difficulties mentioned, namely, of allowing civil courts to try all offences and having regard to the fact that there are the provisions contained in clauses 125 and 127 I do not envisage that there is likely to be far more cases which can be described as containing miscarriage of justice. I think we have taken enough precaution to prevent that sort of thing happening and therefore I submit, that having regard to these provisions and having regard to section 70 there can be no objection to this part of the Bill.

I might also mention—I think reference was made to it by somebody—that clause 70 of this Bill is virtually a repetition of section 41 of the British Army Act. There also they have a similar provision. In the U.S.A. the provisions are more extensive. After all we have to look at this matter from the point of view of the offender, not so much from the point of view of the complainant. In all these cases the offender would be a soldier and the question is whether the soldier who is accused of any particular offence and would have been tried by a civil court, if he had not been a soldier, would not get justice at the court martial.

My friend said that the men who sit in the court martial are not trained lawyers. I do not know but I can say from my experience that I have met some Judge Advocates-General who were as good as the lawyers whom we meet in courts, if not better. However, after all a soldier cannot expect to get better justice for having committed civilian offences than he is ordinarily expected to get when he commits a military offence. If he gets the same justice as he gets in the civil courts I do not think there need be any cause for complaint. My friend need not have much confusion about it. I do not think that his criticism is well placed.

**Shri S. N. Sinha :** What are those cases in which the criminal courts and courts-martial have got concurrent jurisdiction? Under clause 125 the choice has to be exercised.

**Dr. Ambedkar :** I cannot say. That requires some kind of exhaustive compilation. There are undoubtedly some offences which come under the jurisdiction of both military and civil courts.

**Shri S. N. Sinha :** My contention was that clause 70 of this Bill alone gives jurisdiction to the ordinary criminal courts in respect of specified cases.

**Pandit Kunaru :** There is this doubt in the minds of many hon. Members. If my hon. friend Dr. Ambedkar will turn to clause 125 he will find that the opening words are : "When a criminal court having jurisdiction is of opinion....". The question is what do the words "having jurisdiction" mean. Do they mean having jurisdiction under the ordinary criminal law of the land or jurisdiction under this Bill? This is the question that troubles many hon. Members. If it is said that these words mean having jurisdiction under this Bill....

**Dr. Ambedkar :** Under the ordinary law.

**Pandit Kunaru :** Then obviously clause 69 debars the ordinary criminal courts from dealing with any criminal cases except those which fall under section 70. That is the real question.

**Dr. Ambedkar :** "Civil offence" has been defined on page 2 of the Bill as meaning "an offence which is triable by a criminal court" as distinct from a court martial.

**Shri S. N. Sinha :** I shall refer him to clause 69, whereby the jurisdiction of the ordinary criminal court is restricted to offences mentioned in clause 70.

**Shri Tyagi (Uttar Pradesh) :** I give my whole-hearted support to the Bill. I was a member of the Select Committee which considered this Bill and there were other hon. Members of this House who had discussed these clauses threadbare and an objection was raised there and elsewhere too. The objection is that the punishments are too deterrent and they are really deterrent. There are people who might say that the punishments prescribed are too heavy. For instance, seven years imprisonment is prescribed for illtreating a subordinate. I have risen to support this Bill because I think that these deterrent punishments are the only cure for saving the society from social offences. It is no use our boasting to be civilized only by giving the least punishments for offences which are against society. The welfare of society can be secured only when the punishments are deterrent and at the same time the accused are ensured fair justice. If fair justice is secured the deterrent punishments will not come in the way and there will not be any hardship.

Then there is the punishment for intoxication. In the Civil Secretariat there are responsible officers whose words command respect all over the country and even over the Ministers. But in the evenings they can get drunk and intoxicated and they can go to their Clubs to drink, and yet no punishment is given to them. They have full freedom because they are in civil administration. They corrupt society and yet they go scot-free but in the Army while on duty or not if a soldier gets intoxicated he can be punished by a court martial for two years.

Then, permitting escape of a person in custody. Mir Laik Ali has gone—I do not know what punishment will be given to the man who may be found guilty—but here in the Army if an ordinary prisoner escapes or if somebody connives at the escape of an enemy alien, the person responsible can be sent to jail for fourteen years. Really it is a very deterrent punishment, but there it is. Then I have just to acquaint the House that theft even of a small thing can be punished in the Army with sentence up to ten years. For the first theft of any small thing, a soldier can be awarded a punishment of ten years. It is really deterrent. From the point of view of the so-called civilized society which many countries are now striving to achieve, civilization has come to mean that offences may go unpunished. The more the offences go unpunished in a society, the more civilized that society looks! That seems to be the fashion of the world, but in the Army it is not so.

Then, fourteen years for injury to property. If any soldier causes injury to Government property—a rifle or anything else—knowingly and deliberately, he can be sent to jail for fourteen years. He can be punished for five years if he makes a false accusation against another soldier. If a soldier were to make a false

[Shri Tyagi]

allegation against another soldier, he would be sent up for five years rigorous imprisonment. If official documents are falsified, he will be punished with a sentence of fourteen years. When an officer is found to sign in blank or fails to report, he will be punished for seven years.

These are very deterrent punishments, but may I inform the House that it is only they who have been in the Army that can appreciate these punishments ? It is to some extent like this House, where only the Members know the utility of the way, of the strict manner, in which you deal with the Members according to the Rules of the House or the conventions of the House. You "order, order" everybody—and me the most, Sir. It is always a pleasure for me to listen to your, "order, order", and sit down in my seat and come to order. It is a House civilized only so long as you, who are the custodian of the privileges of the people and the guardian of the Rules of the House, are strict in observing the Rules of the House. The House listens peacefully to every hon. Member—even me, Sir. I am glad the House gives patient hearing to me but it is only because of the fear of your "order, order". Otherwise they will laugh me out, they will never listen to me.

There is an instinct in human beings and that is the instinct of imitation. It is always through imitation that man gains strength. In the Army what is taught is to imitate one another. It is on this basis that the whole philosophy of Army discipline is based. Every boy in the Army is taught to imitate another. It is the relationship of imitation that binds the Army people together. They all dress similarly. There is one uniform with every soldier which gives a uniform appearance to the Army. They eat together, they live together, they march in the same manner, they behave in similar manner. The more regimentation there is, the more they love it. That is the real basis of the strength of the Army. (*Interruption*). They love to salute their officers. I must submit from my personal experience that every small soldier loves to salute, he loves to be checked, he loves to explain. If an officer asks him to explain his conduct, he loves the idea that his explanation has been called for ; he behaves like a good soldier, he stands in front of the officer, gives his explanation, stands attention, salutes, turns about and goes. It is a great pleasure to them because they know that it is through this strict observance of the rules that the Army stands. Today there is a crowd for the Magh Mela at Hardwar. Lakhs of people are there in that crowd. But psychologically, the strength of this crowd of about two lakhs is equal to the strength of one single man because psychologists have said in their classic books that if a man cries to the crowd, "Snake, snake" and raises an alarm—the snake need not be there—the whole crowd will run helter-skelter. The crowd will have the strength of one individual though they may be one million. They will run helter-skelter because everybody is terribly afraid. If a man were to shout, "A tiger is coming", the whole crowd would run helter-skelter because everybody stands on his own strength. But in the Army one individual means the strength of all the million in the crowd. And that is the pride of a soldier. The soldier, standing amidst the rest of the soldiers, feels his strength along with their strength. In the Army the cumulative strength of the unit prevails ; one loses his own entity. He has been taught to lose his personality altogether and he becomes a part of the personality of the whole body. He becomes a member of the whole body, although a cell of the whole body. He enlarges his existence, his personality, into the personality of the whole body of the Army. Therefore, he is strong. Otherwise, it is not an ordinary game, it is not an ordinary joke for an individual to face the bullets on the field. It is no easy task for an individual to come before the enemy and go ahead when the bullets are being showered. A single individual cannot do it. It is the mass psychology, the psychology of the organisation of the Army that makes one individual soldier advance in spite of the showers of bullets and dropping of bombs. He advances not by the strength of one individual but because he has got the strength of the whole Army in which he has assimilated himself. That is the key to the success of the

Army. The more regimentation there is in the Army, the more pleasant they feel about it ; they can have a march of twenty miles together, they will march in step laughing with each other, and smilingly they will undergo all the rigours of the Army life in the winter cold and snow or the summer heat and *loo*. All this is only because they have been woven into one whole of the Army and it is these strict and deterrent laws that keep them bound together, that keep their discipline and behaviour. As in this House, if someone were to disobey the Chair, the whole House will be up against him. He will have to obey in the end because the law of imitation rules even here. Here nobody would like anyone to behave in an unconventional manner. Nobody would like to go against the beaten tract. Nobody would like to disturb that serene and noble law. So, in the same manner if a soldier breaks the law, he is hated by all the rest of his comrades and he is condemned—there is general condemnation. There is blackmarketing in the streets of every big town because people do not condemn the offenders. People love the offenders going scot-free and therefore there is blackmarketing. But in the Army there is discipline and the man who breaks the discipline gets condemnation from every soldier. Therefore, he has not got the courage to break the discipline of the Army. The Army people themselves like that their laws should be strict and they behave better so that the people in the trenches may be ever so strong. If they are weak there is no security for anybody. Everyone on the field feels secure because he knows that his mates on his left and right are strong. Because they all face a common fate, therefore, every single soldier faces the bullets. This is the real theme and the real basis of the success of the Army. Therefore, let this Bill not be condemned on the ground that the punishments are deterrent.

With regard to the civil offences, my hon. friend Dr. Ambedkar has said enough. I think if it is the barracks where any civil offences are committed, the Civil Authorities should not be allowed to interfere. My friend has said, that there may be such cowards in the Army who may commit civil offences, only to be detained in a civil court while the rest of his unit is under orders to proceed on active service. But my friend is really not aware of the real situation. A man in the army does not like to go away from the army or the front because the Army is so charming a society. Of course, I know it for a fact that whenever a regiment is ordered to the front, then boys dance with enthusiasm at the time of parting from their near and dear ones, they shed a few drops of tears, because they are overcome by emotion.

**An Hon. Member :** But why did you leave the Army ?

**Shri Tyagi :** I left the army because there was another and more important call—there was the Jalianwala Bagh. When I was on field-service I tendered my resignation in the following terms : "In response to the earnest call of my mother-country which has been represented by the Indian National Congress, I do hereby resign from active service". I felt it an insult to serve under a Government whose hands were stained with the blood of my countrymen. It was that spirit which brought me here. I was, in fact going from one army to another and a better one. I have not come here running, like a coward. I have only come from one front to another, and I am sure I am still fighting.

I should submit that the discipline that you find in an army is a thing which should be admired. People may call them mercenaries. But I should point out that no soldier is a mercenary. In a sense everybody is a mercenary who goes to be enrolled. Very few people join the army enthused by patriotism. They go there only for employment. Even in the Secretariat, those persons who are considered to be the greatest patriots in India, superseding even the Congress patriots, have joined as mercenaries. They have not joined service for the sake of the motherland, but for the sake of their own careers, and are anxious to remain there safe up to the time they get their pensions. But that is not the case with the Army. A soldier immediately he takes to the colours becomes proud of his profession. He gets a thrill of being one of the whole body. He feels himself assimilated in the whole body of the army. He gets the pleasure of enlarging his personality. That

[Shri Tyagi]

Pleasure alone keeps him attached in the Army. Once a man is in the army he will consider it a misfortune to leave it. And when the army is ordered to the Battle-front, the individual soldier considers it a pleasure to march along with his comrades and he goes singing. They are not like the civilians who live in a cowardly atmosphere and cannot really appreciate the feelings of a soldier. Soldiers are brave, because the army environment is such. He did not go brave from home. From home he went crying like a child. But when he is in the field he becomes brave, on account of the company that he keeps. He is one of the total whole. Everybody sympathises with him and he sympathises with every other body. There is a psychological process of identification and projection working together. He identifies himself with the rest of his comrades, and does, at the same time, project himself to include all within himself. That is how the whole army works like a team. It is the team spirit that is mainly responsible for the accomplishment of this process. Just as in a hockey or foot-ball team the individual soldier never thinks of himself—he only thinks of the regiment. A soldier is never anxious to get a medal for himself. He always thinks of the flag and colours under which he is fighting and the regiment of which he is a soldier. Our soldiers are the most gallant and the bravest and it is on them that the safety of India depends.

I hope the House will, while passing this Bill, send their best wishes to all the soldiers of India, wherever they may be, and assure them that their interest is vital in our mind. With these words, I support this Bill.

**Shri Chaliha (Assam)** : After hearing the noble peroration of Hon. Mr. Tyagi, I have the least intention to oppose this Bill. In clause 26 you have given power of review of the decision of the Commander-in-Chief by the Central Government. I follow practically Mr. Tyagi's advice. I do not like that the power of the Commander-in-Chief should be sabotaged or undermined by the decision of the Cabinet. It is rather a dangerous provision. In spite of the fact that the Select Committee consisted of more than half a dozen men of the legal profession, I find that this provision has been made. I submit that after an order has been passed by the Commander-in-Chief it should not be subject to revision by the Central Government. That will lead to nepotism, favouritism and indiscipline and canvassing will be carried on. As such clause 26, as drafted by the Select Committee, is rather dangerous and I suggest that it should be restored to its original form.

Then, again, I find that in clause 154 the Select Committee has done little justice to the Commander-in-Chief. The Committee's report on clause 154 reads as follows:

"In our opinion, sentences of death, in particular, should be given effect to only after confirmation by the Central Government and we have therefore deleted the reference to the commander-in-Chief in this clause."

I see no reason why the Central Government should be brought into this matter. The insertion of the word "Central Government" is dangerous and is likely to come in the way of the discipline of the army. I for one feel that the words 'Central Government' should be deleted and if any reference at all should be made it should be to the President.

[MR. DEPUTY-SPEAKER *in the Chair.*]

My submission is that any reference to the Central Government has a tendency to undermine the prestige of the Commander-in-Chief. These additions and alterations by the Selection Committee are dangerous. I think the provision in the original Bill was much better.

Several references have been made to the mercenary character of the army. Of course, in the days of the British people might have joined the army for economic reasons. I will however, not go so far as to call them mercenaries—it is rather too harsh a term. But under the new set-up we have to revise our values of life, yet I

cannot but admire those soldiers, who though they got their training under foreign masters, have acquitted themselves very well. Their latest performances in Kashmir and Hyderabad add a new feather to their caps. Under the changed circumstances, I am sure they will reorient their views and feel that money is not the prime consideration, but it is the motherland. That is the new orientation which is expected, and when a new orientation has come every part of the country will be willing to sacrifice his life for the defence of the country.

There should be no such classification or difference as 'martial' and 'non-martial' classes. In the Air Force, of course, no physique is necessary. Those who are better developed mentally and developed scientifically proved better pilots and better Air Force people. We find the best part of it comes from those classes which are said to be 'non-martial'. A greater part of it comes from the Eastern Provinces, and as such we admire a Majumdar or a Mukerji or a Patnaik and admire many people who are supposed to have come from the 'non-martial' regions. As such, the whole outlook is different. My friend Mr. Kamath reminds me that there are Sen and Dutta and a few others whose services we cannot ignore. There are others of the 'martial races' too who have done very well. It is the Bengalees and Sikhs who have really excelled in the Air Force. We find that both brawn and brain is necessary and the brain has acted very well. So, in future recruitment I think we should look into the ideology with which the man is made up, not so much his physique, not so much certain qualities of his doing things, but whether he is patriotic or is capable of sacrificing his life. That is the main point which has to be remembered.

I find that the whole Bill, as Mr. Tyagi has so succinctly placed before the House, is one which we should support. With the few suggestions I have made and after amending the clauses to which I have referred I think the Bill on the whole is very satisfactory and we give it our hearty support.

**Mr. Deputy-Speaker :** The hon. the Defence Minister.

**Babu Ramnarayan Singh (Bihar) :** Sir, I want to say something.

**Mr. Deputy-Speaker :** The Defence Minister has got up.

The hon. Member may speak on any of the clauses.

**Babu Ramnarayan Singh :** I have no objection, but I got up several times.

**Mr. Deputy-Speaker :** I am sorry. The Defence Minister will go on now. The hon. Member will have his chance later.

**Sardar Baldev Singh :** My hon. colleague the Law Minister has dealt with the constitutional points and I have no intention of saying anything on the points that he has disposed of. But there seems to be some apprehension in the minds of some of the hon. Members regarding the forces of Part B States. I have before me a communique which was issued on the 1st of April this year, the date from which the States' forces came under the control of the Government of India. In the course of the general discussion on the Budget also I made it quite clear that as far as the Government of India was concerned I did not find any difficulty, and I had absolutely no fear in my mind about the States' forces. The position is quite clear and I can do no more than draw my hon. friend's attention to the communique which was issued on the 1st of April this year. In this communique we have clearly pointed out that as regards the forces of Travancore-Cochin, Mysore and Hyderabad, they will come under the control of the Government of India. The position has been made absolutely clear and there is absolutely no difficulty about it. The other fear which my hon. friend Pandit Kunzru has in mind is about the forces of Rajasthan, PEPSU, Madhya Bharat and Saurashtra. As the House will remember, we have entered into an agreement with these States and in that agreement we have accepted the position of the Rajpramukhs as Commanders-in-Chief of the forces in their respective Unions. As far as the present Bill is concerned, we have made



[Sardar Baldev Singh]

provision that, subject to the commitments made in that agreement, in all other respects the forces in those States will be under the control of the Government of India.

The next point which my hon. friend from Rajasthan enquired is about the officers. Previously also I have made it clear and I take this opportunity of repeating it, that as regards the recruitment and the training of officers, the equipment and the pay of these officers and men in the States' forces, they will be entirely on the same basis as the forces of the Indian Union. In fact, in every respect they will be a part of the forces of the Indian Union. The slight difference that has been made is on account of the commitment that we have made that the Rajpramukhs of these Unions shall be the Commanders-in-Chief of their forces. At this stage when we have got the power, when this Parliament has got the power to give any direction that they like, I personally do not see why we should not respect the undertaking given in the agreements that we have arrived at with these Rajpramukhs.

So far as the overall control or the operational control of these forces is concerned as has been made quite clear in this Bill and also in the communique which was issued on the 1st of April, it rests with the Government of India. I think my hon. friend Pandit Kunzru will be satisfied with this position.

The second point which Pandit Kunzru raised was about the Judge Advocate General's Branch. To be absolutely frank, I myself had some doubts about the Judge Advocate-General's Branch. On the 15th August, 1947, this Branch had to start practically from scratch. There were very few officers left and I have not the least hesitation in saying that as far as this Branch is concerned they have done really good work. My hon. friend's difficulty seems to be this. He thinks that those people who are not conversant with law are recruited to this Department. May I point out that as far as the present Judge Advocate-General's Branch is concerned, all the officers are law graduates? None of them is an ordinary person who is not conversant with law. They are all qualified men and are doing their work—and have done their work for the last two and a half years ever since we have taken control—very well indeed. I am satisfied that these officers are as good as, if not better than, other law graduates or Advocates in other courts.

**Pandit Kunzru :** The hon. Minister is replying to something I did not say. I acknowledge these facts and view his attention to the desirability of having permanently the system of appointing persons with adequate legal training.

**Sardar Baldev Singh :** What I was trying to point out is this that the present officers in this Branch are regular officers of the Army. They can tomorrow be shifted to other active duties if we so desire. As far as we have been able to judge, we are now of the opinion that it will be better to continue with this system. The advantage is that we recruit these officers in this Branch. They come as regular officers. After they have finished their regular training, they have to pass through a special course which extends over four years. Then there is a special examination held in the Judge Advocate-General's Branch. Only then are they posted to this Branch.

As I have repeatedly said before, I am satisfied that the present system is the best suited to our requirements. At the same time if later on we are convinced that this system is not suited to our requirements or there are some defects in it or that the other system may prove more useful, we will be always subject to correction and will be open to accept any suggestion which will go to improve the work in this Branch. I do not know personally the hon. Member from that corner—I forget his name—I do not think he really meant the remarks to which reference was made by Sardar Hukam Singh and Ch. Ranbir Singh. I do not think there is any Member in this House who doubts the loyalty and the spirit of patriotism of the men and officers in our Defence forces. I just want to say a word and that is that the members

of our Defence Forces, who were called in the old regime as mercenary soldiers have after the attainment of independence by this country, proved very loyal and I have no hesitation in saying that they will protect the independence of this country and will be prepared to make any sacrifices that may be required of them.

Then, my hon. friend, Mr. Tyagi while supporting the Bill made one or two remarks. I appreciate the spirit in which he made those remarks. Quite rightly, I believe, he resigned from the Army, he was once a member of the Defence Forces but he resigned when he was called upon to fight for the independence of this country. I have not the slightest doubt that, as the hon. Member himself has offered his services several times, he wants to join the forces again, but I am sorry that I have had to deny myself the pleasure because the age limit stands in his way.

**Shri Tyagi :** I am quite strong yet.

**Sardar Baldev Singh :** I know he is strong enough, but his strength will only be useful in case of an emergency, and I have not the least doubt that in an emergency it will be made available.

Then, in the past when the army was under the command of British officers the situation was quite different. The army was not under our control, but today the army is not only under the control of an Indian Commander-in-Chief but is entirely under the Government of India and the President of this Union. We have complete independence and the army today is under the command of the leaders of this House. I do not see any hesitation on the part of anybody in this House or in this country to serve in the armed forces of this country. On the other hand we feel it a proud privilege to serve in the Defence Forces of our country which are protecting the independence of this country.

I have nothing more to say except to touch on one point which was raised by Mr. Chaliha. I think he mentioned something in connection with the restriction of the powers of the Commander-in-Chief. He would have realized from the provisions of the different clauses of the Bill that we have given full powers to the Commander-in-Chief, and that we have not placed any restrictions at all, except in the case of death sentences, or life imprisonment where the sentence is to be confirmed by the President. I think that is a provision which we should have. We should give all possible facilities to the accused to make appeals and also give him the benefit of this consideration by the authorities concerned. I think, it is a good provision and does not in any way undermine the authority of the Commander-in-Chief and I may assure the House that it is not at all our desire nor is it the desire of any one of us to restrict the powers of the Commander-in-Chief. In fact, we want him to exercise the fullest control on the forces under him.

I have nothing more to say and I hope that the clarification which I have made of the different points raised by my hon. friends will satisfy them. With these words, I commend the motion for the acceptance of the House.

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

"That the Bill to consolidate and amend the law relating to the government of the regular Army, as reported by the Select Committee, be taken into consideration."

*The motion was adopted.*

*Clauses 1 to 196 were added to the Bill.*

*The Schedule was added to the Bill.*

*The Title and the Enacting Formula were added to the Bill.*

**Sardar Baldev Singh :** I beg to move:

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

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

"That the Bill, as amended be passed."

बाबू रामनारायण सिंह : सभापति जी, जब मेरी बोलने की इच्छा थी उस अवसर पर मुझे बोलने का अवसर नहीं मिला ।

मिस्टर डिप्टी-स्पीकर : अब बोलिये ।

बाबू रामनारायण सिंह : जी हां, मैं बोल रहा हूँ ।

मैं पहले भी कह चुका हूँ कि यह जो बिल (Bill) लाया गया है उससे हमारे देश का काम नहीं चलेगा । कुछ दिन पहले मेरा देश गुलाम था । उस समय लोग समझते थे कि अंग्रेज हमारे रखक हैं । अगर अंग्रेज हमारी रक्षा न करें तो हमारी हर तरह की दुर्दशा हो सकती है, इस बात का ख्याल था । लेकिन अब जब कि देश गुलाम नहीं है तो इससे काम नहीं चलेगा कि दो चार लाख आपने फौज रखली और उनको सैनिक शिक्षा दी और देश का बहुत सा रुपया खर्च किया । यह तो ठीक है कि कुछ फौज तो रखनी ही है और उसके लिये खर्च करना ही है । लेकिन देश की जरूरत तो यह है कि सारे देश को सैनिक शिक्षा मिलनी चाहिये और हमारे देश में उपयुक्त शरीर रखने वाले जितने बालक और बालिकायें हैं उनको सैनिक शिक्षा देकर बहादुर, मजबूत और अपनी रक्षा करने के योग्य बना देना चाहिये । और जैसा कि आप जानते हैं कि साढ़े तीन अरब हमारे देश की आबादी है, उसमें करीब गैने दो अरब फौज में ही खर्च हो जाता है, इस तरीके के खर्च से हमारे देश की उन्नति नहीं होने वाली है । मैं आपसे कहूँगा कि जिस वक्त आप सारे देश में अनिवार्य सैनिक शिक्षा फैला देंगे और सब लोग हमारे सैनिक तथा बहादुर हो जायेंगे, तब स्टैंडिंग आर्मी (Standing Army) स्थायी फौज जो है, वह बहुत थोड़ी रखने से काम चल जायेगा और जब जितनी जरूरत होगी, हम उतनी फौज सारे देश में से तैयार कर लेंगे और २४ घण्टे का नोटिस देकर हम जरूरत के मुताबिक फौज सारे देश में फैला देंगे ।

सभापति जी, मुझे इस बात का दुःख है, कि हमारे देश में अभी जितना काम ही रहा है, तो लोख अपनी तरफ से कुछ नहीं सोच रहे हैं। वह ब्रिटिश आर्मी, कॅनाडा का आर्मी एक्ट (Canada Army Act) ऐसा था और उसी तरीके पर हमारे सेना-मन्त्री ने एक बिल पेश कर दिया और आठ घण्टे में पास कर दिया लेकिन उससे काम चलने वाला नहीं है । यह कहा जाता है कि अभी बहुत बहस चली थी मरसेनरी (mercenary) पर, फौज को मरसेनरी फौज कहते थे, यानी सेना को किराये का टट्टू कहते थे । यह ठीक है कि वह दिन अब नहीं रहे । काश्मीर और हैदराबाद की घटनाओं से ऐसा पता चलता है कि हमारे देश के फौजी लोग बहादुर हैं और देश भक्त हैं । यह ठीक है और मैं उन पर गर्व प्रकट करने की तैयार हूँ और उनको आर्शीवाद देता हूँ । लेकिन यह जरूर जानना होगा कि जिस तरह का देश का संगठन आज है, वह करीब करीब समूची सरकार ही किराये की सरकार मालूम होती है । मेरे कहने का मतलब यह है कि जितने भी सरकारी काम करने वाले कर्मचारी हैं, वह सारे के सारे अपने पेट पालने के हेतु उसमें हैं, और अगर उनको वेतन न मिले, उनका पेट न भरे, तो सब के सब भाग सकते हैं; और इस लिये आप कह सकते हैं कि सरकार के जितने कर्मचारी हैं, समूची सरकार ही किराये के टट्टू की भाँति मालूम होती है, इस दिशा में हमें बहुत कुछ प्रयत्न करना है । सरकारी लोगों में देशभक्ति की भावना उत्पन्न करना है और सार्वजनिक सेवा की अभिलाषा उनमें उत्पन्न करनी है । मुझे काम के बारे में बहुत कुछ ज्यादा कहना नहीं है । मैं एक, दो बात कहे देता हूँ । जैसा कि प्राविजन (provision) है कि जितने मेजर पनिशमेंट्स (major punishments) होंगे, वह सारे कोर्ट मार्शल (court martial) से फैसला होंगे । लेकिन कभी कभी ऐसा देखा गया है और ऐसी भूल हो जाती है और मैं उम्मीद करता हूँ कि सेना मन्त्री महोदय इसका

ख्याल रखेंगे कि फैंसला कानून के मुताबिक हो। ऐसा भी है कि एक कसूर के लिये एक ही सजा हो सकती है। जैसे कभी कभी कोई आदमी डिसमिस (dismiss) होता है किसी काम के लिये डिसमिस होता है, तो उसके साथ साथ उसकी पेन्शन भी गायब हो जाती है। तो सभापति जी, इतना याद रखना चाहिये कि जो पल्टन में काम करने वाले हैं, यही और जो दूसरे सरकारी नौकर हैं, उनके लिये भी यही होना चाहिये, वैसे अभी तो पल्टन के सिपाहियों की बात चल रही है, जिस तरह से वह भरती होते हैं, तो पेन्शन का काम तो उसका उसी दिन से शुरू हो जाता है जिस दिन से वह भरती होता है, यानी अगर किसी ने दस वर्ष काम किया तो उस दस वर्ष में उसने अपनी पेन्शन का उपार्जन किया। किसी वास्ते वह बाद में डिसमिस (dismiss) होता है, वह एक दूसरी बात है कि अब वह काम नहीं करने पायेगा, लेकिन उसकी पेन्शन तो नहीं जानी चाहिये। ऐसी बात होनी चाहिये। एक और गड़बड़ हो जाती है। माइनर पनिशमेंट्स (minor punishments) सेनापति जंगी लाट दे सकता है, लेकिन उनके अस्तियार में हैं और अक्सर ऐसा होता है कि वह अपना यह अधिकार किसी दूसरे को दे देता है और वह कानूनन दे सकता है, लेकिन जो अफसर इस तरीके की सजा दे सकता है, उनकी एक फेहरिस्त होनी चाहिये, कभी कभी हमारे देखने में आया है कि हुकम होता है कि "ही इज़ डिस्मिस्ड बाई दी आर्डर आफ दी कमाण्डर इन चीफ" (He is dismissed by the order of the Commander-in-Chief).

इस तरह का आर्डर बिल्कुल नाजायज़ है, उसे सेनापति डिसमिस कर सकता है, कोई भी अफसर उस को डिसमिस कर सकता है जिसको कि वह अधिकार मिला है और उस अधिकार के मिलने की घोषणा भी हो गई है। एक बात और होती है, बहुत से लोग कभी कभी डिसमिस कर दिये जाते हैं यह कह कर कि "थोर सर्विस नो लॉगर रिक्वायर्ड" (Your services no longer required) कभी कभी ऐसा होता है कि कोई अफसर किसी कारण से अपने सबऑर्डिनेट (subordinate) से नाराज हो जाता है और ऐसा कहे कि तुम्हारी अब ज़रूरत नहीं रही, अब तुम चले जाओ। तो इसकी तरफ आपकी ध्यान देना है। सास करके जिस वक्त आप कहते हैं कि तुम्हारी ज़रूरत नहीं रही, तुम यहां से चले जाओ, उस समय उसकी पेन्शन के बारे में ज़रूर विचार करना चाहिये कि उसको सजा देकर नहीं हटा रहे हैं, आप तो कहते हैं कि तुम्हारी ज़रूरत नहीं रही, तो जितने दिन उसने काम किया है, उतने दिन के लिये वह प्रोपोरशनट (proportionate) अनुपात के मुताबिक उसको पेन्शन (pension) मिलनी चाहिये। यह जो बिल कानून पास हो रहा है, उससे काम नहीं चलेगा, उससे तो सारे देश में अनिवार्य शिक्षा करनी होगी। आज भी फौज में देश के सभी सूबों से काफी तादाद में लोग नहीं आ रहे हैं, तो मन्त्री महोदय को यह देखना होगा, ऐसा प्रबन्ध करना होगा कि हर सूबे का हर जिले का हर इलाके के लोग फौज में आयें और फौजी शिक्षा का लाभ उठाने का अवसर सबको देना चाहिये, और अगर वह ऐसा नहीं करते हैं और यह होता है कि कुछ लोग आगये, तो उससे आपका काम भले ही चल जाय, लेकिन जब तक कि सारे देश में सैनिक भावना को आप नहीं फैलाते हैं, लोगों को बहादुर नहीं बनाते हैं, तब तक यहाँ छोटे मोटे कानून बनाने से काम नहीं चलेगा। अधिक में नहीं कहना चाहता हूँ, खैर कानून बना है, उसके मुताबिक काम हो। सिर्फ इन्डियन आर्मी एक्ट (Indian Army Act) से काम चलने वाला नहीं है, वह तो महज एक छोटा सा कानून है। सबसे उत्तम चीज तो इतनी बड़ी आर्मी है। और अब तो मैं कहूँगा कि आज़ादी के बाद सारे दृष्टिकोण में बदलाव की ज़रूरत है। और हमारे मन्त्री महोदय देखेंगे कि कानून के मुताबिक काम हो और फौज में सिपाहियों के साथ पूरा पूरा न्याय हो और ठीक से न्याय हो। और जब उनको यह विश्वास हो जायेगा कि चाहे कुछ हो, उनके साथ पूरा पूरा न्याय किया जाने वाला है, तब उनके अन्दर सुन्दर

[बाबू रामनारायण सिंह]

डिस्सिप्लिन (discipline) रह सकती है, अगर उनके दिल में असन्तोष रहेगा और वह समझेंगे कि उनके साथ गड़बड़ होने वाली है, तो फिर उनमें डिस्सिप्लिन भी नहीं रहेगी। इस वास्ते मन्त्री महोदय को या उनके आधीन अफसरों को पूरा ध्यान रखना चाहिये कि कर्मचारियों के साथ पूरा पूरा न्याय हो, तभी आप पूरी और सुन्दर मर्यादा उनमें कायम रखने में सफल हो सकते हैं। मैं जो यह बिल पास हो रहा है, उसका स्वागत करता हूँ, लेकिन यह कहे बगैर नहीं रह सकता कि इससे काम चलने वाला नहीं है। ऐसे छोटे मोटे कानून से काम चलने वाला नहीं है।

[English translation of the above speech]

**Babu Ramnarayan Singh :** Sir, I could not get an opportunity when I wanted to speak.

**Mr. Deputy-Speaker :** You may speak now.

**Babu Ramnarayan Singh :** Yes Sir, I am speaking. I have already stated that this Bill which is under consideration will not be of any use to our country. Some time back our country was under the grip of foreign rule. At that time the people thought that the Britishers were their defenders. They were under an impression that in case the Britishers did not protect them, a calamity would befall them. But now when the country is no longer under foreign subjugation, it will not suffice merely if we employ an Army consisting of two, three or four lakhs of men and impart them military training and thus spend a lot of our country's money. It is true that some army has got to be maintained and expenditure incurred thereon. But all that is required is that military training should be given throughout the 4 P. M. country and all the boys and girls in our country who are physically fit should be imparted military training so that they may become brave and strong and be capable of defending themselves. And as you know, approximately 175 crores of rupees out of the total revenues of our country amounting to Rs. 350 crores are spent on the maintenance of the Army. By spending money in this manner, our country is not likely to make any advancement. I would tell you that when you introduce compulsory military training throughout the country and all our people become military-minded and brave, then even a small standing army would serve the purpose. Further, we would be able to raise the requisite strength of the Army in the country as and when necessary and spread it throughout the length and breadth of the country at twenty-four hours' notice according to the requirements. I am constrained to say that the people on their part are not taking any initiative in the work that is at present being done in our country. Our Defence Minister presented a Bill which was modelled on the corresponding British Act and the Canadian Army Act and it is being passed within half an hour's time, but it is not likely to serve our purpose. It is said that a good deal of discussion was raised just now when the Army were dubbed as 'mercenaries' and 'hiredlings'. It is true that those days are past now. The happenings in Hyderabad and Kashmir bear eloquent testimony to the fact that the soldiers in our country are brave and patriotic. It is quite true and I feel proud of this and give them my blessings. But it must be borne in mind that keeping in view the present set-up of the country, the whole Government appears to be constituted of 'mercenaries'. What I mean to say is that almost all the Government employees are hankering after selfish gains and if they do not get pay or their needs are not satisfied, all of them are likely to run away and hence you can say that all the Government servants and even the entire Government have got the outlook of 'mercenaries' and we shall have to do a lot in this direction. We have got to instil the feelings of patriotism and inculcate a sense of public service in the minds of the Government servants. I have not got to say much in respect of their work. I would like to say one or two things only. A provision has been made that all the

major punishments shall be inflicted by the court-martial. But sometimes it so happens that something is done through an oversight and I hope the hon. Defence Minister would keep in view that the orders are passed in conformity with the law. Only one punishment can be awarded for one offence, just as it happens in the case of a person who is dismissed from service and along with his dismissal his pension also is forfeited. So, Sir, this should be borne in mind and this should apply not only to those who are serving in the Army but to all other Government servants. Even otherwise, we are talking about the military sepoys and they are eligible to earn pension from the very day they enrol themselves. In other words, if anybody has put in ten years' service, he has earned his pension. Subsequently, if he is dismissed for any reason, that is another thing that he would not then be permitted to work, but he should not lose his pension. Some such provision should be made. There is another anomaly. The Commander-in-Chief can award minor punishments. But it is within his powers, as it so often happens, to delegate his power in this respect to some body else which he is competent to do this under the law; but a list of all those officers who are empowered to award such punishments should be prepared. At times, I have seen that orders are passed: "He is dismissed by the order of the Commander-in-Chief". Such an order is altogether unjustified. He can be dismissed by the Commander-in-Chief or by any other officer to whom the power in this behalf has been delegated and the delegation of that power has also been notified. Another thing which happens is that sometimes many people are dismissed after being told "Your services no longer required". Sometimes it so happens that some officer gets annoyed with his subordinate and he may tell him "Your services are no longer required; you may go now". So you have got to devote attention towards this aspect; especially when you say "Your services are no longer required. You may now go". You must think of his pension at that time and see that you are not removing him from service after awarding him punishment. You say "Your services are no longer required"; but he should be granted the pension in proportion to the length of service rendered by him. This Bill which is being enacted into law will not serve the purpose. On the contrary it should provide for compulsory military training for the whole of the country. Even today sufficient number of people from all the States are not coming forward for enrolment in the Army. The hon. Minister shall have to see to this and make some arrangements so that people from every place, every district and every State are recruited to the Army and the opportunity to receive military training should be afforded to all. If he does not do this, and some persons enlist themselves, they might serve your purpose; but so long as you do not make the entire country military-minded and make people brave, this process of making petty laws will not be of any help. I do not want to say more. After all, when legislation has been framed, it should be acted upon. The Indian Army Act is not quite sufficient to serve the purpose. That is merely a small Act. Above all these things, there is such a huge Army. I would now urge that after the attainment of independence a change in our outlook has become imperative and our hon. Minister would see that the provisions of the law are strictly enforced and full and proper justice is done to the soldiers serving in the Army. And when they are convinced that whatever might happen full justice will be done to them, then only good discipline can be maintained amongst them. If they remain disgruntled and think that some injustice is likely to be done to them, they will not then observe discipline. Therefore the hon. Minister and the officers working under him should be very careful that proper justice is done to the employees. It is then only that you can be successful in establishing enduring and wholesome conventions amongst them. I welcome this Bill which is being passed but I cannot help saying that it is not likely to serve any useful purpose. Such a petty legislation will not stand in good stead.

श्री एम० पी० मिश्र: अध्यक्ष महोदय, मैं इस बिल के समर्थन में उठा हूँ और मैं इसका हार्दिक स्वागत करता हूँ। हमारे प्रिय दोस्त श्री महावीर त्यागी ने बड़े ही मार्मिक शब्दों में आपको बताया कि फौज के लिये, सेना के लिये, अनुशासन कितनी जरूरी चीज़ है और उन्होंने यह बतलाया कि किस

[श्री एम० पी० मिश्र]

तरह अनुशासन के बिना किसी राष्ट्र की सेना सेना नहीं हो सकती। और यही वजह है, यही कारण है, कि इस कानून में उन छोटे छोटे दोषों के लिये, उन छोटे छोटे कसूरों के लिये, जिनके लिये देश के साधारण कानून में सारी सजा है और शायद वह मिलती भी नहीं, उनके लिये हमारी फौज के सिपाहियों को सात-सात और दस-दस साल की सजा है। मैं समझता हूँ कि फौज के लिये अनुशासन उतनी ही जरूरी चीज है जितनी समाज के लिये देशभक्ति या राष्ट्रभक्ति। यही कारण है कि इस बिल का मैं समर्थन करता हूँ।

यह बिल सिर्फ एक अनुशासन के नियमों का कानून है। हमारी फौज के सिपाही, हमारी सेना के सिपाही, किस तरह अनुशासन के साथ अपना जीवन व्यतीत करें—यह उसकी एक नियमबद्ध प्रणाली है और यह जरूरी भी है। इस सम्बन्ध में मैं आपसे एक छोटी सी बात कहना चाहता हूँ। सन् १९१७ ई० में जब सोवियट रूस बना तो वहाँ एक नयी सरकार बनी और उसने एक लाल फौज बनायी। लाल फौज के नेताओं के सामने समता का आदर्श था और उन्होंने फौज में समता का आदर्श लाने के लिये सारे अनुशासन के नियमों को ढीला कर दिया। बड़े बड़े अफसरों से कहा गया कि छोटे २ सिपाहियों को साथी कहो और उसी तरह सिपाहियों से कहा गया कि बड़े बड़े अफसरों को साथी कहो। उन्होंने तमाम रैंक्स (Ranks) हटा दिये। लेकिन कुछ वर्षों के अनुभव के बाद उन्होंने देखा कि अनुशासन का हटाना बड़ा खतरनाक है और जब दूसरा युद्ध आया तो तमाम रैंक्स फिर से शुरू कर दिये गये। खुद वहाँ के डिक्टेटर स्टालिन मार्शल बन बैठे और जो पहले सीधीसादी पोशाक पहनते थे आज उनकी पोशाक इतनी भड़कीली है जो शायद जर्मनी के बड़े से बड़े अफसर की भी नहीं होती थी। इस लिये उस फौज में भी अनुशासन जरूरी समझा गया और आज फौज का मामूली अफसर बड़े अफसर के सामने आ जाता है तो वह खड़ा हो जाता है और अलग हो कर उठ बैठता है।

इस लिये यह बिल जरूरी है क्योंकि यह बिल हमारे सिपाहियों के लिये नियमों का, अनुशासन का, जीवन प्रणाली का कोड (code) है। यह बिल नये ढंग से हमारे सामने आया है और हमें इसका साथ देना चाहिये। मैं इस मौके पर अपने देश के सिपाहियों को हार्दिक श्रद्धांजलि भेजना चाहता हूँ। मैं ने देखा है और आप भी जानते हैं कि स्वाधीन होने के पहले यह वह फौज थी जिसको देश की जनता की आशाओं और आकांक्षाओं के साथ कोई सम्बन्ध नहीं था। यह वह फौज थी जो सब से अलग, सब से दूर थी, हमारे देश की आजादी से बिल्कुल अलग थी। यह वह फौज थी जो रोटी के लिये एक विदेशी हुकूमत के साथ थी। हमारी २५ वर्ष की आजादी की लड़ाई के जमाने में, जबकि तरह तरह के लोगों पर हमारा प्रभाव पड़ा, यह फौज हमारे प्रभाव से बिल्कुल अलग रही। लेकिन एक बड़ा भारी आश्चर्य हुआ और रातों रात यही फौज हमारी देशभक्त फौज बन गयी और इतनी देशभक्त बन गयी कि हम तो जब फौज के लोगों से ट्रेन में या कहीं और जगह मिलते हैं और बातचीत करते हैं तो बड़ा आश्चर्य होता है कि जो लोग हम से इतने दूर थे, जो लोग हमारे देश की किस्मत से, हमारे देश के भाग्य से इतने अलग थे वे ही आज देश के इतने नजदीक हैं और देश के सबसे बड़े रजक हैं। यह वह चीज है जिसके लिये हमें अपनी फौज को, अपनी सेना को, शाबाशी देनी होगी और उनको श्रद्धांजलि देनी होगी। साथ ही साथ हम चाहते हैं कि हमारी सबसेज में, हमारे देश-में, जो और लोग सरकारी काम करते हैं वे जरा हमारी फौज के सिपाहियों से सबक लें। हम बड़े दुःख के साथ कहते हैं कि और बाक़ी लोग जो हमारी सरकार में या हमारे देश में सामाजिक या सरकारी काम करते हैं उनमें वह देश भक्ति नहीं है, बल्कि जो पहले थी वह भी आज नहीं है। उनमें आज वह देशभक्ति नहीं है जिसका वह

पहले दम भरा करते थे। वे आज ज्यादा मरसीनैरी (mercenaries) हैं—बनिस्वत आज से दो चार वर्ष पहले के। इस लिये हमारे वे लोग फौज के सिपाहियों से इस बात में सबक लें।

एक और बात की ओर हम आपका ध्यान खींचना चाहते हैं। यह तो एक कानून है जिसके बरतने पर फौज में अनुशासन रह सकता है। लेकिन अनुशासन के साथ फौज में एक और जरूरी चीज है जो सिर्फ नियमों के बनाने से नहीं बल्कि नियमों के मानवी ढंग से बरतने से आवेगी। और वह यह है कि फौज के सिपाहियों में, जिसको फायटिंग हार्ट (fighting heart), कहते हैं, मरदाना दिल कहते हैं लड़ाका हृदय कहते हैं, उसकी जरूरत है। आप सिपाहियों को सारे हथियार दे कर लड़ाई के मैदान में भेज दीजिये; मगर वे हार जायेंगे अगर उनके पास फायटिंग हार्ट नहीं है। और यह फायटिंग हार्ट कानून बनाने से नहीं आ सकता बल्कि इस कानून का मानवी ढंग से पालन हो, उससे आ सकता है।

इसके साथ यह भी जरूरी है कि जनता और फौज के बीच, उस फौज के बीच जिसने हमारी जनता की आशाओं और आकांक्षाओं को अपना लिया है, एक बड़ा गहरा सम्बन्ध हो। जनता यह समझे कि आज यह हमारी फौज लाइली फौज है और फौज समझे कि जनता की किस्मत ही हमारी किस्मत है।

अब दो चार शब्दों में हम यह कहना चाहते हैं कि यह आपत्ति उठाई गयी कि फौज के सिपाही सिविल आफेन्स (civil offence), सामाजिक क्रूर करते हैं तो सामाजिक, सिविल, कोर्ट से क्यों छुटकारा पावेंगे और क्रिमिनल कोर्ट (criminal court) से क्यों छुटकारा पावेंगे। हमारी ख्वाहिश है कि जिस फौज के लोग इतने रीगरस (Rigorous), कठिन नियमों, में रहने पर मजबूर किये जाते हैं, जिन्होंने इतने कठिन नियमों का अपना जीवन बना लिया है—जबकि देश पर कोई छत्रा आये तो मौत का न्यौता सब से पहले उनको दिया जाता है, सेना ही सबसे पहले मौत के मैदान में जाती है—जो ऐसी कठिन जिन्दगी बिताते हैं उनके लिये समाज की तरफ से कुछ छूट जरूरी होनी चाहिये। जिन्होंने अपने लिये इतनी कड़ी सजायें रखी हैं उनको सिविल आफेन्स से कुछ छूट मिल जाती है तो वह इतनी बड़ी चीज नहीं है। हम तो यह भी चाहेंगे कि फौज के लोगों के साथ हमारे देश वाले इतना प्यार, इतनी मोहब्बत करें कि अगर कोई सिपाही घर को लौटे और किसी किसान के खेत से कुछ चीज ले ले या किसी के घर से कुछ चीज उठा ले तो किसी को बुरा नहीं मालूम होना चाहिये। हमारे देश के लोगों को अब इस फौज को उस नजर से नहीं देखना चाहिये जिससे वे पहले देखा करते थे जबकि ये सिपाही देश के लिये नहीं बल्कि अंग्रेजों के लिये लड़ते थे, देश के लिये नहीं बल्कि देश के खिलाफ लड़ते थे।

(English translation of the above speech)

**Shri M. P. Mishra (Bihar):** Sir, I rise to support this Bill and heartily welcome this. My hon. friend Shri Mahavir Tyagi told you in very moving words how discipline is a matter of vital necessity for the Army and he further stated that how in the absence of 'discipline' the Army of any country cannot be considered as an 'Army'. And this is the reason that this Bill provides for the award of punishment varying from seven to ten years to the soldiers of our Army for such minor offences for which they can be tried under the ordinary law of the land and, perhaps punishment is not even inflicted in respect of these offences under that law. I think that 'discipline' is as much necessary for the Army as patriotism and nationalism is for the society. This is why I support this Bill. This Bill merely envisages the enactment of rules relating to 'discipline'. How should the soldiers in our Army lead a life of 'discipline'—it regulates their conduct—and this is essential too. In this connection, I should like to tell you a small thing. In the year 1917, when Soviet Russia came into being and a new Government was formed then, they raised a red



[Shri M. P. Mishra]

army. The leaders of the red army had the ideal of equality before them and with a view to bring home to the Army this ideal of equality they relaxed all rules regulating 'discipline'. The high ranking officers were expected to treat the lower ranks as their comrades and similarly the soldiers were told to consider the big officers as their 'comrades'. They abolished all ranks. But after a few years' experience they found that the relaxation of discipline was very dangerous and when the second war broke out, all the ranks were re-established. The dictator, Stalin himself then assumed the rank of "Marshal" and he who used to wear a simple dress formerly is now putting on such a gaudy dress which was not perhaps worn even by the highest German officers. It was, therefore, that the need for the maintenance of 'discipline' in that Army was considered imperative and today even when the petty officer of the Army comes across a high ranking officer, he gets up and stands aside.

Therefore, it is an essential measure because it prescribes the code of discipline regulating the life and conduct of our soldiers. This Bill has been brought before us in a new form and we should support this. At this time, I should like to send my heartiest tributes to the soldiers in our country. I have seen and you also know that before the attainment of independence, there existed an Army which had nothing to do with the hopes and wishes of the people in this country. This was the Army which kept everybody at a distance and remained aloof. They were absolutely disinterested in the cause of our country's independence. This was the same very Army which sided the foreign Government for a loaf of bread. During the course of 25 years of our struggle for freedom when we were able to influence people of different shades of opinion, this Army altogether kept itself aloof from the sphere of our influence. But a great miracle took place and this very Army of ours became patriotic overnight and their patriotism was heightened to such an extent that whenever we come into contact with the Army personnel either in the train or elsewhere and talk to them we are very much surprised to find that those persons who remained so far off from us—those persons who did not share the destinies of our country—they have today been drawn so near to us that they are the principal defenders of the country. For this purpose we shall have to applaud our army and pay them tributes. Along with this, I would like that other officials employed in different services in our country should take a cue from our Army. I am constrained to say that the other people who are engaged in social or Government work are not only not patriotic in their outlook, but even those who were formerly patriotic, are no longer so. They do not any longer cherish those patriotic instincts of which they were proud of formerly. Today they are more of mercenaries than what they were two, three or four years ago. Therefore, those of our people should take a lesson from our military soldiers.

I should like to invite your attention to another aspect also. This is some sort of a legislation which when enforced is likely to maintain discipline in the Army. But along with discipline there is another trait which is indispensable for the Army and which shall be inculcated not merely by framing the rules but by using these in a humane manner, and that is, that the military soldiers should have a 'fighting-heart' called a masculine heart—gallant and chivalrous. You may detail the soldiers to the battlefield after equipping them with all the weapons but they shall be defeated if they lack the 'fighting heart' and this spirit cannot be created by the enactment of legislation alone but by observing this law in a humane manner. Along with this, it is also necessary that closer relations should be established between our people and the Army—that Army which have imbibed the expectations and wishes of our masses. The people should realize that today this is their beloved Army and the Army on their part should consider, that their destiny is inter-linked with that of the people.

I would like to say a few words more that an objection has been raised that why should the military soldiers who commit civil offences be exempted from appearing before the Civil Courts and the Criminal Courts? I wish that those military

personnel who are compelled to live under the surveillance of such rigorous laws—those who have adopted such rigorous laws as the rule of their life—whenever any danger threatens the country they are the first who take their lives and plunge into the battlefield—those who live such a hard life—should get some remission at the hands of the society. Those who have prescribed such rigorous punishments for themselves, if they get some exemption from the civil offences, that is not a very big thing. I would also like that our countrymen should foster so much affection for our military people that if any soldier while returning home removes something from any peasant's field or even takes away anything from anybody's house, one should not take it ill. The people in our country should not treat this Army in the same manner in which they used to do formerly, when these soldiers did not fight for the cause of the country but, on the contrary, they fought for the British and against the country.

**Mr. Deputy-Speaker :** Speeches in the Third Reading must be very limited in their scope. No long speeches except congratulatory ones to the Ministers and on the amendments, if any, made in the 2nd Reading.

**Dr. Deshmukh (Madhya Pradesh) :** In view of the fact that we have passed 196 sections without a single change, I think some latitude ought to be allowed. After all this house must have some reputation to guard and I do not think it speaks very much for the care and attention this House should bestow on the consideration of the Bills if this Bill is passed in the course of a few seconds.

**Mr. Deputy-Speaker :** That shows the manner in which the Select Committee has gone into the matter.

**Dr. Deshmukh :** The reason why I wanted to speak is that I want to mention a few points for the consideration of the hon. Minister after the Bill is passed. I also wish to express my regret that though my signature is on the Select Committee report, I was not able to attend any of its meeting as I had to go on some other State business out of Delhi. There are a few points I wish to mention. So far as integration of the State Forces is concerned, I wish to point out that many well-trained soldiers have been disbanded. On the one hand we are trying to recruit a lot of untrained men and on the other hand as a result of this integration of the State Forces, we are throwing out many trained people. I would like to plead with the Hon'ble Minister that these people may be utilized as best as possible. I know of instances of Commissioned ranks who have had the same training as the officers in the Indian Army proper. In fact they had in the competitions achieved better successes, more medals and prizes and yet simply because they happened to go to some Indian State Forces which have now to be integrated, they find that they are offered ranks much lower than their merit and length of service deserved. I think these cases ought to be looked into more sympathetically.

So far as recruitment is concerned, it is a good thing that we have done away with the distinction of martial and non-martial races; but we very often act in a contradictory way. There is an example of this behaviour of ours in the present context. Whereas on the one hand we say that there can be no distinction between martial and non-martial races, yet we have to go to the Gurkhas to enlist them in our Army and we have got to praise them and pat them on the back so that they can come into our Army in larger numbers. Along with the Gurkhas there are the Mahrattas who unfortunately are being neglected. They were the last enemies of the British; therefore, the British never had any faith in them. They were always looked down upon and with suspicion because the British knew that they were patriotic soldiers, a little more patriotic than the others because of their glorious history. I am sorry the recruitment of the Mahrattas has not really increased. If we go in for the Mahrattas, then we will not have to look to Nepal or anybody else to guard our property or our country. So, I would beg of the hon. Minister to see that if the prejudice still exists against the Mahrattas, it should be removed and a little encouragement given to them.

[Dr. Deshmukh]

Then, I would also like to suggest that although I did not like the way in which Mr. Frank Anthony spoke the other day saying that there was dissatisfaction in the Army so far as salary was concerned, there is a case which deserves looking into, especially as regards salaries paid to Majors and Captains. You may pass an Act providing for fourteen or ten years deterrent punishment, but if you do not give the Army men the minimum salary, I am sorry to say that with all your penal clauses you may not be able to restore contentment and keep it. I have some first-hand knowledge of the conditions in which especially the Captains and Majors live. I am not talking of any other ranks, but these are the two ranks where it has been found impossible for them to make both ends meet. There are instances where people have resigned in order not to incur debts and because they were unable to keep up to the standards which are expected of them within the emoluments that they received.

One more grievance which unfortunately has never been placed before the House in the manner it should have been, is the case of the I.N.A. personnel. The way in which the present Government has dealt with the I.N.A. personnel is the greatest blot on the fair record of this Government. My contention is that even now amends could be made to take in these real patriots who went out of the Indian Army and fought the British, not for their own selfish ends but for the nation. Because of them we have achieved a good part of our freedom; but for them we might probably still have been in a worse position. Therefore, the whole position should be reconsidered; unless we create contentment amongst these people we may probably have to pay very dearly. The view of the present Army is represented to be that it is the forces which do not want these people to be absorbed. I am sure this is a remnant of the British propaganda still persisting in the Army. I am certain that if the issue is squarely put to the present officers of the Indian Army, they will really welcome these patriots with open arms. I hope the legacy of Mountbatten does not continue and persist in this land, and that this seed of poison that has been sown during his time, I do not say by him but during his time, will be washed away and these real patriots will be honoured in the way in which we should honour them. As soon as General Bhonele and others came here, what a row we made! How we tried to defend them as if they were the real and greatest patriots! But no sooner the time for doing something substantial for them came we allowed ourselves to be misled. Even for those whom we are still calling the mercenaries we reserved places and posts in the States and at the Centre; these were the men against whom as Congressmen we were saying that they were mercenaries and so on. Those who were chucked out from the Army were offered places and we appointed them in preference to others. But here is a set of people on account of whose sacrifice we have achieved our freedom in a great measure. They are still wandering like the Jews without any support, without any proper sympathy. I hope the Prime Minister and the Defence Minister will again take up their cases and see that they are reinstated in the same positions. Promotions in the Indian Army have been very rapid of late. Therefore, in spite of the fact that the I.N.A. personnel got rapid promotions, but because promotions in the Indian Army were more rapid, in all probability there may not be a single occasion when an Indian Army regular man has to serve under an I.N.A. man because he happens to have a higher status. That is a point which I would strongly urge upon the hon. Minister's attention for consideration.

**Prof. K. K. Bhattacharya** (Uttar Pradesh) rose—

**Mr. Deputy-Speaker** : I hope the hon. Member will be short and sweet. There is another Bill before us, the Air Force Bill, and what remains to be said here can be said during discussion on that Bill.

**Prof. K. K. Bhattacharya** : I will take this opportunity to express myself in a few words. My first words are of the warmest congratulations to the hon. Defence

Minister. Under him India has acquitted herself very well so far as her martial career is concerned. The soldiers of India have shown to the world that they can fight most valiantly in the valleys of Kashmir, and in their heroic march into Hyderabad they have demonstrated before the world that they yield the palm to no soldier in the world.

Sir, I would ask you, and through you the Commandier-in-Chief of the Indian Army, to raise the tempo of the people so that every adult may be able, if an emergency arises, to fight for his country. These noble sons of our country, I mean our soldiers, are the defenders of our freedom. To call them mercenaries is an absolute misnomer. They are the defenders of our hearths and homes, the defenders of our liberty. Their tempo must rise higher. I would exhort them and say that a splendid career should be opened in the Army. The Army should be treated by us generously and nobly and no expenses should be deemed too great to make the lives of our Army men very comfortable. We know that they fight with their lives in their palms. Under these circumstances, every consideration must be shown to them.

I have got one or two suggestions to make. With the passage of time, the Indian womanhood must also be trained in order to stand shoulder to shoulder with the men. We know that in the I. N. A., the Jhansi Regiment rendered a very good account of itself. I have heard accounts of their valour : " We are ready to die in the battlefields in the cause of freedom ". No difficulty stood in their way. I want that every young man and every young woman must be trained in the use of arms. The days of complacency are over. Not that we are departing from the Gandhian principle of non-violence, but the defence of our hearths and homes is a sacred task imposed upon every child of our country.

Then I would like to mention one or two things. I find that in the Bill there are certain departures from the English Law regarding the Army. In the Army, so far as England is concerned, no soldier can place himself beyond the plea of the Civil Law of the land. But here I find that in certain matters he can place himself beyond the Civil Law of the land. In England, the soldier is amenable, under all circumstances, to the Civil Law. He cannot deem himself to be outside the Civil Law. I hope this matter will be considered by our Defence Minister at a future date and that he will give this matter his consideration. (*Interruption*). Certain exceptions have been made in the Bill whereas there is no exception in England. That is my reading and I am subject to correction.

One or two other provisions should have been made. In the British Army Manual the defence of a superior order was an excuse till 1940 but here no mention has been made as to whether defence of a superior order can be pleaded by a soldier. I hope these matters will be clarified by the Defence Minister.

With these words I offer once more my warmest congratulations to the soldiers of the country. I once more give my heartfelt congratulations to the Army. Let them grow from strength to strength to be the defenders of the land. Our best wishes shall always remain with them and it is always our desire that they should be provided with all the amenities that our State can provide them.

**Shri Tyagi :** Sir, may I have your permission to quote section 41 of the British law in reply to my hon. friend. Section 41 of the British Army Act says :

" Subject to such regulations for the purpose of preventing interference with the jurisdiction of the civil courts as are in this Act after mentioned, every person who whilst he is subject to military law shall commit any of the offences in this section mentioned, shall be deemed to be guilty of an offence against military law and if charged under this section with any such offence ( in this Act referred to as a civil offence) shall be liable to be tried by court martial and on conviction be punished as follows....."

**Prof. K. K. Bhattacharya :** Sir, I shall explain my point by quoting from a book.....

**Mr. Deputy-Speaker :** After all it is a *post-mortem*. I am sure the hon. Minister will consider all these matters.

**Prof. K. K. Bhattacharya** : Sir, by way of explanation I shall quote authorities on Constitutional Law (E. C. S. Wade and G. Godfrey Phillips) :

"A person subject to military law does not cease to be subject to the ordinary law. The position of a member of the Royal Navy or Air Force is similar. Except so far as the statutes creating military law provide, he enjoys all the rights of the ordinary citizen and his obligation as a soldier imposed by the Army Act and King's Regulations are in addition to his duties as a citizen."

**Mr. Deputy-Speaker** : Let us not go into such detail.

**Prof. K. K. Bhattacharya** : A soldier is a civilian clothed in a particular fashion. That is the Law in England. If you go through all the case law on the point, that point will be clearly borne out. Of course I am speaking subject to correction and subject to being enlightened by other Members. This is my belief and my reading of the law. However, I am not pressing the point.

**Sardar Baldev Singh** : I am very thankful to Prof. Bhattacharya and Mr. Mishra for the kind words they have said for the officers and men in the Armed Forces. I am sure that the high tributes that they have paid to the members of the Defence Forces will go a long way to encourage them in their duties.

There are one or two points that have been raised by my friend Dr. Deshmukh and I want to reply to them in a few words. He raised the question of the I. C. O's pay. As I pointed out during the discussion on the Defence Budget their cases have been brought to my notice through the three Commanders-in-Chief. During the last year they have several times brought to my notice the hardships which are supposed to have been undergone by the I. C. Os. This is a very delicate matter and I do not think it is to the advantage of the Armed Forces to mention this matter over and over again on the floor of this House. We have to bear in mind the actual conditions prevailing in the country and I want to inform the House that whatever is possible to provide in the way of additional amenities is a matter under our consideration and I hope that an early decision will be taken on this particular issue.

**Pandit Kunzru** : Will an announcement be made before this session ends ?

**Sardar Baldev Singh** : It is not necessary at all. It is a purely departmental matter and it is not necessary to make an announcement on the floor of this House. As soon as we come to a definite decision the instructions will be conveyed to the Commanders-in-Chief for transmission to the officers concerned.

**Babu Ramnarayan Singh** : It is a departmental matter of national importance.

**Sardar Baldev Singh** : The other question that Dr. Deshmukh raised was about the additional facilities to be given to the personnel of the I. N. A. I want to make it quite clear to the House that ever since this Government came into power we have given careful thought to this very important question and the hon. Prime Minister announced about eighteen months ago the concessions that we then gave to the members of the I. N. A. Very recently this question was again examined and we have given a further concession viz, that those officers of the I. N. A. who are within the age limits are free to join the Army again. I hope that the members of the I. N. A. will take advantage of the concession that has been given some weeks ago.

**Shri Sidhva (Madhya Pradesh)** : Will their seniority be considered ?

**Sardar Baldev Singh** : If the officer is within the age limit of course we have agreed to consider their previous service also. I do not want to keep back any information from the Members of this House. I want to tell them very frankly that the suggestion made by Dr. Deshmukh is absolutely impossible for us to accept. The suggestion that he made was that they should be reinstated in the rank which they held at the time they joined the I.N.A. If this suggestion is to be accepted, it will create enormous difficulties for us. The accommodation of about half a dozen

or a dozen officers will seriously upset the practice in the Armed Forces and I have not the least doubt that instead of doing any good to the country as a whole it will create enormous difficulties.

After very careful consideration, I have to inform the House that we are prepared to give every possible facility to the officers of the I. N. A. and also the men but according to the rules laid down in this connection. It is not possible for us to waive all the rules and reinstate them in the positions which they occupied at the time they joined the I. N. A. With this reservation I have no hesitation in saying that as far as the present policy of the Government of India is concerned we are quite clear in our minds that we have nothing against them. Those who come within the age limits, and satisfy the other conditions laid down in the rules, are welcome and free to join the Armed Forces.

Another question raised by Dr. Deshmukh was about the members of the State Forces. I have already made that point clear and that is.....

**Sardar Sochet Singh (PEPSU)** : The officers of the I. N. A. joined the I. N. A. on the ranks they held in the Indian Army. Subsequently they attained promotions and got higher ranks. Does the hon. Minister mean to say that the I. N. A. officers would not be getting the ranks on which they joined the I. N. A. i.e., the ranks they held prior to the surrender of the Indian Army at Singapore ?

**Sardar Baldev Singh** : I am sorry to say that the hon. Member has not at all understood the point which was mentioned by Dr. Deshmukh.

**Sardar Sochet Singh** : I understand properly what Dr. Deshmukh mentioned but I fail to understand what the hon. Minister has stated.

**Sardar Baldev Singh** : Will the hon. Member kindly listen to me ? It is no use carrying on a discussion in this manner. I am only stating the point of view of the Government. Suppose, for instance, a certain officer in the I. N. A. at the time he joined it held the rank of a Captain. Some officers who were then junior to him are now Major-Generals. If I were to reinstate this officer according to his seniority, then I should take him in as a Lieutenant-General. I am sure my hon. friend will not agree to this proposition as it will seriously disrupt the present position of the Indian Army.

**Sardar Sochet Singh** : This is not in conformity with what the hon. Minister had stated previously. The position as stated now is different and somewhat acceptable.

**Sardar Baldev Singh** : The hon. Member has evidently misunderstood my previous statement. What I then said was that we have relaxed the rules in certain respects and those who come within those rules will be welcome.

A reference was made about the members of the State Forces. I do not think it is necessary for me to take the time of the House by repeating what I said on this subject a few minutes ago.

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

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

*The motion was adopted.*

## AIR FORCE BILL

**The Minister of Defence (Sardar Baldev Singh)** : I beg to move:

“ That the Bill to consolidate and amend the law relating to the government of the Air Force, as reported by the Select Committee, be taken into consideration.”

The provisions of this Bill are identical with those of the Bill which the House has just now passed. We have taken pains in considering the provisions of the Bill and we have taken care, as far as possible, to see that the provisions of the two Bills are identical. I do not, therefore, consider it necessary to repeat what I have said in connection with the Army Bill. If, however, hon. Members want clarification on any points, I shall reply. But I do not really find anything different in this Bill as compared with the Army Bill.

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

"That the Bill to consolidate and amend the law relating to the government of the Air Force as reported by the Select Committee, be taken into consideration."

**Shri Sidhva (Madhya Pradesh) :** I have only one suggestion to make in regard to this Bill. I have appended a Minute of Dissent on clause 128 relating to Judge Advocate-General. I only wish to point out that the term "Judge Advocate-General" is most confusing. All along we were under the impression that in the conduct of Court Martial cases the Judge Advocate is supposed to be like a Public Prosecutor in the civil courts. But we were told that it is not so. The Judge Advocate is more or less like a Judge. He pleads on behalf of the prosecution and at the same time directs the Bench to give a kind of judgment that he desires. If the Court Martial does not agree then that Court Martial has to be disbanded and another Court Martial has to be appointed. The House of Commons in England felt that this was not a desirable procedure. They appointed a Committee in 1946 known as the Lewis Committee or the Army and Air Force Court Martial Committee. That Committee recommended that the designation of the Judge Advocate-General be changed. They state : "The title 'Judge Advocate' with his suggestions of completely opposite functions being performed by the same individual is curious and misleading". They go on further to state :

"that the title of Judge Advocate-General be changed. As we have pointed out in paragraph 30 above, this title is misleading tending to suggest that the holder of the office is both an advocate and a judge. If our proposals are accepted the functions of the Judge Advocate-General and his staff will be exclusively judicial and advisory, and we think in future he should be known as the 'Chief Judge Martial', a title which will indicate the judicial character of the office as well as its association with the Services."

We were told that Parliament in Britain did not accept the recommendations of this Committee for various reasons. But whatever that may be, while we are changing the whole of our Army and Air Force Act, there is no reason why we should not remove this confusion. Why should we not call him a 'legal adviser'. I am told that in some other Army Acts the term 'legal adviser' is mentioned. You may call him 'legal adviser' or even a public prosecutor. Maybe this is a legacy of the previous regime ; maybe the British Parliament has rejected the recommendations of a committee appointed by it.

But we must consider a proposal on its own merits. It has always been one of our objectives to separate the executive and judiciary functions. We have embodied this principle in our Constitution also. Why should we not do this in the case of Courts Martial when an opportunity has arisen ?

I did bring this matter to the notice of the Select Committee ; but the Committee did not accept my suggestion. I have not tabled any amendment, because I do not want to do anything which the hon. Minister considers to be not desirable. But I am sure the hon. Minister will seriously consider my point.

The other matter which I wish to bring to the notice of the hon. Minister is that in the Air Force there is some discontent amongst the officer ranks on account of supersession of seniority. I have written on this subject to the Secretary of the Defence Ministry. I hope the hon. Minister will bear this in mind. Our Air Force has been doing really valuable service and can stand comparison with the Air Force of any advanced country in the world. They have proved it by the able service that they rendered in Kashmir. I hope, that this discontent which prevails on account of the supersession of certain senior officials will be removed.

**Sardar Baldev Singh :** In the first place, I do not find any reference to the term "Judge Advocate-General" in the Air Force Bill.

**Shri Sidhva :** It is in clause 128.

**Sardar Baldev Singh :** As pointed out during the proceedings of the Select Committee the functions of the Judge Advocate-General are neither those of an

advocate nor those of a Judge. The Judge Advocate advises the court martial. He does not appear before the court martial.

It is true, as pointed out by Mr. Sidhva, that the Lewis Committee in the United Kingdom did recommend that the Judge Advocate-General should in future be known as the 'Chief Judge Martial'. But this recommendation was not accepted and the old practice still continues. In our case also, we would like to continue the present practice, because it does not make any difference.

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

"That the Bill to consolidate and amend the law relating to the government of the A Force, as reported by the Select Committee, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker :** We will now take the clauses. I find there are no amendments to this Bill. I will therefore put all the clauses to the House.

*Clauses 1 to 194 were added to the Bill.*

*The Title and the Enacting Formula were added to the Bill.*

**Sardar Baldev Singh :** I beg to move :

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

**Shri Sidhva :** Sir, my point about the discontent regarding seniority has not been answered.

**Mr. Deputy-Speaker :** That does not form part of the Bill.

**Shri Sidhva :** But the hon. Minister has not given an answer.

**Mr. Deputy-Speaker :** It is not Question Hour.

**Shri Sidhva :** Then I am entitled to another speech.

**Mr. Deputy-Speaker :** The hon. Member has already lost his opportunity. The question is :

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

*The motion was adopted.*

## ARMY AND AIR FORCE (DISPOSAL OF PRIVATE PROPERTY) BILL

**The Minister of Defence (Sardar Baldev Singh) :** I beg to move :

"That the Bill to provide for the disposal of the private property of persons subject to the Army Act, 1950, or the Air Force Act, 1950, who die or desert or are ascertained to be of unsound mind or while on active service are officially reported to be missing, be taken into consideration."

This Bill also is a very simple one. It relates to the officers and men in the Army and the Air Force. There used to be one grievance that there were different provisions in the old Act for the officers, J. C. O's and the men. In this Bill we have made the provisions uniform and equally applicable to the officers, J. C. O's and the men.

Another departure which has been made from the previous Act is that this was originally a part of the Army Act. For purposes of convenience only, as we think it is more suitable and better to have a separate Act for this purpose, we have now taken it out of the Army and the Air Force Acts and have put it forward before the House in the shape of a separate Bill. This relates only to officers and men in the Army and the Air Force in the circumstances described in the Bill, and it is only a question of the disposal of the property of people who have to be thrown out of the Armed Forces on account of certain disabilities which I have mentioned. I do not think I should take more time of the House in explaining the provisions of the Bill as it is a very simple measure.



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

"That the Bill to provide for the disposal of the private property of persons subject to the Army Act, 1950, or the Air Force Act, 1950, who die or desert or are ascertained to be of unsound mind or while on active service are officially reported to be missing, be taken into consideration."

**Shri Tyagi (Uttar Pradesh) :** While this Bill is being considered I would like to make one suggestion. The other day some questions were put with regard to the adopted sons and heirs of deceased persons, and it was stated that their case was treated otherwise than the case of the surviving sons in the matter of return of their property or payment of their dues. I want to utilize this occasion to clarify that point and I would request the hon. Minister to see to it that when people are enrolled for the Armed Forces, whether as officers or as men, their choice as to how they would like their property to be disposed of should be taken on the enrolment form and kept as a record. It will then make matters very easy. The Department will then know in what manner the man to whom the property belonged wanted it to be disposed of. With this suggestion I hope that the hon. Minister will accommodate the desire and see that adopted sons are not disregarded in the matter of their rights to the property of the deceased father.

**Sardar Baldev Singh :** I think my hon. friend did not really follow what I said the other day. As regards those adopted sons who are duly recognized, I do not think there is any difficulty. The difficulty arises where there is some amount of doubt as to the adoption. But as I stated on that day—and I repeat it today—all such cases will be sympathetically considered. Where definite proof is coming forward that a particular person has been adopted, there is no difficulty whatsoever. The difficulty arises in cases where definite proof is not forthcoming.

**Shri A. P. Jain (Uttar Pradesh) :** May I know what the hon. Minister means by "recognized adopted son"? And there is one way open, as suggested by Mr. Tyagi, that the soldier may be asked to give the name of his adopted son. And if that name is given, it may be accepted.

**Sardar Baldev Singh :** I do not myself know what the actual practice is. But I believe that an adopted son is recognized in a certain specified manner. I believe it is registered also, or a declaration has to be made somewhere. As I said, where there is definite proof there is no difficulty absolutely. But where a person just for the sake of depriving some other relative gives the name of some fictitious person as an adopted son, then it is no adoption.

**Mr. Deputy-Speaker :** In case of doubt Government cannot take risks. Let him therefore establish it in a court of law.

**Shri Tyagi :** The hon. Minister has not stated anything about the declaration being taken from the persons who would like their property to be transferred to the adopted son.

**Sardar Baldev Singh :** I cannot explain the legal aspect of this question. But if a declaration is made and other counter-claim is filed by some of his other relatives, then the Government is put into difficulty. Therefore, we must have an authority showing that a certain person has been adopted.

**Mr. Deputy-Speaker :** The procedure even with respect to insurance is that they ask for a Succession Certificate from the court, so that no risk is taken. I will now put the motion to the House. The question is :

"That the Bill to provide for the disposal of the private property of persons subject to the Army Act, 1950, or the Air Force Act, 1950, who die or desert or are ascertained to be of unsound mind or while on active service are officially reported to be missing, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker :** We shall now take up the Bill clause by clause.

**Shri Munavalli (Bombay) :** Sir, I have tabled certain amendments of a drafting nature.

**Mr. Deputy-Speaker :** Is the hon. Minister going to accept any amendment ?

**Sardar Baldev Singh :** I am not in a position to accept any amendment, but whatever drafting mistakes there are will be looked into by the Draftsman. It is not possible for me to accept the amendments.

**Mr. Deputy-Speaker :** I think as it is the Bill is perfect.

**Shri Munavalli :** There are some mistakes which if left alone.....

**Mr. Deputy-Speaker :** Hon. Members must make up their minds if they want to move or do not want to move their amendments. I shall put the clauses one by one.

#### Clause 2

*Clause 2 was added to the Bill.*

#### Clause 3

*(Property of deceased persons, etc.)*

**Shri Munavalli :** I beg to move :

For the heading "Property of deceased persons and deserters other than officers", substitute "Property of the deceased persons and deserters, other than the officers".

**Mr. Deputy-Speaker :** The heading is not a part of the Bill. It is unfortunate. Hereafter, I think it need not be given, because it raises a number of complications. It is only given for the convenience of Members. It has been ruled often that the heading is not a part of the Bill. Therefore this amendment is not necessary.

*Clause 3 was added to the Bill.*

#### Clause 4

*Clause 4 was added to the Bill.*

#### Clause 5

*(Decision questions as to regimental and other debts, etc.)*

**Shri Munavalli :** I beg to move :

For the words "other debts in camp", substitute "other debts, incurred in camp".

**Sardar Baldev Singh :** I got this amendment examined and I am sorry, I am not in a position to accept it.

**Mr. Deputy-Speaker :** Then why are those debts incurred ? By saying 'other debts in camp' does the hon. Minister intend to cover other debts also which he may incur outside the camp ?

**Sardar Baldev Singh :** The expression 'regimental and other debts in camps or quarters' has been defined in clause 2 (3) and the addition of the words 5 P.M. 'incurred in other places' in the Bill is unnecessary and is also undesirable.

**Mr. Deputy-Speaker :** I see, they are defined. I do not think the hon. Member presses his amendment.

**Shri Munavalli :** No, Sir.

*Clause 5 was added to the Bill.*

#### Clause 6

*(Representative powers of Commanding Officer or Committee).*

**Shri Munavalli :** I beg to move :

For the words "and authorities whomsoever" substitute: "and authorities whatsoever".

The mistake is obvious. The authorities whatsoever or whatsoever have the same rights.

**Mr. Deputy-Speaker :** I think 'whomsoever' is objective and 'whosoever' is subjective. But the hon. Minister prefers 'whomsoever'. The question is :  
For the words "and authorities whomsoever" substitute "and authorities whosoever".

*The motion was negatived.*

*Clause 6 was added to the Bill.*

#### Clause 7

*(Power of Central Government to hand over estate of deceased person).*

**Shri Munavalli :** I beg to move :

In sub-clause (2), for "the estate of a deceased" substitute "the estate of a deceased person",

**Mr. Deputy-Speaker :** The hon. Minister does not admit it. Does the hon. Member press his amendment ?

**Shri Munavalli :** I do not press my amendment.

*Clause 7 was added to the Bill.*

#### Clauses 8 to 13.

*Clauses 8 to 13 were added to the Bill.*

#### Clause 14

**Mr. Deputy-Speaker :** We come to clause 14. The amendment is that instead of the words 'reported missing' the words 'reported as missing' be substituted. It is only verbal.

*Clause 14 was added to the Bill.*

#### Clauses 15 to 17

**Mr. Deputy-Speaker :** Then in clause 15 the amendment is that for the words 'reported missing' the words 'reported as missing' be substituted. They are one and the same thing.

*Clauses 15 to 17 were added to the Bill.*

#### Clause 1

*Clause 1 was added to the Bill.*

*The Title and the Enacting Formula were added to the Bill.*

**Bardar Baldev Singh :** I beg to move :

"That the Bill be passed"

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

"That the Bill be passed"

*The motion was adopted.*

*The House then adjourned till a Quarter to Eleven of the Clock on Saturday, the 8th April, 1950.*