

Tuesday, 11th April, 1950



PARLIAMENTARY DEBATES

(PART I—QUESTIONS AND ANSWERS)

OFFICIAL REPORT



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PARLIAMENTARY DEBATES
(PART I—QUESTIONS AND ANSWERS)

Tuesday, 11th April, 1950.

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

PERMIT SYSTEM

*1584. **Shri Sidhva:** (a) Will the Minister of **Rehabilitation** be pleased to state whether the attention of Government has been drawn to the system of permit prevailing between the two dominions of India and Pakistan which leads to enormous delay in urgent cases?

(b) Do Government intend to introduce passport system to avoid delay?

(c) If not, do Government contemplate introducing any other system than the one at present prevalent to facilitate the issue of permits?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): (a) No. If the proper procedure is followed by applicants, no undue delay in grant of permits is likely to occur.

(b) and (c). The reply is in the negative.

Shri Sidhva: What is the procedure? What is the minimum time taken for granting the permits?

Shri Mohan Lal Saksena: It all depends on the circumstances of the case. If the required information is supplied the permit could be granted straight-away.

Shri Sidhva: Is it not a fact that ordinarily the minimum time taken is four days?

Shri Mohan Lal Saksena: I do not know wherefrom the hon. Member got this information. Perhaps he is referring to the time taken in granting permits by the Pakistan High Commissioner or Deputy High Commissioner. We are responsible only for the time that is taken in granting permits to people coming from Western Pakistan, that is those from Karachi or Lahore.

Shri Sidhva: The Pakistan officers are under our jurisdiction. Could not the Government inform them in the event of urgency?

Mr. Speaker: What does the hon. Member mean by "Pakistan officers under our jurisdiction"?

Shri Sidhva: They are staying in India.

Mr. Speaker: Are they amenable to our jurisdiction?

Shri Sidhva: They can be approached or written to.

Mr. Speaker: I do not think the question is permissible.

Sardar B. S. Man: Have any instances come to the notice of the Government where temporary permits were issued and at the time of renewal for re-entry into India they were refused?

Shri Mohan Lal Saksena: You mean temporary permits which were issued to persons who went from India, that is Muslims? Of course in certain cases it was refused, because we were informed that these temporary permits had been abused. Therefore we had to refer to the District Magistrate concerned before a fresh permit for return was issued.

Dr. Deshmukh: Is it contemplated to discontinue the permit system as a result of the recent agreement?

Shri Mohan Lal Saksena: No, Sir.

Shri Kamath: During the last twelve months how many instances have been brought to the notice of the Government where Muslims from Pakistan have either overstayed their permit period or have come to India without permit?

Shri Mohan Lal Saksena: I have already answered that question about two weeks ago and I have not got that information here now.

Sardar B. S. Man: What is the position then of those Muslims who went on temporary permits to Pakistan and because of certain instructions by the Government their permits were not renewed? What is the actual legal position now regarding those Muslims who are stranded in Pakistan?

Shri Mohan Lal Saksena: Persons who went on temporary permits are not refused permits for return on arbitrary grounds. Either they should have acquired some property there or the permits taken by them had been abused. Therefore when we refuse to grant them permit either they settle down in or they try to come here to get the order revised.

MANUFACTURE OF BUS BODIES IN HINDUSTAN AIRCRAFT LTD.

*1585. **Shri Sidhva:** Will the Minister of Industry and Supply be pleased to state whether the Hindustan Aircraft Limited are manufacturing bus bodies and if so, what are the orders received from various Governments and private concerns?

The Minister of Works, Mines and Power (Shri Gadgil): Yes, Sir. Orders have so far been received for 11 bus bodies.

Shri Sidhva: From what source have the orders been received for the construction of these bus bodies?

Shri Gadgil: One from the Government of Bombay, ten from the West Bengal Government. There are enquiries which have not yet matured into firm orders and they are about 800.

Shri Sidhva: What is the cost of this bus body?

Shri Gadgil: The provisional cost can be given. For single deck it is Rs. 18,500 and for double deck it is Rs. 24,000.

Shri Sidhva: Are they of the Pullman type or the Bombay flush type?

Mr. Speaker: Order, order. It is no use going into details.

Dr. Deshmukh: What is the number of built-up buses imported into India during the last year?

Shri Gadgil: There is another question in connection with this and I propose to reply to this question when the other question comes up.

Mr. Speaker: Is it likely to be reached? However, we shall proceed to the next question.

CABLES FROM JAPAN

*1586. **Shri Sidhva:** (a) Will the Minister of Industry and Supply be pleased to state whether any orders have been placed with Japanese Manufacturers for cables?

(b) If so, with what firm and what is the total quantity ordered for and what is the cost thereof?

(c) Were quotations received from any other countries and firms and if so what are the details?

(d) If the tender accepted was the lowest, what was the difference between the lowest and the second lowest?

(e) When is the shipment expected?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Yes.

(b) The order has been placed with Messrs Kamani Engineering Corporation Ltd., Bombay, who are the Indian Agents of Messrs Furukawa Electric Co. Ltd., Japan, who will manufacture the cables. The total quantity on order is 687 miles of cable of different sizes at a total price of Rs. 82 lakhs f.o.r. Calcutta.

(c) Quotations were received from 16 firms 9 of whom had quoted for the U.K. product, 6 for Continental cables and 1 for Japanese cables. Firms offering to supply the cables manufactured in U.K. had quoted a ring price of Rs. 102 lakhs. The prices quoted for Continental cables were higher than the U.K. ring price except in one case where the price quoted was Rs. 100 lakhs for Italian cables.

(d) The tender accepted was the lowest and the difference between it and the second lowest was Rs. 18 lakhs.

(e) The period of shipment is approximately four months ex-works in Japan from the date the manufacturer is asked to proceed with the manufacture.

Shri Sidhva: The hon. Minister said the period of shipment is approximately four months after the order has been accepted. May I know whether the order has been accepted?

Shri Gadgil: That is so.

Shri Sidhva: When was it accepted?

Shri Gadgil: I require notice of that.

Dr. Deshmukh: Is it the very first time that Government have ordered for cables from Japan?

Shri Gadgil: That also is a matter which cannot be answered off-hand. I require notice for that.

Shri Tyagi: For which Ministry were these cables required; for the Communications Ministry or for the Works, Mines and Power Ministry?

Shri Gadgil: I am replying on behalf of my colleague incharge of Industry and Supply.

Shri Tyagi: I want to know whether the cables were needed for the Works, Mines and Power Ministry or for the Communications Ministry.

Shri Gadgil: Obviously, for the Communications Ministry.

Shri Tyagi: Were cables not available in the Disposals?

Shri Gadgil: No.

Shri Sidhva: May I know whether these cables were the usual annual requirement or they were required for some specific purpose?

Shri Gadgil: For the development programme, as far as I am able to see.

Shri Sidhva: What is the development programme?

Mr. Speaker: Order, order. The House knows that. Next question.

REPARATION CLAIMS

*1586-A. **Dr. M. M. Das:** Will the Minister of Commerce be pleased to state:

(a) what per cent. of India's original reparation claims, she has now received; and

(b) what part of her total receipt, she has given to Pakistan?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Reparations received by India from Germany up to the end of 1949 work out to 76 per cent. of the original reparation claims amounting to about Rs. 490 crores. No reparations have so far been received from Japan against which reparation claims amounting to about Rs. 2,800 crores have been submitted.

(b) According to the Partition Council decision, Pakistan is to get 17½ per cent. of the reparations allotted to undivided India. Eight plants/part plants of the value of about Rs. 24 lakhs were re-allocated to Pakistan on the eve of Partition. Pakistan is also entitled to receive 17½ per cent. of the net value of German External Assets belonging to Pre-partition India which amount to about Rs. 2.4 crores.

Dr. M. M. Das: May I know the total value of the reparations received by the Indian Union?

Shri Gadgil: Rs. 1,54,55,677.

Dr. M. M. Das: May I know whether the reparations received by India consist of small machinery or big industrial plants or something else?

Shri Gadgil: I cannot say whether they are big or small. I can only give the description. The total number of plants allocated to India up to the end of 1949 was 119 comprising 14,268 items. 9,400 items have already been received.

Dr. M. M. Das: In addition to Germany, may I know whether any other country has paid reparations to India?

Shri Gadgil: The other country from which reparations were to be received was Japan; but nothing has been received.

Dr. M. M. Das: May I know the reasons for not receiving any reparations from Japan?

Shri Gadgil: As far as it is possible to ascertain, I think the Far Eastern Council decided at the instance of the United States of America that the peace requirements of Japan did not justify any plant to be given to any other country.

Shri Syamnandan Sahaya: Out of the plants that have been received in India as a result of reparations, have any been installed and are they working at any place?

Shri Gadgil: Whatever is received is kept at Calcutta. Government and semi-government departments are asked to send their representatives and when they make their choice, these things are handed over to them. The rest is open for the public to purchase.

Shri Syamnandan Sahaya: Are Government aware that these plants and machinery are all deteriorating very fast and in a short time Government will get nothing out of these plants which they have got by way of reparation?

Shri Gadgil: It is a matter of opinion.

Mr. Speaker: That is the information he is giving to the hon. Minister.

Shri Hossain Imam: May I know if it is a fact that out of the stocks that we have received from Germany, there is a big pressing machine which is so heavy that it could not be transported by the railway?

Shri Gadgil: It may be so, I cannot say.

EXPENDITURE ON RECOVERY OF ABDUCTED WOMEN

*1588. **Dr. M. M. Das:** Will the Prime Minister be pleased to state:

(a) whether any expenditure has been incurred in Pakistan in connection with the recovery of non-Muslim abducted women; and

(b) if so, what is the amount?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) Yes.

(b) Between 1st November, 1948, and 28th February 1950, the Government of India has spent Rs. 65,000 in Pakistan.

Dr. M. M. Das: May I know through what agency and for what particular purpose this amount has been spent?

Shri Gopaldaswami: We maintain a non-Muslim Women's base camp at Lahore to which all non-Muslim abducted women recovered in Pakistan are first brought. They are kept there until they are transferred to India. We also maintain a certain supervisory staff for work that is done in Pakistan.

Dr. M. M. Das: May I know whether India has got any organisation in Pakistan for the recovery of these abducted women?

Shri Gopaldaswami: Recovery of abducted women has to be done by the Government in whose territory such recovery takes place.

Dr. M. M. Das: May I know whether the camp in Lahore is under our supervision?

Shri Gopaldaswami: Yes.

Sardar B. S. Man: May I ask who bears the expenses of the camp at Jullundur where Muslim abducted women are recovered and kept?

Shri Gopaldaswami: Pakistan.

Shri Syamnandan Sahaya: Do Government of Pakistan incur any expenses in India on account of the recovery of abducted Muslim women?

Mr. Speaker: That is the question which he has just answered.

Shri Gopalaswami: I have already said that.

GRANTS TO ASSAM, BIHAR, ORISSA AND TIPPERAH

*1589. **Dr. M. M. Das:** (a) Will the Minister of Rehabilitation be pleased to state the total amount of money granted by the Government of India to each of the following States viz., Assam, Bihar, Orissa and Tipperah for the rehabilitation of displaced persons?

(b) How many displaced persons from East Pakistan have been rehabilitated in each of the said States?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): (a) The Government of India have given Rs. 23 lakhs to Assam, Rs. 34½ lakhs to Bihar, Rs. 8 lakhs to Orissa and Rs. 8.90 lakhs to Tripura for expenditure on relief and rehabilitation of displaced persons during 1949-50.

(b) No economic census of displaced persons in these States has been taken and it is therefore not possible to give the exact number of persons rehabilitated through their own efforts or by Government assistance.

Dr. M. M. Das: May I know whether the loans that will be given to the displaced persons will be given directly by the Central Government or whether they will be given from the sums that have been allotted to these respective State Governments?

Shri Mohan Lal Saksena: All loans that are given at present are given through the State Governments and moneys are allotted to the State Governments.

Dr. M. M. Das: May I know whether the sums that have been allotted to the States Governments denotes the particular number of refugees that have to be rehabilitated with this sum?

Shri Mohan Lal Saksena: As a matter of fact, if the hon. Member is referring to the new arrivals then we have given money by way of advances.

Dr. M. M. Das: I have not followed the answer.

Sardar B. S. Man: May I know how far the loans which were advanced to the States have so far been utilised for the purposes for which they were meant?

Shri Mohan Lal Saksena: In certain cases, they have not been utilised for the purposes for which they were given. But, in most of the cases, our information is that they have been utilised for the purposes for which they were given.

Sardar B. S. Man: May I know.....

Mr. Speaker: Order, order. Dr. Das wants the answer to be repeated.

Shri Mohan Lal Saksena: I say in certain cases the loans given have not been utilised for the purposes for which they were given; but in most of the cases, the loans have been utilised for the purposes for which they were given.

Dr. M. M. Das: I want to know whether the sums which have been given to these States denote the number of refugees to be rehabilitated?

Shri Mohan Lal Saksena: I have already answered that these sums have been advanced to these State Governments. As the rehabilitation schemes are received, they are approved and money is made available.

Sardar B. S. Man: In his reply, the hon. Minister said that in certain cases, the loans which were advanced have not been utilised for the purposes for which they were advanced. May I know the States in which such a thing has occurred?

Shri Mohan Lal Saksena: It is very difficult to give these cases. There are cases which have been brought to the notice of the Ministry. There are certain cases where loans were advanced by the Rehabilitation Finance Administration and later on it was found that the loans were not utilised for the purposes for which they were given and the subsequent instalments were stopped. Similarly, when I was touring in the Punjab, I was informed of several cases in which loans were advanced for the purposes of purchasing bullocks, but bullocks were not purchased. Later on a system was introduced by which these bullocks were numbered so that they cannot be passed on to others.

Shri E. K. Chaudhuri: What amount has been given to Assam so far and how much of it has been spent?

Shri Mohan Lal Saksena: I can only say how much money has been given so far. It is nearly three lakhs. I cannot say how much has been spent.

GRANTS TO RESEARCH INSTITUTIONS AND SCIENTIFIC BODIES

*1590. **Shri S. C. Samanta:** Will the Prime Minister be pleased to state the names of Research Institutions and Scientific Bodies receiving grants from the Government of India and the amounts granted for each during the years 1948-49 and 1949-50?

The Prime Minister (Shri Jawaharlal Nehru): A Statement giving the information is laid on the Table of the House. [See Appendix VII, *annexure No. 9.*]

Shri S. C. Samanta: May I know how many Indian Scientific Liaison Offices have been opened in other countries? How far they have succeeded?

Shri Jawaharlal Nehru: I do not know what it has to do with the question. Speaking purely from memory there is one in London.

Shri S. C. Samanta: How far have individuals and industrial concerns helped in establishing National Laboratories for Scientific Works?

Shri Jawaharlal Nehru: A number of commercial firms and individuals have given considerable donations. I have not got the list.

Mr. Speaker: It was read out a few days back.

Shri Syamnandan Sehaya: Has the attention of the Prime Minister been drawn that an Institute of Psychological Research has been recently started in Patna and has any grant been given to it?

Mr. Speaker: I do not think I should permit that question.

Shri S. C. Samanta: Has unnecessary duplication of Research and expenditure therefrom been successfully curtailed and avoided in the different Ministries?

Shri Jawaharlal Nehru: One should always avoid everything that is unnecessary but it is not easy to find out in regard to research work what is

necessary and what is not necessary. Different Universities carry on research work often on the same subject. One tries to co-ordinate those activities as far as possible to avoid the same being done again. Research work is often a leap in the dark you go on doing research, sometimes you may succeed and sometimes you may not. Nine experiments may fail and the 10th may succeed.

TRAINING CENTRES FOR POLITICAL SUFFERERS AND HARIJANS

***1591. Shri S. C. Samanta:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that the Government of India have sanctioned a scheme for training political sufferers and Harijans at eight training centres in Uttar Pradesh; and

(b) if so, how many men will receive training at these Centres?

The Minister of Labour (Shri Jagjivan Ram): (a) and (b). 250 Political Sufferers and 100 Harijans are proposed to be admitted in the Training Centres run by the Government of India. The entire recurring expenditure involved will be met by the Government of Uttar Pradesh.

Shri S. C. Samanta: May I know whether in any other States there are such organizations?

Shri Jagjivan Ram: In every State there are training centres run by the Government of India.

Shri Rathnaswamy: What are the various trades in which they are trained?

Shri Jagjivan Ram: There are about 200 trades and a prospectus has been published which is available in the Library.

Shri R. K. Chaudhuri: What sort of training is given?

Shri Jagjivan Ram: I will refer the hon. Member to the prospectus in the Library.

Shri Raj Bahadur: May I know whether similar facilities for training are being provided in other provinces also for political sufferers?

Shri Jagjivan Ram: That depends upon the State Government. If they are prepared to meet all the recurring expenditure for the training of political sufferers and Harijans we will consider whether the facilities of equipment should be extended to them.

Shri Raj Bahadur: What is the basis of selection of these political sufferers for these trainings?

Shri Jagjivan Ram: That is left to the State Governments.

Shri Kamath: Does the categorization made by the Minister in the answer mean that there are no Harijans among political sufferers?

Mr. Speaker: It is a question of interpretation.

Shri S. C. Samanta: May I know the percentage of expenditure by the Central Government?

Shri Jagjivan Ram: It is clear from the reply that the entire recurring expenditure involved will be met by the U.P. Government. We are running these Centres for the training of civilians and 40 per cent. of the expenditure

is borne by the State Government and 60 per cent. by the Centre but these numbers are extra and the expenditure required for these political sufferers and Harijans will be borne by the State Government entirely.

Shri Raj Bahadur: May I know whether it is a fact that no person is deemed to be a political sufferer unless he gets a certificate as such from the District Magistrate?

Shri Jagjivan Ram: It is not our look out and it is for the State Government to decide as they are meeting the entire expenditure on political sufferers. They will determine who is a political sufferer.

AUTOMOBILE MANUFACTURE

*1592. **Shri B. R. Bhagat:** (a) Will the Minister of **Industry and Supply** be pleased to refer to the answer given to my Starred Question No. 719 asked on 8th March 1950 regarding automobile manufacture and state what component parts are being manufactured by the two concerns which have started manufacture of automobiles?

(b) Have Government entered into agreement with any foreign firm for manufacture of automobiles; and if so, on what basis?

(c) What assistance are Government giving towards the manufacture of automobiles?

The Minister of Works, Mines and Power (Shri Gadgil): (a) and (c). A statement is laid on the Table of the House. [See *Appendix VII, annexure No. 10.*]

(b) No.

Shri B. R. Bhagat: In what time will these firms produce motor parts in substantial quantities?

Shri Gadgil: I might inform the hon. Member that following are the parts that are manufactured by Hindustan Ltd., in India—Gaskets, Rubber Mountings, Hose pipes other than Brake Hose Pipes, Fuel pump diaphragms, Fan belts, Other Rubber components, Mufflers, Exhaust Pipes and Tail Pipes, and some others by the Premier Automobile Ltd.

The parts the two companies expect to manufacture in the next two years are—Brake Hose Pipes, Crank Shafts, Cam Shafts, Cams, Connecting Rods, Cylinder Blocks and Heads, Manifolds, Valves, Valve Springs, Valve Tappets, Fly Wheels, Petrol Tank, Air Cleaner, Radiator, Oil Filter, Fan, Piston Assembly, Fuel Pumps, Water Pumps, Timing Gears, Cylinder Liners and many others.

Shri B. R. Bhagat: In view of the grant for increased protection to this industry, has Government taken steps for preventing a rise in price of these parts?

Shri Gadgil: In order that there should be no indulging in profiteering, it is proposed to allow import of such parts on a very liberal basis. The matter is being referred to an Expert Committee.

Shri B. R. Bhagat: How does the quality of these parts compare with those of imported ones?

Shri Gadgil: Not being a technician, I am not competent to express any opinion on that.

Mr. Speaker: That will be more or less a matter of opinion.

EXHIBITION OF INDIAN FILMS IN FOREIGN COUNTRIES

***1593. Shri Rathnaswamy:** (a) Will the **Prime Minister** be pleased to state whether the Government have any scheme to exhibit Indian films in foreign countries?

(b) What encouragement is given to Indian Film Industry to exhibit films on India in foreign countries?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Films produced by the Government of India that are considered suitable for display in foreign countries are given wide exhibition through Indian Missions abroad.

(b) Very few industry produced films have been found to be of a kind that will enlighten foreigners about India, but in the case of suitable films every assistance is afforded by Indian Missions abroad in facilitating commercial negotiations between Indian film producers and interested parties abroad.

Shri Rathnaswamy: In respect of production of pictures for exhibition in foreign countries, do Government give any advice to the producers?

Dr. Keskar: Generally speaking, the Indian film industry at present caters for the Indian public. As the industry does not ask for special advice with regard to any film or group of films that they want to manufacture for foreign export, Government cannot go out of the way and give them advice. But my hon. friend is probably aware, that Government has recently appointed a special committee called the Film Enquiry Committee which will deal with this question of export of Indian films abroad.

Shrimati Durgabai: May I know whether there is a proposal under consideration to send some members of the Film Enquiry Committee to countries like U.K. and U.S.A. for studying the conditions of the film industry there?

Pandit Balkrishna Sharma: How could this question be addressed to the hon. Minister for Foreign Affairs, for the simple reason that it relates to the Ministry of Information and Broadcasting?

Dr. Keskar: That was exactly what I was going to say.

Dr. Deshmukh: May I know to what extent the exhibition of these films forms a part of the External Publicity of the hon. Minister's portfolio?

Dr. Keskar: Short news reels and certain bigger films do form a very important part of external publicity—especially news reels which have been prepared by the Information Department and also some others prepared by other private film manufacturers have been used by the External publicity Section and exhibited abroad.

Shri Deshbandhu Gupta: May I know the number of films which has been prepared by Indian producers to be shown overseas and their names?

Dr. Keskar: Up till now there has been only one Indian film which has been exhibited abroad—that is Uday Shankar's "Kalpana". In its exhibition our Missions abroad rendered all help and it had a successful career. No other films has been prepared yet for exhibition abroad.

Shri R. K. Chaudhuri: Is it a fact that some Indian films, such as "Kismet" has been already exhibited in London, and if so, if these exhibitions are subject to further censorship in foreign countries, or would the censorship of the Bombay Board do?

Dr. Keskar: Films which are exhibited abroad come under the censorship of the countries concerned and not our censorship.

PROPERTIES OF PAKISTAN HIGH COMMISSIONERS IN INDIA

*1594. **Sardar Hukam Singh:** Will the Minister of Rehabilitation be pleased to state:

(a) whether the High Commissioner and the Deputy High Commissioners of Pakistan in Delhi, Jullundur and Calcutta own any property in the Indian Dominion; and

(b) whether any such property has been taken over by the Custodian here?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): Information is being collected and will be laid on the Table in due course.

Sardar Hukam Singh: Is Government aware of the fact that the High Commissioner for Pakistan in India owns certain properties here in India? If so, have they been taken over by the Custodian?

Shri Mohan Lal Saksena: No, Sir.

Sardar Hukam Singh: May I know the reasons?

Shri Mohan Lal Saksena: Because he is not an evacuee.

TEXTILES FOR GOVERNMENT USE

*1597. **Shri Lakshmanan:** (a) Will the Minister of Industry and Supply be pleased to state what is the price of textiles purchased for Government use during the years 1948 and 1949?

(b) What is the estimated requirement for the current year?

(c) Have Government placed any order with any State Government for handloom textile goods?

(d) What is the total value of the order so far placed?

The Minister of Works, Mines and Power (Shri Gadgil): (a) The value of cotton textiles purchased for requirements of the Central Government was about Rupees 3 crores 41 lakhs in the year 1948-49 and about Rupees 3 crores 52 lakhs in the year 1949-50.

(b) No accurate forecast can be made of the requirements for the year 1950-51. But it is likely to be of the same order as for the last two years.

(c) and (d). Orders are not placed on State Governments but direct on manufacturers and stockists. The total value of orders for handloom goods placed in the year 1949-50 was Rs. 8,82,708.

Shri Lakshmanan: May I know the total amount for which orders have been placed with the State of Travancore-Cochin?

Shri Gadgil: I require notice for that.

Dr. Deshmukh: Has the Government considered the possibility of utilising handwoven textiles for all Government departments, both in the Centre as well as in the provinces, and if so, have any steps been taken in this direction?

Shri Gadgil: The policy of Government is to buy the products of the handloom industry up to one-third of its requirements.

Shri Sidhva: Out of nearly Rs. 3½ crores worth of textiles purchased by Government for its own purposes, how much was Indian-made and how much was foreign?

Shri Gadgil: I require notice of that.

Shri R. Velayudhan Was any purchase of *khadi* made for Government requirements?

Shri Gadgil: I do not know. I really require notice for that.

Dr. Deshmukh: When was this policy laid down? If it was laid down some time back, how is it that only Rs. 8 lakhs worth of orders were placed for the handloom goods?

Shri Gadgil: The policy to purchase one-third of Government requirements from the handloom industry was decided on the 15th of October 1949. The States were requested to send samples of handloom cloth produced in their areas and accordingly samples were received from Madras, Bihar and from Madhya Pradesh. Out of the samples received from Madras, there was a fair number of acceptable things. The samples received from Bihar were put to test and certain defects were noticed in them. The only sample of an item regularly purchased by the Government of India which was received from Ajmer-Merwara, was not found to be suitable. So far as Madhya Pradesh samples were concerned, out of the five items received, three were considered suitable and two were rejected.

Dr. Deshmukh: To what extent has the assistance of the Central Board of Cottage Industries been taken in this matter to secure the required cloth?

Shri Gadgil: I cannot answer that question off-hand.

Shri Lakshmanan: Were samples called for from all State Governments?

Shri Gadgil: Samples were called for from all the States, but they were received from only a few, whose names I have mentioned just now.

Shri R. K. Chaudhuri: May I know, if there is any truth in the report that a large quantity of pure *khadi* has been ordered for making uniforms for the menial staff of the Government of India?

Shri Gadgil: I require notice of that question.

PRODUCTION OF ALCOHOL

*1598. **Shri Sivan Pillay:** Will the Minister of Industry and Supply be pleased to state:

- (a) the total quantity of plain alcohol produced in the country;
- (b) the quantity of the same used as power alcohol mixed with petrol;
- (c) the quantity consumed as liquor; and
- (d) the quantity used for methylated spirit and other pharmaceutical purposes?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Total production in 1949 was 97,25,778 bulk gallons.

(b) 28,29,703 bulk gallons.

(c) 25,07,777 bulk gallons.

(d) 29,88,842 bulk gallons.

Shri Sivan Pillay: In view of the fact that prohibition has been introduced in many of the States, do Government have a scheme for the increased production of alcohol?

Shri Gadgil: That will be one of the consequences—that is obvious.

Dr. Deshmukh: May I know whether an estimate has been prepared of the breweries which will go out of action as a result of prohibition, and whether power alcohol will be manufactured in them?

Mr. Speaker: I think this question was put by the very Member a few days ago.

Dr. Deshmukh: But there was an unsatisfactory answer then.

Mr. Speaker: May be.

Sardar B. S. Man: Have Government taken into consideration the production of alcohol in villages as a cottage industry?

Shri Gadgil: It is too difficult for any Government to take notice of such an industry if it is so widespread and if it takes place in every cottage.

Shri Sivan Pillay: May I know the percentage of power alcohol and petrol in the mixture supplied as automobile fuel?

Mr. Speaker: I think that was also answered.

Shri Syamnanadan Sahaya: In view of the introduction of prohibition in certain States, are Government aware that this industry, on a cottage industry basis, is likely to grow apace?

Mr. Speaker: It is only a suggestion.

SALT MANUFACTURE IN TRAVANCORE-COCHIN

*1599. **Shri Sivan Pillay:** Will the Minister of Industry and Supply be pleased to state:

(a) the quantity of salt manufactured in Travancore-Cochin in the years 1948 and 1949 separately;

(b) the internal requirements of salt for Travancore-Cochin per year;

(c) how the excess of salt, if any, was disposed of;

(d) whether there is any scope for further extension of production of salt there; and

(e) whether there is any proposal for nationalising the salt production in the State either by the Government of India directly or through the agency of the State Government?

The Minister of Works, Mines and Power (Shri Gadgil): (a) 16.7 lakh maunds in 1948 and 18 lakh maunds in 1949.

(b) About 22 lakh maunds.

(c) There was no excess in recent years.

(d) Yes.

(e) Travancore-Cochin Government had a proposal to this effect; but this has now been abandoned.

Shri Sivan Pillay: What is the amount of income representing recovery of expenditure incurred, in connection with the arrangements for the sale of salt by the State Government in 1948-49?

Shri Gadgil: I require notice for that.

MANUFACTURE OF WATCHES AND CLOCKS

*1600. **Shri Sanjivayya:** (a) Will the Minister of **Industry and Supply** be pleased to state whether there is any firm in India which manufactures watches, clocks and time-pieces?

(b) If not, is there any firm which assembles the parts of these commodities imported from other countries?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Yes, so far as clocks are concerned.

(b) Government have no information. .

Shri Rathnaswamy: May I know whether any foreign firm has offered to start a factory in India and, if so, on what terms?

Shri Gadgil: No, Sir.

Shri Syamnandan Sahaya: Will the Government be pleased to state, in answer to part (a), the names of the firms which are manufacturing watches and clocks in India, and whether there is any firm in Delhi manufacturing these articles?

Shri Gadgil: Does the hon. Member want to know the names of Indian firms manufacturing clocks?

Shri Syamnandan Sahaya: Yes, Sir.

Shri Gadgil: They are: The Swadesh Electric Clock Manufacturing Co., Bombay, and the Great Eastern Industrial Corporation, Ltd., Banaras. These are the two principal companies.

Shri Dwivedi: Are any of the products of these Companies available to the public?

Mr. Speaker: Order, order. When they are manufacturing it, it is obvious.

Shri Raj Bahadur: Is there any proposal before the Government to develop this watch-making industry on the lines it exists in Switzerland?

Shri Gadgil: There is no such proposal before the Government.

PAKISTAN RAIDS IN ASSAM AND WEST-BENGAL

*1601. **Shri B. K. Pani:** Will the **Prime Minister** be pleased to state:

(a) the total number of raids by Pakistanis and Pakistani Ansars in the border areas of Assam and West Bengal since February 1950 to 3rd week of March 1950;

(b) whether it is a fact that such raids are very frequent in the district of Nadia in West Bengal and Tripura in Assam; and

(c) what was the total loss as casualties in these raids?

The Minister of Transport and Railways (Shri Gopaldaswami): Information is still awaited from the West Bengal and Assam Governments while that from Tripura is incomplete. Full information when received will be laid on the Table of the House.

Shri B. K. Das rose—

Mr. Speaker: The information is being collected. What are the questions to be asked now?

Shri B. K. Das: I want to know what is the instruction to our border guards that have been placed there to meet such raids?

Shri Gopaldaswami: Resist all raids.

Shri Kamath: Have they instructions to pursue the raiders into Pakistan territory?

Shri Gopaldaswami: That would be committing the same offence that the other people are committing.

Shri Kamath: How do Government propose to.....

Mr. Speaker: Order, order. No more questions now.

PAYMENT OF ANNUAL BONUS TO INDUSTRIAL EMPLOYEES

*1602. **Shri D. S. Seth:** Will the Minister of Labour be pleased to state:

(a) whether it was brought to the notice of Government that the Mahabir Cotton Mills, Delhi, paid the annual bonus to industrial employees in the form of cloth-coupons?

(b) whether it is a fact that the recommendation of the Chief Inspector of Factories to take the matter to the Court was rejected by the Delhi Administration; and

(c) if the answers to parts (a) and (b) above be in the affirmative, what steps do Government propose to take in the matter?

The Minister of Labour (Shri Jagjivan Ram): (a) No. A complaint was, however, received to the effect that the Delhi Cloth Mills were paying annual bonus to their workers in the form of cloth coupons.

(b) It has been ascertained that no such recommendation was made by the Chief Inspector of Factories.

(c) Does not arise.

RUNNING OF MAHABIR COTTON MILLS, DELHI

*1603. **Shri D. S. Seth:** Will the Minister of Industry and Supply be pleased to state whether it is a fact that an offer was made by the employees of the Mahabir Cotton Mills, Delhi to Government to run the mill on any wages whatsoever if the concern, which has been closed since last two years, were taken over by Government and if so, with what result?

The Minister of Works, Mines and Power (Shri Gadgil): A labour organisation of Delhi suggested that the mill should be taken over by Government. There was, however, no offer from labour that they would be prepared to work on wages lower than the regular wages. The offer was not accepted because the prosecution against the management of the mill was pending in court and also because the factory was not considered very economical. The present position is that another company has taken a lease of the mill and is taking steps for re-opening a part of it.

Shri Hossain Imam: What help is Government giving to the new company? Is it giving any help?

Shri Gadgil: No help is being given.

INDUSTRIAL TRIBUNAL AWARD *re* MAHABIR COTTON MILLS

***1604. Sardar Hukam Singh:** Will the Minister of Labour be pleased to state:

(a) whether it is a fact that the Mahabir Cotton Mills of Delhi is closed for the last two years and that the Delhi Administration has done nothing to see that the award given by the Industrial Tribunal appointed to adjudicate in the dispute is implemented;

(b) if the answer to part (a) above be in the affirmative why has the Delhi Administration failed to intervene in the matter; and

(c) what action do Government propose to take in the matter for the enforcement of the award?

The Minister of Labour (Shri Jagjivan Ram): (a) to (c). The Management of the Mahabir Cotton Spinning and Weaving Mills Ltd., Delhi, which was working it on lease failed to lift the lock-out in contravention of Government Orders prohibiting the continuance of a lock-out in the Mills. The Delhi Administration successfully prosecuted the Management for its failure to lift the lock-out. The employer and the Manager of the Mills were each fined Rs. 500 for this default.

The Award of the Industrial Tribunal, Delhi, which was given in May, 1949, was enforced by the Local Administration for a period of one year with effect from 26th July, 1949. After the enforcement of the Award, the Mill has been leased out to Messrs. Om Cotton Mills Limited. The new lessee is taking steps to restart the Mill and it is hoped that the terms of the Award will be implemented by the new Management.

Sardar Hukam Singh: Sir, sometimes we have to deny to ourselves the answers because they are not audible.

Mr. Speaker: Which part did he not follow?

Sardar Hukam Singh: I have tried to follow it. I only want to know this. Now that the Mill has been leased out, when is it expected that it will be started?

Shri Jagjivan Ram: It is expected that it will re-start very soon.

Shri Hossain Imam: May I know for how long the Mill was closed?

Shri Jagjivan Ram: I think it was for nine or ten months.

Shri Hossain Imam: May I know whether the award of the Tribunal will be effective against the new management as well?

Shri Jagjivan Ram: Yes.

INDUSTRIAL TRIBUNAL FOR DELHI

***1605. Sardar Hukam Singh:** Will the Minister of Labour be pleased to state.

(a) whether it is a fact that Government sanctioned a full-time Industrial Tribunal for Delhi in response to a demand by the workers of various industries in Delhi; and

(b) if so, why no such Tribunal has so far been appointed?

The Minister of Labour (Shri Jagjivan Ram): (a) and (b). A part-time Industrial Tribunal has been set up for Delhi as the volume of work does not justify the establishment of a whole time Tribunal. The question of strengthening the existing adjudication machinery is however under the consideration of Government.

SAFETY ARRANGEMENTS IN COAL MINES IN MADHYA PRADESH

***1606. Shri B. P. Singh:** (a) Will the Minister of Labour be pleased to state what action has been taken by Government to improve the working conditions of labour employed inside the coal mines in Madhya Pradesh?

(b) Are the labourers supplied with safety lamps for working inside deep mines?

(c) Are such deep mines provided with arrangements for the supply of fresh air?

(d) Have such mines been provided with pumps for pumping out the water from the mines and other safety measures to ensure the safety of coal miners?

The Minister of Labour (Shri Jagjivan Ram): (a) The Indian Mines Act, 1923 and the Mines Maternity Benefit Act, 1941 which deal with the working conditions of labour employed in mines are being enforced in the coalmines of Madhya Pradesh. The Inspecting staff under the Chief Inspector of Mines and the Coal Mines Welfare Commissioner make periodical inspections of the mines to ensure that the provisions of the Act are complied with.

(b) The workers in coalmines in Madhya Pradesh are not supplied with safety lamps as there are no deep mines in this area and there is also no inflammable gas in these mines.

(c) All the mines, whether large or small, are properly ventilated.

(d) Yes.

Shri B. P. Singh: Has there been any accident on account of fire in the coal mines in Madhya Pradesh?

Shri Jagjivan Ram: I have no information, but I think there has been no accident due to fire.

Shri Kamath: During the last twelve months how many strikes have there been in the Madhya Pradesh coal mines for better working conditions?

Shri Jagjivan Ram: May I know, Sir, whether it is relevant to this question?

Mr. Speaker: It might be brought in with reference to part (a)—“improvement of working conditions”, and therefore, dissatisfaction for want of improvement.

Shri Jagjivan Ram: I think there has been no strike on account of conditions of work. But there have been strikes for increment of wages and dearness allowance

EXPORT OF CASHEW-NUT

***1607. Shri Alexande:** (a) Will the Minister of Commerce be pleased to state the amount of Dollars earned by India in cashew-nut exports in the year just preceding devaluation of sterling?

(b) Was there a fall in cashew-nut prices in America since devaluation and, if so, to what extent?

(c) What approximately is the loss in Dollar earnings on this export after devaluation compared with the figures before devaluation?

(d) Do Government propose to levy any export duty on this Commodity?

The Minister of Works, Mines and Power (Shri Gadgil): (a) The total value of exports of Cashew kernel to dollar countries during the year preceding devaluation i. e., October 1948 to September 1949, aggregated to Rs. 440 lakhs which at the pre-devaluation exchange rate of Rs. 3.32 per dollar, approximate to 133 million dollars.

(b) Yes, Sir. A statement is laid on the Table showing the monthly prices of Cashew nuts in U.S.A. during the second half of 1949. [See Appendix VII, *annexure No. II.*]

(c) The average monthly loss in dollar earnings from export of Cashew kernels during the 5 months (October 1949 to February 1950) after devaluation is roughly 0.16 million as compared with the average monthly exports during the 12 months ending September 1949.

(d) There is no such proposal under consideration at present.

Shri Alexander: Considering the fact that it is a monopoly export, will it not make up the dollar deficit if a small export duty is imposed?

Mr. Speaker: It is not a question asking for information, but perhaps it is a suggestion for action. Has he to put any question asking for information?

Shri Alexander: Is it a fact that there is under-quoting of prices on account of competition?

Shri Gadgil: I cannot say.

Shri Kamath: What percentage of our *kaju* exports falls in the sterling area and how much in the dollar area?

Shri Gadgil: I will give the figures and leave it to the hon. Member to work out the percentage. In 1948-49 the exports to dollar countries, namely, U.S.A. and Canada were 16,740,000 tons and the total exports were 18,288,000 tons.

Shri Hossain Imam: Has there been any increase in exports to sterling areas during the five months of the post-devaluation period?

Shri Gadgil: No.

Shrimati Renuka Ray: Has any export duty been put to cover the loss?

Shri Gadgil: No. I have already answered that question.

Mr. Speaker: That suggestion was made already.

Shri Barman: May I know whether the control on the import of cashew-nuts into India still exists or has it been withdrawn?

Shri Gadgil: So far as import is concerned there is no ban and it is under Open General Licence from soft currency countries.

Shri Barman: May I know whether Government have taken any steps to improve the quality of export of nuts from this country to America after the objections made by the American importers of nuts as regards the quality?

Mr. Speaker: I believe this was also raised and replied to in this House.

Shri Goenka: May I know if it is the policy of the Government of India not to take any advantage occurring out of devaluation in regard to our export commodities?

Shri Gadgil: That is not the policy. The policy is to take every advantage.

Shri B. K. Chaudhuri: Is it a fact that consumption of this nut has a rejuvenating effect, and if so why has such a large export been allowed?

Shri Gadgil: I will be guided by the experience of the hon. Member. Perhaps foreign need is greater.

DISPLACED PERSONS IN BELA ROAD COLONIES

***1608. Shri D. S. Seth:** Will the Minister of Rehabilitation be pleased to state:

(a) the total number of displaced persons having shelter in the Bela Road Colonies;

(b) the number of water taps provided in each place; and

(c) whether Government propose to increase the number of hydrants in the area?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): (a) 1,600.

(b) There are 4 hydrants which run for 24 hours and 6 which run during the scheduled hours. There is also a water reservoir.

(c) No.

Shri Deshbandhu Gupta: May I know whether it is a fact that a large number of these houses were burnt the other day, and if so what relief has been provided by the Government?

Shri Mohan Lal Saksena: No. The fire took place in some other quarters, not in the Bela Road quarters.

Shri B. K. Das: May I know whether this is under the direct supervision of the Rehabilitation Ministry or the Delhi Municipal authorities?

Shri Mohan Lal Saksena: It is under the supervision of the Chief Commissioner.

PROTECTION TO MACHINE TOOL INDUSTRY

***1609. Shri Deshbandhu Gupta:** (a) Will the Minister of Industry and Supply be pleased to state whether it is a fact that the Tariff Board had recommended certain protection to be given to Machine Tool industry about two years back and if so, what action has been taken on the same?

(b) How many Machine Tool manufacturing concerns were working in India during the war years, and how many of them have closed down since then?

(c) What are the reasons for the same?

The Minister of Works, Mines and Power (Shri Gadgil): (a) I would refer the hon. Member to the reply given by me to parts (c) and (d) of Starred Question No. 59 on the 2nd February 1949.

(b) and (c). 215 in the undivided India. About 100 of these ceased to manufacture machine tools and diverted to other lines of manufacture

which they considered to be more lucrative. 76 of such firms were in areas now in Pakistan.

Shri Deshbandhu Gupta: May I know whether it is a fact that in Secunderabad there was one of the biggest factories in India and that it is closing for want of protection?

Shri Gadgil: It may be possible. I have no information just now.

PROTECTION TO ELECTRICAL MOTOR INDUSTRY

***1610. Shri Deshbandhu Gupta:** Will the Minister of Commerce be pleased to state:

(a) the amount of protection recommended by the Tariff Board for Electrical Motor Industry; and

(b) whether Government have taken any decision on the same and if not, why not?

The Minister of Works, Mines and Power (Shri Gadgil): (a) The Indian Tariff Board has recommended a protective duty of 15 per cent. *ad valorem*.

(b) Decision has been taken and is contained in the Government of India, Ministry of Commerce Resolution No. 11(2)T.B./49, dated the 4th February, 1950, published in the *Gazette of India* of the same date.

Shri Deshbandhu Gupta: What is the percentage of protection that Government has agreed to?

Shri Gadgil: That is contained in the Gazette, copy of which is available in the Library.

Shri Hossain Imam: Is any Bill being brought forward for this purpose?

Shri Gadgil: There is no necessity to bring any Bill because the present rate was maintained and no addition was accepted.

Shri Deshbandhu Gupta: When was this decision taken? How long did Government take to arrive at a decision in this matter?

Mr. Speaker: He has given the date. The notification was issued sometime in February.

Shri Deshbandhu Gupta: My point was when was the recommendation made by the Tariff Board and how long did Government take to decide on the recommendation of the Tariff Board.

Shri Gadgil: I cannot say. But normally the decision is taken within six weeks from the receipt of the Tariff Board's Report.

Shri Sidhva: The hon. Minister stated that the rate of duty being the same no Bill was necessary. May I know whether the period was extended and in that event was not a Bill necessary to be presented to the House?

Mr. Speaker: That would be a matter for opinion.

Shri Sidhva: May I know whether the period was extended?

Shri Gadgil: My friend should know that it was a revenue duty.

WRITTEN ANSWERS TO QUESTIONS

ARRANGEMENTS FOR HAJ PILGRIMS

*1587. **Dr. M. M. Das:** Will the **Prime Minister** be pleased to state:

(a) the arrangements made by the Government of India for the Haj pilgrims;

(b) the average number of yearly pilgrims to Haj;

(c) whether Government have set up any organisation to look after the welfare of these pilgrims; and

(d) if so, the expenditure incurred by Government for such organisation?

The Deputy Minister of External Affairs (Dr. Keskar): (a) Adequate arrangements are made with regard to travel, food supplies and medical attention.

(b) Approximately 14,450.

(c) The Central Haj Committee at Delhi; the Port Haj Committee, Bombay; the Special Haj Committee, Calcutta; the State Haj Committees, Lucknow and Calicut; the Divisional Haj Committee, Dhubri; and District Haj Committees have been set up to look after the welfare of pilgrims. The Indian Consulate, Jedda, is also engaged in assisting pilgrims.

(d) About Rs. 66,000 including expenses on administration, inoculation and vaccination, repatriation of destitute pilgrims, and grants to State Haj Committees.

LABOUR WELFARE CENTRES AND AGRICULTURAL LABOUR UNIONS

*1595. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Labour be pleased to state how many Labour Welfare Centres are working in India at present?

(b) How many Agricultural Labour Unions are there in each State?

The Minister of Labour (Shri Jagjivan Ram): (a) Information available with the Government shows that there are 144 Welfare Centres in all States including Part 'B' States.

(b) The number of agricultural labour unions is reported to be seven in Bihar, four in Madras, six in Uttar Pradesh and one in West Bengal.

PRODUCTION COST OF MILL CLOTH AND HANDLOOM CLOTH

*1596. **Pandit Munishwar Datt Upadhyay:** Will the Minister of Industry and Supply be pleased to state how handloom cloth compares with mill cloth in respect of the cost of production?

The Minister of Works, Mines and Power (Shri Gadgil): A comparative statement showing wholesale prices of certain representative types produced by handlooms and ex-mill prices of corresponding mill cloth is placed on the Table of the House. [See Appendix VII, annexure No. 12.]

IMPORT OF AUTOMOBILES

*1611. **Shri M. V. Rama Rao**: Will the Minister of **Commerce** be pleased to state:

(a) the monetary ceilings available during the financial years 1949-50 and 1950-51 for the import of automobiles; and

(b) the monetary ceilings available during the same years for the import of Cars?

The Minister of Works, Mines and Power (Shri Gadgil): (a) and (b). The monetary allocations for licensing are made for six monthly periods and not on the basis of financial year. During the first two months of 1949-50, imports of Motor Cars, Motor Cycles and parts thereof from soft currency countries were covered by O.G.L. No. XI. Licences for imports of trucks, chassis etc., from soft currency countries were also being granted liberally. The restrictions were only in respect of imports of cars and trucks from dollar area. Figures of imports during the complete financial year 1949-50 are not yet available. As regards imports during the calendar year 1949 the attention of the hon. Member is invited to the statement placed on the Table of the House in connection with Question No. 818 by Pandit M. B. Bhargava.

During the first half of 1950 it is estimated that about 4,000 cars, 5,000 buses and chassis and 2,000 cycles will be imported. No information can be furnished for the latter half of 1950 as the policy for that six monthly period is yet to be formulated.

IMPORT OF MOTOR CARS AND TRUCKS

*1612. **Shri M. V. Rama Rao**: Will the Minister of **Commerce** be pleased to state:

(a) the number of Cars imported during the financial year 1949-50;

(b) the value of the same; and

(c) the number and value of trucks imported during the financial year 1949-50?

The Minister of Works, Mines and Power (Shri Gadgil): (a) to (c). The hon. Member's attention is invited to the reply furnished to part (b) of his earlier Question No. 1611.

INVESTMENTS BY INSURANCE COMPANIES IN NATIONAL SAVINGS CERTIFICATES

*1613. **Shri Deogirikar**: Will the Minister of **Commerce** be pleased to state:

(a) whether it is a fact that the Co-operative Insurance Companies are allowed to invest their funds upto one lakh of rupees in National Savings Certificates;

(b) whether this facility is denied to the Mutual Insurance Companies; and

(c) if so, what are the reasons therefor?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Yes, Sir.

(b) No, Sir. Mutual companies are not denied this facility, only in their case the maximum amount of investment is restricted to Rs. 60,000.

(c) Co-operative Insurance societies are generally speaking comparatively small institutions run on a non-profit basis. They are also subject to close

control in the matter of investments by the Registrar of Co-operative societies. It is therefore justifiable to facilitate investment by these Societies, in these certificates which would give them a better yield.

MUTUAL AND CAPITAL LIFE INSURANCE COMPANIES

*1614. **Shri Deogirikar:** (a) Will the Minister of Commerce be pleased to state how many Mutual and Capital Life Insurance Companies were started since the commencement of the Insurance Act, 1938?

(b) How many new Companies have shown surplus and declared bonus?

(c) What are their names?

(d) How many of those companies were amalgamated or went into liquidation?

(e) What steps other than liquidation were taken by Government to safeguard the interests of policy-holders?

(f) Did Government previously inspect the offices of those Companies against whom actions were taken?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Since the commencement of the Insurance Act, 1938 (1st July 1939), fifteen mutual and twenty-five proprietary Life Insurance Companies were started.

(b) and (c). As will be seen from the statements in the Insurance year book Central Mutual Life Insurance Company, Limited, Bombay and Devkaran Nanjee Insurance Company, Limited, Bombay have shown surplus and have declared bonus.

(d) None.

(e) No special steps to safeguard policyholders' interests other than the normal supervision envisaged in the Act were found necessary in the case of these companies.

(f) Does not arise.

CIRCULAR FROM PLANNING COMMISSION SECRETARIAT

*1615. **Shri Tyagi:** (a) Will the Prime Minister be pleased to state whether it is a fact that a circular has been issued recently by the Secretariat of the Planning Commission enumerating the various offices and posts desired to be filled up at once?

(b) What is the number of the proposed posts and what is the scale of pay fixed for them?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Copies of circular letters on the subject of staff required for the Planning Commission issued to the various Ministries have been placed on the Table of the House. [Copy placed in the Library. See No. P-79/50.]

They contain all the information required by the hon. Member. It should be noted that while the staff required for the full organisation is laid down, it is not proposed to engage any staff till it is required.

IMPORT OF MOTOR VEHICLES

*1616. **Col. B. H. Zaidi:** (a) Will the Minister of **Commerce** be pleased to state the total amount allocated for the import of motor vehicles in 1949-50?

(b) Were the sale figures for various makes of vehicles in the preceding three years taken into account in determining the question of the import licences and if not, why not?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Attention is invited to the reply given by me to the Question No. 1611 by Shri M. V. Rama Rao,

(b) No licences are granted for import of cars and trucks in completely knocked down condition only and in granting licences the assembling capacity of each workshop, the available foreign exchange and other relevant factors are taken into account.

IMPORT OF SPARE PARTS FOR AUTOMOBILES AND TRACTORS

*1617. **Col. B. H. Zaidi:** (a) Will the Minister of **Commerce** be pleased to state whether Government are aware that an acute shortage of spare parts for tractors and motor vehicles exists in the country?

(b) To what extent is this shortage due to non-issue of import licences for spare parts for the last half-yearly period?

(c) Will Government consider the advisability of ear-marking a certain percentage of the value of import licences for the import of spare parts for the respective makes of tractors and motor vehicles?

The Minister of Works, Mines and Power (Shri Gadgil): (a) It was recently brought to the notice of the Government that there are not adequate stocks of spare parts of tractors in the country. No such complaint has so far been received in regard to motor vehicles.

(b) During July/December 1949 licensing period, imports of motor vehicle parts from soft currency countries were covered by O.G.L. for shipment upto 15th September, 1949. Thereafter licences were granted against commitments made under O.G.L. and also on the basis of a quota of past imports. With regard to tractors, licences have been issued for imports from United Kingdom, Czechoslovakia and other soft currency countries as also from the dollar area. It is true that the quota licences for July-December 1949 were not issued until the 3rd week of March, 1950.

(c) So far as tractors are concerned, importers are required to import spare parts to the extent of certain percentage of the value of tractors. Similarly, licences are granted to importers and assembly workshops for import of motor vehicles spare parts. The licensing in respect of import of motor vehicle parts and tractors has been liberalised and it is hoped that adequate stocks will be maintained. In granting licences for motor vehicle parts, the number of motor vehicles of each make on the road is taken into account.

MANUFACTURE OF AUTOMOBILE COMPONENTS

*1618. **Shri M. V. Rama Rao:** Will the Minister of **Industry and Supply** be pleased to state:

(a) the names of the factories which are equipped to produce automobile components in India;

(b) the capital invested on each of them;

(c) the names of the parts and components which each of these factories is equipped to produce;

(d) the quantity or output of every such component expected from each factory; and

(e) the probable time by which each such component is expected to be produced?

The Minister of Works, Mines and Power (Shri Gadgil): (a) to (c). A statement is laid on the Table of the House. [See *Appendix VII, annexure No. 13.*]

(d) and (e). This information will be collected by the Expert Committee which is being appointed in accordance with the undertaking given to the House by my colleague, the Finance Minister, and myself in connection with the revision of Import Tariff as applicable to automobile components.

FILMS FOR FOREIGN MARKETS

*1619. **Shri Rathnaswamy:** Will the **Prime Minister** be pleased to state whether Government have any plan to advise Film Producers to produce such films as would have a good demand in foreign markets?

The Deputy Minister of External Affairs (Dr. Keskar): Government have appointed a Film Enquiry Committee which, among other things, is examining this question. On receipt of the recommendations of this Committee, the steps to be taken to develop an export market for Indian films will be further considered.

MANUFACTURE OF RADIO EQUIPMENT

*1620. **Shri Rathnaswamy:** (a) Will the Minister of **Industry and Supply** be pleased to state whether it is a fact that certain foreign firms have submitted plans to establish plants to manufacture Radio Equipment in India?

(b) If so, what are the terms on which they have agreed to do so?

(c) What are the countries which have come forward to start this enterprise?

The Minister of Works, Mines and Power (Shri Gadgil): (a) and (c). Messrs. Marconi's Wireless Telegraph Co. (United Kingdom) and Messrs. Compagnie Generale De Telegraphie Sans Fil, Paris, have, at our request submitted project reports for the establishment of a factory for the manufacture of radio equipment and radar (excluding domestic broadcasting receivers).

(b) A fee of Rs. 1,20,000 and 7,500 pounds is payable to the French and English firms respectively for the preparation of these reports.

FACILITIES PROVIDED FOR GUARDING STAFF BY SALT FACTORY OWNERS

*1621. **Shri Jagannath Mishra:** Will the Minister of **Industry and Supply** be pleased to state whether it is a fact that in addition to the payment of cess in respect of establishment charges on salt the factory owners have to construct quarters for the guarding staff, to meet the cost of their annual repair, to supply drinking water and to give medical aid to the staff?

The Minister of Works, Mines and Power (Shri Gadgil): The licensees of salt factories are required to construct quarters for the staff and keep them in good repair. Where conditions of water supply are difficult, a special cess is also insisted upon. Medical aid to the staff is generally provided by Government.

POSSIBILITIES OF SALT MANUFACTURE IN ORISSA

***1622. Shri Jagannath Mishra:** Will the Minister of **Industry and Supply** be pleased to state:

(a) whether it is a fact that Government sent one Rai Bahadur Siva Charan Das in the year 1947 to Orissa to report on the possibilities of salt manufacture in Orissa;

(b) whether it is a fact that in his report, he gave a calculation of income and expenditure on account of salt manufactured on an acre of land; and

(c) if so, what is the amount of such income and expenditure and profit?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Yes.

(b) He has given a breakup of the ex-factory price for 600 maunds (taking the average yield as 600 maunds per acre) for the Ganjam factory.

(c) A statement is laid on the Table of the House. [See *Appendix VII, annexure No. 14.*]

CENTRAL EXCISE AND SALT (AMENDMENT) BILL

***1623. Shri Jagannath Mishra:** (a) Will the Minister of **Industry and Supply** be pleased to state whether it is a fact that in April 1947, Government moved a motion in the then Legislative Assembly to refer The Central Excise and Salt (Amendment) Bill to a Select Committee?

(b) Has the Bill been dropped altogether without being pursued to other stages and if so, why?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Yes.

(b) The Bill was not pursued as the administration of salt was transferred from the Ministry of Finance to Ministry of Industry and Supply and it was decided that a self-contained Salt Bill should be introduced in due course.

ARMY PRESS, CIVIL LINES, DELHI

***1624. Prof. Yashwant Rai:** (a) Will the Minister of **Rehabilitation** be pleased to state since when the Army Press, Civil Lines, Delhi, which is an evacuee property, is closed?

(b) Are Government aware that hundreds of displaced workers employed in the Press, have been thrown out of employment owing to its closure?

(c) What are the reasons for closing this Press?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): (a) and (b). The Army Press was never closed down since the Custodian took it over; and it is incorrect to say that hundreds of persons have been thrown out of employment. The number of persons at the time of taking over was sixty; and a skeleton staff has been working all along.

(c) Does not arise.

INVITATION OF TENDERS FOR ARMY PRESS, CIVIL LINES, DELHI

***1625. Prof. Yashwant Rai:** (a) Will the Minister of **Rehabilitation** be pleased to state whether it is a fact that the Government invited tenders from Co-operative Societies, individuals and combines of displaced persons to quote their maximum annual rental for the Army Press, Civil Lines, Delhi after consulting the inventory?

(b) Do Government propose to place on the Table of the House the list of tenderers?

(c) Were these persons asked to see the present condition of the Press plant before submitting their tenders?

(d) Is it a fact the Minister of Rehabilitation had given an assurance to the Army Press Workers' Union that the Press would not be given to capitalist concerns and if so, why were the tenders invited?

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

(b) It is not the practice to lay down tenders on the Table; but if the House desires, the same shall be done.

(c) Yes.

(d) No. The second part of the question does not arise.

SCHEME re RUNNING OF ARMY PRESS, CIVIL LINES, DELHI

***1626. Prof. Yashwant Bai:** (a) Will the Minister of Rehabilitation be pleased to state whether it is a fact that a deputation of the Press Workers' Co-operative Printing and Publishing Society, Delhi Ltd. waited upon him with their detailed scheme regarding their rehabilitation and also the smooth running of the Army Press, Civil Lines, Delhi?

(b) If so, what consideration did Government give to their scheme?

(c) What is the reason for the delay in allotting?

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

(b) Their case was considered along with others.

(c) The Custodian General of Evacuee Property had to call for tenders and then scrutinise them carefully and decide about the final selection. The highest bidder has since been selected and lease agreement is being drafted.

PROPERTIES LEFT BY INDIANS IN BURMA

***1627. Shri Dwivedi:** Will the Prime Minister be pleased to state:

(a) whether Government have kept any up-to-date detailed list of all the landed property left by Indians domiciled in Burma during the years 1941 and 1942 in Burma;

(b) if the answer to part (a) above be in the affirmative, whether Government will give the details of the same;

(c) whether the attention of Government has been drawn to the fact that many children of these Indians are living in India as orphans, and that there is no clue of their parents or any other relative while they have left landed property in Burma; and

(d) if the answer to part (c) above be in the affirmative, what steps did Government take or are going to take to restore that property to those orphans?

The Deputy Minister of External Affairs (Dr. Karkar): (a) No.

(b) The question does not arise.

(c) Yes.

(d) Government are in correspondence with the Government of the Union of Burma who have promised to supply lists of immovable properties in Burma belonging to orphans resident in India. On receipt of these lists, the Indian Ambassador in Rangoon proposes to take up the question of taking out letters of administration and of safeguarding these properties.

WAGES OF WORKERS IN SHIP-BUILDING INDUSTRY

*1628. **Shri Gopinath Singh:** Will the Minister of **Industry and Supply** be pleased to state:

(a) whether it is a fact that the wages of the workers employed in the ship-building industry have been reduced of late; and

(b) whether this reduction applies only to junior staff or to all grades of employees including the officers of the Government attached to the industry?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Presumably the Hon'ble Member is referring to the workers at the Vizagapatam shipyard. If so, basic wages were not reduced, but there was reduction in dearness allowance.

(b) To all grades of employees.

WORKERS IN TEA-GARDENS IN UTTAR PRADESH

*1630. **Shri Balmiki:** Will the Minister of **Labour** be pleased to state the number of workers working in tea-gardens in Dehra Dun District in Uttar Pradesh?

The Minister of Labour (Shri Jagjivan Ram): Approximately 3,600.

EXPORTS TO NEPAL

*1631. **Lala Achint Ram:** Will the Minister of **Commerce** be pleased to state the total value of various articles exported to Nepal in 1947-48, 1948-49 and 1949-50 from India?

The Minister of Works, Mines and Power (Shri Gadgil): Statistics of value of the various articles exported to Nepal are not available. Figures of the quantities exported are, however, available and a statement showing the exports of certain selected commodities is placed on the Table of the House. [See *Appendix VII, annexure No. 15.*]

MAINTENANCE ALLOWANCE TO DISPLACED PERSONS

*1632. **Lala Achint Ram:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the reasons for the delay in disposing of applications for maintenance allowance to deserving displaced persons;

(b) the maximum period taken for the disposal of one application; and

(c) the steps taken so far to expand the machinery of scrutiny and payment to secure speedy disposal?

The Minister of State for Rehabilitation (Shri Mohan Lal Saxena): (a) to (c). All possible steps have been taken to expedite payments of maintenance allowance. A number of Sub-Committees has been formed and they are meeting from day to day; and I am satisfied that there has been no avoidable delay.

PLANNING COMMISSION SECRETARIAT

*1633. **Shri Kamath:** Will the **Prime Minister** be pleased to state.

(a) whether Government have decided upon the organisation and set up of the Planning Commission Secretariat and ancillary Sections, if any, at the Centre and in the States;

(b) if so, the details of that organization and set up; and

(c) whether any deadline has been fixed for the report of the Planning Commission?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). The Planning Commission propose to set up an organization consisting of two Secretariat Branches dealing with Administration and Co-ordination, and six Divisions. The Divisions will deal with (1) Resources and Economic Survey, (2) Finance, (3) Industry Trade and Transport, (4) Food and Agriculture, (5) Development of Natural Resources, and (6) Employment and Social Services.

At the request of the Planning Commission, most of the States have set up inter-departmental Committees of Secretaries of Planning. In each State one of the Secretaries has been appointed as Secretary for Planning and *ex-officio* Chairman of the Committee. The inter-departmental Committee is, as a rule, under the Chief Minister.

While the organization of the Planning Commission Secretariat has been laid down, it is not proposed to engage any staff except when it is immediately needed.

(c) The Planning Commission is supposed to be a continuing body. It will not only prepare a general plan but will also report from time to time in regard to various parts of the plan or the preliminary steps to be taken. It will also maintain a continuing review of the work done in connection with planning and report on it from time to time.

TRADE IN JUTE GOODS

*1634. **Giani G. S. Musafir:** Will the Minister of **Industry and Supply** be pleased to state:

(a) whether it is a fact that almost all Government requirements in jute manufactures are met through the State Agencies;

(b) whether it is a fact that the trade in jute manufactures in Bengal is not controlled by Government; and

(c) if so, what is the policy of Government in this matter?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Yes.

(b) Yes; only the exports of Jute Goods and their prices are controlled by the Government of India.

(c) Control and regulation of jute manufactures are State subjects.

BLACKLISTING OF FIRMS

*1635. **Shri Kamath:** Will the Minister of **Commerce** be pleased to state:

(a) whether any import firms in Bombay were blacklisted by Government for irregular practices;

(b) whether, after having been so blacklisted, any firm has been granted an import licence; and

(c) if so, the reasons therefor?

The Minister of Works, Mines and Power (Shri Gadgil): (a) to (c). A number of firms in Bombay were debarred from getting import licences for irregular practices. But these firms were nevertheless entitled to get licences under O.G.L. concession scheme where orders had been placed and accepted before the cancellation of the O.G.L. No. XI or No. XV as the case may be. It is not possible to give a more definite reply to parts (b) and (c) of the question unless the name of the firm, the article for which licences were granted and other particulars are furnished.

APPOINTMENTS IN MINISTRY OF INDUSTRY AND SUPPLY

174. **Shri Kamath:** Will the Minister of **Industry and Supply** be pleased to state:

(a) the number of officers, overaged or superannuated, appointed in the Ministry of Industry and Supply and its attached and subordinate offices since 15th August 1947;

(b) the number of appointments made in the Ministry of Industry and Supply and its attached and subordinate offices to posts without reference to the Federal Public Service Commission, where such reference was necessary;

(c) the number of appointments made against the recommendations of the Federal Public Service Commission; and

(d) the reasons for departure from the usual practice as regards the Federal Public Service Commission?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Twelve of whom two have since retired.

(b) No officers were appointed without reference to the Union Public Service Commission where such reference was necessary.

(c) Nil.

(d) Does not arise.

TRADE PACT WITH SWITZERLAND

176. **Shri Rathnaswamy:** (a) Will the Minister of **Commerce** be pleased to state whether it is a fact that a fresh Trade Pact is to be concluded shortly between India and Switzerland?

(b) What are the previous pacts concluded with Switzerland and when were they concluded?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Yes, Sir, if the negotiations which are being carried on at present are successfully concluded.

(b) A Trade Agreement for one year was entered into with Switzerland on the 17th March 1949 and that expired on 28th February 1950.

PENICILLIN FACTORY

177. Shri Rathnaswamy: (a) Will the Minister of Industry and Supply be pleased to state whether it is a fact that an agreement has been reached by Government with a Swedish firm for the starting of a penicillin factory?

(b) if so, what is the extent of assistance promised to the Swedish firm?

(c) What are the other drugs proposed to be manufactured in the factory?

The Minister of Works, Mines and Power (Shri Gadgil): (a) Yes, Sir.

(b) The Penicillin Factory is to be set up as a Government project with the technical assistance of the Swedish firm. The question of any assistance to the firm, therefore, does not arise.

(c) Sulphanilamide, Sulphathiazole, Sulphamerazine and antimalarial drugs.

DECLARATION OF STOCKS OF AUTOMOBILE COMPONENTS

178. Shri M. V. Rama Rao: Will the Minister of Industry and Supply be pleased to state:

(a) whether dealers in automobile components have been required to lodge declarations of stocks held by them consequent upon the increased and new duties proposed to be levied on them;

(b) if the answer to part (a) above be in the affirmative, the date on which Government issued the notification requiring declarations; and

(c) the number of dealers who have lodged such declarations together with the date and the stock declared?

The Minister of Works, Mines and Power (Shri Gadgil): (a) No.

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

AIRCRAFT PURCHASED BY BURMA

179. Shri M. V. Rama Rao: Will the Minister of Industry and Supply be pleased to state:

(a) the number of aircraft purchased by the Government of Burma from India during the current year, together with the description and the purchase price; and

(b) whether the Government of India had no use for these aircraft?

The Minister of Works, Mines and Power (Shri Gadgil): (a) No aircraft has been purchased by the Government of Burma but six Dakotas have been

purchased by Air Burma Ltd. A statement giving the required information is attached. [See *Appendix VII, annexure No. 16.*]

(b) No, Sir, they were surplus to Indian requirements.

PROPERTIES IN INDIA OF PAKISTAN DIPLOMATS

180. Shri Kamath: Will the Minister of **Rehabilitation** be pleased to state how the property in India of the Ambassador of Pakistan to Egypt and the High Commissioner of Pakistan in India is being dealt with?

The Minister of State for Rehabilitation (Shri Mohan Lal Saksena): Information is being collected and will be laid on the Table of the House in due course.

Tuesday, 11th April, 1950



PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME IV, 1950

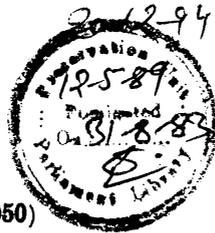
(1st April, 1950 to 20th April, 1950)

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 ۲۹۲۶ لائن ۴ میں -دمزوری کی جگہ دھڑاڑا 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".
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PARLIAMENTARY DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 11th 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.

ABSENCE OF CERTAIN MINISTERS

Shri Kamath (Madhya Pradesh): During the past few days disconcerting rumours have been afloat about the resignation of two Ministers, who, though they had to answer questions today, are absent from the House. The situation has become rather intriguing owing to the cryptic statement that you made in the House the other day that one of the Ministers was ill.

Mr. Speaker: Odrer, order. I do not think this question should be raised in this House. He can raise the question with the hon. the Leader of the House outside.

Shri Kamath: Is Parliament not entitled to have information on this important matter?

Mr. Speaker: I do not think the question of the constitution or re-constitution of the Ministries is a question which should be raised in the House.

Shri Kamath: But the fact or otherwise of the resignations is different and.....

Mr. Speaker: That may also be ascertained from him outside and the hon. Member is entirely wrong in bringing in the Chair with reference to the statement which he made. The hon. Minister had really temperature at that time.

Shri Kamath: I was going to say that, Sir, when you cut me short.

ELECTIONS TO COMMITTEES

Mr. Speaker: We will proceed to deal with the motions for election to Standing Committees. May I have a word of explanation with reference to these motions, if the hon. Minister for Parliamentary Affairs can give it. I find that even last time we had three motions for electing Members in place of people who resigned. Resignations appear to come too soon after the elections. Do I presume that these Members' names were first included after taking their consent? If so, why are they resigning.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, the elections to these Committees have been uncontested. We had our own difficulties and there were some adjustments to be made. Therefore, the House would appreciate that they have been spared all this trouble.

Mr. Speaker: My only doubt was whether these Members were previously consulted. Was their consent taken?

Shri Satya Narayan Sinha: Yes, Sir.

STANDING COMMITTEE FOR MINISTRY OF COMMERCE

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Commerce is concerned, until the end of the current financial year *vice* Shri Arun Chandra Guha resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Commerce is concerned until the end of the current financial year *vice* Shri Arun Chandra Guha resigned."

The motion was adopted.

STANDING COMMITTEE FOR MINISTRY OF LAW.

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Law is concerned, until the end of the current financial year *vice* Shri Dattatraya Parashuram Karmarkar resigned."

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Law is concerned, until the end of the current financial year *vice* Shri Dattatraya Parshuram Karmarkar resigned."

The motion was adopted.

STANDING COMMITTEE FOR MINISTRY OF TRANSPORT

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to move:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Transport is concerned, until the end of the current financial year *vice* Shri V. J. Gupta resigned."

Shri B. K. Chandhuri (Assam): May I know from the hon. Minister why there have been so many resignations. The elections have taken place only recently and what is the reason for the resignations?

Mr. Speaker: I put the same question to the hon. Minister and he has answered it. Hon. Members are expected to be attentive.

Shri B. K. Chandhuri: The Members are expected to speak distinctly.

Mr. Speaker: Order, order. The question is:

"That this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member to serve on the Standing Committee on subjects with which the Ministry of Transport is concerned, until the end of the current financial year *vice* Shri V. J. Gupta resigned."

The motion was adopted.

IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH

The Minister of Food and Agriculture (Shri Jai Ramdas Doulatram): I beg to move:

"That in pursuance of Article 5(2) of the Rules and Regulations of the Indian Council of Agricultural Research, the members of this House do proceed to elect, in such manner

as the hon. the Speaker may direct, one member from among themselves to be a member of the Indian Council of Agricultural Research *vice* Shri Ram Sahai who has ceased to be a member of Parliament."

Mr. Speaker: The question is:

"That in pursuance of Article 5(2) of the Rules and Regulations of the Indian Council of Agricultural Research, the members of this House do proceed to elect, in such manner as the hon. the Speaker may direct, one member from among themselves to be a member of the Indian Council of Agricultural Research *vice* Shri Ram Sahai who has ceased to be a member of Parliament."

The motion was adopted.

Mr. Speaker: I have to inform hon. Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for election
1. Standing Committee for the Ministry of Commerce.	11-4-1950	14-4-1950
2. Standing Committee for the Ministry of Law.		
3. Standing Committee for the Ministry of Transport (other than Roads).		
4. Indian Council of Agricultural Research.		

The nominations for filling up a vacancy in each of these Committees will be received in the Notice Office upto 5 p.m. on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's Room (No. 21) in the Parliament House between the hours 10-30 A.M. and 1 p.m.

BHOPAL AND VINDHYA PRADESH (COURTS) BILL

The Minister of Home Affairs and the States (Sardar Patel): I beg to move for leave to introduce a Bill to provide for the establishment of Judicial Commissioners' Courts and other courts in Bhopal and Vindhya Pradesh.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the establishment of Judicial Commissioners' Courts and other courts in Bhopal and Vindhya Pradesh."

The motion was adopted.

Sardar Patel: I introduce the Bill.

INLAND STEAM-VESSELS (AMENDMENT) BILL

The Minister of State for Transport and Railways (Shri Santhanam): I beg to move for leave to introduce a Bill further to amend the Inland Steam-vessels Act, 1917.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Inland Steam-vessels Act, 1917."

The motion was adopted.

Shri Santhanam: I introduce the Bill.

Mr. Speaker: We will now proceed with the further consideration of the following motion:

INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) BILL

"That the Bill to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto, as reported by the Select Committee, be taken into consideration."

The Minister of Labour (Shri Jagjivan Ram): On Saturday last when I was replying to the various points raised by hon. Members, I was practically on the point of finishing my speech when the House rose. I have only one point to answer which was raised by my hon. friend Mr. Himatsingka. He raised the question that the clause throwing responsibility on the various directors of a limited company which amounted to vicarious liability should be modified on the lines of a similar provision in the Factories Act. I would like to point out, that the responsibilities thrown on the employers under the Factories Act and the responsibility that may fall upon the employers as a result of an award by the tribunal are quite different. Whereas the liabilities under the Factories Act may be given to a person to be nominated by the Board of Directors—it may be given to the Manager—but here it is not possible to fix that liability on a person to be nominated by the Board of Directors or even on the managing agents, because the award may entail heavy financial commitments and those commitments may run into lakhs and where as a result of an award by an adjudicator the rates of wages or the rates of dearness allowances as also bonus is awarded to the workers, the commitment may run into lakhs and sometimes it may run into crores. No Board of Directors would like to give this much power to their manager or one individual director or even to the managing agent to commit the company to a liability amounting to lakhs and crores without consulting the Board of Directors. So the man on whom the responsibility will be fixed will be simply helpless and in actual practice it will not work. Therefore the Board of Directors and others have got to be made responsible for breach of the award given by the tribunals. That is what I have to say in reply to the point raised by my friend Shri Himatsingka.

I have more or less covered all the points that have been raised and I do not propose to take up any more time of the House.

Mr. Speaker: The question is:

"That the Bill to provide for the establishment of an Appellate Tribunal in relation to industrial disputes and for certain matters incidental thereto, as reported by the select Committee, be taken into consideration."

The motion was adopted.

Clause 2

(Definitions)

Dr. B. U. Singh (Uttar Pradesh): I beg to move:

In part (f), omit "any bonus".

The other day the hon. Minister of Labour wanted to know whether there are any decisions in which wages have been held to include bonus also. I have with me a Federal Court decision in which it has been so held. I must admit that for purposes of this Bill it makes no difference how the word 'wages' is defined but there might be trouble later. In fact as far as I have been able to ascertain the wishes of the representatives of labour in this House they are opposed to the inclusion of the word 'bonus' in wages. Therefore I move that the word 'bonus' be excluded from the definition of wages as given here.

Shri Jagjivan Ram: Without giving any reply to what the hon. Member has said I accept the amendment. By deleting this word it is not made clear whether it includes bonus or not. It is only in that understanding that I accept the amendment.

Mr. Speaker: The question is:

In part (f), omit "any bonus".

The motion was adopted.

Clause, as amended, was added to the Bill.

Clauses 3 and 4

Clauses 3 and 4 were added to the Bill.

Clause 5

(Composition of Appellate Tribunal, etc.)

Dr. R. U. Singh: I beg to move:

In sub-clause (3) for "three", substitute "five".

I should personally have liked the term of the members of the tribunal to be on the same lines on which we fix the term of office of the High Court Judges but we are in an experimental stage. I am not sure whether 12 NOON the Industrial Appellate Tribunal will continue for any length of time. However, I feel just the same that the term of three years is too short and I have therefore suggested that the term might be increased from three to five years.

Shri Jagjivan Ram: I accept the amendment.

Mr. Speaker: The question is:

In sub-clause (3) for "three", substitute "five".

The motion was adopted.

Dr. R. U. Singh: Before I move amendment No. 9 on the final list I should like to move a new amendment as a proviso to clause 5 of which I have given notice. That might come first and then this one.

Mr. Speaker: There are two amendments given notice of by the hon. Member and I am told that they are agreed amendments. The hon. Member may move them.

Dr. R. U. Singh: I beg to move:

To sub-clause (3), add the proviso:

"Provided that no member shall hold office after he has attained the age of sixty-five years."

This is intended to make sure that persons who are very old do not serve on the tribunal.

Mr. Speaker: The question is:

To sub-clause (3), add the proviso:

"Provided that no member shall hold office after he has attained the age of sixty-five years."

The motion was adopted.

Dr. R. U. Singh: I beg to move:

After sub-clause (3), add new sub-clause:

"(4) The Chairman and the other members of the Appellate Tribunal shall be entitled to such salaries, allowances, pensions and privileges as may be prescribed."

I would have liked that the salaries of the members of the Tribunal should be prescribed by the Act itself but I do not know why there is no such provision either in the original Bill or in the Bill as amended by the Select Committee. I should have liked the salary to be fixed at the level of the salaries of the High Court Judges but I was not in a position to make a suggestion as to the salary to be fixed, because I do not know what the mind of the Government on that question would be. So I thought that there might be a provision in the Bill whereby we might provide for the salary of the members of this Tribunal.

Mr. Speaker: Does the hon. Member want me to put the amendment to the House?

Dr. R. U. Singh: Yes, Sir.

Mr. Speaker: Amendment moved:

After sub-clause (3), add new sub-clause:

"(4) The Chairman and the other members of the Appellate Tribunal shall be entitled to such salaries, allowances, pensions and privileges as may be prescribed."

Shri Sivan Pillay (Travancore-Cochin): May I know what is the position of the Government on this?

Mr. Speaker: Government is not going to accept this, as the hon. Minister for Labour said. Am I right?

Shri Jagjivan Ram: Yes, Sir.

Mr. Speaker: The second new amendment is going to be accepted.

Dr. R. U. Singh: Is this amendment not being accepted?

Mr. Speaker: I understand it is not going to be accepted.

Shri Jagjivan Ram: He has given this new amendment that the salary of a member of the Appellate Tribunal should not be varied to his disadvantage during his term of office. He does not want amendment No. 9 when he wants this amendment.

Dr. R. U. Singh: I wanted to know whether the original amendment suggesting that the Chairman and other members shall be entitled to salaries, etc., is accepted or not.

Shri Jagjivan Ram: I do not think this amendment has any utility when he has given notice of this new amendment.

Mr. Speaker: The position that the Labour Minister takes is this. If the new amendment is accepted, amendment No. 9 becomes unnecessary, because, the proposed amendment provides that the salary of a member of the Appellate Tribunal shall not be varied to his disadvantage during his term of office, and the amendment which the hon. Member is suggesting practically leaves the matter of salary and privileges to the Government.

Shri Jagjivan Ram: This amendment becomes unnecessary.

Mr. Speaker: Therefore, his argument is that it becomes unnecessary. All that is wanted to be safeguarded is, once the salary and other things are fixed, they should not be altered to his disadvantage. That seems to be his argument.

Dr. R. U. Singh: There is nothing in the Bill, or in the clause providing for the framing of rules that the salaries, pensions, etc. are to be fixed.

Mr. Speaker: Let me first put this amendment to the House. Then we will decide.

Shri Jagjivan Ram: Let us be clear. What I say is this. Whether we provide that these salaries will be prescribed in the rules or not, they will be fixed, and they will get some salaries. The only thing to be safeguarded is that during the tenure of their appointment, their salary should not be varied to their disadvantage. That, I am prepared to accept.

Shri M. A. Ayyangar (Madras): May I say a word, Sir? The amendment that the salary of a member shall not be varied to his disadvantage during his term of office was intended to be in addition to the amendment that has been moved by my hon. friend. Because, in the original Bill, it is left entirely to

the Executive to give such salary as they liked. Therefore, my hon. friend Dr. R. U. Singh has tabled an amendment that the salaries, etc., must be prescribed. Later on, this was found to be insufficient, and it was thought that assuming they are prescribed, from time to time they may be varied and therefore, another amendment has been tabled that the salary shall not be varied to his disadvantage during his term of office. A similar provision is made in the Constitution with respect to the salaries of Judges and others. Therefore, in the fitness of things, both the amendments may be necessary.

Mr. Speaker: The point which is made out seems to be this. If it is going to be left to the discretion of the Executive in the initial stage to prescribe the salaries, then, of course.....

Shri M. A. Ayyangar: In addition, this was.....

Mr. Speaker: It really makes no difference. When they make an appointment, they will certainly prescribe the salaries.

Shri M. A. Ayyangar: If they are prescribed by rules, everybody will know what the rules are. Otherwise, it will be an Executive order.

Mr. Speaker: Are rules going to provide for these salaries, etc.?

Shri Jagjivan Ram: Yes.

Shri M. A. Ayyangar: "Prescribed" means "prescribed by rules under the Act."

Shri A. P. Jain (Uttar Pradesh): The position contemplated in Dr. R. U. Singh's amendment is this. The rules will prescribe the salary and that salary will be available to any incumbent who may be appointed. If this amendment of my hon. friend is not accepted, every time an appointment is made, it will be open to the Executive to prescribe a new salary. Salary may also vary from province to province. In the other case, it will be that the salary also can be changed only by changing the rules. Therefore, I think the first part of the amendment of Dr. R. U. Singh is proper. The further proviso added is also a good provision. Both these amendments, if accepted, will give a certainty. I would request the hon. Minister to accept them.

Mr. Speaker: I see the point now clearly. It should not be left to the discretion of the Executive to fix the salary of the members of the tribunal on personal considerations, but there should be a regular rule which prescribes the scales of salaries, etc. That seems to be the point. It is not merely a question of safeguarding the interests of the person.

Shri Jagjivan Ram: That is the intention also. Even at present, we have laid down that. I have no objection to accept the amendment. I was only feeling that it was unnecessary.

Mr. Speaker: If it is accepted, the only thing I would say is that the wording may be examined. If it is acceptable, then I shall put it to the House. The wording may be examined and if it requires any change, that may be done by the draftsmen.

The question is:

After sub-clause (3), add new sub-clause:

"(4) The Chairman and the other members of the Appellate Tribunal shall be entitled to such salaries, allowances, pensions and privileges as may be prescribed."

The motion was adopted.

Dr. R. U. Singh: I beg to move:

After sub-clause (4), add new sub-clause:

"(5) The salary of a member of the Appellate Tribunal shall not be varied to his disadvantage during his term of office."

[Dr. R. U. Singh]

This amendment is necessary so that the members of the Tribunal may be independent of the Executive. As things stand at present, I am not sure whether, within the scheme of the Act, we are securing the independence of the Members of the Tribunal, which I would very much like it to be the case. At least, this much must be safeguarded, namely, that their salaries are not varied to their disadvantage during their term of office.

Mr. Speaker: This will be sub-clause (5)?

Dr. R. U. Singh: Yes, Sir.

Mr. Speaker: Amendment moved:

After sub-clause (4), add new sub-clause :

"(5) The salary of a member of the Appellate Tribunal shall not be varied to his disadvantage during his term of office."

Shri Jagjivan Ram: I will suggest one thing. The Chairman and Members have been defined separately. In his previous amendment, he has stated "Chairman and the other members of the Appellate Tribunal". Here also, I think we will have to mention Chairman and members of the Tribunal.

Mr. Speaker: Then, the amendment will be:

"The salary of the Chairman and the other members of the Appellate Tribunal shall not be varied to their disadvantage during their term of office."

Dr. R. U. Singh: 'Member' includes Chairman also.

Mr. Speaker: This is better; otherwise, there would be doubt about interpretation. The draftsmen will look to the proper drafting of this amendment, I shall put the amendment to the vote of the House.

The question is:

After sub-clause (4), add new sub-clause :

"(5) The salary of the Chairman and the other members of the Appellate Tribunal shall not be varied to their disadvantage during their term of office."

The motion was adopted.

Clause, as amended, was added to the Bill.

CLAUSES 6 TO 8

Clauses 6 to 8 were added to the Bill.

Clause 9

(Powers and procedure of the Appellate Tribunal)

Shri S. N. Sinha (Bihar): I beg to move:

In sub-clause (2), for without taking any step for proceeding with an appeal or, hearing any of the parties substitute after hearing the appellant:

It so often happens that the grounds stated in the Memorandum of appeal are not clear, exhaustive and self-explanatory in order to induce the Appellate Tribunal to issue a rule. This gives an opportunity to the appellant to place the points of grievance personally before the Appellate Tribunal in order to obtain the necessary rule.

Shri Jagjivan Ram: I accept the amendment.

Mr. Speaker: The question is:

In sub-clause (2), for without taking any step for proceeding with an appeal or, hearing any of the parties substitute after hearing the appellant:

The motion was adopted.

Shri Jagjivan Ram: I beg to move:

After sub-clause (10), add new sub-clause:

"(11) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before the Appellate Tribunal shall be in the discretion of the Appellate Tribunal, and the Appellate Tribunal shall have full power to determine by and to whom and to what

extent and subject to what conditions, if any, such costs are to be paid and to give all necessary directions for the purposes aforesaid, and such costs may be recovered in the manner provided for in sub-section (1) of section 20."

It is just to empower the Appellate Tribunal to award costs and also to recover them that this amendment has become necessary.

Mr. Speaker: Amendment moved:

After sub-clause (10), add new sub-clause :

"(11) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before the Appellate Tribunal shall be in the discretion of the Appellate Tribunal, and the Appellate Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid and to give all necessary directions for the purposes aforesaid, and such costs may be recovered in the manner provided for in sub-section (1) of section 20."

Shri A. P. Jain: To me there appears to be a lacuna in the amendment proposed by the Minister. The costs provided for in this amendment relate only to the proceedings before the Appellate Tribunal. There may be costs which may have been incurred before the original tribunal. Supposing the original tribunal passes an order and awards costs accordingly and the appellate tribunal upsets the order of the original tribunal. In that case the appellate tribunal will have the power to order the cost of the proceedings before the Appellate Tribunal but it will have no power to adjudicate upon the cost of the proceedings before the original tribunal. Ordinarily the Appellate Court should have the power to award costs both for the proceedings before the Appellate and the Original Court. I will request the Minister to have this point of view examined and meanwhile to have this amendment postponed.

Shri Himatsingka (West Bengal): I do not think this amendment is at all necessary or the doubt raised by Mr. Jain is correct. Sub-clause (7) of section 9 gives powers to the Appellate Tribunal to confirm or reverse the award or decision appealed from and necessarily it will also mean that it can pass orders reversing the question or order of payment of costs also. The whole matter will be before the Appellate Tribunal. Even if this amendment is not accepted it will be within its competence to award costs of the original proceedings as also of the Appellate proceedings but if the hon. Minister wants to make it clear as to the powers of the Appellate Tribunal in the matter of appellate costs separately, then only it is necessary. Otherwise sub-clause (7) gives ample power to the Appellate Tribunal to issue such orders as it deems fit. There should be no necessity for giving power regarding costs separately.

Shri Jagjivan Ram: I think this amendment is necessary.

Shri M. A. Ayyangar: There is no difficulty as contemplated by Mr. Jain. If the costs awarded by the original tribunal is disallowed by the Appellate Tribunal, the question of recovery does not arise. If it confirms, the costs will be recovered under the Act. Provision has to be made so far as appellate court is concerned as otherwise it will not be open to them to impose costs. Therefore to be on the safer side, this amendment seems to be necessary.

Shri Himatsingka: Clause 10 also may be taken into consideration. That also gives all the power necessary.

Shri Hyder Hussain (Uttar Pradesh): It seems that the addition of sub-clause (11) to clause 9 would mean the depriving the Appellate Tribunal of the power to adjudicate upon the costs of the subordinate court. If the clause did not exist, it may be taken to have been vested with the inherent power to award costs both of the subordinate and appellate tribunal proceedings; but the expression of one only means the negation of the other in this case. Therefore, I suggest the addition of the following words in the amendment as proposed by the Hon. Minister: "the cost of and incidental to any proceedings before the original or the Appellate Tribunal". If these words are acceptable to the Minister, then the objections will be removed.

Shri R. Venkataraman (Madras): Under the Industrial Disputes Act there is no provision for cost in the original Tribunal. As a matter of fact costs were not given in any of the proceedings at all. I can say this with authority because I looked into all the awards passed by the Industrial Tribunals in India. This is only an innovation to see that in suitable cases provision for cost is made. I am, therefore, of opinion that this amendment should also include provision for including the cost in the original tribunal. There is no point in giving cost in the appellate tribunal only and not in the original tribunal. If this clause as it stands were to be interpreted by courts, I am afraid the courts will say that there is provision only for cost before the appellate tribunal and since there is no such provision in the original Industrial Disputes Act, it would necessarily mean by implication that the costs of the proceedings before the original Industrial Tribunal are not intended to be given either by the original tribunal or by the appellate tribunal. I, therefore, think that this sub-clause should suitably be amended so as to include the costs of the original tribunal also.

Mr. Speaker: I do not claim to have studied the provisions of this Bill, as some hon. members have done. But my reactions were similar to those which were just stated by the hon. member Mr. Hyder Husein, though not exactly in the same words in which he has expressed them. I was just wondering as to whether any specific power was necessary to be given to the Appellate Tribunal for deciding on costs. I believe, in some respects at least, the Appellate Tribunal has been constituted as a civil court and generally the rule, well known to lawyers, is that costs follow the event. But the fear is that, looking to sub-clause (7), it will be possible to argue that the question of costs in the lower courts is not covered by its provisions. It may be argued that the general powers of "varying, confirming and reversing the orders" of the lower courts do not cover the power to order, reverse, or confirm orders as regards costs.

About the other point which has been raised by Mr. Venkataraman, I do not know the provisions of the Industrial Disputes Act. But if a provision is made for the recovery of costs as is mentioned in the last three lines of this clause, it will be clear that the Tribunals will have the authority to order costs and this question will be covered generally and not specifically. This is a matter which requires consideration and I am not in a position to give my opinion one way or the other at present.

Shri Jagjivan Ram: I do not want to go into the legal aspect of the question, because I am not competent to do that. Under the Industrial Disputes Act any reference of a dispute to the Tribunal is not done by the parties concerned, but by the Government, whereas under this Bill the parties themselves may come in appeal before the Tribunal. That is why no provision had been made for awarding costs by the Tribunal in the Industrial Disputes Act. We feel that in certain cases if certain parties unnecessarily approach the Appellate Tribunal, the discretion may be left to the Tribunal to award costs, or not. Whether this power is inherent or not, I cannot say.

Shri Venkataraman: May I draw your attention to amendment No. 64 which the hon. Minister has tabled to the schedule where it is stated that "the costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal."

Mr. Speaker: I suggest that we may take up this clause after the lunch recess, by which time the hon. Minister will have an opportunity of taking legal opinion and consulting the draftsman. So, I will keep over clause 9 along with the amendment which the hon. Minister has just moved. May I suggest further that amendment No. 64 may also be considered along with this?

Clauses 10 to 17

Clauses 10 to 17 were added to the Bill.

Clause 18

(Commencement of Award or decision of Industrial Tribunal)

Shri Jagjivan Ram: I beg to move:

"In the proviso to sub-clause (1), for 'either reject the decision or modify it', substitute 'either reject or modify the award or decision'."

It is only with a view to include the award in it that this amendment is being moved.

Mr. Speaker: The question is:

"In the proviso to sub-clause (1), for 'either reject the decision or modify it', substitute 'either reject or modify the award or decision'."

The motion was adopted.

Clause, as amended, was added to the Bill.

Clauses 19 to 22

Clauses 19 to 22 were added to the Bill.

New Clause 22A

Shri Venkataraman: I beg to move:

After clause 22, insert;

"22A. Where an employer contravenes the provisions of section 22 during the pendency of proceedings before the Appellate Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Appellate Tribunal and on receipt of such complaint, the Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce its decision thereon and the provisions of this Act shall apply accordingly."

The purpose of this amendment is to remedy a lacuna which now exists both in the Industrial Disputes Act and in the Bill which is before us for consideration. In clause 22 it has been provided that during the pendency of proceedings before the Appellate Tribunal, the *status quo* of the workers should be maintained, that there should be no discharge or dismissal or other punishment, so that the relationship between the parties may not become strained during those proceedings. For the violation or contravention of clause 22, the remedy provided, as the Bill stands, is found in clause 28 which says that an employer who contravenes the provisions of clause 22 shall be punishable with imprisonment for a term which may extend to six months.

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

I have made it clear that the punishment of the employer does not secure to the worker any benefit to himself. If the worker is discharged or dismissed during the pendency of the proceedings, all that he has now got to do is to go and apply to the Government for instituting a prosecution against the management. But even if the worker succeeds in getting the prosecution sanctioned and the prosecution finally succeeds, the result is that the employer is punished but the worker does not get any benefit out of it. What the worker is interested in in these matters is that his right of employment or his conditions of service should not be contravened. Therefore, the proper remedy to be given to the workers is that if there is any contravention of the provisions of clause 22, he should have the right to approach the Tribunal or the Appellate Tribunal before whom the matters are pending, to seek redress so that he may either get his reinstatement into service or get the conditions restored to the original position. This principle has been accepted by the Government and it forms part of the new Labour Relations Bill which has been introduced in this House and referred to the Select Committee. Clause 92 of the Labour Relations Bill provides in similar terms the rights of a worker whose conditions of service have been disturbed during the pendency of proceedings. I have adapted that clause to suit the conditions of an Appellate Tribunal and I trust that the Government will accept this amendment.

Mr. Deputy-Speaker: Amendment moved:

After clause 22, insert:

"22A. Where an employer contravenes the provisions of section 22 during the pendency of proceedings before the Appellate Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Appellate Tribunal and on receipt of such complaint, the Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce its decision thereon and the provisions of this Act shall apply accordingly."

Shri Jagjivan Ram: I accept that amendment.

Shri Himatsingka: rose—

Mr. Deputy-Speaker: Should there be any speeches on it?

Shri Himatsingka: I was suggesting that if this clause is inserted at this stage, so far as these proceedings are concerned they will become new proceedings. These proceedings will not be a part of the Appellate proceedings as a new trial will have to be taken up as regards facts and other things. Therefore, it ought to be left to the Labour Relations Bill that has been introduced and ought not to be accepted by the hon. Minister in this fashion.

Shri Harihar Nath Shastri (Uttar Pradesh): The whole Bill should be dropped.

Shri Himatsingka: I have no objection, but if you introduce this clause here it means that the Appellate Tribunal will be concerned with certain things as an original court and certain others as an appellate tribunal. Is it fair? The facts will have to be put forward by both the parties in the Appellate Tribunal and therefore it will be a new trial. So, it ought to be considered whether the hon. Minister should accept it. So far as the instructions to us of the Whip are concerned, it was not accepted.

Prof. Ranga (Madras): I am in favour of this amendment and I am surprised that my hon. friend Mr. Himatsingka should have thought fit to oppose it. Even supposing we have to wait till the Labour Relations Bill comes to be passed, surely he does not mean to say that this clause ought not to be passed at a later stage? I can understand his position if he does not want it to form a part and parcel either of this Bill or of the other Bill that is to come before this House. What I find is this. Whether the Appellate Tribunal is to function as an original Tribunal or as an Appellate Tribunal in regard to this particular matter, that is not the concern of the worker at all. We do know that when once there is a dispute and there is some trouble and an appeal is made to an industrial tribunal in the State, and over its decision an appeal is made to this Appellate Tribunal, there are some employers who wish to take advantage of their own punitive powers in order to wreak their vengeance upon some employees. What is to happen to these poor people? As Mr. Venkataraman has put it so rightly, it is not going to give much satisfaction to these workers to learn that later on their employers have come to be punished. What they want is that the conditions of service under which they are working ought not to be disturbed, that they should not be victimised in any manner, and, especially, that they should not be dismissed. Under the present circumstances, my hon. friend Mr. Himatsingka and others also should freely admit that the workers have no redress at all if they are to be dismissed, if they are to be punished in any way. They have got to go on waiting until some other appeal is made and so on like that. Therefore, in view of the fact that the workers are not strong enough, are not rich enough to look after themselves, and go on waiting until the decision is given by the Appellate Court with, possibly sometimes the direction to the employer that the employee should be reinstated, that for the interregnum of their unemployment their pay should

be reimbursed, and so on, it is only fair that this provision should be accepted by the hon. Minister and it should be incorporated in this Bill so that all the workers all over the country would know that whatever might happen in the course of the enquiry—and these enquiries are likely to take a long time indeed in future—the workers anyhow will be safeguarded properly and their conditions of employment are not going to be disturbed with impunity by the employers. I am glad to learn that the hon. Minister in charge of the Bill is agreeable to this amendment and I hope it would be accepted by the House also.

Shri Meeran (Madras): So far as the object of the amendment is concerned I do not think there can be two opinions on it. Everybody will try to see that the worker will not suffer pending the disposal of an appeal with regard to his rights. But I think there is a lot of force in the contention raised by an hon. Member with regard to the legal implications of it in the actual working of it. To invest the Appellate Tribunal with power to deal with matters which arise subsequent to the original dispute itself and subsequent to the award of the original tribunal itself is to complicate matters, and in my opinion it will even prolong the decision in the matter. Suppose, for example, there are some hundred workers who are aggrieved by some order—I am not speaking of a case of hundred workers but of so many individual cases. Suppose some 'X' says, 'I am discharged or punished pending the disposal of the appeal'. Tomorrow there will be another, the day after another, yet another and so on. There may be a number of labourers who might be in that unfortunate position and if every one of them goes on giving complaint after complaint to the Appellate Tribunal pending the disposal of the case, there will be no end to it. It will delay the decision itself. It will lead to the disposal of enquiry into certain matters of fact which may even require evidence to be taken. Suppose a complaint is made before the Appellate Tribunal saying that 'X' has been discharged or punished or dismissed for no reason, and the employer goes on saying that he was discharged or punished for 'good reasons' and gives some reason. Then the Appellate Tribunal has to sit and enquire into that matter also as to whether the contention is correct or wrong. I do not know if it is after all to the benefit of the labourer himself if the Appellate Tribunal is clothed with this power. But I do not object to having some remedy, for I know that the punishment clause 28 will not really give relief to the labourer. I can understand in such cases the original tribunal looking into it or because of a fresh cause of action the right being given to the labourer to institute some complaint like that, saying that the matter may be adjudicated upon. I am only objecting to clothing the Appellate Tribunal with that power. I am not objecting to giving that right to the labourer. Let the power be given to the original tribunal itself or to any other tribunal. I am one with Mr. Venkataraman that punishment to the employer by way of imprisonment will not give the labourer any relief. But I fear that the acceptance of this amendment will lead to unnecessary complication and in the interest of the labourer himself I would request the hon. Member himself not to press the amendment.

Shri A. P. Jain: Both my friend Mr. Himatsingka and the hon. Member who preceded me have looked at this question from a narrow and technical point of view. In fact they have ignored the principle which has long been accepted in practically all labour legislations, dealing with decisions of labour disputes and which is also accepted in this Bill. What is that principle? It is that when proceedings are pending before a Labour Tribunal nothing will be done to the prejudice of the worker involved. Victimisation is a well-known process by which the employers defeat the object of the dispute pending before a tribunal. They place the labourer in a helpless position so that he cannot proceed further with the redress he wants to seek. In fact, this House has

[Shri A. P. Jain]

accepted this principle in clause 22, namely, that matters which may arise during the pendency of an appeal that is subsequent to the filing of the appeal can also be looked into by the Appellate Tribunal. I would draw your attention to the last line of clause 22. The House has accepted the principle that the Appellate Tribunal can give permission to the employer either to discharge a worker or to vary his terms and conditions of service in appropriate cases. That is investing a jurisdiction in a matter which does not relate to the subject matter of the appeal and which has also arisen subsequent to the filing of the appeal. If the Appellate Tribunal can go into that matter and give permission, I see no reason why it should not on the same ground have the power to restore a worker who has been, against the provision of the law, discharged or whose terms of service have been varied to his disadvantage. There are special problems which arise in labour disputes and which should be governed by principles which may not apply to civil disputes. After adopting clause 22 it would be unfair for the House to reject clause 22A. I think it logically follows the principle which has been accepted in clause 22 and I hope the House will accept the amendment of Mr. Venkataraman.

Shri Jagjivan Ram: I have not much to add to what Mr. Jain has just now said. It has been my experience after the functioning of the tribunals that during the pendency of the issues before the tribunals, as I remarked the other day, some unscrupulous employers take undue advantage of the provisions of the Industrial Disputes Act and victimise the workers either by discharge or dismissal or by otherwise punishing them. When the workers bring this matter to the notice of the tribunal, the tribunal says that they are helpless, that they cannot go into the matter unless those matters are referred to them as fresh disputes. What Mr. Himatsingka wants is that all these should be referred to them as fresh disputes. That will delay the matter unduly, and I think that the Appellate Tribunal and Tribunals should be given powers to go into them and decide in the interest of better relations between employees and employers. So I think that the amendment is necessary.

Mr. Deputy-Speaker: The question is:

After clause 22, insert:

"22A. Where an employer contravenes the provisions of section 22 during the pendency of proceedings before the Appellate Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Appellate Tribunal and on receipt of such complaint, the Appellate Tribunal shall decide the complaint as if it were an appeal pending before it, in accordance with the provisions of this Act and shall pronounce its decision thereon and the provisions of this Act shall apply accordingly."

The motion was adopted.

New clause 22A was added to the Bill.

Clauses 23 to 29 were added to the Bill.

Clause 30

(Offence by Companies, etc.)

Shri Himatsingka: Sir, before I move my amendment, with your permission, I would substitute for the word 'Central' occurring in the second line, the word 'appropriate'. I beg to move:

To clause 30, add the proviso:

"Provided that the company or other body corporate may give notice to the appropriate Government that it has nominated a director or manager or secretary thereof to be the person who shall be liable under this sub-section for the contravention of any of the said provisions by the company or other body corporate, and such person shall, in the case of any contravention of any of the said provisions by such company or other body corporate, be deemed to be the person guilty of such contravention under this section until further notice cancelling his nomination is received by the Central Government or until he ceases to be a director, manager or secretary, as the case may be, of such company or other body corporate."

And the next amendment forms practically one whole. With your permission, Sir, may I move that also?

Shri Jagjivan Ram: If he wishes to move that also, he can.

Shri Himatsingka: Without that, of course, it will not be complete. That is why I want to move that also.

Shri A. P. Jain: The next amendment constitutes a new clause. Of course, we can discuss the principle but why move the two amendments. Suppose he loses the one, the next will fall automatically.

Mr. Deputy-Speaker: He wants a discussion on the two amendments. Both amendments can be moved. I shall put them separately to vote.

New Clause 30A

Shri Himatsingka: I beg to move:

After clause 30, insert new clause:

30A. Exemption of nominated director, manager, or secretary from liability in certain cases.—Where a director, manager or secretary nominated under the proviso to section 30 is charged with an offence punishable under that section, he shall be entitled, upon complaint duly made by him and on giving to the prosecutors not less than three clear days' notice in writing of his intention so to do to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the director, manager or secretary, as the case may be, proves to the satisfaction of the court:

(a) that the said other person committed the offence without his knowledge, consent or connivance, or

(b) that he has exercised all due diligence to prevent the commission of such offence, that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the director, manager or secretary and the director, manager or secretary, as the case may be, shall be discharged from any liability in respect of such offence:

Provided that in seeking to prove any matter as aforesaid the director, manager or secretary, as the case may be, may be examined on oath and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination by or on behalf of the person whom he charges as the actual offender and by the prosecutor:

Provided further that if the person charged as the actual offender by the director, manager or secretary, as the case may be, cannot be brought before the court at the time of hearing the charge, the court shall adjourn the hearing from time to time for a period not exceeding three months, and, if by the end of the said period the person charged as the actual offender cannot still be brought before the court, the court shall proceed to hear the charge against the director, manager or secretary and shall, if the offence be proved, convict the director, manager or secretary."

These two clauses that I have suggested are the clauses, the principle underlying which has been accepted by the hon. Minister. My first amendment is exactly what is to be found in the Factories Act and also in the Bill that has been considered by the Select Committee on the Industries Development and Control Bill.

When the offender is a company, clause 30 before this House provides that every director, manager, secretary, agent or other person will be liable for the offence even though they may have nothing to do with same. The burden of proof of innocence has been thrown on them and they have to prove that the offence had been committed without their knowledge or their consent. What is proposed by my amendment is that somebody, some responsible person who is actually in charge of the day to day management will be named and he will be primarily held responsible, but if actually there is somebody else,—some other director or manager or secretary,—who is also responsible, then that person who is named as the person in charge will be at liberty to bring forward that other person who is actually the offender. The hon. Minister in his reply today mentioned that he cannot accept that probably for the simple reason that awards of tribunals may involve large amounts of money, and that it may not be possible to realize the same from the person who is named. I feel that

[Shri Himatsingka]

there is some misapprehension in his mind. If it is a question of penalty or any amount to be realized, the company is primarily responsible. The company's responsibility does not cease; the company will be liable all the same and over and above that this person who is named as the director or manager or secretary by the company, he will also be liable for the offence in the criminal proceedings. Therefore, there should be no difficulty on the ground that it will not be enforceable or it may not be possible to enforce the order. So far as the realization of any monetary dues under the award or the decision is concerned, there is ample power especially in view of the provision that has been accepted, in one of the clauses of regarding them and realising them as arrears of revenue. Therefore, so far as the realization of money is concerned there is no difficulty and I am suggesting this for the purpose of making the same principle accepted, as has been laid down in other Acts in this House. It is not a question of some scape goat being found, because there will be a director or manager or secretary. He will be named and he will also be entitled to point out other persons who may be the actual offenders. The actual offenders can always be proceeded against.

Shri Jagjivan Ram: I do not accept the amendments, Sir.

Mr. Deputy-Speaker: Amendments moved:

(i) To clause 30, add the proviso:

"Provided that the company or other body corporate may give notice to the appropriate Government that it has nominated a director or manager or secretary thereof to be the person who shall be liable under this sub-section for the contravention of any of the said provisions by the company or other body corporate, and such person shall, in the case of any contravention of any of the said provisions by such company or other body corporate, be deemed to be the person guilty of such contravention under this section until further notice cancelling his nomination is received by the Central Government or until he ceases to be a director, manager or secretary, as the case may be, of such company or other body corporate."

(ii) After clause 30, insert new clause:

30A. Exemption of nominated director, manager, or secretary from liability in certain cases.—Where a director, manager or secretary nominated under the proviso to section 30 is charged with an offence punishable under that section, he shall be entitled, upon complaint duly made by him and on giving to the prosecutors not less than three clear days' notice in writing of his intention so to do to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the director, manager or secretary, as the case may be, proves to the satisfaction of the court:

(a) that the said other person committed the offence without his knowledge, consent or connivance, or

(b) that he has exercised all due diligence to prevent the commission of such offence, that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the director, manager or secretary and the director, manager or secretary, as the case may be, shall be discharged from any liability in respect of such offence:

Provided that in seeking to prove any matter as aforesaid the director, manager or secretary, as the case may be, may be examined on oath and his evidence and that of any witness whom he calls in his support shall be subject to cross-examination by or on behalf of the person whom he charges as the actual offender and by the prosecutor:

Provided further that if the person charged as the actual offender by the director, manager or secretary, as the case may be, cannot be brought before the court at the time of hearing the charge, the court shall adjourn the hearing from time to time for a period not exceeding three months, and, if by the end of the said period the person charged as the actual offender cannot still be brought before the court, the court shall proceed to hear the charge against the director, manager or secretary and shall, if the offence be proved, convict the director, manager or secretary."

Shri Jagjivan Ram: Sir, You may put the amendments to the vote of the House.

Mr. Deputy-Speaker: I see that the hon. Members will want discussion. The House will now stand adjourned till 2-30 P.M. today.

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

The House reassembled after Lunch at Half Past Two of the Clock.

[*MR. SPEAKER in the Chair*]

Shri Venkataraman: I oppose the amendment moved by Mr. Himatsingka. Its effect will be to nullify the entire Industrial Disputes Act and the Industrial Disputes Appellate Tribunal Bill. Mr. Himatsingka said that a similar provision is found in the Factories Act and also in the Industries Control Bill and therefore it should be accepted by the House. The nature of the offences punishable under those Acts and the nature of the offences intended to be punished under this Act vary very widely. Under the Factories Act the offences are, such as, not keeping proper ventilation, non-observance of safety measures or health devices, etc., which are very small matters and therefore the Act has provided that in those cases the company or firm which is the owner of the factory may nominate one person against whom steps or prosecutions can be taken. In the case of the Industrial Disputes Act the offences are those committed by the management by refusing to comply with the award passed by an Industrial Tribunal. The consequences of a management refusing to abide by the terms of an award of the terms of a decision by the Appellate Tribunal are very serious and of very great importance so far as labour is concerned. It is not like violating one of the sub-clauses with regard to the safety devices but it is of such serious consequence that labour will not be able to secure the benefits which have been granted to them under the award. It is therefore necessary that the persons who are responsible for the administration of this company or firm as the case may be, who are going to participate in or benefit by the profits of that company and who are vitally interested in not complying with the awards of Tribunals should be the persons who should be deemed to be the offenders under that Act.

Reference was also made to the Industries Control Bill and there the offences punishable are for failure to notify or failure to take licence under that Bill and these again like the offences under the Factories Act are of a trivial nature. If you allow a company to nominate a manager to be the person against whom you should proceed against in case of failure to implement the terms of the award, it would be very easy for the companies to nominate a man of straw and thus escape all the liabilities that would be fastened on the company by the award of a Tribunal. In the old English practice they used to find a man for signing affidavits and in order to enable people to find who is the man who would sign such affidavits without regard to truth those persons used to go about in the law courts with a straw stuck to their hats. That is how the expression "man of straw" came into legal parlance. Just the same thing would happen in the case of industrial tribunals also, where the management which wants to defy or not abide by the terms of an award can nominate some person who can easily be made the offender so far as punishment is concerned and he will be made to suffer the consequences and all the penalties. It is therefore very necessary that as far as punishment under the Industrial Disputes Act is concerned the persons who are ultimately responsible for the profit or loss of that undertaking and the persons who are likely to benefit by not implementing the award should be the persons who will be liable for punishment. Therefore, I oppose the amendment moved by Mr. Himatsingka.

Shri Harihar Nath Shastri: As has rightly been pointed out by my friend Mr. Venkataraman if this amendment is accepted it will nullify the whole purpose underlying sections 23, 25 and 28 pertaining to punishments for offences. It will create disparity between treatment as accorded to a worker and treatment as accorded to an employer. If this amendment is accepted what will happen will be that a worker if he joins an illegal strike or acts in any manner against the provisions of this Bill, he is liable to be fined or put into prison, whereas if an employer infringes any of the provisions of this Bill, all that he has to

[Shri Harihar Nath Shastri]

do is to present somebody whom he may call as the offender. My friend has quoted a British example. This reminds me of an interesting story, which though an old one I cannot refrain from quoting on this occasion. A newspaper proprietor in Lahore owned an Urdu daily and the story about him goes that he used to write objectionable articles against the then Government and to evade the clutches of the law he never put his name as editor of the paper. He had a number of dummy editors whose names he used to put on the paper as Editor. Most of them were blind people and illiterate people who did not even know the alphabet of Urdu. The result was that these poor people, in order to get a few hundred coins, used to court imprisonment whereas the real culprit was left scot-free. I am almost certain that the same thing is going to happen. I know a similar provision has found a place in the Industries Control Bill under clause 25. If that Bill were here, I would have opposed it and I mean to oppose it because I feel that this is a very dangerous clause which is going to have very serious repercussions and undo the very purpose of this Act. I therefore join my friend in opposing this amendment.

Shri Syamandan Sabaya (Bihar): We are considering, at present the amendment which has been tabled by my hon. friend Mr. Himatsingka. It relates to clause 30 of the Bill where it has been laid down that in case an offence is committed by a company or other body corporate or any association of persons, every director,—I desire to stress on these words—“every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such an offence.” Now, the amendment suggested by Mr. Himatsingka is to the effect that in the case of a company, a particular person may be authorised to carry out the directions of this Act so that if there is any contravention, he and he alone may be made responsible for it. I submit that while the section itself makes the provision very wide and embraces all the sundry concerned with the administration or management of the industry, the amendment of Mr. Himatsingka makes the position very specific and clear. Whether we agree with this particular amendment or not, it has to be conceded that in the matter of an offence, it is always desirable to fasten the guilt and to place responsibility on one defined individual rather than a whole lot of them who, each of them, may be able to prove that the offence was committed without his knowledge. If we read the last sentence of the section as it stands at present, it says: “unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.” A circumstance may arise where every one mentioned here, namely, director, manager, secretary, agent or other officer or person concerned with the management may each be able to show that a particular offence was not committed with his knowledge. In that case, the object of this section will be frustrated. The position becomes clear by the provision made in the amendment of Mr. Himatsingka. He wants to make it expressly clear that certain actions to be taken under this Act by the employer should be done by a person authorised to take steps in that direction, and such a person in case of default will be found guilty of that offence. He cannot plead that the act was committed without his knowledge. That being so, I feel that the provision made in the amendment must be acceptable to our friends of the Labour group. It really places the responsibility on a defined person and to that extent it is a positive improvement on the present position. As the section stands at present, they will have to go about finding out the person with whose knowledge a particular offence was committed.

Proceeding a little further, the question is this. After all, there should be no attempt to entangle a certain set of persons in a harassing litigation. It may

be known to you, Sir, and I am sure it must be known to all Members of this House that there are people who are directors of so many companies and for an offence committed in any one of these companies, that director will be harassed. It may be that he may be able to prove that that particular offence was committed without his knowledge. Even so it would mean considerable harassment to that person. Although he may have no knowledge of the offence, he is dragged into court and he has to explain that that act was committed without his knowledge. I submit that the position in this regard has been made very clear and I see no reason why our friends on the other side and the hon. Minister should not accept this proposition.

I can appreciate one difficulty which my friends on the other side may envisage, as has been exemplified by a story by Mr. Harihar Nath Shastri. He mentioned the case of some illiterate persons being called editors of newspapers. It may be laid down here that the person who is authorised to act for the Company, shall not be of a rank below that of a Factory Manager, or General Manager. Some provision may be made by which it may be clearly stipulated that a man of a certain rank only will be authorised to act in this behalf.

Shri J. R. Kapoor (Uttar Pradesh): It is already there: director, manager or.....

Shri Syamnandan Sahaya: There are many more. I beg to submit that the amendment moved by Mr. Himatsingka is a proper amendment and I see no reason why the Government should not accept it. If, however, Government do not mean to accept it, let them clearly state the position. If the law stands as proposed in the Bill every one who is a director of a company will have to be dragged to court and he will have to explain that such and such an offence was committed without his knowledge. Certainly, such harassment could not be, in my opinion, the desire or object of Government. If this aspect has not already received the consideration and attention of Government, I would submit that the matter should be carefully considered again.

Pandit Thakur Das Bhargava (Punjab): In regard to this section 30 and the amendment moved by my hon. friend Mr. Himatsingka, my humble submission is that in many other Acts also, a similar provision has been enacted by us. It is always said that, after all, when there is a case against any big person, he asks other people to become the scapegoat and manages to get off, and as a matter of fact, the real gravamen of the objection is not felt. According to the provisions of criminal law, it is very unusual that any crime can be attributed to have been committed by agency. Usually, the person who commits the crime is guilty. Even if there is agency, it is very doubtful if the crime could properly be brought home to him unless a particular connection between the agent and the master could be proved, and further that in the particular occasion, that master was really responsible for the crime.

Now, if the present provision is allowed to continue, it means that any person who has got nothing to do with the crime—a person may be sitting in London and the crime might have been committed in Calcutta and the prosecution does not prove his knowledge or consent—yet such person shall have to prove that the crime was committed without his consent or without his knowledge. It is not a provision which, as a matter of fact, does not involve innocent people. I have now a case with me in which a person who was not even present at the place where the crime was committed, who could not possibly have known that a crime was committed, because it was committed in such circumstances at the instigation of the police people—and the whole thing was a secret according to the prosecution itself from start to finish—is being harassed in a court of law for the last three years.

Shri Jagjivan Ram: Here it cannot be done by the police.

Pandit Thakur Das Bhargava: Am I to understand that we are to provide against that if it is done by the police and not if it is done by the Minister? Is it not our duty to see that innocent people are not harassed? The point at issue is this. According to law, you can proceed only against a guilty person and not against an innocent person. If a thing is not done with his consent, according to what principle do you want to hold him guilty?

Dr. R. U. Singh: May I ask one question, Sir? What is the position under Company Law?

Pandit Thakur Das Bhargava: I will come to the Company law. Let my hon. friend wait. Let us consider this provision according to the provisions of criminal jurisprudence. Supposing under the Companies Act you have enacted a wrong law, do you justify this provision on that basis? If there is no *mens rea*, you do not hold a person guilty on the basis of negligence unless and until you prove that he has done something for which you want to hold him guilty. It is absurd and ridiculous that when you know a person to be innocent and yet proceed against him. I ask, can there be a crime like that? My humble submission is when we make a provision of this nature, we have to examine whether, in accordance with the principles of criminal jurisprudence, a person is guilty. If a person is not guilty, let us hold our hands and not try to embush him in the clutches of an absurd law. We have passed worse laws than this, because we did not want that any rich man should get out of the clutches of the law and produce scapegoats. All the same when there is a specific amendment of my friend which says that you appoint a man and place all kinds of responsibility on him and then you hold him guilty for neglect, you should accept it. Then he will be responsible to tell you everything and the law will be observed in practice. You have been yourself passing such Acts. You passed the Factories Act in which you had a similar provision. You appointed a person who would be responsible among the Directors. I think if any person looked at the present provision from the point of view of jurisprudence, he will feel scandalized. The words are: "Every director, manager, secretary, agent or other officer or person concerned with the management thereof". A *chaprasi* is concerned with management. Will he be held responsible? If a person is in any way responsible and he contravenes the law in any manner however distantly, then he may be held guilty but to have a provision of this kind is certainly against the basic principles of criminal jurisprudence. If you want to enlarge your powers you may do so. Even the amendment goes further than the principle of criminal jurisprudence but we accept it because we do not want a rich man to become able to thwart the law. Therefore this amendment, even if it goes against the obvious principle of criminal responsibility may be accepted, just to see that the purpose of law is not defeated by rich men. We will come into Labour Legislation again when Labour Relations Bill is enacted. We will then fight it out that unless and until a person is guilty according to fundamental principles of the criminal jurisprudence, he ought not to be held guilty under any law.

Shri Jagjivan Ram: This is not a new provision and this kind of provision finds place in so many Acts.

Pandit Thakur Das Bhargava: Is this any justification?

Shri Jagjivan Ram: Mr. Himatsingka knows very well that it exists in so many Acts.

Shri Himatsingka: It existed during the war in Control Acts under the D. I. Rules. Exception was taken thereafter and the amendment I have suggested has been accepted in subsequent Bills. The vicarious liability finds place only in the D. I. Act.

Shri Jagjivan Ram: This very point was very elaborately discussed when the Factories Act was under consideration and I quoted certain Acts in which this provision finds place. I will refer my friends to those proceedings and I think this provision is necessary and I am not in a position to accept the amendments.

Mr. Speaker: Does the hon. Member press his amendments?

Shri Himatsingha: I beg leave to withdraw the amendments.

The amendments were, by leave, withdrawn.

Clause 30 was added to the Bill.

Clause 31

Clause 31 was added to the Bill.

Clause 32

(Representation of Parties)

Shri Jagjivan Ram: I beg to move:

For part (c) of sub-clause (1), substitute:

"(c) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed;"

According to the existing clause he could authorize any person. The idea is, in that case he would have even authorized a legal practitioner or anybody who has nothing to do with the industry. The whole idea is that he should be represented either by a person who is an officer of a trade union in that industry or is a worker employed in that industry to represent that worker.

Mr. Speaker: The question is:

For part (c) of sub-clause (1), substitute:

"(c) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed;"

The motion was adopted.

Shri Jagjivan Ram: I beg to move:

Omit part (d) of sub-clause (1).

The amendment which the House has just now accepted makes it necessary to delete this.

Mr. Speaker: The question is:

Omit part (d) of sub-clause (1).

The motion was adopted.

Shri Jagjivan Ram: I beg to move:

For part (c) of sub-clause (2), substitute:

"(c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed;"

This is on the lines of the amendment which we have just now accepted to apply in the case of the employers.

Shri Syamnandan Sahaya: There may not be any other industry of the same type. From that aspect the existing provision is quite all right. If you restrict it to the particular industry to which the employer belongs, then S P. M. there may be difficulty. You can say 'and any association of employers'.

Shri Jagjivan Ram: In that case this will induce the employer to become a member of an Association of Employers.

Shri Syamnandan Sahaya: After all you cannot deny representation because he is not a member of the Association.

Shri Jagjivan Ram: That is an extreme case. We will consider it when any concrete case comes to our notice in future.

Mr. Speaker: The question is:

For part (c) of sub-clause (2), substitute:

"(c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed."

The motion was adopted.

Shri Jagjivan Ram: I beg to move:

Omit part (d) of sub-clause (2).

This is only a consequential amendment.

Mr. Speaker: The question is:

Omit part (d) of sub-clause (2).

The motion was adopted.

Shri Jagjivan Ram: I beg to move:

For sub-clause (3), substitute:

"(3) A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Appellate Tribunal."

The whole scheme of this Bill is that legal practitioners should not be allowed to appear before the Tribunals and where they are allowed, it should be with the consent of the parties concerned and with the leave of the Appellate Tribunal. This matter was discussed in the Tripartite Labour Conference also and it found favour with both the parties—rather this suggestion emanated from them.

Mr. Speaker: Amendment moved:

For sub-clause (3), substitute:

"(3) A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Appellate Tribunal."

Shri Homatsingka: As I said the other day, I feel that this amendment should not be pressed by the hon. Minister. Sub-clause (3), as it stands, reads:

"A party to an appeal may be represented by a legal practitioner or any other person authorised by such party in any proceeding before the Appellate Tribunal."

Why should that right be taken away in this fashion. We all know that the majority of the cases that will come up before the Appellate Tribunal will be cases on points of law or matters mentioned in sub-clause (b) of clause 7. When an interpretation of law is involved, it is not fair that a party should be deprived of its right to appoint a legal practitioner. If it is made a condition that a lawyer could only be engaged with the consent of the other party, and with the leave of the court, you may as well take it that it will be well-nigh impossible for a party to be represented by a lawyer. In fact, I have not been able to follow the policy underlying this amendment. In an Appellate Tribunal it will not be possible for the parties to prolong the proceedings by tendering evidence, or otherwise. It will be just a matter of placing the arguments on points of law. A lawyer cannot spin out a case and prolong the proceedings in the manner that is apprehended by the hon. Minister. In any event, if the hon. Minister is very insistent on this clause, I would suggest that the word 'and' occurring in the last line of the amendment may be changed to

'or'. In that case the Appellate Tribunal will have discretion to grant leave for the engagement of a lawyer by either party. Otherwise, two hurdles will have to be crossed before a party could be represented by a legal practitioner, as it is entitled to ordinarily.

Mr. Speaker: As I was looking through this provision, I was wondering as to whether, after having limited representation to certain sets of people by sub-clauses (1) and (2) of clause 32 is not sub-clause (3) apparently contradictory to what has been provided for in the first two sub-clauses? This is what strikes me on the face of it. On examination it may perhaps be found that what strikes me is not correct. Sub-clause (1) provides for the representation of workmen; sub-clause (2) provides for the representation of employers. I do not know whether there will be any other parties.

Shri Jagjivan Ram: Government may be the other party.

Mr. Speaker: Possibly. But if representation is restricted to certain classes of people by sub-clauses (1) and (2), how far is the enactment of sub-clause (3) which envisages the engagement of legal practitioners, consistent with the previous two sub-clauses. The first two sub-clauses prohibit the employment of any other person but those mentioned in them. Sub-clause (3) by enlarging the scope of that employment and bringing in legal practitioners appears to me somewhat contradictory. If Government is a party then there is no contradiction in that. But the wording of that sub-clause would have to be different. Either you should not apply sub-clause (3) to the two parties mentioned in sub-clauses (1) and (2), or sub-clauses (1) and (2) will have to state "subject to what is stated in sub-clause (3), etc."

Shri Jagjivan Ram: Sir, your interpretation is quite correct. As it stands, sub-clause (3) is very wide. But we have restricted by means of this amendment that a legal practitioner may appear before the Tribunal only with the consent of the parties, or if the parties agree to that. That widens the scope, as you have remarked, of the two sub-clauses that we have passed. The intention is that where both the parties feel that it is necessary to take the help of some legal practitioner and if they agree and the Tribunal also gives the leave, then a legal practitioner may appear.

Mr. Speaker: I understand the intention all right. But having laid down an absolute prohibition in sub-clauses (1) and (2) which does not make any exception at all, can they appoint any representative contrary to the provisions of sub-clauses (1) and (2)? If the House is agreed on that point it may be left to the draftsman.

Shri Syamandan Sahaya: Sir, this is a matter which deserves careful consideration.

Mr. Speaker: But the intention is clear to us. I was only referring to the drafting of it.

Shri Venkataraman: Sir, may I make the position clear? So far as clause 32 is concerned, it is the right of the party to be represented by either a trade union or another employee in the industry. It does not prohibit employment of any other person mentioned in sub-clause (3). What sub-clause (1) of clause 32 says is that a party to a proceedings, if he is a worker, shall be entitled to be represented by another worker or a trade union representative. It does not prohibit him from engaging some lawyer with consent under sub-clause (3). Therefore, I would make this distinction, that so far as sub-clause (3) is concerned it is a privilege and so far as sub-clause (1) is concerned it is a right. Sub-clause (1) deals with the right of the parties to be represented at the Tribunal, and sub-clause (3) deals with the privilege.

Mr. Speaker: I have no predilection either this way or that way, but I am merely inviting the attention to a possible confusion that may arise later on during the working of the Act. If the legal talents here are satisfied that everything is all right, I do not wish to make any suggestions.

Shri Hyder Hussain: I beg to oppose this amendment for two reasons. In the first place, the amendment as it stands requires the consent of the other parties to the proceedings. It is not certain as to what that consent means—whether the consent is to the fact of engagement or to the particular legal practitioner being engaged. It is not at all certain as to what the intention of this amendment is.

My second ground of objection is that it is a very peculiar procedure that a person, in order to be represented in a legal proceedings, requires the consent of the opposite party to engage a lawyer. It is a very funny procedure. It should depend upon the particular person himself whether he would engage a lawyer or not. I submit it has never been, at least in my knowledge, enacted that a person, in order to engage a lawyer, requires the consent of the other side. That takes it to an absurdity.

So far as the requirement of the leave of the Tribunal is concerned, I do not take so much exception to. If the policy of the Government is not to allow representation by lawyers in such cases, well, the requirement of the leave of the Appellate Tribunal may be retained; but certainly this portion regarding the consent of the other party is wholly uncalled for.

Then, I beg to endorse your objection to the drafting of it also, because sub-clauses (1) and (2) lay down a particular mode of representation, that is by a non-lawyer, and then all of a sudden, under sub-clause (3), we find the procedure laid down that even a legal practitioner can be engaged. I believe it is possible to get over this drafting difficulty by adding in the beginning "A workman who is a party to an appeal shall be entitled to be represented in any proceedings under the Act, by a legal practitioner or by". This is one of the suggestions that I make as regards drafting, but there may perhaps be other modes also. In any case, I am strongly opposed to the requirement of the consent of the opposite party in the matter of engagement of lawyers.

Shri Venkataraman: Sir, this a matter in which both the parties, namely, employers and workers, are agreed as to the exclusion of legal practitioners. I tried to explain during the general debate of this Bill that the scope and nature of an industrial arbitration is very different from that of a commercial arbitration, and that the object of the industrial tribunal is to promote a settlement—it is not to decide judicially who is right and who is wrong. If that is the scope and object of an industrial tribunal, then it appears to me that the place of lawyers is certainly not there. It is not as if we are enacting in this country such an exclusion so far as industrial arbitration and conciliation are concerned. The country which has made the greatest progress so far as compulsory arbitration and conciliation are concerned, that is so far as these industrial disputes are concerned, is Australia. There we have the same provisions that no legal practitioner can appear in an Appellate Tribunal without the consent of the other parties. We are not doing anything new in our country nor are we trying a new experiment which has not been tried in other places. In many countries in Europe also, the lawyers have been excluded from appearing before these tribunals. Therefore, I do not see anything fundamentally wrong in the exclusion of lawyers as such from the proceedings of these tribunals.

With regard to the drafting, I consider that the clause as it stands is fully and correctly representing the point which the hon. Minister has in mind. So far as we are concerned, we want, in the first place, the right of the worker to be represented by his fellow-worker and by a trade union representative. No

power on earth should take that away. That is why in clause 31(1) it says that a worker shall be entitled to be represented in that manner. Ordinarily, in civil procedure, a person who is not a party to the proceedings will be entitled to be represented only by a lawyer. A third party going in the street cannot come and say, "I will represent so-and-so". It is to get over that legal difficulty that it has been provided here that not only the person who is a party to the proceedings but even a fellow-worker can represent the party to the proceedings. Therefore, if any change is made in those provisions, it will take away the very object with which these provisions have been introduced.

You may also look at the future repercussions of this Bill on the development of the trade union movement. By making a provision like this that a member of a trade union is entitled to represent a worker who is not even a member, it is intended that the trade unions should take charge of the conduct of these proceedings and that the trade unions with their sense of responsibility will be able to inculcate into the other worker who is not even a member at the moment, with the rights, duties and liabilities of being a worker and conforming to the trade union duties. Therefore, it is that greater emphasis has been laid in the clause as it stands on the representation by a trade union representative and not by a lawyer. I think the clause as it stands, and the amendment moved by the hon. Minister, are very appropriate and should command the approval of the entire House.

Shri Meeran: I was simply amazed at the speech of my hon. friend, Mr. Venkataraman trying to justify the amendment proposed by the hon. Minister. He, in my opinion, trotted out a facile argument which is very often levelled by the employers against some of my friends like Mr. Venkataraman, of trying to indulge in labour politics without themselves being labourers. They used to say, "It is these interlopers who, instead of trying to bring about a mutual adjustment between labour and the employer, try to create all sorts of difficulties by these busy-bodies coming in." As against that, I know they have got a very good argument that labourers are not fully developed, not fully educated; they say they require educated men, men who can understand things and that so long as we cannot get such men from the labour ranks itself it must be open to the labourers to choose their labour leaders even from outside their own ranks. If that argument could be applied in that case, it could be applied with greater force to the employment and engagement of a lawyer in a dispute pending before a tribunal, which is much more complicated than trying to bring about the adjustment of differences between the employer and the employee. My friend said that the object of an industrial tribunal is not comparable to that of a commercial tribunal or any civil court because the industrial tribunal tries to bring about an adjustment between the labourer and the employer. It is so. But if that could be done I would say then scrap all this labour legislation. Why do you want all this? The best way to bring about a harmonious relationship is to bring about the human factor and bring the employer and labourer together, and that is what the employers used to say when they wanted to twit at the labour leaders who do not belong to labour. My friend trots out by his own mouth the same argument to exclude lawyers from labour tribunals. When we have got a complicated piece of legislation—we have got not only this Bill but we have got so many Bills dealing with labour; labour problems are not so easy as they were in the good old days when perhaps there was direct human contact between labourer and employer—when we have got to deal with law and with so many pieces of legislation, I think the employment of an advocate or a legal practitioner is an absolute necessity. Of course it is left to the party to employ him or not. If the party thinks that he can get on without a lawyer, very good. If the party thinks that a lawyer will be a hindrance to a rapprochement between the employer and the labourer, let him not employ him. But please for heaven's sake do not

[Shri Meeran]

put a legal ban on the employment of an advocate. What is he to do? He is not a sinner for it. If at all he is going to be employed, it is because of the voluntary choice of the employer or the labourer. Therefore, why put a legal ban on his employment?

My friend quoted the example of other countries. But I would like to know, first of all, are our conditions similar to those of other countries? Are our labourers advanced? Are they able to read and understand the labour legislation or this Appellate Tribunal Bill—the A, B, C of it? What is the use of citing the example of other countries? We have got labour legislation in a language which the labourer does not understand. What is the use of quoting the example of England and other countries where the law is enacted in the language which the labourer himself knows, where he is sufficiently educated enough and has also other methods to help him? So long as you have kept the administration of our courts, our judicial proceedings and our Appellate Tribunal proceedings in a language other than that of the labourer himself—I do not know how many years it will take to replace English—but so long at least as English holds the field and our judicial administration including the Industrial Appellate Tribunal administration is going to be carried on in a language which is foreign to the labourer, I submit that the advocate who knows the language, who knows the law, is absolutely essential. If you deny that right, I say with great emphasis and with all the sincerity and earnestness at my command that you are denying him a great privilege and a right which he must have. I am not talking of the employer. It may sometimes suit him to see that the labourer does not engage a competent man to defend himself and he might like to put hurdles in his way. If you say “with the consent of the other party” or “consent of the other” etc., I say they are the greatest hurdles which will work to the greater detriment of the labourer rather than the employer. Suppose a case is filed and the labourer wants to engage a lawyer. The employer is a monied man. He does not want to see that the labourer engages the best talent. It is just possible that the tribunal may be sitting at a place where his other co-workers may not be able to help the labourer. Even labour leaders may not be able to help him. It may not be in the metropolis. Where the labourer himself will understand and where any of his friends also can be of help, provision is made in the previous sub-clauses (1) and (2). But, in such cases, if he is denied the help of a lawyer, if a legal ban is put on the employment of a lawyer, what is the position? Is he not in a worse position than he is today? After all, this is being enacted only to safeguard and improve the position of the labourer and not to take away the right or privilege which he should have in the ordinary course of things. As I said, give him the right. Let the labourer or the employer do what he wants. If he thinks that a lawyer will be a hindrance surely he will not go anywhere near him. But why do you put a legal ban on the employment of a lawyer? What is the justification for it I am not able to understand. Taking all these facts into account and with all the earnestness at my command I would request the hon. Minister of Labour to see whether this provision is after all in the interest of the labourer himself for whose benefit I take it this Bill has been brought forward. With these words I would request him to withdraw the amendment.

Shri Harihar Nath Shastri: I think this is not a matter on which it is necessary to generate so much heat. Personally speaking, I have no doubt that so far as lawyers as a class are concerned, there have been, and there are, persons amongst them who have made the greatest sacrifices and who have done much for the country, but here the simple question is whether in connection with industrial disputes it is necessary or desirable to make it possible for lawyers to work on these tribunals. The stand which my friend Mr. Venkataraman has taken, and which people like me also take, is a simple one and it

has the backing of long experience. I would cite only one or two instances in a minute. It was about two years back that in a particular textile factory a sweeper was victimised. Through his trade union he appealed to the industrial tribunal. He was represented by the officers of the trade union. But the employer concerned was interested that the case should hang on and should be prolonged to a limit in which it may become impossible for the other party to carry it on further. As such, the employer concerned engaged the services of one of the topmost lawyers in Kanpur. The result was, you will be surprised to know, that the case of victimisation of an individual dragged on for full one year—a case in which if the worker concerned had been employed and even if he had served for his whole life hardly Rs. 2,000 or Rs. 3,000 would have been payable to him but the millowner concerned persisted with the case and paid about Rs. 1,500 daily to the lawyer and dragged on the case for one year!

Today what is happening? There is a banking case going on in Bombay. There are about forty or forty-five banks. Almost every one of them has engaged one lawyer. So, one lawyer stands up, he commences his arguments, he goes on for a week. Then the other stands up and does the same thing. If this state of affairs goes on I have no doubt that the case will go on for a year or two, and I do not know what may happen.

I am very grateful to my friend who has just preceded me and who is so sympathetic towards labour.

An Hon. Member: Is he a lawyer?

Shri Harihar Nath Shastri: I do not know. But, as I pointed out the other day, if there are any redeeming features in the whole Bill, one of the features is this that it is proposed to redeem or to free these tribunals—with all respect to my lawyer friends—from this set of people. As I said, there is no disrespect involved but in the light of experience that we had in the trade union field, it is strongly felt that this amendment which has been moved, should be accepted.

Dr. R. U. Singh: Sir, you have pointed a real difficulty in the statute and the difficulty ought to be met if the amendment to be moved by the hon. Mr. Jagjivan Ram is to be effective at all and on that account I should suggest that he may accept any other draft. If you want to make the amendment effective perhaps you may say "notwithstanding anything contained in subsections (1) and (2)" or some such thing, and then it would be possible to give effect to the amendment as it stands within the limited form, in which case, perhaps it may be possible for the lawyers to appear. Otherwise it is possible that a question may be raised that lawyers are not entitled to appear. In some cases, I think the appearance of lawyers will be very necessary. In fact it will be unavoidable over those cases. This ought to be possible and on that account, I think, the difficulty pointed out by you is a real one and ought to be met.

बाबू रामनारायण सिंह : एक बात मुझे कहनी है, अध्यक्ष महोदय, अभी इस बात पर बहस हो रही है कि जो नया ट्रिब्यूनल (tribunal) बनेगा, नये इजलास की सृष्टि जो होगी वहाँ पर वकील जा सकते हैं या नहीं।

[MR. DEPUTY-SPEAKER in the Chair.]

कुछ समझते हैं जाना चाहिये। पहले विचार था कि नहीं जाना चाहिये, इसकी जरूरत नहीं है। तो अध्यक्ष महोदय, बात यह है कि संसार में हम लोग जितने काम करते हैं उनमें कोई काम ऐसा नहीं है जो केवल भला हो या केवल बुरा हो।

[बाबू रामनारायण सिंह]

जो काम कुछ लोगों के लिये बुरा होता है वही काम कुछ लोगों के लिये अच्छा होता है। वकील सम्प्रदाय से इस में शक नहीं कि देश का लाभ बहुत काफी हुआ है लेकिन जैसा अभी कहा गया है घाटा भी काफी हुआ है। नया कानून बन रहा है, नये इजलास की सृष्टि हो रही है, अच्छा होता कि इस में वकीलों के जाने की गुंजाइश न रहती। एक नमूना रहे और देखा जाय कि वकीलों के न जाने से क्या होता है। अध्यक्ष महोदय, मैंने जर्मन कान्स्टिट्यूशन (German Constitution) में पढ़ा था कि वहां पर खास कचहरी में, कोई प्रोफेशनल वकील (professional) *Vakil* नहीं जाता था। ऐसे इजलास में तीन जज बैठ कर मुकदमा सुनते थे। उसमें से एक मुद्दे की तरफ रहता था और मुद्दे की तरह से काम करता था, दूसरा मुद्दालय की तरफ से रहता था और एक पंच की तरह रहता था। मुकदमों का सब काम खत्म होने के बाद तीनों मिल कर फैसला दे देते थे। अगर इस तरह की चीज आप यहां पर लायें तो बुरा नहीं होगा। मैंने उस दिन कहा था कि जो कन्सेन्ट (consent) की बात है वह बिल्कुल बेढंगी मालूम होती है। वकीलों के जाने की बात है, जाने दीजिये, इस में कन्सेन्ट की क्या जरूरत है। एक भाई ने कहा है कि मजदूरों को यह आज बड़ा हक है कि उन की तरफ से वकील काम करता है, उन को उस से बंचित नहीं करना चाहिये, यह एक बहुत बड़ी बात है। लेकिन मैं कहता हूँ कि जहां वकील जाने लगेंगे और जहां इस तरह से रुपया खर्च होने लगेगा तो शायद मजदूर लोग पूंजी-पतियों से नहीं जीत सकेंगे। वहां मजदूरों की घटी होगी, ऐसा मेरा विश्वास होता है। मैं तो यहां तक कहता हूँ कि जो कन्सेन्ट की बात आप कहते हैं तो पूंजी-पति ऐसा षड्यन्त्र कर सकते हैं कि मजदूरों के पास उन की राय लेने के लिये जाने के पहले किसी एक वकील को अपने रुपये से खड़ा कर दे सकते हैं, और वह वकील मजदूरों के पास जाकर कह सकता है कि हां जी, तुम लोगों का खास मुकदमा है, इस में तो कानून की बात है और बहस होनी चाहिये, अरे, मैं तुम्हारी तरफ से काम कर दूंगा, तुम लोगों से फीस (fees) नहीं लूंगा (फीस तो वह पहले ही पूंजी-पति से ले लेते हैं), ऐसा षड्यन्त्र हो सकता है, और इस प्रकार के षड्यन्त्र के होने से भी मजदूरों का घाटा होगा। तो मैं समझता हूँ कि इस को जैसे पहले था वैसा ही रहने दिया जाय—कि इस इजलास में कोई वकील न जाने पाये। यह एक बात।

दूसरी बात अगर हम लोगों के मन में है आज हम लोगों का दिमाग पहले ढंग से बिगड़ा हुआ है, अंगरेजी ढंग से, और यह समझा जाय कि वकीलों को जाना ही चाहिये, तो वकीलों को जाने दीजिये। इस में कन्सेन्ट वगैरह की जो बात है वह बिल्कुल बेकार है उस को आप खत्म कर दीजिये। यही मुझे कहना है।

(English translation of the above speech.)

Babu Ramnarayan Singh (Bihar): I have to submit one thing. Just at present the point under discussion is whether Vakils or pleaders should be allowed or not to appear before this new tribunal, the new court, that is going to be set up.

[MR. DEPUTY-SPEAKER in the Chair.]

Some hold the opinion that they should be allowed. At first the opinion was that they should not be allowed to appear as there would be no necessity of them. The fact is that whatever things we do in this world are neither exclusively bad nor exclusively good. A thing that might be bad for certain individuals can be beneficial for some others. There is no doubt about this fact that the Vakil Community has rendered a great deal of service to the country but, as has just been said, has also caused some considerable dis-service also. This new law is being enacted, a new court is being created, so it would have been better had there been no place for vakils therein. It should be deemed as a model and it should be studied as to what happens as a result of the absence of vakils. In the German Constitution I have read that in the principal courts no professional vakils were allowed to appear. During trial three judges used to constitute the bench. Out of these three, one used to act as the complainant and thus plead for him, the other one used to represent the defendant and the third the jury. After the completion of the hearing all the three used to confer among themselves and then pass judgement. If you were to introduce this procedure here also then it would not result in anything bad. The other day I had submitted that the question of obtaining consent sounds rather inconsistent. The question is whether they should be allowed to appear or not, let them appear, what is the necessity of obtaining consent. An hon. friend has submitted that the labour have got a privilege these days that a vakil can appear on their behalf and so they should not be deprived of this privilege, this is an important thing. But I say that whenever vakils would be allowed to appear professionally and where money would be spent for this purpose, then perhaps the labour would not be able to score a victory over the capitalists. If things were to come that way then I believe that the labour would surely and certainly lose ground. I can go to such an extent and say that as regards the provision of obtaining consent the capitalists can hatch such a conspiracy that before approaching the labour in order to obtain their consent they can in the first place engage a vakil at their own expense and this vakil can approach the labour and coax them to believe that as that was an important case and involved legal technicalities, so arguments should be submitted and so he would work on their behalf without charging them any fees, etc., (because these vakils already got their fees from the capitalists),—such conspiracies can be hatched,—and as a result of such conspiracies the interests of the labour would surely suffer. Therefore I think that the *status quo* should better be maintained, that is vakils may not be allowed to appear before this tribunal. This is a point I had to submit.

The other thing that I have to submit is that if to-day we think, because our minds have already been contaminated by the British system of justice, and feel that the vakils should be allowed to appear, then allow them to appear. The question of obtaining consent etc. is quite bosh and it should better be done away with. I have to submit only so much.

Shri Kishorimohan Tripathi (Madhya Pradesh): I want to support this amendment and I want to bring home to hon. Members the argument which was advanced by my hon. friend, Mr. Venkataraman. I think his argument has not been well appreciated. Whenever industrial disputes arise, they try to undermine production in the country and this ultimately leads to undermining the economy of the country. It is therefore necessary that if any industrial dispute arises and hinders production in any industry, it must be put

[Shri Kishorimohan Tripathi]

an end to at the earliest possible opportunity. A dispute in the field of industry between employer and the employees should not be treated on a par with Civil suits before Civil courts. If therefore we give the right of free representation through lawyers to both the employers and employees, as has been pointed out by Mr. Shastri, the employers who are definitely far better organized today and who have far greater capacity in every aspect of their life, will try to defeat the very object of this Bill. They will prolong the disputes and thus will come in the way of our industries functioning properly. My hon. friend from Madras, who spoke in support of allowing lawyers to take part in these proceedings before the Appellate Tribunal, while speaking in great warmth said that such men as do not actually belong to labour have no right to speak in their behalf.

Shri Meeran: I never said so. I was only giving the argument of the other side to show the analogy.

Shri Kishorimohan Tripathi: I took it to be so. If you did not mean it, it is all very well. I want to ask him: "What is the condition of the labourer in India to-day?" The responsibility rests upon us to see him in that poor condition. He is not organised well to bargain collectively and he is being exploited in every possible manner. To refuse him the right to be represented or helped by persons other than the workers is indirectly to support the cause of capitalism and exploitation of labour. With these few words, I support the amendment and I hope the hon. Minister will see that the amendment is carried.

Shri Jagjivan Ram: I have not much to say. It has been said by certain Members that this is an absurd provision. To those who think on the old orthodox lines it will appear that it is an absurd provision but those who think that we have to proceed on progressive lines will agree that it is a very necessary provision. Many friends have quoted examples. I remember one instance which was related to me by an hon. Member of this House. Once there was a dispute between the employers and employees in Ahmedabad. The case came up before the Bombay High Court. All the eminent lawyers of the Bombay Bar were briefed by the employers with the ultimate result that the Labour Union could not brief a single lawyer in Bombay and it was with the special leave of the High Court that the Secretary of that Union appeared before the High Court. These conditions can still be expected. The amount of money that is spent upon legal practitioners by various companies is colossal and the money belongs to the shareholders. It is spent in defending cases, in engaging the topmost lawyers of the country and in protracting the proceedings of industrial disputes. Moreover, as I said, this provision was not here at first and in the light of what transpired in the Indian Labour Conference, in which employers and workers were both represented, I have tried to give effect to the understanding reached there by this amendment. I press my amendment.

Mr. Deputy-Speaker: The question is:

For sub-clause (3), substitute:

"(3) A party to a proceeding under this Act may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Appellate Tribunal."

The motion was adopted.

Clause, as amended, was added to the Bill.

Clause 33

Clause 33 was added to the Bill.

Clause 34

(Power to make Rules)

Amendment made:

In sub-clause (2), after part (b), insert new part:

“(c) costs, and the manner in which they may be recovered;”
and reletter subsequent parts.

[Shri Jagjivan Ram]

Clause, as amended, was added to the Bill.

Schedule**Shri Jagjivan Ram:** I beg to move:

After paragraph 1, insert new paragraph:

“1A. After sub-section (5) of section 11, the following sub-section be inserted, namely:—

“(5A). Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal, and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid, and such costs may, on application made to it by the person entitled, be recovered as arrears of land revenue or as a public demand by the appropriate Government.”

Mr. Deputy-Speaker: I shall put it to the House, as it has been sufficiently discussed.**Dr. E. U. Singh:** I thought it was to be discussed and some sort of conclusion arrived at.**Mr. Deputy-Speaker:** That was, I believe, with respect to the costs of the Appellate Tribunal.**Dr. E. U. Singh:** Amendment Nos. 18 and 64 have to be considered together.**Shri Jagjivan Ram:** I have got this matter examined by the Law Ministry and I may read to the House the note I have received in this connection:

“Amendment to clause 9 relates to the power of the Appellate Tribunal regarding the award of costs and the amendment to the Schedule relates to the powers of the Industrial Tribunals under the Industrial Disputes Act 1947. I will take the amendment under the Schedule first.

There is no provision in the Industrial Disputes Act which gives Industrial Tribunals the power of a civil court in respect of costs. The general rule-making power contained in section 38(1) of that Act may permit the framing of rules regarding the award of costs, though there is some dispute even regarding this. In any case there are no provisions in the Industrial Disputes Act for the recovery of costs. Clause 20 of the Appellate Tribunal Bill relates to recovery of money due from an employer. It does not provide for recovery of costs from a worker. So a specific provision in this regard is required to enable recovery of costs awarded by Industrial Tribunals. It is therefore essential that the amendment to the Schedule must be carried out.

As regards amendment to clause 9, it is true that sub-clause (1) of clause 9 will permit the Appellate Tribunal to award costs but here again there is no provision for recovery of costs from a worker, for it is not covered by section 20. So provision must be made in the Appellate Tribunal Bill at least for recovery. If that is so, it is felt that it is better to repeat an identical amendment under clause 9, for if there is any difference between the two amendments it will lead to arguments that since there is a specific provision for award of costs under the Schedule, it must be inferred that no such power has been given to the Appellate Tribunal. This contention may not succeed but the scope for argument is there. It is therefore felt that both the amendments should be carried out.

As regards the contention that the amendment under clause 9 does not specifically empower the Appellate Tribunal to modify orders relating to costs given by original Tribunals, sub-clause (7) of clause 9 is deemed adequate. An order relating to costs forms part of the original award and it is open to the Appellate Tribunal to set aside or modify the order relating to costs just as it can pass orders relating to the rest of the award.”

Dr. E. U. Singh: The question to be considered is that we are making a provision in the Act about costs though we are debarring legal practitioners from appearing before the Tribunal; thus a very important item, so far as costs are concerned, goes out. So far as the Industrial Disputes Act is concerned, we have not made any provision for costs. Where is the need to make such

[Dr. R. U. Singh]

a provision here? The hon. Minister has not explained why this provision is necessary. Then, in section 34, we have already made a provision that the Central Government may make rules about costs and the manner in which costs are to be recovered. I thought, when the discussions were taking place, that this matter would be considered. I should think that the provision that we have already made, namely, that the Central Government may make rules as regards costs and the manner in which costs are to be recovered, ought to be sufficient for the purpose. The question is an extremely important one whether costs are to be allowed. If, however, you give power to the Tribunal to allow costs, as you propose to do, then the Tribunal will award costs and it may be that the provision that we have just made under clause 34 will become ineffective. I should suggest again that these two amendments in the name of the hon. Minister may be withdrawn. Amendment No. 18 under clause 9 is not necessary and the amendment No. 64 too is not necessary because it has never been there so far as the Industrial Disputes Act is concerned. We are making a new provision for costs. I should therefore think that in view of what I have said and the further fact that under clause 34 we have made provision under the rule-making powers, these two amendments may be withdrawn.

Mr. Deputy-Speaker: Are there no other costs other than fees for lawyers?

Dr. R. U. Singh: They are unimportant. They can be provided for under the rule-making powers.

Mr. Deputy-Speaker: What happens to the money paid to lawyers appointed with the consent of parties? I will put the amendment to the vote of the House. No more discussion is necessary.

Shri Jagjivan Ram: Amendment to clause 9 also, Sir.

Mr. Deputy-Speaker: I am coming to it later. The question is:

After paragraph 1, insert new paragraph :

"1A. After sub-section (5) of section 11, the following sub-section be inserted, namely :—

'(5A). Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal, and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid, and such costs may, on application made to it by the person entitled, be recovered as arrears of land revenue or as a public demand by the appropriate Government.'

The motion was adopted.

Shri Jagjivan Ram: I beg to move:

(i) After paragraph 1A, insert new paragraph :

"1B. After sub-section (6) of section 11, the following sub-section be inserted, namely :—

'(6A). Every Tribunal shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).'

This is with the intention to give to the Tribunal the same power as a civil court.

Mr. Deputy-Speaker: The hon. Minister may read (ii) also.

Shri Jagjivan Ram: Here, with a view to bring it in line with sub-clause (b) of clause 22, I would like to slightly modify the amendment. It should be:

"(b) discharge or punish whether by dismissal or otherwise any workman concerned in such dispute."

Mr. Deputy-Speaker: Discharge or dismissal is in the existing amendment; punishment is not here.

Shri Jagjivan Ram: This is to bring it in line with clause 22 which we have just passed.

Mr. Deputy-Speaker: Has not the word 'punish' been removed?

Shri Jagjivan Ram: No; I did not move that amendment. It remains as it is. It will be as follows:

"discharge or punish whether by dismissal or otherwise any workman concerned in such dispute."

Mr. Deputy-Speaker: Yes; the hon. Minister may move it.

Shri Jagjivan Ram: So, Sir, I beg to move:

(ii) In paragraph 6, in the proposed section 33, for clause (b), substitute:

"(b) discharge or punish whether by dismissal or otherwise any workman concerned in such dispute."

Mr. Deputy-Speaker: The question is:

(i) After paragraph 1A, insert new paragraph:

"1B. After sub-section (6) of section 11, the following sub-section be inserted, namely:—

'(6A). Every Tribunal shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).'

(ii) In paragraph 6, in the proposed section 33 for clause (b), substitute:

"(b) discharge or punish whether by dismissal or otherwise any workman concerned in such dispute."

The motion was adopted.

Shri Venkataraman: Sir, in place of amendment No. 70, I want to move amendment No. 72.

Mr. Deputy-Speaker: Shall I give precedence to that?

Shri Venkataraman: That comes immediately after.

Mr. Deputy-Speaker: Yes; Amendment 71 will be called later.

Shri Venkataraman: I beg to move:

After paragraph 6, insert new paragraph:

"7. After section 33, the following new section shall be inserted, namely:—

'33A. Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Tribunal and on receipt of such complaint that Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit its award to the appropriate Government and the provisions of this Act shall apply accordingly.'

I have already explained this in connection with matters arising before the Tribunal and this has been passed by this House. I therefore move that this amendment may be accepted.

Mr. Deputy-Speaker: The question is:

After paragraph 6, insert new paragraph:

"7. After section 33, the following new section shall be inserted, namely:—

'33A. Where an employer contravenes the provisions of section 33 during the pendency of proceedings before a Tribunal, any employee aggrieved by such contravention, may make a complaint in writing, in the prescribed manner to such Tribunal and on receipt of such complaint that Tribunal shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with the provisions of this Act and shall submit its award to the appropriate Government and the provisions of this Act shall apply accordingly.'

The motion was adopted.

[Mr. Deputy-Speaker]

Further amendment made :

After paragraph 7, add new paragraph :

"8. For section 36, the following section shall be substituted, namely :—

"36. *Representation of parties.*—(1) A workman who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

- (a) an officer of a registered trade union of which he is a member;
- (b) an officer of a federation of trade unions to which the trade union referred to in clause (a) is affiliated;
- (c) where the worker is not a member of any trade union, by an officer of any trade union connected with, or by any other workman employed in, the industry in which the worker is employed and authorised in such manner as may be prescribed.

(2) An employer who is a party to a dispute shall be entitled to be represented in any proceeding under this Act by—

- (a) an officer of an association of employers of which he is a member;
- (b) an officer of a federation of associations of employers to which the association referred to in clause (a) is affiliated;
- (c) where the employer is not a member of any association of employers, by an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged and authorised in such manner as may be prescribed.

(3) No party to a dispute shall be entitled to be represented by a legal practitioner in any conciliation proceedings under this Act or in any proceedings before a court.

(4) In any proceeding before a Tribunal, a party to a dispute may be represented by a legal practitioner with the consent of the other parties to the proceeding and with the leave of the Tribunal."

[Shri Jagjivan Ram]

The Schedule as amended, was added to the Bill.

Clause 9

(Powers and Procedure of the Appellate Tribunal)

Mr. Deputy-Speaker: Clause 9.

Shri Jagjivan Ram: The amendment has already been moved. It has to be put to the House.

Shri Syamnandan Sahaya: Which amendment?

Mr. Deputy-Speaker: No. 18 on the Order paper. It has already been moved before Lunch. The difficulty was felt as to whether it was not necessary in view of the amendment to the schedule amending the Industrial Disputes Act there should be modification. Having regard to the memorandum read out by the Minister, he is of the opinion that it is unnecessary. Therefore I put the amendment No. 18. The question is:

After sub-clause (10), add new sub-clause :

"(11) Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before the Appellate Tribunal shall be in the discretion of the Appellate Tribunal, and the Appellate Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid and to give all necessary directions for the purposes aforesaid, and such costs may be recovered in the manner provided for in sub-section (1) of section 20."

The motion was adopted.

Clause, as amended, was added to the Bill.

Clause 1

Clause 1 was added to the Bill.

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

Shri Jagjivan Ram: I beg to move:

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

Shri Hanthar Nath Shastri: I want to speak.

Mr. Deputy-Speaker: I want hon. Members to confine their speeches to five minutes. The scope of discussion at the Third Stage is very limited and he ought not to discuss the history. He must confine his remarks to those amendments that have been carried or ought to have been carried.

Shri Harihar Nath Shastri: Sir, I do not propose to inflict any speech on the House. I would only like to observe that in spite of the eloquent speech that was made by the hon. Minister the other day, I am not yet convinced of the urgency for this Bill. In the course of his speech the Minister perhaps in a non-serious mood, made an observation that seems to have been taken very serious notice of by the press and it is this. He stated that whereas I opposed this Bill, the President of the organization that I represent, viz., Shri Khandhubhai Desai is one of the signatories to the report of the Select Committee. I may submit in this connection that so far as Mr. Desai is concerned, apart from the fact that he is the President of this organization, in fact he is the real main-spring from which the organization draws inspiration and I may further assure the House that never in the history of this organization during the last 3 years has any occasion arisen for myself or any workers of the organization to differ on any fundamental point from Mr. Desai. But I submitted the other day and I repeat now with proof in my hand that while the Bill was signed by Mr. Desai and while the Bill was considered by the House the Labour Relations Bill had not seen the light of day and it was under that circumstance that Mr. Desai gave his approval to that Bill. While I opposed the Bill I was convinced that if Mr. Desai was here—unfortunately due to reasons of health he could not be here—he would have taken the same line as I had taken. This is the telegram that I have just now received:

“Reference Appellate Tribunals Bill. Very much perturbed to read press reports clauses relating to powers to be vested in Government to modify awards given by Appellate Tribunal highly controversial. Looking to very strong adverse opinion of working classes I very earnestly request you to delete the clause or to postpone further consideration of the Bill till Labour Relations Bill considered by Select Committee. On mature consideration I feel that if the Bill is passed with this objectionable clause, the confidence of the working classes in the arbitration machinery will be shaken and industrial peace and production of our country, cherished objectives, will be jeopardized. Concept of social justice is fully realized when arbitration is made compulsory. If judiciary is made subservient Executive Government will earn adverse criticism inside country and abroad.”

I do not desire to say anything more. There is only one redeeming factor for the whole situation and it is this that the Labour Relations Bill is coming before the Select Committee only after some months and meantime I have no doubt that as a result of experience gained by Government and the country by working of this obnoxious measure that the Minister will come to the conclusion that while bringing the Labour Relations Bill on the Statute Book, many of the obnoxious provisions that have found place in this measure should be taken out of the Bill.

With these words, I thank you, Sir, for giving me this opportunity to speak.

Mr. Deputy-Speaker: Mr. Venkataraman. (*Interruption*) The procedure of the House is that in a Bill I am bound to call every hon. Member wishing to speak. If the House thinks that there has been sufficient discussion, it is open to any hon. Member to say that the question may be put. Otherwise it is not competent for me to prevent Members from speaking.

Shri Hossain Imam: Sir, the decision lies with you as to whether there has been sufficient discussion.

Shri Syamnandan Sahaya: My friend from the Labour Group has made certain observations to which the hon. Minister himself will not be in a position to reply. A few minutes time may be given to one or two other Members.

Shri B. K. Chaudhuri (Assam): May I remind you of the promise you made on Saturday that you would give me another opportunity to speak?

Mr. Deputy-Speaker: The hon. Member never appeared in the House when the Bill was discussed here. Mr. Venkataraman.

Shri Venkataraman: The main objection that labour had to this Appellate Tribunal was that it is likely to delay the proceedings still further and the labour will be kept out of the results for a long time. Under clause 8 provision has been made for appointing Benches of Appellate Tribunal and I take this opportunity of urging on Government to establish at least three Appellate Benches one in Madras, one in Bombay and one in Calcutta, so that there may be expeditious disposal of the appeals that may come before the Appellate Tribunals. Sir, you must also take into account the cost and the expenses involved in locating Tribunals in far-off places, thus making it impossible for labour to defend their actions before these Tribunals. I take this opportunity of impressing upon the hon. Minister that when he constitutes the Benches, he should so constitute them that the people of the respective regions may have the opportunity of being able to conduct their cases with speed as well as economy.

Now, my second point is that when he frames rules and regulations under sub-clause (10) of clause 9, he should frame not the usual rules of procedure contained in the Civil Procedure Code, but really useful rules. There are many precedents for that in the foreign labour codes and I would appeal to him to look into those codes and see that all the legal formalities are dispensed with and a really expeditious procedure settled.

Thirdly, we objected to the Government assuming power to change the awards. Now, it is time that the hon. Minister assures this House that notwithstanding the power assumed by the Government, it will not be exercised lightly, and that unless it is a matter of such grave importance as to affect the life of the community, as to have repercussions on society and the State, they will not exercise that power. These assurances are necessary if this Bill is to command the confidence of the working classes and if this Bill has to be worked in a spirit of compromise. I would, therefore, appeal to the hon. Minister, before the debate is closed, to give these assurances so that labour may feel enthused and try to give their best co-operation for the successful working of this Bill.

Shri Syamnandan Sahaya: I was surprised at the speech of Mr. Harihar Nath Shastri. This Bill, in my opinion, is a measure which has been brought about as a result of insistent demands—from what little I know of labour and capital difficulties in this country—not only by the people representing labour, but also by employers. As a matter of fact, it was felt not on one, but on many an occasion that such an appellate tribunal is necessary, if for no other reason, at least for the reason that there may be some similarity between different decisions that are being given in different parts of the country. In the present stage of development of labour as also of industries, I think it is necessary that for some time to come the executive must retain certain powers in order so to administer the law that ultimately the country and the industry may prosper. It is not unusual sometimes for the different parties to take views which may only be to their interest and on occasions like that it becomes necessary for the Government to take the initiative in their own hands and so to adjust matters that the country and the industries may not suffer. In fact the hon. Minister deserves the congratulations of this House for having brought not only this Bill but several other Bills to adjust the relations between capital and labour for the ultimate good of the industries, of labour and of the country as a whole.

I am afraid that the apprehensions expressed by my friend Shri Harihar Nathji gives me the apprehension that we may not be able to work this piece of legislation in the spirit in which it has been framed. Opportunities of discussion of this Bill have been given not only in this House but on many

occasions outside as well—I mean in what we call now the Tripartite Conferences. And at the time of our passing this Bill I think the hon. Minister would be justified in looking up to us to extend to him full co-operation in order that this and the other Bills of similar nature may be successfully worked. I think, on the whole, the hon. Minister deserves our sincere congratulations for the honest efforts that he has been making for bringing about good relations between the different parties which will ultimately lead to the good of the country and to the good of the industries.

Shri B. K. Chaudhuri: I shall be very brief in my speech. I congratulate the hon. Minister for the new era which he has introduced by this piece of legislation. He has stipulated two conditions for the appearance of lawyers before these appellate tribunals: condition No. 1 is that he must obtain the consent of the adversary: condition No. 2 is that the consent of the tribunal should also be obtained. This is no new practice. There is a similar provision in the rules of administration of justice in the tribal areas of Assam. In the past lawyers from the progressive areas were going in large numbers to the tribal areas; so a condition was laid down that a lawyer can appear only with the consent of the court. So this is only an imitation of the rule of law which obtains in the tribal areas. But even in the tribal areas, the law did not go to the extent of laying down the consent of the opposite party. In this respect, whether it is a progressive or a retrograde step, it is for the House to decide. But I consider that this aspect of it will very much gladden the hearts of the bureaucratic rulers of the past of Assam who insisted that lawyers should not be allowed to go to particular districts at all. Even now in certain tribal hill districts of Assam there are no lawyers. They cannot settle down and practice in those courts, although those courts are under the jurisdiction of the High Court. I think this is a thin end of the wedge, so that the lawyer class may disappear by and by. Afterwards what will happen is that men like my friend Babu Ramnarayan Singh will take the place of lawyers. He will appear where lawyers will not be able to appear. While lawyers will take their fees openly, non-lawyers will take their fees secretly. On the whole, this lawyer business will go on in some form or other.

Then it will open out another field also. Supposing I want to be engaged by a party 'B'. In order to obtain the consent of 'A' who is the other party, I may just bribe him to obtain his consent to my engagement by 'B'. I may even tell him: "I shall not press the case very much against you; please therefore, consent to my appearance in this case." He consents and I appear. Now both the parties stand to gain by this transaction.

Now, I am glad that there is provision for cost. But this section as it stands does not bar a decree of costs in these matters. But there may be other matters. Supposing a man who is not a lawyer but has got some other vocation, has been compelled to come and appear, will he not be entitled to some cost? It will not be pleader's fees but the cost which he has incurred, namely, by coming away from his business as shopkeeper or from his business as a labour officer. Thereby he has incurred some cost. That cost also will be liable to be claimed. Then, for the Tribunal some honorary advisers will be appointed and some car allowance will be paid to them. Will not this allowance be taken from the party themselves? So, this is a good thing in one way. Although in a straight way the lawyers may not be benefited, they may be benefited in an indirect way. Even then, if I am a lawyer, I may also be a labour leader, and instead of going as a lawyer if I want to appear as a labour leader, is there anything to prevent me doing so? I do not remain a lawyer always—now I am a Member of Parliament, I am not a lawyer. So, after all your attempts you cannot kill the lawyers' profession. I find that those people who have been very good lawyers and who have now taken high positions of responsibility and administration of Government, are very much bitter

[Shri R. K. Chaudhuri]

against lawyers because perhaps they may be either disgruntled lawyers or maybe they know the ways the lawyers come to eminence, and therefore they know the defects of lawyers and are very much against the lawyers. Anyway, I think this is an innovation and for that innovation we must congratulate the hon. Minister.

Shri Jagjivan Ram: I have only to assure my friend, Mr. Venkataraman. He knows that we have constituted a National Banks Tribunal to go into the disputes between the banks and their employees. Though it is one Tribunal, it has toured round the country and visited all the important centres in order to avoid the cost and trouble to the workers. They went to Madras, Calcutta, Bombay, Allahabad, Kanpur, Patna, and elsewhere; instead of calling the workers and the employers to one place, I decided that the Tribunal itself move round the country and collect evidence and things like that. Similarly, in this case of the Appellate Tribunal, we have already worked out details that there will be at least three centres where we will post these Appellate Tribunals permanently. So, on that score, I give him the assurance that it is the intention of the Government to expedite the proceedings as far as possible.

About non-interference by Government, well, I cannot give any categorical assurances. According to some friends this is the obnoxious provision in it and if, according to their lights, it is obnoxious it may work, according to their lights, in an obnoxious manner. It cannot be helped.

To my friend Mr. Robini Kumar Chaudhuri, I must reciprocate. I do not know how many times he has been engaged and in how many capacities he has been engaged. I congratulate him for that versatility.

Shri R. K. Chaudhuri: Is it not becoming mutual admiration?

Shri Jagjivan Ram: To my friend Mr. Harihar Nath Shastri, I have only one word to say. In the telegram that he has read just now the words occur, "mature consideration." That was after mature consideration by Mr. Shastri. I think when time will pass, he will reach to maturer consideration and he may find that this Bill is not obnoxious but to his benefit.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

REPEALING AND AMENDING BILL

The Minister of Law (Dr. Ambedkar): Sir, may I have your permission to take my Bills out of turn? They are very small ones.

Mr. Deputy-Speaker: Yes.

Dr. Ambedkar: I beg to move:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

This is the usual Bill which is brought in annually for the purpose of pruning the Statute-book of what is called the "dead wood" and of amending and making good certain errors discovered in certain enactments. I do not think it is necessary for me to say anything more in support of the motion I make.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

Shri Himatsingka (West Bengal): What I would suggest to the hon. Minister of Law is this. Would he please take steps to have all the laws that are in force printed in a book form so that one may follow what laws are

in existence and what not? At present it is so very difficult. We are passing so many laws in a day that it is very difficult for anyone to know or find out what the law is. Therefore, will he take my suggestion into consideration and have the laws in force up to 1949 printed?

Dr. Ambedkar: That is being done.

Mr. Deputy-Speaker: The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

The First and Second Schedules were added to the Bill.

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

Dr. Ambedkar: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

PART C STATES (LAWS) BILL

The Minister of Law (Dr. Ambedkar): I beg to move:

"That the Bill to provide for the extension of laws to certain Part C States, be taken into consideration."

It is perhaps necessary that I should offer to the House some explanation as to why this Bill is restricted to certain Part C States. The position is this, that we have altogether about ten Part C States mentioned in Schedule I of the Constitution. Those ten States fall into three groups. There are Coorg, Ajmer and Delhi which were Chief Commissioners' Provinces now designated as Part C States, and which had come into existence long before the Constitution. Consequently, so far as these three States were concerned, the question of the extension of Central laws does not arise because they applied at the time when they were enacted.

Then there is the second group of Part C States which are Bilaspur, Himachal Pradesh, Bhopal and Cutch. With regard to them, it was only last year that this Legislature passed a law extending the Central Acts to them. This Bill is confined to three Part C States, namely, Vindhya Pradesh, Tripura and Manipur. They have to be separately dealt with because they came into existence as Part C States after the 1949 Act was passed. Consequently this measure is restricted to these three Part C States. I might mention that although all the laws that were extended to Part C States by the Act of 1949 are extended to Vindhya Pradesh and Tripura, some exceptions have been made with regard to the State of Manipur. All the laws that have been applied previously or are applied by the present measure to Vindhya Pradesh or Tripura are not applied *proprio vigore* to Manipur. It is said that Manipur is largely settled by what are called the tribal people whose civilisation and whose manners and modes of life are considerably different from those who are living in what is called the 'settled area'. Consequently it would create a great deal of disturbance if all the enactments were extended to Manipur and therefore a Schedule has been added as to what enactments will not apply to Manipur. Similarly, while the Indian Penal Code is applied to Manipur, there are two sections of it which are sought to be applied, with a certain modification.

I hope the House will see that there is nothing very complicated about this measure and accept it.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide for the extension of laws to certain Part C States, be taken into consideration."

Pandit M. B. Bhargava (Ajmer): I have to make a few observations in respect of this Bill. So far as the extension of any Central laws to the States referred to by the hon. the Law Minister is concerned, I have got nothing to say. But there is one clause, namely, clause 2 in this Bill, which lays down that it will be open to the Central Government by notification in the Official Gazette to extend any Provincial enactment to any of these States in Part C, subject to such modifications and restrictions as may be laid down in the notification. My respectful submission is that I entertain a very serious doubt as to the validity of this clause, because so far as the States in Part C of Schedule I are concerned, legislative authority in respect of these States rests in the exclusive jurisdiction of the Central Legislature. I fail to understand how this Legislature can delegate its legislative authority to any body, however distinguished it may be. I would refer to the recent decision of the Federal Court in regard to the Bihar Maintenance of Public Order Act of 1947. Even when there was a provision in that Act that both Houses of the Provincial Legislature by a Resolution may extend the applicability of the Act by another year, and after both the Houses of the Bihar Legislature had met and adopted a Resolution agreeing to extend the Act by another year, the matter went before the Bihar High Court and it was held that it did not amount to a delegated legislative authority but that it was a case of conditional legislation. But the matter ultimately came before the Federal Court and the Federal Court by a majority decided that even this power amounted to the power of application of the legislative authority. Not only this. It amounted to creating a parallel legislative authority, and consequently it was *ultra vires*. My respectful submission is that the Bill that we are considering and clause 2 of this Bill is a direct case of delegated legislative authority to the executive. It may be convenient and of course I can very well understand the policy underlying this piece of legislation. This Legislature has neither the time nor the leisure to make laws and enactments in respect of these small States entered in Part C of Schedule I. All the same, under articles 245 and 246 of the Constitution, in respect of the States specified in Parts A and B, the Central Legislature has got only a restricted legislative authority *i.e.*, with respect to the subjects entered in the Union List (List No. I) and in the Concurrent List (List No. III). So far as the Provincial List is concerned, the States in Parts A and B have the exclusive legislative authority and it is only the Legislatures there that are competent. In respect of the States specified in Part C, article 245 lays down that the Union Legislature will have authority to legislate in respect of any part of the territory of the Union. Sub-clause (4) of article 246 lays down that in respect of the States other than the States specified in Parts A and B, it will be the Central Legislature that will have the authority to make law in any matter. The executive will have to apply its mind as to which particular enactment of a particular Province has to be applied to any of these States specified in Part C. The matter will not end there. If the executive comes to the conclusion that the local conditions justify the modification or variation of that Provincial enactment, then it will at its own initiative modify the provisions of the Provincial enactment and it will be only in that modified form that the particular Provincial enactment will apply to that particular Part C State. Further, clause 2 of the Bill lays down that it will be open to the executive to lay any restrictions to the applicability of that Provincial enactment when applied to a particular State in Part C. Therefore, *prima facie*, it is nothing but a case of delegated legislative authority to the executive which I would respectfully submit is on the face of it *ultra vires* of the powers of the legislature.

My second point is that in some of the Part C States there are already Advisory Councils to the Chief Commissioner. My submission is that even if any Provincial enactment has to be applied to any of the Part C States subject to any modifications and restrictions, then as a matter of course the Central Government should consult the Advisory Council in that particular area and it is only after its opinion has been sounded that it should be so applied, because that is the only recognized organ of public opinion in that part of the country, it is only that body which can claim to have knowledge of the local conditions, and it is only that body that can take initiative in the matter. But our experience has been that Provincial enactments from different Provinces have been applied to the State of Ajmer and other States irrespective of and without sounding the opinion of the Advisory Councils functioning there. In fact, if even on such a matter the Advisory Council is not to be consulted, then there is absolutely no reason why its existence should continue. This Government should make it a convention that before it decides to extend or apply any provincial enactment and subject to any modification of the restrictions imposed on any of the States, it must consult the Advisory Council in the first instance and only if its opinion be in favour of the extension of the provincial enactment or subject to such conditions and modifications as may be laid by the Advisory Council, it should be applied.

The third point to which I wish to draw the attention of the House is this. In my humble opinion, it is not open to this Legislature to delegate its legislative authority to the executive and, therefore the only course and the legal course open to this Government is to take recourse to the provisions of article 240 of the Constitution. This Parliament should by law create or continue a body nominated or elected or partly nominated and elected to function as legislature in each of these areas and unless and until such a body competent to function as a legislature is created in all the Part C States, it will not be possible for this legislature, by this measure, to delegate a general legislative authority; in a way this measure amounts to the abdication of the powers by this Legislature and to create a parallel legislative authority for these Part C States. It is a very anomalous position and I have not the least doubt that if all these extended laws are ever questioned before a competent legal authority, this legislation will not stand the scrutiny of the judicial court and will be declared null and void. I would therefore respectfully request the hon. the Law Minister to consider the legal position before proceeding further with this piece of legislation.

Dr. Ambedkar: I am glad my hon. friend raised this question. I did not refer to it because I thought that the section was so simple that it should not require any explanation. However, now that the question is raised, I think it is desirable that I should explain the position. In going through the merits of this particular clause, there are certain aspects of the case which have to be taken into consideration. The first is this, that in most of the Part C States, except Coorg, there are no local legislatures which could be entrusted with the duty of passing such local laws as may be necessary for their local administration. It is, I think, equally clear and my hon. friend, himself admitted the matter that the only other alternative is for Parliament to sit here and to make detailed laws for the local administration of these Part C States, and the question that has to be considered is this, whether in view of the time which is available to Parliament—and every one knows how difficult it is for this Parliament to get through some of the most essential measures necessary for carrying on the Central Administration,—to find time which could be devoted to a meticulous consideration of the details of a local legislation. We are, therefore, so to say between two difficulties; one is that there is no local legislature and the other is that Parliament is not in a position to engage itself in passing local laws for Part C States. What is, therefore to be done in a situation of this sort? The only thing that could be done seems to be to give

[Dr. Ambedkar]

the Government of India the power to extend certain laws made by Part A States or other Part C States to be applied to Part C States with such modifications as may be necessary by reason of local circumstances and local difficulty. I do not see that there is any other way open to provide for local legislation for Part C States. Of course, it would be possible for Parliament at some stage to create local legislative councils for Part C States and to endow these local legislative councils with the power to make laws for their local administration, but so long as Parliament has not done it, I do not see that there is any *via media* except what is suggested in this particular Bill, and, therefore, apart from the question whether this is the proper mode of doing the legislative business which Part C States would be entitled to do, from a practical point of view, I do not see that there is any other method open.

My friend put forth a point of criticism that this power has been exercised by the Centre without even consulting such local advisory bodies as exist in Part C States. I do not know much about that aspect of the matter, because as my hon. friend knows the administration of this particular matter rests with the Home Ministry and I have no doubt about it that the Home Ministry does consult these bodies. If they do not, I have no doubt that they will adopt the suggestion made by my hon. friend.

Then, I come to the constitutional question which my hon. friend has raised, namely, that this will be delegated legislation. Any application of any law made by Part A or Part B or Part C States extended to Part C States would be a performance of what might be called a delegated legislation, the Parliament delegating the executive to apply that legislation. My hon. friend referred to the decision of the Federal Court. No doubt there is the decision of the Federal Court. All I want to say is this, that we have not had as yet the decision of the Supreme Court; we are waiting for it, because, with all respect to the Federal Court, the view that the Government of India takes in this matter is that decision was not a correct decision, and with all respect to the Federal Authority, that is still the view that we hold. I might point out to my hon. friend that this activity of the Government of India to employ what is called delegated authority to legislate is not a new thing. It has been in existence practically from 1912 and he will know that we have a law for the purpose of permitting the Central Government to extend the laws made in any part of India to the Province of Delhi with such modifications as the Central Government may make. From 1912 up to the date of the decision of the Federal Court, there has not been in existence a single decision of any Court in India which has questioned the legality of that action taken by the Government of India. I might also tell my friend that many cases have gone to the Privy Council from this country and the Privy Council itself has never questioned the validity of this. I, therefore, hope that when on a proper occasion the matter comes before the Supreme Court, the Supreme Court will *de novo* examine the position and, as I hold the view, the Supreme Court will not feel itself bound by the decision of the Federal Court, although a good many of the personnel of the Federal Court is the same as the personnel of the Supreme Court, but the court certainly is a different court. Therefore if my friend likes it, I do not mind saying that we are making a venture. We are hoping that the stand that we take and we have taken so far and which has not been questioned by any court during the last 25 years is the correct stand. If the Supreme Court when it comes to deal with the question comes to a decision different to what our point of view is we shall then consider the matter. For the moment it is our view that there is no objection to delegated legislation at all. Parliament is quite supreme either to legislate itself or to

ask any other agent on its behalf to exercise that legislative power. I do not think that that matter can be questioned. I do not think that there is any other point raised by my friend which I have not dealt with.

Mr. Deputy-Speaker: Is it open to the Parliament to say that the Government may pass such laws as are necessary?

Dr. Ambedkar: They can say so, that Government is left with the power to frame rules.

Mr. Deputy-Speaker: Can they give a blank cheque in regard to all the matters referred to in the list?

Dr. Ambedkar: It may do so under proper safeguards. No Parliament will give a blank cheque to the executive: it can certainly ask the executive to fill in the blanks and I do not think there can be any difficulty about that.

Shri T. T. Krishnamachari (Madras): So far as the Constitution is concerned the only operative articles are 240 and 242. We have made a special provision in regard to Coorg. As you will see, Sir, Coorg has been taken out of the operation of the particular Bill before the House. So far as the Constitution is concerned there is no specific direction in this regard. So it is left practically to the free will and pleasure of the Parliament. The *modus operandi* to be followed is the only thing that can be under dispute, whether the *modus operandi* should be that all these enactments should form part of the schedule attached to this Bill, with such powers as we normally give to the executive by means of what is called delegated legislation, to make rules, etc., or the procedure that is now followed. As the Law Minister has mentioned, this procedure has been followed over a period of years and I am not sure, in the absence of any express instruction to the contrary in the Constitution, how this can be held to be void by any court. So far as delegated legislation is concerned the exact quantum, nature and extent of delegation is not defined by any legislature in the world. It varies from time to time. In the absence of any provision so far as Part C States are concerned which expressly prohibits enacting any type of law that Parliament likes and to delegate such powers as it wants to the Central Government, there could be no objection at the present stage to the Bill being passed by this House.

Mr. Deputy-Speaker: The general laws are enacted in a Bill—and power is given to the Government to fill in the details and make the rules.

Dr. Ambedkar: The provision in the Bill is that there are laws already existing on any subject. The laws are already existing in certain Provinces.

Mr. Deputy-Speaker: Is it not for the Parliament to choose which law is to be applied?

Dr. Ambedkar: If Parliament wants it can do it but Parliament entrusts the power to the executive, which has to choose from the existing laws.

Shri T. T. Krishnamachari: The Committee on Ministers' Powers which was constituted by the House of Commons to go into this particularly vexed question, what was called Star Chamber legislation, in the thirties, indicated that it would be preferable for the Government of the day to give an outline as to how far they are going to use the delegated power and that is why we are following so far as ordinary legislation is concerned the practice of saying that without prejudice to the generality of the foregoing powers such and such shall be the rule-making power of the Government. Therefore there has been no express limitation to the extent and scope of delegated legislation in any legislature in the world so far as is known.

Mr. Deputy-Speaker: They have not even indicated the subjects here.

Pandit M. B. Bhargava: The Law Minister was pleased to remark that before the judgment of the Federal Court there was no decision laying down anything contrary to the practice prevalent. I would like to point out that the judgment of their Lordships of the Federal Court is itself based upon the Privy Council decision reported in 1945 Federal Law Journal, page 1. It is on the basis of that authority that the Federal Court has laid down the proposition.

I would also like to know whether the matter is before the Supreme Court and whether a decision of the Federal Court does not bind this Government until and unless it has been superseded or set aside by the Supreme Court.

Mr. Deputy-Speaker: Is there an appeal from the Federal Court to the Supreme Court?

Dr. Ambedkar: No. The Federal Court has ceased to exist.

Babu Ramnarayan Singh (Bihar): Could the hon. Minister cite the article of the Constitution in this regard?

Dr. Ambedkar: The Parliament has plenary powers. It can do anything with the legislative power that it possesses. It can use it itself or ask someone else to use it on its behalf in certain circumstances. There is no prohibition imposed on it.

Shri Hossain Imam (Bihar): I should like to have some light thrown on the fact that this is not a peculiar situation that has arisen just now. The Chief Commissioners' Provinces are administered by the Centre. We can extend the power of the Chief Commissioner by notification as was the practice in the past or it can be done by means of legislation as may be done now. But the question is who is to be empowered? Are we going to empower the executive, judiciary or the Central Government? The power should not be distributed between all the three. Sub-clause (3) of clause 3 says:

"For the purpose of facilitating the application in the said States of any such Act or Ordinance as aforesaid, any court or other authority may construe the Act or Ordinance with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority."

It shows that we have not made up our mind as to who is to have these powers. I can understand the Central Government being empowered during the interim period. Who is the authority.....

Dr. Ambedkar: Any authority. It is an adaptation: it is not adoption. We have passed so many adaptation laws in this House.

Shri Hossain Imam: This adaptation is done by the Central authority or the Legislature. Here the adaptation is left free to an unspecified number of people. The authority is nowhere defined in this legislation—whether it means the Chief Commissioner or the Chief Secretary.....

Dr. Ambedkar: Whoever will have to administer the law will have to adapt it.

Shri Hossain Imam: We are doing something to which we have not given proper consideration. The Bill has been introduced late in the session. It would be far better if the Government withdrew the Bill now and have some kind of Ordinance after the session has ended, if they want to have something of this kind. Otherwise a well considered law should be brought forward in which every kind of power should be given. How can you make an adaptation of the clause which the public is not aware of. It is not published in any Gazette. How are you going to apply the criminal laws? When we come to the details I should like to ask why for kidnapping and rape the age limit should be reduced in a backward country like India. There is no reason why this should be reduced. All these questions crop up and I would therefore appeal to the Minister-in-charge to withdraw this measure and bring forward a better

considered and a better drafted measure for the consideration of the House on a subsequent occasion. The Provinces have been functioning from the 26th January up to the 11th of April without this Act. I think they can very well go on for a week or ten days more by which time the session will come to an end. It will not be as if the Government is taking advantage of an occasion when the Legislature is not sitting to have an Ordinance issued. It would be with the consent of the Legislature. It would be better to have an Ordinance rather than a Bill of this nature, where there are loose ends. I would, therefore, request the hon. Minister to reconsider the matter.

Dr. Ambedkar: In view of the fact that my hon. friend is prepared to permit Government to enact this measure in the form of an Ordinance, obviously, it 5 P.M. means that he cannot have much objection to the merits of the thing. Otherwise, I do not see what objection he has for enacting this measure.

Shri Hossain Imam: I was only suggesting. This Ordinance can last until six weeks.....

Dr. Ambedkar: From the commencement of Parliament.

Shri Kamath (Madhya Pradesh): Six weeks after the commencement of the next session of Parliament.

Dr. Ambedkar: We do not know what will happen. I cannot say when Parliament will be called. We do not want to be left in the lurch after having made an Ordinance.

Shri Kamath: How can that be?

Dr. Ambedkar: This suggestion is a very impracticable suggestion.

Besides, so far as this aspect is concerned, as I have said, we have got a precedent. We have got a similar law with regard to Delhi. We have got a similar law with regard to Ajmer-Merwara, the Ajmer-Merwara Extension Act of 1947. If these two Acts are not so bad as my friend tries to depict them, I cannot understand why there should be any objection to this measure. It may be, if there was time, I could suggest to the House that at a later stage the House may consider the procedure which has been recently adopted in the House of Commons which consists of having a Standing Committee of the House to examine such delegated legislation and to bring to the notice of Parliament whether the delegated legislation has either exceeded the original intention of Parliament or has departed from it or has affected any fundamental principle. This is a matter which we may take up independently. I cannot understand how now after long practice, anybody can object to what is called delegated legislation.

Mr. Deputy-Speaker: The question is—

“That the Bill to provide for the extension of laws to certain Part C States, be taken into consideration.”

The motion was adopted.

Shri Hossain Imam: May I ask the hon. Minister to explain why—he has not explained in the Statement of Objects and Reasons—the age of consent has been reduced?

Mr. Deputy-Speaker: He has already stated

Dr. Ambedkar: The changes with regard to Manipur have been made as a result of a conference which was held between the representatives of the Home Department and the Chief Commissioner in Manipur. It was he who suggested that these changes must be made if the Central legislation is to be extended.

Mr. Deputy-Speaker: It is a little premature to apply this section to these areas.

Shri Hossain Imam: The age of consent has been reduced.

Mr. Deputy-Speaker: Possibly it goes back to the age of consent under the old law, and all these reforms are not sought to be extended to that area.

Clauses 1 to 4 were added to the Bill.

The Schedule was added to the Bill.

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

Dr. Ambedkar: I beg to move:

"That the Bill, be passed."

Mr. Deputy-Speaker: Motion moved.

"That the Bill be passed."

Prof. Ranga (Madras): I am glad that the hon. Minister has given us this information that in Parliament they have thought of the device of establishing a Standing Committee to study these things as and when they come up before them and advise Parliament, as a sort of a watchdog on behalf of Parliament. Unfortunately, the hon. Minister has not given us any assurance that similar efforts would be made in this House. I do request him to take steps at the earliest possible opportunity to see that this Standing Committee does come to be established by our Government.

Dr. Ambedkar: I will bear that in mind.

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 Wednesday, the 12th April, 1950.