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(LEGISLATIVE) DEBATES

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Wednesday, 5th February, 1948

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

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

TECHNICAL TRAINING OF INDIAN STUDENTS IN FOREIGN COUNTRIES.

120. *Mr. B. K. Sidhva: (a) Will the Honourable Minister of Education please state how many scholars are intended to be sent to the United Kingdom, the United States of America and other foreign countries for technical training in the year 1948?

(b) Are the selections made province-wise or otherwise?

(c) Has the attention of Government been drawn to a statement issued on the 12th December, 1947 from London by Miss Shanti Ranga Rao, the Indian Educationist, who was sent to the United Kingdom on special Government deputation?

(d) Are Government aware that she deprecated the idea of sending students to foreign countries for training?

(e) Are Government aware that she strongly recommends to Government the building and development of universities in India without any further delay?

(f) Do Government propose to accept the suggestions made by her?

(g) If not, what is Government's future policy?

آنریبل مولانا ابولکلام آزاد: (a) گورنمنٹ نے ایک کمیٹی اس غرض سے ہتھائی تھی کہ اور سب سے اسکالرشپ اسکیم کے تمام پہلوؤں کی جانچ پڑتال کر کے اپنی رپورٹ پیش کرے۔ کمیٹی کی رپورٹ گورنمنٹ کو مانگی ہے اور گورنمنٹ اس پر فوراً کر رہی ہے۔

(b) کچھ اسکالروں کے چلنے میں کچھ اسکالروں کے گورنمنٹ ڈائریکٹ چنتی ہے اس بتوارے کے اندر یہ بات کام کرتی ہے کہ کون اسکالر ایسے ہیں جو صوبے کی حکومتوں میں کام کرینگے اور کون ایسے ہیں جو سنٹرل حکومت میں کام کریں گے۔

(c) ہاں مئی سنہ ۱۹۴۷ء میں چھ مہینے کیلئے مس رنڈارڈ کو لندن بھیجا گیا تھا تاکہ عارضی طور پر ہائی کمشنر کے ایجوکیشن ڈیپارٹمنٹ میں کام کریں۔ اس وقت وہاں استغاف کافی نہ تھا۔

(d) اور (e) ہاں جو کچھ پریس میں آیا ہے اس سے گورنمنٹ بے خبر نہیں ہے۔
(f) اور (g) گورنمنٹ کی یہ پالیسی ہے کہ یونیورسٹیوں کی تعلیم کے پھیلاؤ اور ترقی کیلئے جتنی مدد بھی دیا جاسکتی ہے اور انکی تعلیم کی طاقت بڑھانے کیلئے جو کچھ بھی کیا جاسکتا ہے اس میں کمی نہ کی جائے لیکن ساتھ ہی گورنمنٹ یہ بھی محسوس کرتی ہے کہ کچھ عرصے کیلئے چلنے ہوئے ہندوستانی اسکالروں کو باہر بھیجنے کا سلسلہ جاری رکھنا ضروری ہے آکسفورڈ کمیٹی نے جسکا حوالہ اوپر دیا گیا ہے گورنمنٹ کو یہی مشورہ دیا ہے۔

The Honourable Maulana Abul Kalam Azad: (a) The question is still under consideration in the light of the interim report submitted by the Overseas Scholarships Committee, which was appointed to examine the Overseas Scholarships in all its aspects.

(b) Some scholars are selected by Provinces and others by the Central Government directly according to whether they are intended to serve a Provincial Government or the Central Government on their return.

(c) Yes. Miss Ranga Rao was sent to London in May 1947 for six months to provide temporary assistance in the High Commissioner's Education Department, which was inadequately staffed.

(d) and (e). Yes, as far as her views are indicated by the press report referred to by the Honourable Member.

(f) and (g). It is Government's policy to give every possible assistance to the expansion and improvement of facilities for University education in the country, but Government have been advised by the expert Committee, referred to in part (a), that it is necessary for some time yet to send selected students abroad for advanced studies and training.

مسٹر آر۔ کے۔ سدھوا: میں جناب وزیر صاحب تعلیم سے یہ سنجھنا چاہتا ہوں کہ سارا خرچہ سال میں کتنا ہوتا ہے۔

Mr. E. K. Sidhva: I want to enquire from the Honourable Minister for Education what is the annual expenditure?

آئرپیل مولانا ابولکلام آزاد: جو فائننشل برس ابھی چل رہا ہے اس میں ۲۷ لاکھ ۵۰ ہزار روپیہ خرچ ہوا ہے۔ اور نئے برس کیلئے ۲۸ لاکھ ۵۰ ہزار ہے۔

The Honourable Maulana Abul Kalam Azad: The expenditure incurred during the current financial year is Rs. 27,50,000, and Rs. 28,50,000 have been provided for the ensuing year.

مسٹر آر۔ کے۔ سدھوا: کیا یہ تھیک بات ہے کہ جن سبجیکٹس (subjects) کی تعلیم ہندوستان میں مل سکتی ہے۔ انکو بھی دوسرے ملکوں میں بھیجا جا سکتا ہے یا صرف انہیں سبجیکٹس (subjects) کی تعلیم کے لئے باہر بھیجا جانا ہے۔ چنا کہ یہاں انتظام نہیں ہے۔

Mr. R. K. Sidhva: Is it a fact that scholars are being sent to foreign countries for training in subjects for which training facilities are available in India; or they are sent for training in those subjects only for which no arrangements exist here?

آئرپیل مولانا ابولکلام آزاد: ابھی جو اسکیم فور گرے منظور کی جا رہی ہے۔ اس میں بات سامنے رکھی گئی ہے جس سبجیکٹس (subjects) کیلئے ہندوستان میں انتظام ہو سکتا ہے اسکے لئے اسکالر کو باہر نہ بھیجا جائے۔

The Honourable Maulana Abul Kalam Azad: The scheme which is being approved after careful consideration will provide that for subjects for which arrangements can be made in India, scholars will not be sent abroad.

مسٹر آر - کے - سدھوا : کیا یہ بھی تھیک ہے کہ نرسیز کی ٹریننگ کیلئے باہر بھیجا جاتا ہے - جبکہ اسکی ٹریننگ ہندوستان میں مل سکتی ہے اور انکو وہاں یونیورسٹیوں کے ہاسپتال میں ایڈمیشن نہیں ملتا ہے -

Mr. R. K. Sidhva: Is it a fact that training for nurses is given abroad which facilities for such training exist in India. Moreover they are not able to secure admission into the University Hospitals there?

آنریبل مولانا ابولکلام آزاد: سنہ ۳۵ اور ۳۶ میں چند اسکالر اسی غرض سے بھیجے گئے تھے لیکن آئندہ کیلئے گورنمنٹ اسپر غور کریگی۔

The Honourable Maulana Abul Kalam Azad: Some scholars were sent for this purpose during the years 1945-46, but the Government will consider this matter for future.

श्री गोकुल भाई दौलतराम भट्ट: क्या विद्यार्थियों का चुनाव करने में रियासतों में से भी पयन्दी की जाती है ?

Shri Gokulbhai Doulatram Bhatt: Is any selection made from States as well while selecting scholars?

آنریبل مولانا ابولکلام آزاد : چلاؤ میں صوبوں اور سلٹرز کا چناؤ ہوتا ہے - ریاست کے لئے الگ سرکار نہیں ہے -

The Honourable Maulana Abul Kalam Azad: The selection is made from Provinces and the Centre. No separate circulars are issued for States.

सेठ गोविन्ददास : क्या माननीय सदस्य इस बात को देखेंगे कि पहले इन विदेशों में सिर्फ उन्हीं विद्यार्थियों को भेजा जाय जिनका अभी तक चुनाव हो गया है और जब तक यह न भेज दिये जायें, तब तक नये विद्यार्थियों का चुनाव न किया जाय ?

Seth Govinddas: Will the Honourable Minister please see that first of all only those scholars should be sent to foreign countries who have upto now been selected, and until all of them have been sent, no fresh scholars should be selected.

آنریبل مولانا ابولکلام آزاد : بند کیا جا چکا ہے -

The Honourable Maulana Abul Kalam Azad: This has been stopped.

مسٹر تجمل حسین : میں یہ جاننا چاہتا ہوں - کہ جتنا روپیہ طالب علموں پر خرچ کیا جا سکتا ہے - کیا حکومت کے پاس ایسی اسکیم نہیں ہے - کہ جب وہ پاس کر کے آئیں تو ان سے روپیہ وصول کر لیا جائے -

Mr. Tajamul Husain: I would like to know if the Government have got any such scheme under which the entire amount that is spent over the training of scholars may be recovered from them when they return after completion of their training.

آنریبل مولانا ابولکلام آزاد : اس سکیم میں یہ بات نہیں رکھی گئی تھی - یہ اسکیم اس بنا پر شروع کی گئی تھی - کہ ہمیں ملک کی آئندہ طاقت بھانے کے لئے تعام پر روپیہ صرف کرنا چاہیئے - آئندہ گورنمنٹ اس پر غور کریگی اور غور کر رہی ہے :

The Honourable Maulana Abul Kalam Azad: No provision to this effect was made in this scheme. This scheme was introduced with a view to spend more

money on education so as to increase the resources of the country. In future the Government will consider over this matter which is already under consideration.

श्री एच० वी० कामथ : क्या माननीय वजीर साहब बतला सकेंगे कि कुछ स्कालर इंग्लैंड और अमरीका को छोड़ कर योरोप के मुल्कों में जैसे रूस और फ्रांस में भी भेजे जायेंगे ?

Shri H. V. Kamath: Will the Honourable Minister please state if apart from England and America, some scholars will also be sent to other European Countries such as Russia and France?

آنریبل مولانا ابولکلام آزاد : میں نے ابھی آپ سے کہا ہے - کہ اسکیم پر نئے سرے سے سوچ وچار کیا جا رہا ہے ان تفصیلات کے لئے میں ابھی کچھ نہیں کہہ سکتا -

The Honourable Maulana Abul Kalam Azad: I have just informed you that this scheme is being considered *de novo*. I cannot give any detailed information in the matter at the moment.

Prof. N. G. Ranga: Are any steps being taken to see that these scholars on their return to India after the completion of their studies are suitably employed in Government Departments?

آنریبل مولانا ابولکلام آزاد : یہ چیز سامنے رکھ کر چناؤ ہوتا ہے - پراونس سے بھی بھیجے جاتے ہیں - جو کام ڈیپارٹمنٹ کے ان کے سامنے ہیں - وہ کن کن سبجکٹس کیلئے چاہتے ہیں - یہ بات غور کر کے سنٹر اس کے بعد بھیجتا ہے -

The Honourable Maulana Abul Kalam Azad: The selection is made after keeping this thing in view. The scholars are sent from Provinces as well. The subjects in which they want training are considered over by the Centre before they are sent abroad.

مسٹر آر۔ کے۔ سدھوا : کیا یہ بات صحیح ہے - کہ برٹش یونیورسٹی نے فیصلہ کیا ہے - کہ جتنی ویکنسیز (vacancies) ہوں اسی میں 90 فیصدی ایکس سروس میں (ex-Servicemen) کو دی جائے -

Mr. R. K. Sidhva: Is it a fact that the British Universities have decided that out of the total vacancies, ninety per cent. thereof should be allotted to ex-servicemen.

آنریبل مولانا ابولکلام آزاد : یہ تھیک ہے - وہاں اس طرح کا فیصلہ کیا گیا ہے - اس بنا پر آئندہ گورنمنٹ اس پر غور کریگی -

The Honourable Maulana Abul Kalam Azad: This is correct. Such a decision has been arrived at there. The Government will consider over it in future in this light.

سٹھ گوویندداس : क्या मननीय सदस्य एक बात को देखेंगे कि जब इस काम पर प्रतिवर्ष २७-२८ लाख रुपया खर्च किया जाता है और उसमें बहुत सा रुपया यूनिवर्सिटीज को इसलियें दिया जाय कि वह ऐसे डिपार्टमेन्ट्स खोल दे जो उनके वहाँ अभी तक न हों ओर इन विद्यार्थियों को बाहर भेजने की अपेक्षा यहाँ पर उनको तालीम दी जाय ।

Seth Govinddas: Will the Honourable Minister please consider that when Rs. 27-28 lacs is annually spent over this work and a major portion of which is given to the Universities for opening of new Departments not already existing here, these scholars should be provided with necessary training facilities here instead of being sent abroad.

آنریبل مولانا ابوالکلام آزاد : یہ چیز گورنمنٹ کے سامنے ہے -

The Honourable Maulana Abul Kalam Azad: It is already receiving attention of the Government.

Shri M. Ananthasayanam Ayyangar: Sir, is it not a fact that in the recent conference of the Central Board of Education it was urged that instead of sending raw graduates or students from here for further studies, persons who are all employed in technical and other professions in this country and have had some experience may be sent instead for getting some further experience by way of refresher courses in foreign countries so that they may be useful?

آنریبل مولانا ابوالکلام آزاد : میں نے جیسا کہا - کہ یہ ساری چیز گورنمنٹ کے

سامنے ہے - اور اسپر سوچ وچار ہو رہا ہے

The Honourable Maulana Abul Kalam Azad: Just as I have stated the whole matter is before the Government and receiving consideration.

Shri M. Ananthasayanam Ayyangar: May I know, Sir, whether in the selection Board sufficient representation was given to Members of this House so that they also sit along with them and evolve or carry out any schemes based on the suggestions made on the floor of this House?

آنریبل مولانا ابوالکلام آزاد : اس پر گورنمنٹ غور کرے گی -

The Honourable Maulana Abul Kalam Azad: The Government will consider over it. -

ALLOTMENT OF LAND BY DELHI IMPROVEMENT TRUST FOR BUILDING PURPOSES.

121. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Health please state how much land under the control of the Delhi Improvement Trust is available for building purpose?

(b) Are all the lands sold by auction or by fixation of upset prices?

(c) Has any Co-operative Housing Society been allotted land?

(d) If not, what is the policy of Government as regards the fixation of price and other conditions of allotment of plots of such land to Co-operative Societies for construction of buildings?

(e) Do Government propose to grant lands at concessional rates to lower middle class people who can build houses on Co-operative basis?

The Honourable Rajkumari Amrit Kaur: (a) The information is being collected and will be furnished when ready.

(b) Under the land disposal rules of the Delhi Improvement Trust, plots of land are ordinarily put up for sale at competitive rates by tender or auction. In each case the reserve price of a plot is fixed by the Trust, below which the plot is not sold.

(c) No.

(d) and (e) The question of disposing of land through the medium of Co-operative Societies is under consideration.

Mr. R. K. Sidhva: Arising out of reply to (c), may I know whether any Co-operative Society applied for land and was refused?

The Honourable Rajkumari Amrit Kaur: No Co-operative Society has applied for land so far.

Mr. R. K. Sidhva: Is there any Housing Co-operative Society existing in Delhi?

The Honourable Rajkumari Amrit Kaur: Not that I am aware of.

Prof. N. G. Ranga: Will Government take steps to promote the formation of these Co-operative Societies and allot land and encourage building in every possible manner?

The Honourable Rajkumari Amrit Kaur: The question is under the consideration of the Government.

Mr. R. K. Sidhva: In all Provinces Housing Co-operative Societies exist with the object of giving relief to people who want to build for themselves or on semi-tenement basis. Will Government here also follow the same procedure and relieve the tension of accommodation which exists?

The Honourable Rajkumari Amrit Kaur: The question is under consideration.

Shri Deshbandu Gupta: Is it not a fact that the policy of the Improvement Trust has been positively against giving any encouragement to house-building societies or co-operative societies?

The Honourable Rajkumari Amrit Kaur: That is not correct.

Shri Deshbandu Gupta: Is it not a fact that the Sub-Committee recently appointed by Government to review the disposal of lands has made certain recommendations on these lines that co-operative societies should be encouraged?

The Honourable Rajkumari Amrit Kaur: That is correct.

RESOLUTION OF BAZAR COMMITTEE OR BOARD (SUSPENDED OR VETOED) BY THE DEPUTY DIRECTOR OF CANTONMENTS IN SOUTHERN AND EASTERN COMMANDS.

122. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Defence please state whether any resolutions of a Bazar Committee or Board have been suspended or vetoed by the Deputy Director of Cantonments in southern and Eastern Commands acting in the name of the General Officer Commanding-in-Chief, within the last 3 months?

(b) If the answer to part (a) above be in the affirmative what was the nature of the resolutions and why were they suspended or vetoed?

The Honourable Sardar Baldev Singh: (a) So far as the Southern Command is concerned, the answer is "no". As regards Eastern Command, one resolution of the Jalapahar Cantonment Board was vetoed while a resolution passed by the Kanpur Cantonment Board was suspended.

(b) I lay a statement on the table of the House.

Statement

(a) Cantonment	(b) Nature of Resolution	(c) Reason, for suspension or veto
JALAPAHAR	Authorising the construction of a latrine on vacant Government land classified as B (4)	This Resolution was first suspended and then vetoed. It was suspended because according to the cantonment Land Administration Rules, 1937, the proposal should not have been accepted by the Cantt. Board without first transferring the land from Class B (4)* to Class "C" (i.e., land which is vested in the cantonment Board) with the sanction of the Central Government. The Resolution was vetoed when the Cantonment Board realising their mistake, selected an alternative site for the construction of this latrine.
KANPUR	Authorising the lease to certain Private persons of Class "C" land (the land which is vested in the Cantonment Board).	The land should have been transferred to class B (4)* from Class "C" before the Resolution was passed. The Resolution was therefore suspended for 3 months on the 4th October 1947 and on the 4th January 1948 for a further period of 3 months. The case is now pending with Government for orders.

*Government land.

NUMBER OF I. N. A. OFFICERS AND SOLDIERS EMPLOYED IN INDIA AND PAKISTAN

123. *Mr. E. K. Sidhva: Will the Honourable Minister of Defence please state how many I.N.A. officers and soldiers have gone to serve in Pakistan and how many of them are employed in the Dominion of India?

The Honourable Sardar Baldev Singh: Government have no information about the number of *ex*-I.N.A. personnel who have been employed whether in India or in Pakistan.

Mr. E. K. Sidhva: May I know the reason why the Government have no information? After all, they have served in the Army.

The Honourable Sardar Baldev Singh: Sir, this information is not available because not only the Defence Ministry but other Ministries are also concerned. Information will have to be collected from all the Ministries, and as the question is put to the Defence Ministry, I am afraid we have not got complete information.

Pandit Balkrishna Sharma: May I know if the Honourable the Defence Minister is aware of the fact that there are about 100 officers and about 7,000 I.N.A. men still without any employment and whether, in view of the present difficulties, by way of recruitment, the Government will not give them an opportunity to serve in the Indian Army?

The Honourable Sardar Baldev Singh: Well, Sir, I have already said in reply that as far as the Army is concerned, no I.N.A. men or officers have been employed in the Regular Army. The Honourable Member who put the question wants information as to whether *ex*-I.N.A. men have been employed or not. The information is not available with the Defence Ministry.

Pandit Balkrishna Sharma: Arising out of that very question, Sir, may I know whether the Government will consider the advisability of employing *ex*-I.N.A. officers as well as *ex*-I.N.A. men in the Indian Army?

The Honourable Sardar Baldev Singh: That is a question which I replied to in the last session of the House. That is a question of policy and has to be considered by Government.

Pandit Balkrishna Sharma: Do the Government propose to review that policy and arrive at a decision soon?

The Honourable Sardar Baldev Singh: I cannot give any definite reply just now, but as I said in reply to a question in the last session, that question is still under consideration.

Prof. N. G. Ranga: But, Sir, in view of so many things that have happened since the Honourable Minister has given his reply in the last session, will Government consider the advisability of expediting their consideration?

The Honourable Sardar Baldev Singh: That does not arise out of the reply I have given.

Prof. N. G. Ranga: But what is the policy of Government?

(Several Honourable Members rose.)

Mr. Speaker: If there is any heat, I shall have to call the next question. Let the proceedings be orderly and questions be put one by one. I would remind Honourable Members that supplementaries must be within the scope of the question.

Shri M. Ananthasayanam Ayyangar: May I know if at least a few *ex*-I.N.A. officers have been appointed by the Pakistan Government?

The Honourable Sardar Baldev Singh: I have no information as to what the Pakistan Government has done, but according to best information available with us, no *ex*-I.N.A. officer has been employed by the Army of Pakistan.

Shri Deshbandu Gupta: May I know, Sir, whether the Honourable Minister is aware that some of the *ex*-I.N.A. officers are actually leading the tribesmen in Kashmir?

The Honourable Sardar Baldev Singh: That does not arise out of this question.

Seth Govinddas: In the last session when the Honourable Minister replied to this question, is it not a fact that at that time the Supreme Command was not in our hands, and in view of the fact that now the Supreme Command is in our hands, will the Government revise this policy and employ these I.N.A. officers and men?

The Honourable Sardar Baldev Singh: As I have already said, the whole question is under consideration.

Prof. N. G. Ranga: But for how long will Government go on considering this question?

Shri M. Ananthasayanam Ayyangar: May I know, Sir, if the Honourable Minister or the Government has given any undertaking to the British Government that they would not appoint I.N.A. men?

The Honourable Sardar Baldev Singh: No such undertaking has been given.

Mr. B. K. Sidhva: Is there any objection to these *ex*-I.N.A. men who are available immediately being employed in the Army? If there is any objection, will the Honourable Minister kindly let us know what that objection is?

The Honourable Sardar Baldev Singh: That does not arise out of this question, but as I have stated, as far as their employment in the Army is concerned, the matter is under consideration.

STOCK-TAKING AND COMMANDEERING OF WAR MATERIALS PURCHASED BY BUSINESSMEN FROM AMERICAN AND BRITISH DISPOSALS.

124. *Shri Biswanath Das: Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether the attention of Government has been drawn to the comments in the *Amrit Bazar Patrika*, dated the 14th January, 1948, on the question of the discovery of considerable quantities of United States Army materials in the godowns of North Calcutta by the Calcutta Police;

(b) whether Government are aware that business men have purchased large quantities of war materials from American and British Disposals, such as Sten Guns, Bren Guns, Scout Cars and similar other important arms and vehicles necessary for war;

(c) if so, whether such materials and vehicles are still held by them; and

(d) whether Government have considered the question of taking stock of these materials and commandeering them?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) A large number of military vehicles, trailers, etc., were sold to businessmen. Lethal weapons of the kind mentioned have not however been sold to private parties.

(c) The only information Government have is that out of 90 armoured vehicles sold to a certain firm, 68 have remained unsold. The remaining 22 which were sold have been frozen by the Government of West Bengal.

(d) The question is under consideration.

Shri Deshbandhu Gupta: May I know, Sir, if it is a fact that some of the aeroplanes have also been sold to private persons and that some of them are being used for anti-Congress activities?

The Honourable Sardar Vallabhbhai Patel: The matter refers to the Department of Industry and Supply. I have no information on the subject.

APPOINTMENT OF A COMMISSION TO ENQUIRE INTO CASES OF INCOME-TAX EVASION

125. *Shri Mohan Lal Saksena: (a) Will the Honourable Minister of Finance be pleased to state whether a Commission has been appointed to make enquiries into cases of income-tax evasion?

(b) If so, who are the members of that Commission and when is the Commission likely to begin its work?

(c) Have Government prepared a list of cases to be enquired into?

(d) Have Government taken any steps to prevent the destruction of old account books and other evidence by the parties concerned? If so, what and if not, why not?

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

(b) The personnel of the Commission are:

Chairman—Sir S. Varadachariar.

Commissioners—

(i) Mr. Justice G. S. Rajadhyaksha.

(ii) Rao Bahadur V. D. Mazumdar.

The Commission began its work from the 1st December 1947.

(c) Yes.

(d) No. Neither Government nor the Commission has any such power.

Shri T. T. Krishnamachari: May I ask the Honourable Minister whether the Commission has already started investigation?

The Honourable Shri R. K. Shanmukham Chetty: Yes, Sir.

Shri T. T. Krishnamachari: Is it holding a sort of court and asking people to appear before it and examining them?

The Honourable Shri R. K. Shanmukham Chetty: The Commission, as I said, started its work on the 1st of December 1947. The Central Board of Revenue has submitted a number of cases to the Government and I think they are now going through the papers and for this purpose I am told that they are visiting Bombay, or have visited Bombay already. Whether they will hold a public court, I am not in a position to say. That is entirely for the Commission to decide.

Shri T. T. Krishnamachari: May I ask the Honourable Minister if the Commission is going to send him any interim report so that the Honourable Minister will take some immediate action thereon?

The Honourable Shri R. K. Shanmukham Chetty: What is contemplated is that as each case is completed by the Commission, they will forward a report and then Government will take action.

Shri Mohan Lal Saksena: May I know how many cases have been referred to the Commission?

The Honourable Shri R. K. Shanmukham Chetty: I am not in a position to state exactly how many cases have been referred to the Commission, but I think it is probably 80 or 90.

Shri T. T. Krishnamachari: Does the Honourable Minister propose to take some action in the direction of amending the Income-Tax Act during this session?

The Honourable Shri R. K. Shanmukham Chetty: I propose to introduce in this session an Act to amend that Income-Tax Act which constituted the Commission.

Shri M. Ananthasayanam Ayyangar: Is it proposed to enlarge the powers of the Commission for getting at accounts which may be suppressed or invest it with other powers to get at material for the purpose of the investigation?

The Honourable Shri R. K. Shanmukham Chetty: The object of these amendments is to make the work of the Commission really effective and to enable the Government to book tax-dodgers.

Shri M. Ananthasayanam Ayyangar: May I know what may be the approximate amount that is involved in these 80 or 90 cases that have been referred to the Commission?

The Honourable Shri R. K. Shanmukham Chetty: That is not possible to say.

Prof. Shibban Lal Saksena: Is it not a fact that many factories present false balance sheets and will the Government see that the new Act will give power to the investigators to find out the accounts of those firms and check the balance sheets?

The Honourable Shri R. K. Shanmukham Chetty: The Honourable Member can see when I introduce my amendment whether it is covered.

Shri M. Ananthasayanam Ayyangar: In view of the fact that more than one year has elapsed after the Act was passed for the constitution of the Commission, may I know whether the Act will be amended so as to increase the period during which or with respect to which they can get into the accounts and make investigation and whether this period of one year will be added to the previous time specified in the provisions of the Act?

The Honourable Shri R. K. Shanmukham Chetty: Suitable amendments are being proposed.

Shri T. T. Krishnamachari: May I ask the Honourable Minister if the Government contemplates including a provision in the legislation for indemnifying and otherwise protecting people who are likely to give evidence before the Commission?

The Honourable Shri R. K. Shanmukham Chetty: When the amendments are before the House, Honourable Members will know exactly what they are.

Shri Mohan Lal Saksena: May I know if any steps are taken by the Government to invite public co-operation in this connection?

The Honourable Shri R. K. Shanmukham Chetty: We have left the entire investigation to the Commission and the Commission can ask anybody to appear before them and they can enquire in any manner. The Commission is being invested to call upon anybody to appear before it.

Shri Biswanath Das: Arising out of the reply given by the Honourable the Finance Minister, may I know whether the tax evasion is confined only to Bombay. What then the reason why the Tribunal is sent only to Bombay?

The Honourable Shri R. K. Shanmukham Chetty: It covers all over India, but they must start with some place.

APPOINTMENT OF ECONOMY COMMITTEE.

126. ***Shri Mohan Lal Saksena:** (a) Will the Honourable Minister of Finance be pleased to state when the Economy Committee will be appointed?

(b) Have Government issued any orders regarding the appointment of new hands and if so, do Government propose to lay a copy of the order on the table of the House?

(c) Are Government aware that in several departments fresh appointments are still being made?

The Honourable Shri R. K. Shanmukham Chetty: (a) The Government of India have constituted an Economy Committee, *vide* Resolution No. F.1(1)-OSD(Econ)/48, published in *Government of India Gazette* (Extraordinary) of the 30th January, 1948.

(b) *Yee.*

Departmental instructions have been issued to the effect that all further appointments should be on a temporary basis and all proposals for the conversion of existing temporary posts into permanent ones, should be deferred.

(c) Fresh appointments are being made only against posts sanctioned after due scrutiny and with reference to the implementation of approved scheme and activities which are in pursuance of accepted policy. All such appointments will be subject to review by the Economy Committee.

Prof. N. G. Ranga: In view of the fact that in some Departments retrenchment is being carried out and expansion is being effected in other Departments, will Government consider the advisability of reappointing these displaced people, so that no fresh people need be taken in and the earlier people need not be thrown into the unemployment market?

The Honourable Shri R. K. Shanmukham Chetty: That is being followed even now.

Shri M. Ananthasayanam Ayyangar: Is it not a fact that the Military Accounts Office is now threatened with retrenchment of 1,500 people while fresh people are being taken into various other Departments?

The Honourable Shri R. K. Shanmukham Chetty: No, Sir. In the case of the Military Accounts Department I have given very strict instructions to see that as far as possible men that are being sent out are absorbed in other Departments.

Shri M. Ananthasayanam Ayyangar: Thank you. Is the Honourable Minister aware that with respect to many appointments in the Finance Department and also the Military Accounts, though persons have got experience of five or six years, they are asked once again to run a race with fresh incumbents by qualifying in an examination in the matter of appointments for other Departments? If the Honourable Minister's reply means that they will be absorbed would he take steps to see that they are not asked to sit for such examinations once again?

The Honourable Shri R. K. Shanmukham Chetty: I am afraid I cannot give any undertaking. It is quite possible that the recruitment to a particular appointment under the rules and regulations may require that candidates must have passed an examination and we cannot exempt persons who are being retrenched from that application.

Shri T. T. Krishnamachari: May I know what are the terms of reference to this Committee?

The Honourable Shri R. K. Shanmukham Chetty: The terms of reference has been published in the Gazette. It is public property. It has been published on the 30th of January.

Shri T. T. Krishnamachari: Has the Honourable Minister fixed any time-limit for submitting the report to him?

The Honourable Shri R. K. Shanmukham Chetty: I have not fixed any time limit, Sir, but I have told the Chairman of the Committee that I would like the work to be done expeditiously. In fact I have gone still further and I have told the Chairman that they need not wait for 3 or 4 or 5 months to send a consolidated report but as they finish each Department they may send the report, so that action may be taken immediately.

Shri M. Ananthasayanam Ayyangar: May I ask the Honourable Minister if at least seniority of these men will be considered in other Departments who are retrenched if they pass an examination along with new recruits. Their service already may be counted and seniority may be given.

The Honourable Shri R. K. Shanmukham Chetty: All these are governed by very elaborate rules the understanding of which is very much beyond my capacity.

ABSORPTION IN INDIAN ARMY OF REFUGEE COMMISSIONED OFFICERS FROM STATES' FORCES ACCEDED TO PAKISTAN.

127. *Shri Deshbandhu Gupta: (a) Will the Honourable Minister of Defence be pleased to state whether Government are aware that a number of Commissioned Officers from States' Forces which have acceded to Pakistan have come back to India as refugees?

(b) Are Government aware that they are mostly well-trained and experienced officers?

(c) Have Government received any representation from those officers to absorb them in the Indian Army?

(d) In view of the pressing need for officers in the Indian Army do Government propose to absorb those officers who were obliged to leave their posts by force of circumstances? If not, why not?

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

(b) Yes, particularly those officers who were trained at an Indian Officers' Training School and those who have had war service with the Indian Army.

(c) Yes, Sir.

(d) Yes, it is proposed to absorb them as far as possible.

Shri Deshbandhu Gupta: Will the Honourable Minister please state the number of such officers who have actually registered themselves as refugees here and who have applied for absorption?

The Honourable Sardar Baldev Singh: I have not got that information available with me, but if the Honourable Member is particular to get that information, I will get that information.

Shri Deshbandhu Gupta: Will the Honourable Minister assure the House that there will be no delay in absorbing as many as possible?

The Honourable Sardar Baldev Singh: I have already stated that as far as possible we will try to absorb all officers who can be absorbed.

Shri H. V. Kamath: To which other States do these officers mostly belong?

The Honourable Sardar Baldev Singh: I am afraid I have not got that information, but they come from several States.

Shri Deshbandhu Gupta: Will the Honourable Minister please state if he has received an application from Captain Surajmal who seems to be a very qualified man?

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

Shri Deshbandhu Gupta: This is a representation made by him.

Mr. Speaker: It is an individual representation and that question will not be admitted.

Shri M. Ananthasayanam Ayyangar: May I know why all the Gurkha soldiers are not being absorbed and only one or two regiments have been taken now?

The Honourable Sardar Baldev Singh: As far as my information goes, all the Gurkha soldiers have been absorbed.

Shri M. Ananthasayanam Ayyangar: Is it not a fact that some of them have opted for British Army and not the Indian Army, because they are not being absorbed?

The Honourable Sardar Baldev Singh: Yes, Sir. According to the agreement that was arrived at with H.M.G. the Gurkhas belonging to 8 Battalions were given the option to opt out for service with H.M.G. Those who have opted out for service have gone out. The others have been employed by us.

Shri M. Ananthasayanam Ayyangar: Have they voluntarily opted out or because they were not absorbed in the Indian Army?

The Honourable Sardar Baldev Singh: It was voluntary.

Shri Rohini Kumar Chaudhuri: May I know, why the British Government take these Gurkha soldiers? Is it for the purpose of invading India?

Mr. Speaker: I think that is a question for the British Government.

Shri M. Ananthasayanam Ayyangar: May I know where these Gurkha battalions are stationed? Are they in India or in the frontier or in England?

The Honourable Sardar Baldev Singh: They are shortly going to Malaya.

LATE CIRCULATION OF REPORTS OF SELECT COMMITTEES ON
CERTAIN BILLS

Mr. Speaker: We will now proceed with the Legislative Business.

Mr. K. Santhanam (Madras: General): I wish to draw your attention to the fact that the Select Committee reports were received by me only yesterday.

Mr. Speaker: This was I understand on the 2nd of February.

Shri K. Santhanam: I received it only yesterday morning. In fact I had not received it when I came to the Assembly and I had to get a copy from the Honourable Minister.

Shri T. T. Krishnamachari (Madras: General): I also received it only yesterday morning.

Mr. Speaker: The dates of circulation of the Reports of Select Committees on different Bills, as supplied to me by office are as follows:

Report of the Select Committee on Pharmacy Bill which was presented to the House on the 28th January, 1948, was circulated to Members with a circular letter on the 2nd February;

Report of the Select Committee on Dock Workers Bill which was presented to the House on the 28th January, 1948, was circulated to Members with a circular letter on the 30th January;

Report of the Select Committee on Minimum Wages Bill which was presented to the House on the 28th January, 1948, was circulated to Members with a circular on the 3rd of February.

Shri K. Santhanam: I received the Report on the Minimum Wages Bill just now. We are not concerned with the dates of the circulars.

Pandit Balkrishna Sharma (U.P.: General): For your information, I may say, Sir, that most of the Members received the Reports of Select Committees according to the schedule.

Mr. Speaker: That, at any rate, is not a subject matter for discussion. There may be various reasons for non-receipt of copies by individual members. If the reports were issued on the dates which I read out just now, there is sufficient ground for the presumption that copies of report have reached members. In exceptional cases there might have been delay, or the reports may have miscarried. But there is absolutely no substantial reason for complaint

[Mr. Speaker]

about insufficiency of notice. If the Honourable Member has any particular difficulty, I shall, of course, see to it that none of the points that he wants to make are missed on account of the late delivery of the report. He may also communicate with the Secretary.

Shri K. Santhanam: I only request that the Minimum Wages Bill may not be taken up today.

Mr. Speaker: We will see to it when the Bill comes up.

Mr. Naziruddin Ahmad (West Bengal: Muslim): In regard to the Pharmacy Bill I have one difficulty. I was considering some amendments of a drafting nature when I received the notice for consideration yesterday evening. The last week was a very unusual one for us and our mind was completely distracted. I have given notice of my amendments only this morning and I desire that they be considered by the Honourable Minister and others. I would, therefore, urge that the Bill be merely taken into consideration and the rest of the work taken up tomorrow.

Mr. Speaker: We will see to it when the amendments come up. If they are of a substantial character they will certainly be considered.

ADMISSION OF SHORT NOTICE QUESTIONS

Shri M. Ananthasayanam Ayyangar (Madras: General): May I request you to inform me, Sir, as to what has happened to my short notice question regarding the precautions that were taken to protect the life of Mahatmaji after the bomb incident? Has it been accepted by the Honourable Minister?

Mr. Speaker: The question has come to me just now. I am told the Honourable Member presented it last evening. I will look into it and if I admit it, then it will be for the Honourable Minister to consider whether to accept short notice or not.

Shri Rohini Kumar Chaudhuri (Assam: General): Will you permit me to ask, Sir, as to what has happened to certain short notice questions of mine regarding encroachment by Pakistan into Dominion territory?

Mr. Speaker: I think these are matters which Honourable Members should take up with me in my Chamber, not here.

PHARMACY BILL

The Honourable Rajkumari Amrit Kaur (Minister for Health): Sir, I beg to move:

"That the Bill to regulate the profession of pharmacy, as reported by the Select Committee, be taken into consideration."

Sir, I do not think there is any necessity for me to reiterate what I said when I asked leave to refer this Bill to a Select Committee in the last session of the Assembly as far as the urgent necessity of bringing a measure of this nature on the Statute Book is concerned. All Honourable Members are aware of the very unsatisfactory position that exists today in the matter of the practice and profession of pharmacy. But perhaps it might be as well for me, from the point of view of informing the House, just to say something about the Drugs Act which was passed in 1940 and the Drugs Rules framed under it which were brought into force in April 1941. The Pharmacy Bill is really a necessary corollary to the Drugs Act which cannot work effectively until the Pharmacy Bill is on the Statute Book. The Drugs Act and the Drugs Rules prescribe

the standard of the quality of drugs that can be imported into, or manufactured, stocked and sold in India. They also provide for the licensing of import, manufacture and sale in India of drugs under suitable conditions. I would like to inform the House that the necessary machinery for licensing and controlling imports has been set up at the centre. There is also a Central Drugs Laboratory, which has its headquarters at Calcutta, responsible for registering the formulae of patent medicines. The provincial councils enforce the Drug Rules in their respective provinces and the Central Council co-ordinates such action from the centre, to the extent possible. Now, the Drugs Rules regulating the retail sale of drugs stipulate that certain specified poisons and all medicines which are compounded on the prescription of medical practitioners can only be sold by, or under the direct supervision of, a qualified person, that is to say, a qualified pharmacist. The Pharmacy Bill, therefore, when passed, will enable us to put the profession of pharmacists on a satisfactory basis. The Central Pharmacy Council, as will be seen from the Bill, will lay down the minimum standards required for the training of pharmacists and the provincial councils will maintain their register and attend to questions of professional discipline. In this sense also the Bill now before the House is really complementary to the Drugs Act which is already functioning.

The opinions received on the Pharmacy Bill were carefully considered by the Select Committee. Honourable Members will have noted the amendments that have been made and the more important of them have been tabulated in the Report of the Select Committee that has been circulated. I do hope that these will meet with the approval of the House and that the Bill as amended will be passed. Sir, I move.

Mr. Speaker: Motion moved :

"That the Bill to regulate the profession of pharmacy, as reported by the Select Committee, be taken into consideration."

सेठ गोविन्ददास : माननीय सभापति जी, मैंने इस सिलेक्ट कमेटी (Select Committee) की रिपोर्ट को सरसरी तौर पर देखा और इसके अलावा भी इस सम्बन्ध में इसके पहिले जो कानून बने हैं, और जो भोर कमेटी नियुक्त की गई थी उन कानूनों को और भोर कमेटी की रिपोर्ट को भी देखने का प्रयत्न किया। भोर कमेटी की रिपोर्ट चार जिल्दों में है, और उन चार जिल्दों में जो रिपोर्ट है उसके देखने से, तथा इस सम्बन्ध में जो कानून अब तक पास हुए हैं उनको देखने से, एक बात स्पष्ट रूप से ज्ञात हो जाती है कि आयुर्वेद को कोई स्थान ही इस देश के इलाज में नहीं दिया जाता। अनेक बार इस असेम्बली में इस सम्बन्ध में प्रश्न भी हुये। जो कमेटियां इस विषय में सरकार समय समय पर नियुक्त करती है उन कमेटियों में भी यह देखा गया कि जो सच्चे वैद्य हैं उनको स्थान नहीं मिलता। वैद्यों के नाम से जो लोग नियुक्त किये जाते हैं वह अधिकांश में डाक्टर होते हैं और जब वह कहा जाता है कि वह अखिल भारतीय आयुर्वेद सम्मेलन की सिफारिश से क्यों नहीं लिये जाते, तो इस सम्बन्ध में भी सरकार द्वारा कोई सन्तोषजनक उत्तर नहीं मिलता। मैं श्रीमती राजकुमारी अमृत कौर से यह पूछना चाहता हूँ कि आयुर्वेद के सम्बन्ध में वह आखिर क्या करने वाली हैं। एक पर एक कानून, जहां तक विदेशी इलाज का सम्बन्ध है, बनाये जा रहे हैं, इस बिल में भी जो कुछ कहा गया वह सब विदेशी इलाज के

[संघ गोविन्ददास]

सम्बन्ध में, विदेशी दवाओं के सम्बन्ध में है। अब जब स्वराज्य की स्थापना हो गई है और हम स्वतन्त्र हो गए हैं, तो हम यह आशा करते हैं कि आयुर्वेद के सम्बन्ध में भी कुछ न कुछ किया जाना चाहिये, विदेशी इलाज और विदेशी डाक्टरों से कहीं अधिक। या तो राजकुमारी जी का यह विचार होगा कि आयुर्वेद के सम्बन्ध में वह और कोई बिल लायें, या यदि उन्होंने यह नहीं सोचा है तो मैं इस मौके पर उनसे यह निवेदन करना चाहता हूँ कि आयुर्वेद के सम्बन्ध में भी या तो कोई बहुत बड़ी कमेटी नियुक्त की जाय जिस प्रकार भोर कमेटी नियुक्त हुई थी, जो सारे विषय पर विचार करे क्योंकि भोर कमेटी की रिपोर्ट में जो चार जिल्लों में है, उसमें शायद आयुर्वेद का नाम चार स्थानों पर भी नहीं आया, एक छोटा सा पैराग्राफ़ है जिससे मालूम होता है कि भोर कमेटी ने इस पर कोई विचार ही नहीं किया तो या भोर कमेटी की जगह कोई दूसरी कमेटी नियुक्त होनी चाहिये जो आयुर्वेद की पद्धति पर पूरा विचार करे और पूरा विचार करके जिस तरह से भोर कमेटी की रिपोर्ट सरकार के सामने आई इसी प्रकार से एक रिपोर्ट पेश करे, या यदि इस कमेटी की आवश्यकता न हो तो कम से कम जो आयुर्वेद के सच्चे प्रतिनिधि हैं, और उन प्रतिनिधियों का पता अखिल भारतीय आयुर्वेद सम्मेलन में मौजूद है, उससे लग सकता है, उनको बुलाकर इस विषय पर परामर्श किया जाय।

जिस प्रकार हम लोग एक विदेशी इलाज को यहां उत्तेजना दे रहे हैं। नित्य नये कानून ला रहे हैं, उसी प्रकार आयुर्वेद के सम्बन्ध में भी हम कुछ करें। यह आयुर्वेद का विषय इतना बड़ा विषय है जो केवल प्रांतीय सरकारों पर छोड़ दिया जाय तो चल नहीं सकता। यह ऐसा विषय है जो केन्द्र से सम्बन्ध रखता है, और इस विषय में मैं यह आशा करता हूँ कि श्रीमती जी कुछ न कुछ हम लोगों को विश्वास दिलायेंगी, क्यों कि बारंबार यहां पर यह प्रश्न उठने पर भी मैं यह कहना चाहता हूँ कि इस सम्बन्ध में जो कुछ हो रहा है उससे हम लोगों को घोर असन्तोष है।

जब कि हमारी सरकार आ तब यह हम आशा करते हैं कि जो पद्धति इस गई है देश की आबहवा के अनकूल हजारों वर्षों से चली आ रही है उसकी उन्नति हो। आयुर्वेद में इस प्रकार के ग्रन्थ आज भी मौजूद हैं 'चरक' 'शुश्रूत' और 'वाग्भट्ट' के समान, जिस प्रकार के ग्रंथ वैज्ञानिक आविष्कारों के हो जाने पर भी दूसरी पद्धतियों में उपलब्ध नहीं हैं। उसे राजाश्रय नहीं मिला। इसका फल यह निकला कि इस समय के वैज्ञानिक युग में वह पद्धति पूरी उन्नति नहीं रह सकी। मैं आपसे कहना चाहता हूँ कि हमें इस विषय पर पूरा ध्यान देने की आवश्यकता है और यह आवश्यक है कि अब इस विषय में और ढील हम न दें। इस सम्बन्ध में आप जो करना चाहती हैं वह जल्द से जल्द करने का प्रयत्न करें।

में इस बिल का समर्थन करता हूँ, इससे हमारा कोई विरोध नहीं है, लेकिन इसके साथ ही साथ मैं यह कहना चाहता हूँ कि आयुर्वेदिक के सम्बन्ध में कुछ न कुछ किया जाना और जल्द किया जाना आवश्यक हो गया है।

(English translation of the above speech.)

Seth Govinddas (C.P. and Berar: General): Mr. Speaker, I hurriedly went through the Report of this Select Committee, and besides this, I tried to consult the relevant legislation passed earlier and the Report of the Bhoze Committee which was appointed in this connection. The Bhoze Committee Report consists of 4 volumes. From a perusal of the Report contained in these 4 volumes and all the Acts passed in this connection upto now, it becomes quite apparent that the Ayurveda has not been given any place amongst the systems of treatment prevalent in this country. Questions were also asked in this Assembly very frequently in this subject. It was also noticed that the persons who were qualified *Vaidyas* were not represented on the Committees which were constituted by the Government on this behalf from time to time. The persons who are appointed in the name of *Vaidyas* are generally Doctors; and when it is contended why selections are not made on the recommendations of the *All India Ayurvedic Sammalen*, no satisfactory reply is given by the Government. I would like to know from the Honourable Rajkumari Amrit Kaur as to what steps she contemplates to take after all in regard to Ayurveda? So far as foreign systems of treatment are concerned, laws after laws are being enacted. This Bill also relates to the foreign system of treatment and medicine. Now when independence has been achieved and we have won freedom, we do expect that something much more should be done in respect of Ayurveda than what we do for the foreign system of treatment and doctors. Either the Honourable Minister would have thought of introducing any other fresh Bill in regard to Ayurveda or if she has not considered over it, then I would request her that a fairly large Committee similar to the Bhoze Committee may be set up which should consider over the whole matter, because the Bhoze Committee Report which comprises of 4 volumes hardly mentions the name of Ayurveda at four places even. There is only one small Paragraph from which it is observed that the Bhoze Committee did not consider this subject at all. So either another Committee should be set up on the lines of the Bhoze Committee which may after bringing the whole Ayurvedic system within its range of deliberations present a report similar to that of the Bhoze Committee submitted to the Government; or in case no necessity for this Committee is felt, then at least the real representatives of Ayurveda whose names could be ascertained from the *All India Ayurvedic Sammalen*, should be summoned and consultations held with them in the matter.

Just as we are encouraging here the use of alien system of treatment and introducing new legislation every now and then, similarly we should do something for the cause of Ayurveda. This subject of Ayurveda is so vast, which if left to the care of the Provincial Governments only, cannot be developed. This is a subject which concerns the Centre; and I hope that the Honourable Minister will give us some sort of assurance in this respect. In spite of the fact that this question has been repeatedly raised on the floor of this House, I daresay we feel utterly dissatisfied over what is being done in this direction.

When our own Government has been installed, we do hope that this system which is suitable to the climate of this country and has been in vogue for the past thousands of years should be developed. Books on Ayurveda like those of "*Charak*", "*Shushruta*" and "*Vagbhata*" are available even today—the kind of books which cannot be had on other systems even after all the scientific discoveries. It was not granted Government support. As a result of this the

[Seth Govinddas]

scope of that system could not be fully developed in the present scientific age. I want to impress upon you that there is an over-riding necessity of devoting our whole-hearted attention to this subject, and it is quite imperative that we should not make any further delay in this respect. Whatever line of action you want to follow in this direction, you should try to adopt without the least possible delay.

I support this Bill. I do not mean to oppose it. But along with this, I would urge that it is high-time that we should do something in regard to Ayurveda and that it has become a dire necessity.

Mr. B. K. Sidhva (C.P. and Berar: General): Sir, I associate myself with the remarks of my Honourable friend Seth Govinddas. In the Select Committee before discussing the other clauses we raised this point and we definitely showed our inclination.....

Kazi. Syed Karimuddin (C.P. and Berar: Muslim): Sir, the proceedings of the Select Committee cannot certainly be referred to?

Mr. Speaker: The Honourable Member will not be in order in giving details of Select Committee proceedings; he may state his own views if he so likes.

Mr. B. K. Sidhva: I only want to tell my Honourable friend that we are very keen on having legislation with regard to the Ayurvedic and Unani systems. We consulted medical practitioners in all systems, and they were all of the view that the indigenous system of medicine could not be fitted into this Bill. I am sure the Honourable Minister will bring in another Bill for that purpose, as she informed us at the last session. While I endorse every word that my Honourable friend Seth Govinddas said, I feel that there is no scope for the indigenous systems in the present Bill.

Shri. Biswanath Das (Orissa: General): Sir, I associate myself with all that was said by my Honourable friend Seth Govinddas. It is an anomaly that in a country where over 90 per cent. of the people depend on the Ayurvedic and Unani systems the Government should spend all its money, resources and activities on a foreign system. That shows that the Britishers who ruled this country wanted not only to thrust their political dependence on us but also their system of medicine. Whatever may have been the conditions before, they changed after the 15th August, 1947. That was a day of freedom also for the great systems of Ayurveda and Unani which stand as an independent system with an illustrious history behind them. These systems have to be renovated and strengthened. I may assure my Honourable friend the Minister that she will not get any help from her medical advisers in this regard. It has been an unfortunate experience in the course of 25 or 30 years in legislatures that the allopathic doctors have absolutely no soft corner for our system. They feel that this is a system which is destined to die and must die. It is our earnest desire that the system should live, and not only live but should be raised to a very high place. Even today it is *mantram* and *mahaushadhi* for which the people of India are anxiously waiting. If you have to give medical help to the rural people you have to restore and renovate your own system of medicine and treatment. Many indigenous drugs are not taken care of and are wasted, while people are dying for want of treatment. In a country where the span of life was 125 years, it has now come down to 27 years. Sir, if you want to prevent this death-rate, if you want to bring health and sanitation to the people of this country, you cannot do anything more than restore the system of Ayurvedic treatment to its ancient status and glory. With a view to this I would not think of appointing committees. Committees mean delay. Committees mean and imply delay and shelving

matters. I know those days are gone but even in this I would appeal to the Honourable Minister in charge of this Department to take effective steps in this regard if she is really anxious to see that this system is restored to its original status.

I do not oppose the Bill. The Bill as it stands makes the British system of pharmacy in India full and complete. Let it be so. But I think she has also a responsibility to discharge in the sense that steps should be taken to restore our own system of treatment and see that the same is developed.

Sir, it is rather unfortunate that even after this national upheaval in this country in the course of these 50 years or more, not even graduate courses have been undertaken in this Ayurvedic system except in the Hindu University of Benares. I do not believe that there is any university in India which has got graduate courses in this regard. Is it too much to expect that the Delhi University should at once institute graduate and post-graduate courses. Cultured and renowned *Vaid*s are there. We should try and elevate the system and make it useful. Have a register of physicians. Where are your doctors and surgeons? They are a drop in the mighty ocean. Millions of people are suffering from disease and death. If you mean going to their rescue, I would appeal to the Honourable Minister that she at once take up on herself the responsibility of registering also the Ayurvedic physicians and let provinces be financed to set up institutions to give refresher courses so that the people in the mofussil and the rural Ayurvedic practitioners will get the benefit of the Government's action. There are a thousand and one ways if there is a desire. I would appeal to the Honourable Rajkumari to take immediate steps in this regard. I believe that she has gleams of a deep-enough desire to see that our system is restored to its ancient glory and that it is made useful to the people who are yearning for it.

With these words, while supporting this Bill, I insist that my system of treatment, namely the Ayurvedic and Unani system should be restored to the previous glory.

Mr. Tajamul Husain (Bihar: Muslim): Mr. Speaker, I have risen to support the Bill wholeheartedly. The idea underlying the Bill as it appears to me is that there should be qualified compounders to dispense medicine. There have been hundreds and thousands of cases where unqualified compounders who have not received proper minimum education as the Bill says, have dispensed prescriptions and deaths have taken place. This is a very dangerous thing and many accidents have taken place. Therefore, this Bill has been introduced. But this is meant only for the Allopathic system of medicine which was introduced here when the British *raj* came. Now we are independent and this country is a very poor country where the allopathic system cannot sufficiently cope with the needs of its people. For a poor country like this, you must encourage Ayurvedic system, the Tibbi system and the Homeopathic system. After all, they are very cheap for the people of this country. While supporting this Bill, I would request that the Honourable Minister would see her way as soon as possible to bring another Bill whereby she should be able to come to the help of the people by introducing a system so that we could have qualified compounders for the Tibbi system, the Ayurvedic system and the Homeopathic system.

I entirely agree with the remarks made by the previous members who have spoken on this Bill.

Shri H. V. Kamath (U.P. and Berar: General): Mr. Speaker, it will be universally acknowledged that this measure has been long overdue in the interest of public health and welfare in our country, and it has been long recognised that this profession of pharmacy had fallen into the hands of quacks, if not something worse. It is a matter of gratification that our Government of Free India has within six months of taking over, introduced a measure which is calculated to put this profession on a sound footing.

[Shri H. V. Kamath]

Considering that we are planning this profession and practice of pharmacy on a new, regulated and sound basis, it was all the more necessary that our Government had taken into consideration this profession in all its various aspects and in all the various fields in which it operates.

Pharmacy is an ancient profession as my Honourable friend, Seth Govinddas said. The profession of Ayurvedic pharmacy dates back to thousands of years. It is unfortunate that it has fallen on evil days, but today we are in a said. The profession of Ayurvedic pharmacy dates back to thousands of that he had consulted some experts before he arrived at the conclusion that this could not be included—i.e. the Ayurvedic system could not be included within the scope of this Pharmacy Bill. I wonder who were the experts that he consulted. I wish he had given us the names of the experts and the wise men whom he consulted before he arrived at this very sound conclusion that the Ayurvedic system could not be included in the scope of pharmacy. It is all very well to say that we have no university which confers degrees in this science. But I am sure that my friend, Mr. Dhulekar, who is not here would not agree with this. As a matter of fact the *All-India Ayurvedic Sammelan* has done a lot of work in this direction and there are qualified *Vaids* who work in different parts of the country. I am thankful to my friend Mr. Govind Das for informing me that the Benares Hindu University has got a course in Ayurveda and confers degrees in Ayurveda. As I said a little while ago

12 Noon Ayurveda is a very ancient science, the very fact that it is called Ayurveda indicates that it is a fifth Veda besides the four acknowledged Vedas. Ayurveda is the Veda of life or longevity and that shows the importance which our ancient doctors and Sages attached to this important science. Now that we have attained our freedom we might resuscitate our ancient culture and heritage. This is one of the fundamentals which should have come up for the consideration of the Government.

Mr. Sidhva said that the Honourable Minister would bring forward another Bill. She made a statement last session, if I remember aright that the whole matter was before a committee and that the committee would report by the end of February. I do not know whether a separate Bill would be introduced to regulate the profession of pharmacy in Ayurveda and Unani. If that were so it would be very welcome and I shall not be so impatient as to press my point today. But if that is not going to be so and if Government thinks that there is no university which confers degrees and diplomas in this line, it is high time that our Government started an Ayurvedic University and encouraged the study of this ancient science.

To come to the Bill, Clause 2, sub-clause (f) refers to the Allopathic system of medicine. If I am not mistaken any my memory does not betray me I think there are regular courses in Homeopathy and Biochemistry in our country. I believe there is a college of Homeopathy in Calcutta and a College of Biochemistry somewhere in India. I wonder why at least Homeopathy and Biochemistry could not be included within the scope of this Bill which is meant to regulate the profession of pharmacy. I would therefore request the Honourable Minister to let us know in her reply to the debate what action Government propose to take to include recognised *Vaidrajs* and *hakims* and also doctors who are qualified as homeopaths or biochemists. It is very necessary when we are planning to regulate the profession of pharmacy to include all pharmacists who follow different systems in vogue today in the world.

I would like to say one word more about Ayurveda. I do not mean to say that we do not know the value or importance of Ayurveda ourselves, but in Germany before the last war started there was a pharmaceutical company which used to manufacture Ayurvedic drugs and they were very popular in Germany. If our eyes are not opened already I think this should suffice to inculcate into us, if we have forgotten, the importance of our own ancient

system of medicine. The pharmaceutical company in Germany claimed that a particular drug which they manufactured sold like hot cakes not only in Europe but in America as well and they claimed more therapeutic value for this drug than for any other European or American allopathic drug. It is high time, therefore, not merely from the point of view of resuscitating our ancient system of medicine but also from the point of view of increasing our trade and commerce with European countries that we revive our ancient system of Ayurveda and include in the scope of this Bill our indigenous systems such as Ayurveda and Unani. I would also press for the inclusion of homeopathy and biochemistry. If this Bill could not be improved I would request the Honourable Minister to bring forward another Bill which would include all the different systems so as to make it very comprehensive, which it is not today. But law must be made comprehensive enough to include all the systems in vogue in the world today.

Dr. B. Pattabhi Sitaramaya (Madras: General): Sir, I had not intended to speak on this occasion, because I thought that pharmacy was a simple process, half mechanical and half scientific but some of the remarks made by those who have preceded me tempt me to say a word or two.

I am afraid there is a misconception in regard to the scope of this Bill. It is admittedly a Bill which is designed to regulate pharmacy within the meaning of Allopathy and it would be a misjoinder of subjects to mix up Allopathy with Homeopathy, Biochemistry, Ayurveda, Unani and Tibbi and I challenge anybody to produce a Bill which can cover all these systems and bring into existence a body of controlling directors or members of a Committee who can with equal capacity and equal justice deal with all these systems of medicine. Allopathy is a regular system. It may be that the Government has shown a bias for a particular system but Government has only inherited a certain system as part of the Government machinery. It is dealing with it and is trying to improve the material before it. It is up to any member of this House to plead for the cause of Ayurveda but that pleading must be in its own time and in its own place and for its own purpose. You should not mix it with this. I have often seen Ayurvedic colleges built up but with Ayurvedic walls and Ayurvedic roof upon allopathic foundations. I could not understand how the two things could be pieced together. I have gone to many Ayurvedic and Unani institutions where they have to learn Gray's Anatomy and Haliburton's physiology but on that they build the theory of humours. I have searched all the dead bodies and living bodies that came my way but I have never yet found the humours. I know however where to find them. There is a place where to find them. Possibly one of these days research in Ayurveda or Unani and pharmacy may be correlated, so that the two divergent lines may meet in one common line and carry on the train of knowledge to its own destination by coordinating vitamins and endocrines with humours. To bring in the subject of Ayurveda, Tibbi or Unani in time and out of time and ride this hobby horse is quite out of place.

My friend who has just preceded me has spoken of biochemistry. Does he want a Bill for the regulation of the study of biochemistry and a Committee to sit in judgment as to what should constitute biochemistry. Perhaps he is not aware of the great change that has come over physiology in recent times. During the three years I had spent in the Ahmednagar fort I took the opportunity of revising my knowledge of medicine. I read one book on medicine and two volumes of surgery. I understood everything there. But when I took up a book on physiology, let me frankly confess that I did not understand one page of it. The whole of biochemistry and physiology have become indistinguishable with each other now and there are biochemical laboratories associated with big hospitals, where as soon as the patient goes, his skin is examined, his blood is examined, the blood corpuscles are counted, he is turned

[Dr. B. Pattabhi Sitaramayya]

inside out and outside in, he is sent from one place to another, from the clinic to the biochemical laboratory and finally to the surgery and perhaps last to the mortuary. Whatever it be the fact is that science has become greatly developed nowadays and biochemistry is a part of physiology and cannot be incorporated in pharmacy as a separate subject. But it is up to the Committee to prescribe educational qualifications in such a manner that biochemistry also may be brought within the range of study. The Honourable Member cannot be a judge whether biochemistry should be brought into the range of studies contemplated by the Pharmacy Committee but it is for the Committee that is going to be appointed, which will be in charge of the regulation of educational qualifications to take charge of it. These two suggestions then are, I consider, beside the point. I think the Bill as it is may well go through the House.

The Honourable Rajkumari Amrit Kaur: Well, Sir, I do not think there has been any opposition to the Bill as it stands and everybody has accepted that a measure of this nature should be on the statute book. I think the speakers want to remind the Government of India once again through the Health Department of the need for turning our attention to the indigenous systems of medicine. I have said once before on the floor of this House that we are awaiting the Report of the R. N. Chopra Committee. Owing to his illness that Report has been delayed. When it comes, the questions as to how research in indigenous systems of medicine can be encouraged and how those systems can be brought to give medical aid and relief in a greater measure to the people of this country and all other relevant questions will be considered. As far as the scope of this Bill is concerned Dr. Sitaramayya has quite correctly pointed out that indigenous drugs could not be brought within its scope. The Drugs Act of 1940 deliberately excluded drugs dispensed under indigenous systems of medicine for the obvious reason that drugs under these systems of medicine are not standardized and it is, therefore, not practicable to bring them within the scope of such a Bill. This Bill therefore could only apply to allopathy. That Government is interested in, or will give every consideration to, the development of the indigenous systems of medicine as I have already stated. But Members may not be impatient and I do plead with the House in matters of science to get away from thinking in terms of country or race for science knows no barriers of race or country. It is perhaps pertinent to note here that the best research that has been done on indigenous drugs has been done by an allopath. I do not think I have any more to say on the subject.

Mr. Speaker: The question is:

"That the Bill to regulate the profession of pharmacy, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: We might take the Bill clause by clause.

As regards the amendments of the Honourable Member, Mr. Naziruddin Ahmad, I shall consider as to whether I may waive notice.

I am not expressing any opinion on the merits of these amendments—No. 1 which refers to clause (e) seems to refer to drafting neatness: in the alphabetical order I must come after E and therefore clause (c) must come after clause (e). That is the only point there.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Yes, Sir.

Mr. Speaker: If that is acceptable to the Honourable Minister, then he (Mr. Ahmad) will have to renumber all the others: if (c) is shifted, (ee) will not be correct.

The Honourable Rajkumari Amrit Kaur: Sir, I am sorry I cannot accept the amendment.

Mr. Naziruddin Ahmad: I have received a note from the Honourable Minister that she had no time to go through the amendments. These amendments will take very little time to dispose of when properly considered. For the sake of neatness in drafting it has to come in the alphabetical order. May I therefore crave the indulgence of the House.....

The Honourable Rajkumari Amrit Kaur: May I say, Sir, that the amendments of Mr. Naziruddin Ahmad have just been handed to me about five minutes back and I have, therefore, asked him not to ask me to accept them at this stage?.

Mr. Speaker: I do appreciate the difficulty of the Honourable Minister. It is really the draftsman who must say as to how far the amendments fit in and the Honourable Minister must have time. The point I was considering was as to whether it will be proper to postpone consideration of them at this stage, when I see almost a unanimity in the House as regards the desirability of passing the Bill as soon as possible. Some amendments, I believe, merely refer to correction of proofs, if I may take it that way; and that can be done at the time of printing when the Bill is sent for assent. For rectifying mistakes in printing and spellings, we need not move any amendment here. So far as commas etc. are concerned they will be a different matter. But I think the particular amendment which I referred to (No. 1), as also amendment No. 5 which refers to clause 3, does not make any substantial change but are drafting ones. Two of his amendments to clause 7 (Nos. 10 and 11) seem to be of a nature, which may more or less be treated as very formal amendments and they may be considered even at the last stage. In the meanwhile, I might suggest that these amendments may be given to the draftsman of the Bill so that he may scrutinize them. We will go through the clause by clause stage of the Bill, and in the case of purely formal amendments which do improve the wording, we will take them up in the last stage as formal amendments—they are not substantial in any sense. In this instance, this amendment, of placing clause (c) after clause (e) and the consequent stepping up of the other two clauses is merely an attempt to set forth the definitions in the alphabetical order, and this can be done even at the last stage as a formal amendment. So, rather than postpone the consideration, I will see as to what is possible in the last stage when the Bill comes in for being passed.

Mr. Santhanam has not moved his amendment.

The question is:

“That clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Shri K. Santhanam (Madras: General): Sir, I move:

“That in part (a) of clause 3 of the Bill, the words ‘at all times’ be omitted;

That in part (b) of clause 3 of the Bill, the words ‘at all times’ be omitted.”

The reason is that the presence of these words may cause difficulty when members resign or die or there is some vacancy.

Mr. Speaker: I take it that the Honourable Member is moving both his amendments—Nos. 2 and 3. I will treat them as one amendment.

Amendment moved:

“That in parts (a) and (b) of clause 3 of the Bill, the words ‘at all times’ be omitted.”

The Honourable Rajkumari Amrit Kaur: I accept the amendment.

Shri H. V. Kamath: On a point of information, Sir. Clause (a) refers to pharmaceutical chemistry, pharmacy, pharmacology and pharmacognosy. May I ask what ‘pharmacognosy’ means?

Mr. Speaker: I think the Honourable Member may better refer to a dictionary.

The question is:

"That in parts (a) and (b) of clause 3 of the Bill, the words 'at all times' be omitted."

The motion was adopted.

Shri K. Santhanam: Sir, I move:

"That in part (g) of clause 3 of the Bill, the words 'in the Province', be omitted."

Now we are not making provision for Delhi, Ajmer-Merwara, Coorg and other places. The registered practitioners in those places may be allowed to be elected by the neighbouring provinces. It is for that purpose that I have tabled the amendment.

Mr. Speaker: Amendment moved:

"That in part (g) of clause 3 of the Bill, the words 'in the Province', be omitted."

The Honourable Rajkumari Amrit Kaur: I accept that amendment.

Mr. Speaker: I find an amendment by Mr. Naziruddin Ahmad in which he wishes to add the words "in the province concerned". What is the idea? Can one registered in one province be elected from another province?

Shri T. T. Krishnamachari (Madras: General): The idea is that representation should not be tied down to an area. Where Provinces like the Chief Commissioners' Provinces are concerned, it may not be possible to find a person within a province. That is the main idea of the amendment. In fact Mr. Naziruddin Ahmad's amendment will strengthen it further.

Mr. Speaker: The question is:

"That in part (g) of clause 3 of the Bill, the words 'in the Province', be omitted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 6 were added to the Bill.

Shri K. Santhanam: I move:

"That in sub-clause (3) of clause 7 of the Bill, for all the words beginning with the words 'A nominated or' and ending with the words 'the Central Council' where they occur for the second time, the following be substituted, namely,—

"The Central Council may declare the seat of a nominated or elected member vacant if he is absent from three consecutive meetings of the Council without sufficient cause."

I would request your permission to substitute "without sufficient cause" for the words "without its permission".

Mr. Speaker: Amendment moved:

"That in sub-clause (3) of clause 7 of the Bill, for all the words beginning with the words 'A nominated or' and ending with the words 'the Central Council' where they occur for the second time, the following be substituted, namely,—

"The Central Council may declare the seat of a nominated or elected member vacant if he is absent from three consecutive meetings of the Council without sufficient cause."

The Honourable Rajkumari Amrit Kaur: I am sorry, Sir, I cannot accept this amendment for the reason that the meaning that he wishes to bring is already there, and if the amendment is to be accepted, the meaning of the following clause "or if he is elected under clause (a), (c) or (g) of section 3, if he ceases to be a member of the teaching staff" will be wholly defeated.

Shri K. Santhanam: I beg leave to withdraw the amendment.

Mr. Speaker: The Honourable Member wishes to have leave of the House to withdraw his amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: The question is:

"That clause 7, stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Shri K. Santhanam: I move:

"That in sub-clause (1) of clause 8 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Council' be substituted."

As the clause stands, it does not state as to who is to decide the expediency, and that is why I have tabled the amendment.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 8 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Council' be substituted."

The Honourable Rajkumari Amrit Kaur: I would accept that amendment if the Honourable Mover would accept "if so decided by the Central Council".

Shri K. Santhanam: Yes.

Mr. Speaker: That means the addition of the word "Central".

The question is:

"That in sub-clause (1) of clause 8 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Central Council' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: In this clause, in sub-clause (1), it is provided that the Central Council may appoint a Secretary who may also act as Treasurer. In the proviso it is provided that this officer shall hold office 'during the pleasure of the Central Government'. There is a similar passage in clause 9, sub-clause (2), that a particular person appointed by a particular appointing authority shall hold office during the pleasure of the appointing authority. I submit that this addition is absolutely unnecessary. That is covered by section 16 of the General Clauses Act. It says in effect that any authority which has the power to appoint any person has also the power to suspend or dismiss that person. So, the fact that the Central Government appoints a man implies that the Central Government has also the power to dismiss him, which comes to the same thing as saying that he holds office during the pleasure of the Central Government. So I have tabled amendments to delete these words, because they would seem absolutely superfluous as they are sufficiently covered by the General Clauses Act.

Mr. Speaker: Well, I am not quite sure, but I am afraid that that kind of an amendment will not be purely a formal one; it will be something different which we cannot carry out in the third reading of the Bill. It differs in its nature from the type of amendment which places one section over from one place to another, taken bodily as (c) and placed bodily as (e). This is doing something in the Section itself, not on the ground that the drafting would look better but on the ground that it is a superfluity. So that would be a substantial amendment and it cannot be a third reading amendment.

Mr. Naziruddin Ahmad: At this stage the matter may be considered.

Mr. Speaker: I believe the Honourable Member will find these words in other Sections also.

Mr. Naziruddin Ahmad: Yes.

Mr. Speaker: And those Sections have already been adopted by the House, for example, clause 5 has already been adopted. So, for the sake of consistency it would be better to have those words there; otherwise there will be difficulty of interpretation if the words are there in one clause and not in others. So I presume that the Honourable Member does not persist on that point.

Mr. Naziruddin Ahmad: My suggestion is that it is definitely of a drafting nature.

Mr. Speaker: The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: Sir, in this clause 9 there is the word "prescribed". According to well known practice in the Legislature the word "prescribed" has always been used in the sense that something is prescribed by rules made under an Act. The word "prescribed" has thus acquired a definite meaning. But in this Bill the word has been used to mean prescribed by regulations and prescribed by rules also. "Prescribed by regulations" would be to make the meaning of the word "prescribed" uncertain. In these circumstances I suggest some drafting amendments may be necessary just to distinguish the word "prescribed" as it is definitely understood so long. Only in its long accepted sense. So, I desire that the draftsman should also consider these matters.

Mr. Speaker: I may point out the difficulty of the Honourable Member, and that is that the word "regulated" or "regulations" has not been defined.

Mr. Naziruddin Ahmad: That has been defined.

Mr. Speaker: No, it has not been, so far as I see the Section.

Mr. Naziruddin Ahmad: But "regulation" is provided for in clause 18.

Mr. Speaker: But that is not defining it. Therefore, it will create a difficulty. The word "prescribed" includes both "regulations" under certain sections and "rules" under certain sections. I believe the definition of "prescribed" is clear. But that is a matter of merits and I should not express any opinion on that. If the draftsman wants to take it into consideration and bring in an amendment, I shall have no objection though I doubt whether it will be an amendment which will be consistent now, after having adopted clause 2.

Mr. Naziruddin Ahmad: It can be reconsidered.

Mr. Speaker: That is a different matter, however, I am not expressing an opinion at this stage.

The question is:

"That clause 9, stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Clause 10 was added to the Bill.

Shri K. Santhanam: Sir, I move:

"That in the Proviso to clause 11 of the Bill, all the words beginning with the words 'unless the Provincial Government' and ending with the words 'in the notification' be omitted."

The reason for this amendment is that I do not want to give the Provincial Government more than three years. They should complete the process by three years and a further extension is unnecessary.

Mr. Speaker: Amendment moved:

"That in the Proviso to clause 11 of the Bill, all the words beginning with the words 'unless the Provincial Government' and ending with the words 'in the notification' be omitted."

The Honourable Rajkumari Amrit Kaur: Sir, I am prepared to accept the amendment.

Mr. Speaker: The question is:

"That in the Proviso to clause 11 of the Bill, all the words beginning with the words 'unless the Provincial Government' and ending with the words 'in the notification' be omitted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: Sir, in this clause 12, I want to point out that in two places the draftsmanship is rather inartistic. In one place in sub-clause (1) it is said: "and the Central Council, if satisfied after such enquiry as it thinks fit to make". Instead of that, the more artistic and simpler way would be, "if the Central Council, after making such enquiry as it thinks fit, is satisfied". These remarks also apply with regard to the same expression occurring in sub-clause (2). I have suggested this amendment just to rearrange the words to make the text simpler. I submit that it is a very formal amendment which does not in the least affect the sense or the structure of the sentences.

Shri T. T. Krishnamachari: I do not think that as at present it makes any difficulty regarding understanding.

Mr. Speaker: The Honourable Member's point of view seems to be that if a piece of legislation is passed in this House, it should not only be correct but also as elegant linguistically as possible.

Mr. Naziruddin Ahmad: Yes, Sir.

Mr. Speaker: The question is:

"That clause 12, stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Shri K. Santhanam: Sir, I move:

"That in sub-clause (1) of clause 13 of the Bill, for the word 'may' occurring in line 7, the word 'shall' be substituted."

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 13 of the Bill, for the word 'may' occurring in line 7, the word 'shall' be substituted."

The Honourable Rajkumari Amrit Kaur: Sir, I accept the amendment.

Mr. Speaker: The question is:

"That in sub-clause (1) of clause 13 of the Bill, for the word 'may' occurring in line 7, the word 'shall' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Clause 14 was added to the Bill.

Shri K. Santhanam: Sir, I beg to move:

"That in clause 15 of the Bill, for the words 'forthwith be', the words 'have effect as soon as they are' be substituted."

Mr. Speaker: Amendment moved:

"That in clause 15 of the Bill, for the words 'forthwith be', the words 'have effect as soon as they are' be substituted."

The Honourable Rajkumari Amrit Kaur: Sir, I accept the amendment.

Mr. Speaker: The question is:

"That in clause 15 of the Bill, for the words 'forthwith be', the words 'have effect as soon as they are' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That Clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Mr. Naziruddin Ahmad: Sir, I have to submit one or two comments with regard to Clause 16. In sub-clause (2), item (b), the words are "at any approved examination". In item (c) also the words used are "attend at any examination". Then again, in sub-clause (3) in line 1, it is stated: "attending at any examination". It seems to me, Sir, that the word "at" is out of place and is not proper. So I have tabled amendments to banish this word in the three different places where it occurs. I should ask your permission to allow the draftsmen to consider this.

Dr. B. Pattabhi Sitaramayya: On this point, may I just say one word, Sir? I am sorry when my friend consulted me, I told him that the word "at" used here is wrong, because I thought the idea is that it is a person attending the examination, but on further examination I see that he is attending at the examination. So "attending at" here means "be present at" and therefore if my friend would excuse me the wrong advice I have given to him, I want to repair the error betimes.

Mr. Naziruddin Ahmad: Doctors have often to change their advice. I am grateful to my Honourable friend.

Mr. Speaker: The question is:

"That clause 16, stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17 was added to the Bill.

Clause 18 was added to the Bill.

Shri K. Santhanam: Sir, I beg to move:

"That in part (b) of clause 19 of the Bill, the words 'at all times' be omitted."

Mr. Speaker: Amendment moved:

"That in part (b) of clause 19 of the Bill, the words 'at all times' be omitted."

The Honourable Rajkumari Amrit Kaur: Sir, I accept the amendment.

Mr. Speaker: The question is:

"That in part (b) of clause 19 of the Bill, the words 'at all times' be omitted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clauses 20 to 24 were added to the Bill.

Shri K. Santhanam: There is an amendment in my name to clause 25. I am not moving it.

Mr. Naziruddin Ahmad: With regard to this, I have to point out one thing. In sub-clause (6), in line 1, page 11, the word "renomination" occurs. There should be a hyphen between "re" and "Nomination".

Mr. Speaker: It is the printer's devil. It may be corrected. It need not be the subject matter of an amendment.

Mr. Naziruddin Ahmad: It may be only a printing mistake, but we are passing the Bill as it is printed and presented to us.

Mr. Speaker: Yes, that is true in a sense, but only to a limited extent.

The question is:

"That clause 25, stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

Shri K. Santhanam: Sir, I beg to move:

"That in part (a) of clause 26 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Provincial Council' be substituted."

Here the Provincial Council has to decide.

Mr. Speaker: Amendment moved:

"That in part (a) of clause 26 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Provincial Council' be substituted."

The Honourable Rajkumari Amrit Kaur: Sir, I accept the amendment.

Mr. Speaker: The question is:

"That in part (a) of clause 26 of the Bill, for the words 'if deemed expedient', the words 'if so decided by the Provincial Council' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Clauses 27 and 28 were added to the Bill.

Shri K. Santhanam: Sir, I beg to move:

"That in sub-clause (2) of clause 29 of the Bill, for the words 'upon its constitution', the words 'as soon as possible after it is constituted' be substituted."

Mr. Speaker: Amendment moved:

"That in sub-clause (2) of clause 29 of the Bill, for the words 'upon its constitution', the words 'as soon as possible after it is constituted' be substituted."

The Honourable Rajkumari Amrit Kaur: I accept the amendment, Sir.

Mr. Speaker: The question is:

"That in sub-clause (2) of clause 29 of the Bill, for the words 'upon its constitution', the words 'as soon as possible after it is constituted' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: Sir, one small submission. Sub-clause (2) contains five parts. There should be the word "and" between (d) and (e).

Mr. Speaker: That relates to sub-clause (2).

Mr. Naziruddin Ahmad: I am sorry I missed it. It is sub-clause (3).

Mr. Speaker: The question is:

"That clause 29, as amended, stand part of the Bill."

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clauses 30 to 33 were added to the Bill.

Shri K. Santhanam: Sir, I move:

"That for the Proviso to sub-clause (2) of clause 34 of the Bill, the following be substituted, namely:

'Provided that a name so removed may be restored to the register on such conditions as may be prescribed'."

[Shri K. Santhanam]

The clause provides "that provided that a name so removed may be so restored to the register on payment, at any time during the remaining nine months of the year, of double the renewal fee prescribed." The name may be removed twice or thrice. This may require detailed regulations and I therefore think that the clause should not be in this form. I have therefore given a more flexible form.

Mr. Speaker: Amendment moved:

"That for the Proviso to sub-clause (2) of clause 34 of the Bill, the following be substituted, namely:

'Provided that a name so removed may be restored to the register on such conditions as may be prescribed'."

The Honourable Rajkumari Amrit Kaur: I accept the amendment.

Mr. Speaker: The question is:

"That for the Proviso to sub-clause (2) of clause 34 of the Bill, the following be substituted, namely:

'Provided that a name so removed may be restored to the register on such conditions as may be prescribed'."

The motion was adopted.

Shri K. Santhanam: Sir, I move:

"That sub-clause (4) of clause 34 of the Bill be omitted."

Mr. Speaker: The question is:

"That sub-clause (4) of clause 34 of the Bill be omitted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 34, as amended, stand part of the Bill."

The motion was adopted.

Clause 34, as amended, was added to the Bill.

Mr. Speaker: I will put clauses 35 to 40. Are there any amendments?

Shri Rohini Kumar Chaudhuri (Assam: General): I wish to say something on clause 36. I refer particularly to sub-clause (ii) which reads as under:

"36. (i) Subject to the provisions of this section, the Executive Committee may order that the name of a registered pharmacist shall be removed from the register, where it is satisfied, after giving him a reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit to make,

(ii) that he has been convicted of any offence or has been guilty of any infamous conduct in any professional respect, which in the opinion of the Executive Committee, renders him unfit to be kept in the Register, or"

Sir, I do not find any note in the report of the Select Committee to explain why the word 'infamous' has been used in this clause. Formerly the word was 'misconduct' and I do not know if in any legislation the word 'infamous' has been hitherto used. The word may mean anything. It may mean notorious. It may mean something worse than an offence which a criminal may be found guilty of. So, Sir, I think it will be wise to restore the original word 'misconduct' as you find in the Bill of 1946 and if you wish to have the word 'infamous conduct' then you define it in some way or other. It is a very vague word and anything may be said to be infamous or not infamous. So I think some explanation is necessary. What does it actually mean? I do not find, Sir, what is intended to be conveyed by the Select Committee.

Shri T. T. Krishnamachari: It covers quite a large field.

Mr. Naziruddin Ahmad: I wish to say something in regard to sub-clause (4) and (5) of clause 36. The expression is person..... may appeal. I should like the text to read as "Any person if aggrieved by an order..... may appeal". Similar remarks apply to the commencement of sub-clause (5).

The Honourable Rajkumari Amrit Kaur: The word 'infamous' is used in the Indian Medical Council Bill. I wish to submit that we took that word from that Bill and it is certainly stronger; the word 'improper' did not convey quite the meaning that the word 'infamous' conveys and I think I should like it to remain. It is a strong word certainly, but I do not think that it is a wrong word in this connection.

Shri Rohini Kumar Chaudhuri: May I ask the Honourable Minister how does she distinguish between the word 'infamous' and the original one?

The Honourable Rajkumari Amrit Kaur: What is the original word.

Shri Rohini Kumar Chaudhuri: "That he has been convicted of any such offence or has been guilty of any such misconduct as in the opinion of the Executive Committee renders him unfit to be....." Is this word 'infamous' something very different from 'mis-conduct'?

The Honourable Rajkumari Amrit Kaur: It is a stronger word. It is more inclusive.

Shri T. T. Krishnamachari: Whatever is incorporated in the Indian Medical Council that need not necessarily apply to this particular measure for the reason that a doctor's conduct is certainly 'infamous' where it is unprofessional. Here is it a pharmacist who does not come in contact with the ordinary public in so far as his particular trade is concerned in such a manner as to result in any serious misbehaviour and I think the code of conduct which probably will apply to him is something totally different from that of a doctor. I therefore think that there is some force in what my Honourable friend from Assam has mentioned.

Mr. Speaker: I do not know what view the Honourable Minister holds on this question. Is it the idea that a little misconduct of an ordinary nature should be excused and it is only in the case of misconduct on a large scale, when it comes in under the expression 'infamous' that it should be punishable? What is the idea at the back of it, I have no knowledge. There are distinctions between "neglect" and "gross neglect". There are certain cases in which ordinary neglect is not held punishable or does not make one liable while gross neglect would do so. Are there any such distinctions?

Shri T. T. Krishnamachari: The moral behaviour of the pharmacists is not called into account at all.

Shri Rohini Kumar Chaudhuri: Is it intended that ordinary mis-conduct will be excused or when it transgresses beyond ordinary mis-conduct and becomes infamous then they will be brought under its purview?

The Honourable Rajkumari Amrit Kaur: That is not so. The clause reads "he has been convicted of any offence or has been guilty of any infamous conduct in any professional respect". The word "infamous" refers to gross neglect or gross misdemeanour in professional conduct and should, in my opinion, remain.

Mr. Speaker: It is not for the Chair now to intervene further in the debate. I will put these clauses to the House.

The question is:

- "That clauses 35 to 40, stand part of the Bill."

The motion was adopted.

Clauses 35 to 40 were added to the Bill.

Shri K. Santhanam: Sir, I move:

"That in sub-clause (3) of clause 41 of the Bill, for the words 'the Provincial Council', the words 'the Executive Committee of the Provincial Council' be substituted."

The clause as it stands is very cumbrous and inconvenient and I think that the Executive Committee ought to be authorized.

Mr. Speaker: Amendment moved:

"That in sub-clause (3) of clause 41 of the Bill, for the words 'the Provincial Council', the words 'the Executive Committee of the Provincial Council' be substituted."

The Honourable Rajkumari Amrit Kaur: I accept the amendment.

Mr. Speaker: The question is:

"That in sub-clause (3) of clause 41 of the Bill, for the words 'the Provincial Council', the words 'the Executive Committee of the Provincial Council' be substituted."

The motion was adopted.

Mr. Naziruddin Ahmad: Sir, I wish to point out a serious error. Clause 41 is a penalty clause and it is provided that if a person is found guilty he shall be 'punishable' on first conviction, etc. I think the more appropriate word should be 'punished'. The word 'punishable' leaves some discretion to the judge or magistrate to punish or not; but if a man is found guilty there should be no discretion and he has to be punished. Apart from my personal feeling I find that the Indian Penal Code—which is a classic example of draftsmanship—uses the same word. Take section 302, for instance.

Mr. Speaker: It will be better if the Honourable Member takes another section. That section—if I remember aright—awards death sentence as a compulsory sentence.

Mr. Naziruddin Ahmad: The question is not about the choice of punishment. Section 302 says that if a man has committed murder, he shall be "punished" and the same language occurs in section 304. The entire Code uses the word "punished", and not "punishable" because the latter word leaves some discretion to the court to punish or not to punish. (*An Honourable Member*. "The Penal Code is out of date.") The Indian Penal Code was drafted by Lord Macaulay and revised by a committee presided over by Sir Barnes Peacock, and it discloses an ideal draftsmanship in the matter of criminal legislation. This is not a mere drafting amendment but goes to the root of the matter. There is no exception to the rule that he should be 'punished'. Only in some recent pieces of legislation I find a pleasing departure.

Shri K. Santhanam: Sir, I think my Honourable friend is not quite correct because here the meaning is that the guilty person may be let off by the court with a warning in the first instance or there may be a nominal fine. So I think 'punishable' is the proper word.

Shri T. T. Krishnamachari: If my Honourable friend will refer to some other Bills like the minimum Wages Bill and so on, he will find the same word used.

Mr. Naziruddin Ahmad: I said there is a pleasing departure in recent enactments.

Shri Rohini Kumar Chaudhuri: Sir, my Honourable friend leant on a rather weak statute. The Indian Penal Code was passed in 1860 when the idea was that any Indian who was guilty must be punished. Afterwards came the Criminal Procedure Code where there are several provisions saying that the accused may be let off with a warning. The law does not say that he must be punished; we have progressed a good deal since the days of Macaulay. I think the word 'punishable' should stand.

Mr. Tajamul Husain: Sir, my Honourable friend Mr. Naziruddin Ahmad thinks that the word "punishable" leaves some discretion to the court to punish or not to punish. But the words "shall be punishable" leave no such discretion and I think we should retain those words.

Mr. Speaker: Anyway, there is no amendment before the House and the Honourable Member merely suggested a verbal change for linguistic perfection of the statute in the third reading. The draftsman will consider that.

The question is:

"That clause 41, as amended, stand part of the Bill."

The motion was adopted.

Clause 41, as amended, was added to the Bill.

Clauses 42 to 44 were added to the Bill.

Shri K. Santhanam: Sir, I move:

"That in sub-clause (2) of clause 45 of the Bill, for the words 'in a summary manner' the words 'in such manner as it may deem fit' be substituted."

It does not sound proper that we should give a direction that a trial should be made in a summary manner.

Mr. Speaker: Amendment moved:

"That in sub-clause (2) of clause 45 of the Bill, for the words 'in a summary manner' the words 'in such manner as it may deem fit' be substituted."

The Honourable Rajkumari Amrit Kaur: Sir, I accept the amendment.

Mr. Speaker: The question is:

"That in sub-clause (2) of clause 45 of the Bill, for the words 'in a summary manner' the words 'in such manner as it may deem fit' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 45, as amended, stand part of the Bill."

The motion was adopted.

Clause 45, as amended, was added to the Bill.

Clause 46 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

The Assembly re-assembled after Lunch at Half-Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Navalkar) in the Chair.

USE OF THE WORD "GENTLEMEN" WHILE ANNOUNCING THE SPEAKER TO THE HOUSE

Shri H. V. Kamath (C. P. and Berar; General): On a point of information, when you are announced, why are only gentlemen referred to and not ladies?

Mr. Speaker: The Honourable Member, though a legislator, perhaps does not know that 'man' includes 'woman'. That is the General Clauses Act. Of course, since the point has been raised, I may give him an interesting piece of information. I had casually put this question, just as a matter of joke rather than seriously, to my old Marshal and I told him that instead of his addressing the members as "Gentlemen" while announcing me why not say "Honourable Members"? He said that once that point had been raised during the time of my predecessor and it was ruled by him that since 'man' includes 'woman', 'gentlemen' includes 'ladies' in this Assembly!

PHARMACY BILL—contd.

Mr. Speaker: What has been decided about those amendments? Are any going to be moved?

The Honourable Rajkumari Amrit Kaur: I have been through all the amendments that were put forward by Naziruddin Ahmad Sahib. I would like to draw the attention of the House to amendment No. 4 where it is pointed out that the word 'authorized' has been misspelt. He would like it to be spelt with 's' which is the correct way of spelling it.

[Rajkumari Amrit Kaur]

The rest of the amendments are unacceptable, except the amendment to Clause 21, sub-clause (3), which is really a consequential amendment. Since the words "at all times" have been deleted from every other clause, they should be deleted here too and that would meet his amendment which says:

"For the words 'at all times' the words 'except in the case of a casual vacancy' be substituted."

Mr. Speaker: What is the number of that amendment?

The Honourable Rajkumari Amrit Kaur: The amendment is No. 33 and the clause is 21, sub-clause (3).

Mr. Speaker: Let the Honourable Minister put the motion before the House: "That the Bill as amended be passed" and then we will take this amendment.

The Honourable Rajkumari Amrit Kaur: Sir, I beg to move:

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

Mr. Speaker: Motion moved:

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

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That in part (d) of clause 3 of the Bill, on the word 'authorized' the letter 'z . . .'

Mr. Speaker: No, no: Clause 21, sub-clause (3).

The amendment suggested is that the words "at all times" occurring in sub-clause (3) of clause 21 be deleted. Do I understand that correctly?

The Honourable Rajkumari Amrit Kaur: That is perfectly correct.

Mr. Naziruddin Ahmad: Sir, I move:

"That in sub-clause (3) of Clause 21 of the Bill, the words 'at all times', be omitted."

Mr. Speaker: The question is:

"That in sub-clause (3) of Clause 21 of the Bill, the words 'at all times', be omitted."

The motion was adopted.

श्री रामनारायण सिंह : सभापति जी, मैं श्रीमती अमृतकौर को बहुत २ बधाई देता हूँ और उनकी सरकार को भी बहुत २ बधाई देता हूँ कि यह बिल आज कानून होने जा रहा है। इसके साथ-साथ मैं उनकी सरकार का ध्यान आयुर्वेदिक औषधि पद्धति के सम्बन्ध में आकर्षित करना चाहता हूँ। जिस समय इसके बारे में बातें चल रही थी उस समय यह कहा गया था कि इस बात को किसी क्लोज (clause) और किसी सेक्शन (section) और दफा में नहीं लाया जा सकता है। इतना ही नहीं, इसके बारे में जो बातें कही गई हैं और जैसा कि डा० पट्टाभि जी ने आयुर्वेदिक के बारे में कहा उसका मतलब यह है कि यह बातें यहाँ नहीं चलनी चाहियें। मैं इस भवन, सरकार और श्रीमती अमृतकौर के जरिये इस बात की ओर सब का ध्यान आकर्षित करना चाहता हूँ। यह मालूम होना चाहिये कि आयुर्वेदिक का जमाना कब से शुरू हुआ है और कब से चला आ रहा है और इससे हिन्दुस्तान की जनता को कितना लाभ हुआ है जिसका कोई हिसाब नहीं किया जा सकता है। हाँ, यह ठीक

है कि हजारों वर्ष से उसकी उन्नति रुक गई थी। इसके बहुत से कारण हैं और मैं इसके सम्बन्ध में कुछ वर्णन नहीं करना चाहता। लेकिन मैं यह भी कह देता हूँ कि बहुत सी औषधि पद्धतियाँ यहाँ पर आई हैं और किसी न किसी रूप में चल ही रही है। मैं तो यह कहता हूँ कि आपका एलोपैथिक मैडीसिन

Mr. Speaker : Order, order. It is not competent for him to reopen the discussion at the consideration stage now. It seems he is trying to reply to what came from Dr. Pattabhi. He should restrict himself to the Bill. He had ample scope at the consideration stage.

श्री रामनारायणसिंह : सभापति जी, मुझे और कोई विशेष बात नहीं कहनी है। इतना ही कहना चाहता हूँ कि यह बिल पास होना चाहिये। इसका मैं स्वागत करता हूँ लेकिन इसके साथ-साथ जैसा कि श्रीमती अमृतकौर जी ने कहा कि आयुर्वेद के सम्बन्ध में बहुत जल्दी एक कमेटी की रिपोर्ट आयेगी, तो मैं यह कहना चाहता हूँ कि उसमें जल्दी करनी चाहिये। उससे हमें बहुत लाभ होगा। एलोपैथिक जहाँ से आई है उसे वहाँ जाना होगा।

(English translation of the above speech.)

Shri Ramnarayan Singh (Bihar: General): Mr. Speaker, I offer my heartiest congratulations to the Honourable Rajkumari Amrit Kaur and the Government that this Bill is going to become law today. Along with this, I would like to draw her Government's attention to the Ayurvedic system of medicine. During the course of discussion on this subject, it was stated that this cannot be brought within the scope of any clause or section of the Bill. Barring all this, it follows from the statements made in this connection and just as Dr. Pattabhi has pointed out in respect of Ayurveda, this Bill cannot cover all the systems. I would like to draw the attention of the House and the Government towards this direction through the Honourable Rajkumari Amrit Kaur. We should trace the origin of the Ayurvedic age and the course of time through which it has passed and the enormous benefits which it has conferred on the people of India, which cannot be estimated. Yes, it is true that since the past thousands of years, its development had been hampered. There are many reasons for this and I do not wish to go into details about these. But I daresay that quite a large number of systems of medicine have been introduced here and are existing in one form or the other. I say this much that your Allopathic system of medicine.....

Mr. Speaker: Order, order. It is not competent for him to reopen the discussion at the consideration stage now. It seems he is trying to reply to what came from Dr. Pattabhi. He should restrict himself to the Bill. He had ample scope at the consideration stage.

Shri Ramnarayan Singh: Mr. Speaker, I have nothing particular to say. I would like to say this much only that this Bill should be passed. I welcome this. But at the same time, I would also urge that we should expedite the report of the Committee on Ayurveda (Indigenous system of Medicine) which as pointed out by the Honourable Rajkumari Amrit Kaur is likely to be presented very soon. We will derive great advantage from it. Allopathy will have to revert to its original place.

Mr. Speaker: The question is:
"That the Bill, as amended, be passed."
The motion was adopted.

DOCK WORKERS (REGULATION OF EMPLOYMENT) BILL

The Honourable Shri Jagjivan Ram (Minister for Labour): Sir, I beg to move:

"That the Bill to provide for regulating the employment of dock workers, as reported by the Select Committee, be taken into consideration."

I do not propose to make any long speech at this stage. As a matter of fact I have nothing to add to what I said while referring this Bill to the Select Committee. The only change that has been made in the Bill in the Select Committee has been to widen the scope of the definition of the words "dock workers". I hope the House will pass this Bill unanimously.

Mr. Speaker: Motion moved:

"That the Bill to provide for regulating the employment of dock workers, as reported by the Select Committee, be taken into consideration."

Shri Harihar Nath Shastri (U.P.: General): Sir, I have great pleasure to accord my support to the present motion. Sometime ago when discussion on the reference of the Bill to Select Committee took place I had the privilege of making detailed observations and to point out the various aspects of this Bill. This is not the occasion to repeat the arguments that I have already advanced. I have no doubt that this measure will be acclaimed with joy and relief by 70,000 workers who are employed in the various ports of this country, who will be benefited by this measure.

It is a pity that very little attention was paid to the problems of dock workers all these years, in spite of the fact that the International Labour Conference more than once adopted Conventions with regard to dock workers and even the Royal Commission on Labour (the Whitley Commission) made specific recommendations aimed at improving the lot of the dock workers. Fifteen years after the publication of the report of the Whitley Commission the Government of India appointed another expert committee whose report was published in the year 1946 and that report revealed that in spite of the lapse of fifteen years between the report of the Whitley Commission and this particular report no improvement had taken place in the working conditions of dock workers. The system of recruitment which was done through the agency of contractors much to the detriment of workers remained intact, the wages which prevailed at that time, in spite of the rise in the cost of living, remained almost the same and in a city like Bombay the minimum wage of a dock worker was eleven annas per day and in certain other ports like Madras and Cochin it was as low as nine annas per day. Then there was neither regularity of employment nor security of employment. The hours of work were unlimited. All these evils which were there at the time of the publication of the report of the Whitley Commission have been continuing up to this date.

The present Bill provides for a scheme for the registration of dock workers with a view to ensuring them regularity of employment. It also provides for regulating terms and conditions of such employment, rates of wages, hours of work, holidays with pay and retainer during the period of unemployment. These are some of the features of this Bill which have been discussed at length on a previous occasion. When this Bill is put on the statute book it will prove a real boon to workers and it will fill up a long-felt gap in the labour legislation of this country. With these few words I commend this Bill to the unanimous acceptance of this House.

Prof. N. G. Ranga (Madras: General): Sir, I also support this Bill but I am sorry to say that there is no time fixed when the scheme outlined here is expected to come into operation, and secondly, there is no definite scheme outlined here. There is only a sort of enabling clause (clause 3), wherein it is

stated that Government may do various things, *viz.*, all those protective measures which just now my friend Mr. Shastri has detailed. I hope that Government will take early steps to give a practical shape to many of those good things which they themselves suggest ought to be done for the welfare of the dock workers.

Then, Sir, I am anxious that the benefits that can be derived from this Bill, when it becomes an Act should be extended to all those workers who are employed in inland ports. It looks as though this Bill is intended only to benefit those workers employed in ports on sea coasts, where there are regularly constituted port authorities. But there are many more ports on our rivers inland where timber and other commodities are loaded and moved and thousands of workers are employed there. I do not have any information about the total number of workers employed at these places and I doubt very much whether Government themselves have collected any information at all. But I shall not be surprised if it were found that there are nearly as many workers employed in all those places as there are today at these major ports, where there are port authorities and their number is 70,000 workers. Therefore their need for protection is much greater. I therefore request my Honourable friend the Minister in charge of this Bill to try to persuade the Provincial Governments and their Public Works Department which generally is in charge of the management of these local inland ports to extend the benefits of these various schemes that are outlined here for those workers also. There is only one little difficulty. I am afraid which may come in the way of the extension of these schemes themselves for the benefit of these workers because there is a particular mention of what is known as 'port authority' in sub-clause (3) of clause 4. Therefore it will be necessary for the Provincial Governments to take special steps to extend the benefits outlined here to their own workers. I suggest that at the next conference that the Honourable Minister is likely to have with the Labour representatives of the Provincial Governments he should take up this matter with them, consult them and try to do whatever can possibly be done for the benefit of these workers and for their protection.

Shri Krishna Chandra Sharma (U.P.: General): Sir, it is a good piece of legislation for the safety and welfare of the worker. But I do not understand the disability put on the worker against the offender. Under the provisions made in the scheme no Court shall take cognizance of any offence except on a report made by the Inspector. Ordinarily in criminal law anyone against whom an offence is committed is entitled to claim the protection of a Court of law, and if a man or a man's reputation is attacked or if his person is attacked, or if any harm or injury is done to him, he may claim the protection of the Court. But in the case of a poor worker who has simply the question of his stomach and with small wages drags on the burden of his life. If an offence is committed against such a helpless being, the ordinary protection given by a Court of Law is denied except when the offence is reported by the Inspector concerned. I think it is too hard a disability to impose on a helpless man and this disability should be removed.

The Honourable Shri Jagjivan Ram: Sir, I am glad that Honourable Members have supported my motion. No time-limit has been fixed in the Bill itself for the schemes to be formulated and executed, but it is our intention to put this Act into operation as soon as it is passed. It was not possible, and it is not possible, in a Bill itself to include the schemes in detail. The Advisory Committees have been given the widest scope for the formulation of the schemes and the subjects for which the schemes are to be formulated, are indicated in the Bill itself.

The point raised by my friend Professor Ranga about the condition of dock workers in any inland ports deserves consideration. But the Bill primarily is meant for the decasualisation of the workers in major ports. Of course I will

[Shri Jagjivan Ram]

bear his suggestion in view and I will take the earliest opportunity of forwarding his suggestion to the Provincial Governments and will persuade them to take parallel action in the Provinces where the number of inland port workers is considerable.

I do not agree with the view that a serious disability is put upon the workers in this Bill inasmuch as they have been denied direct approach to the Courts for any contravention of the provisions of this Act. The provision of the Inspectors in this Bill is primarily to look after the interests of the dock workers. If there is any infringement of the provisions of this Bill the workers or their Unions will be free to make a complaint to the Inspector and the Inspector who is primarily to look after their interests will certainly take those matters to the Court. In this view of the matter I do not think that this will work as a deterrent in getting justice for the workers.

I commend my motion for the acceptance of the House. •

Mr. Speaker: The question is:

"That the Bill to provide for regulating the employment of dock workers, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. Speaker: We will take up the Bill clause by clause.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri K. Santhanam (Madras: General): Sir, I move:

"That in part (f) of sub-clause (2) of clause 3 of the Bill, for the words 'or restricting', the words 'restricting or otherwise controlling', be substituted."

Sir, I find a great difficulty in understanding the scope of the clause. For instance clause (d) says "for regulating the employment of dock workers, whether registered or not, and the terms and conditions of such employment, including rates of remuneration, hours of work and conditions as to holidays and pay in respect thereof". It is difficult to see whether an unregistered worker comes within a scheme or is outside it. It appears as if, even if he is unregistered, he is also within the scheme and his terms are regulated. But then, clause (f) says "for prohibiting or restricting the employment of dock workers to whom the scheme does not apply and the employment of dock workers by employers to whom the scheme does not apply". Therefore, there are registered workers under the scheme, unregistered workers under the scheme and there are dock workers outside the scheme. Again, the latter half of the clause says "and the employment of dock workers by employers to whom the scheme does not apply". Therefore, even though a worker may be registered he may be employed by others to whom the scheme does not apply. I am afraid the whole clause is rather confusing. My amendment tries to rectify the lacuna here. It is not enough that, if there are dock workers to whom this scheme does not apply, or if they are employed by employers to whom it does not apply, the scheme should have only powers for prohibiting or restricting such employment. There may be occasions for controlling other conditions of the workers and so I am giving a more general power so that there may be no difficulty in dealing with such workers.

Mr. Speaker: Amendment moved:

"That in part (f) of sub-clause (2) of clause 3 of the Bill, for the words 'or restricting', the words 'restricting or otherwise controlling', be substituted."

The Honourable Shri Jagjivan Ram: Sir, I do not agree that the provisions in this clause are confusing. It may be confusing to my friend Mr. Santhanam but it is quite clear. I feel that the point raised by him is sufficiently covered. But if my friend wants to make it more explicit I have no objection in accepting his amendment.

Mr. Speaker: The question is:

"That in part (f) of sub-clause (2) of clause 3 of the Bill, for the words 'or restricting', the words 'restricting or otherwise controlling', be substituted."

The motion was adopted.

The Honourable Shri Jagjivan Ram: I move:

"That after part (g) of sub-clause (2) of clause 3 of the Bill, the following new part (h) be inserted, and the existing parts (h), (i) and (j) be renumbered as (i), (j) and (k) respectively:

(h) for health and safety measures in places where dock workers are employed, in so far as satisfactory provision therefor does not exist apart from the scheme; "

Shri H. V. Kamath (C. P. and Berar: General): On a point of order, Sir, can the Mover of a Bill move an amendment after the Bill has gone through the Select Committee?

Mr. Speaker: It is perfectly in order though it may look a bit awkward.

The question is:

"That after part (g) of sub-clause (2) of clause 3 of the Bill, the following new part (h) be inserted, and the existing parts (h), (i) and (j) be renumbered as (i), (j) and (k) respectively:

(h) for health and safety measures in places where dock workers are employed, in so far as satisfactory provision therefor does not exist apart from the scheme; "

The motion was adopted.

Mr. Speaker: The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Shri K. Santhanam: I move:

"That in clause 6 of the Bill, the following new sub-clause be added, namely:

(4) The Government may, by notification in the official Gazette, prescribe the manner in which, and the persons by whom, complaints regarding contravention of any provision of a scheme may be made to an Inspector, and the duties of the Inspector in relation to such complaints."

It is not clear whether the people concerned have a right to make complaints to the inspector. Of course, it may be said it is implied in the whole clause,

but I want to make it explicit and Government should make

3 P.M. rules for this purpose. It is not right that it should be left in a sort of chaotic position so that any individual dock worker or individual employer may prefer complaints so that hundreds and thousands of complaints on the same point may arise. They may say that a particular association for a particular purpose may make complaints, and the manner in which the inspector should deal with those complaints should also be clearly defined in the rules. According to my provision, individuals also may prefer complaints, but the Government should consider the matter and make satisfactory rules.

Mr. Speaker: Amendment moved:

"That in clause 6 of the Bill, the following new sub-clause be added, namely:

(4) The Government may, by notification in the official Gazette, prescribe the manner in which, and the persons by whom, complaints regarding contravention of any provision of a scheme may be made to an Inspector, and the duties of the Inspector in relation to such complaints."

The Honourable Shri Jagjivan Ram: I accept the amendment.

Mr. Speaker: The question is:

"That in clause 6 of the Bill, the following new sub-clause be added, namely:

- (4) The Government may, by notification in the official Gazette, prescribe the manner in which, and the persons by whom, complaints regarding contravention of any provision of a scheme may be made to an Inspector, and the duties of the Inspector in relation to such complaints."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Shri Krishna Chandra Sharma: I oppose this clause (clause 7) of the Bill. It is unnecessary; not only unnecessary, but injurious to the interests of the worker. If anyone is attacked, he has a right to go to the Court of Criminal Law. Take for instance a millionaire who has many things not very creditable to him, but if he is called a *bania*, he can go to a criminal law court and get the man punished for defamation. Calling him a *bania* is an offence and the offender can be punished. But put in comparison the fate of a poor man whose wages are not paid, the convenience allowed by law are not given to him. You shut the door against him. His whole life is affected. What do you give him? His whole life is the problem of his stomach and that stomach you affect. His whole life is imperilled and yet you close the door against him. He cannot go to a court of criminal law and claim justice. I do not think there is any justification for this clause. This hits him hard and goes against the fundamentals of criminal justice. Therefore I respectfully pray that this clause be omitted.

The Honourable Shri Jagjivan Ram: I have nothing more to say.

Mr. Speaker: The question is:

"That clause 7, stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Shri Jagjivan Ram: I move:

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

Mr. Speaker: Motion moved:

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

Prof. Shibban Lal Saksena (U. P.: General): Mr. Speaker, Sir, This Bill which is intended to relieve the distress of dock workers who number about a lakh in the country is really a great measure, and I heartily welcome it. In the Select Committee I proposed certain amendments, but the Honourable Minister assured me that.....

Mr. Speaker: Order, order. The Honourable Member will not be in order if he is going to mention what happened in the Select Committee.

Prof. Shibban Lal Saksena: I only want to refer to one or two things which have not been incorporated in the Bill and which I wish very much were incorporated. The present system of employing dock labour consists of certain stevedores employing workers to unload and load ships. I went on the 3rd of January to Calcutta to preside over the conference there and I was surprised to find that the profits these stevedores were making were extraordinarily high. I will give some figures, Sir, which will give you an idea.....

Mr. Speaker: Order, order. The Honourable Member knows that we are at the stage of the third reading of the Bill and therefore it is not competent for him now to make any further suggestions for the improvement of the Bill.

Prof. Shibban Lal Saksena: I am not making.

Mr. Speaker: He must either support or reject; if he wants to advance arguments he may do so very shortly; he will not be allowed to cover the whole ground.

Prof. Shibban Lal Saksena: Sir, I have already welcomed the Bill and I support it. I only want to mention certain facts which I think require consideration by the Honourable Minister. I want that the middlemen must be done away with,—the stevedores who are making extraordinary profits. In fact, for every ship which comes to the port they make a profit of about Rs. 10,000 and the labour has to work very hard. What I wanted was that as in the mines and as in the case of the sea-men where they are taken directly by the Seamen's Union, middlemen should be eliminated in the case of dock-workers also. I hope that the Honourable Minister will very soon try to see that the system of stevedores is done away with and all these dock-workers are supplied to the ships directly which arrangement would consist of dock-workers and ship-owners only, saving thereby a huge amount of money. I am sure the Honourable Minister will take the earliest opportunity to remove the existing system which is a blot on the State.

The second thing is that I think that the purpose of this Bill is to have Advisory Committees for each Port. I find that the word "port" has been omitted in clause 5 but I hope that the Advisory Committee will be appointed for each Port. That is all I have to say.

The Honourable Shri Jagjivan Ram: Sir, the only point that my friend Prof. Shibban Lal Saksena has made is about the elimination of the stevedore labour or, so to say, the elimination of the contractor's labour. I for one stand for the abolition of contractor's labour not only in the dockyards but everywhere, where it is possible. Even today there is nothing to prevent the Port Authorities from doing away with the stevedores labour or the contractors' labour. It all depends upon the practicability and feasibility of the proposition at the present state. In this Bill even, there is nothing to prevent a scheme being formulated which will insist upon the elimination of the contractors' labour. That point is covered.

The Advisory Committees will be competent enough to formulate schemes for the elimination of contractors' labour, but that will depend upon the conditions prevailing in the various Ports. It might be possible that somewhere it may be practicable to abolish the contractors' labour whereas in certain other ports it may not be practicable to do so in the near future. So it is better to leave it to the Advisory Committees to examine all these problems and formulate such schemes as they think practicable and feasible.

Mr. Speaker: The question is:

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

The motion was adopted.

COTTON TEXTILES CESS BILL

The Honourable Dr. Syama Prasad Mookerjee (Minister for Industry and Supply): Sir, I move:

"That the Bill to impose a cess on certain cotton textiles manufactured in the Provinces of India, be taken into consideration."

This Bill, Sir, is non-controversial in nature. The House will recall that a few weeks ago Government decided to de-control cloth. The question arose as to what would happen to the large stocks of cloth which were with the

[Dr. Syama Prasad Mookerjee]
mills and with the quota holders. The mills would be given the right to fix the new prices. There has been an understanding between the Government and the mill-owners that the prices will not be increased in an excessive manner but whatever increases in prices may come it was for consideration whether in respect of the stocks which were with the mills and with the quota holders, they should be allowed to have this profit. It was decided that that should not be done and Government would be entitled to get this difference. This would come to a little more than rupees three crores.

Now, the question arose as to whether Government had the legal power to take this from the mills once de-control was introduced. Executive order has been passed but I was advised by the Ministry of Law that it would be safer to take legal power and for that reason I have come before the House with this short Bill. I hope, Sir, it will have the unanimous support of the House. Sir, I move.

Mr. Speaker: Motion moved:

"That the Bill to impose a cess on certain cotton textiles manufactured in the Provinces of India, be taken into consideration."

Prof. N. G. Ranga (Madras: General): Sir, I wish to congratulate the Government upon the steps they have taken in freezing these stocks and in ensuring this additional income of three crores to General Revenues. Otherwise, the Government would have laid itself open to the charge that it was only conniving at the profiteering by the textile magnates and their agents.

At the same time, Sir, I wish to make one little suggestion and that is that a portion of these three crores should be set apart for the benefit of the handloom weaving industry. The Government had imposed a kind of surcharge on yarn that was being sold to the handloom weavers and that surcharge was collected for some months from the handloom weavers. No steps have been taken to refund the handloom weavers to that extent nor could it be possible to refund each one of these handloom weavers which is a practical impossibility.

Secondly, Sir, some time ago Government used to set apart five lakhs every year for the benefit of the handloom weaving industry but during the last two years no such allotment has been made. We have been asking for an increase in that subvention; instead of that it has been completely stopped. Another consideration is that the handloom weavers are now coming in for a lot of trouble what with the competition that they have to meet from the cotton textile imports and also the lowering of prices that is now progressively taking place in cotton goods. Therefore it is most necessary that there should be sufficient funds at the disposal of Government specially earmarked for the benefit of handloom weavers so that whatever steps the Government of India wish to take to protect the handloom weavers in the near future there will be enough money for financing all those steps. Therefore, I sincerely trust that Government will see their way to set apart at least one-sixth of this sum, that is 50 lakhs, for the benefit of the handloom weavers, to be spent within the next five years, or the next two or three years.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I heartily support the suggestion that has been made by Honourable friend Prof Ranga that a portion of the money must go to the handloom weavers. The other point is that if this cess were not imposed but higher prices allowed, then in those Provinces where a sales tax is imposed by the Provincial Government, naturally sales tax would be imposed on the amount. I do not know if the Honourable Minister has considered that to that extent the Provincial Government will lose the sales tax. Particularly in the Province of Madras, on account of prohibition they are very short of funds and they depend entirely on sales tax and even the expected return from sales tax has not been obtained. Therefore the due of the Province in this respect must be handed over to that Province.

Some Honourable Members: Only to Madras?

Shri M. Ananthasayanam Ayyangar: No, to all Provinces where sales tax is being imposed. Wherever the sales tax has not been imposed, to that extent it should come to the Centre.

Shri T. T. Krishnamachari: How is sales tax affected?

Mr. Speaker: Order, order. Let there be no discussion.

Shri M. Ananthasayanam Ayyangar: Possibly I am in the wrong. I shall explain as to how I have conceived it. My Honourable friend Shri T. T. Krishnamachari wants to know how sales tax is affected. Now there are no stocks. Under the old regime there were stocks and prices were fixed by Government. Under the new regime, after the de-control, prices are expected to be fixed equitably by the trade itself. Naturally when fixing prices, which job has been left in the hands of the producers and wholesalers, they will fix some thing more, but as is stated in the Statement of Objects and Reasons, Government expect that the prices would not be abnormally high. That is the kind of assurance that has been given to the Honourable Minister

Now, therefore, there is an increase of price over the existing price and with a view not to allow the increase which has now come about on account of de-control to go into the pockets of the wholesale dealers and producers, Government are seeking to take away the increase by the imposition of this cess. We will assume that those original persons, those stock holders are ready to sell, but they will take advantage of the higher prices and not the old prices. Therefore, on the higher prices also they will be entitled to sell.

An Honourable Member: But on that too they will collect sales tax after the sale not before.

Shri M. Ananthasayanam Ayyangar: I am sorry. That is a mistake in my argument. I did not want to take it as a charity from the Central Government. That is why I was trying to produce an argument, but I find that it is not correct. Now, even apart from the sales tax, in Provinces whose resources are slender and who will try to take advantage of the sales tax, this portion may be given to them. Let not the Central Government take it. Let it go to the Provinces where these things are used.

Then, as regards the fixation of prices, one of two things must be done. De-control has been effected. Prices are not fixed by Government. You are allowing it to be fixed by the industry itself. They may fix it at a particular rate. Why not allow it also to proceed as much as possible and then the whole thing will work itself out. Unless you are going to continue the rations, the control and the prices must all go together. This is a matter which I think the Government will look into. Now, we have had the Sugar Syndicate. We allowed them to fix up their own prices. What have they done? There is no good allowing them to fix up their own prices. The Government itself must do so or otherwise, leave them a free hand. The whole thing will adjust itself in the open market. That is all I have to say.

Shri H. V. Kamath (C. P. and Berar: General): Mr. Speaker, Sir, while welcoming this Bill and the fine intentions animating it, I wish to say something with regard to the penalty clauses, which as they stand at present might, to a large extent, undo or mar the effectiveness of the measure which has been brought before the House.

Before proceeding to that, I wish to say with regard to clause 8, sub-clause (c) which states:

"Any authority authorised by the Central Government in this behalf may
(c) Enter and search or authorise any person to enter and search"

The words "any person" are not quite appropriate. It must be "a public servant" who would be "authorised to enter and search the premises or authorise etc." That would be more in consonance with the spirit of this Bill.

[Shri H. V. Kamath]

Coming to clause 9 dealing with penalties and to clause 10 which deals with composition of offences under clause 9, I wish by your leave, Sir, to state that firstly,—of course, this is a minor point no doubt—the marginal note of clause 9, "Penalty for evasion of cess etc." is more or less redundant. It is not necessary.

Mr. Speaker: Marginal note is not part of the Act.

Shri H. V. Kamath: There are two marginal notes. That is why I said it is not necessary.

Coming now to the substantial remark, I think Sir that the sentence that is contemplated for an evasion or an attempt to evade this law is not deterrent enough. We all know that during the war and even after the war standards all over, moral and ethical standards, deteriorated considerably and even where primary necessities of mankind were concerned, such as food and clothing, there was considerable black-marketing and many people reaped very rich dividends out of the deaths of millions. And this state of affairs has still not been remedied and standards are considerably low even today. We have yet to raise these standards in business, commerce and industry, and we have to re-value our values generally. Under these circumstances, I for one feel that the sentences contemplated in this measure are far too inadequate. This morning, Sir, in the Bill which we have just passed into law, the Pharmacy Bill, there was a salutary provision with regard to penalties that for a subsequent conviction there must be an enhanced punishment. That was that for the first conviction there may be fine which may extend to Rs. 500 but at a subsequent conviction the imprisonment must extend to six months or with fine not exceeding Rs. 1,000. I feel that as regards this measure, which deals with cloth in which there has been intense black-marketing during the war and all sorts of corrupt practices even after it, the sentence must be very deterrent. I would say that for the first offence itself the punishment should be public flogging, not inside jails.

As regards clause 10, Sir, I wonder who was behind the drafting of it. It is in some respects very laughable. Sub-clause (i) of clause 10 says:

"The authority authorised by the Central Government in this behalf may accept from any producer or wholesale dealer a sum of money in lieu of prosecution"

You simply say "a sum of money" which is quite indefinite. It does not define the sum of money in lieu of prosecution. I think Sir, anybody can commit a black offence in this commodity by taking advantage of this clause 10 and get it whitewashed by paying a few white pieces of silver. That is the way to whitewash the offence. I suppose this clause is absolutely inappropriate and it detracts from the wholesomeness of the measure and if it can be done at this stage, it must be deleted, because an offence of this nature should not be allowed to be compounded. I think also the prosecution should not be given up just because a man who evades the cess and makes some money is in a position to pay a few thousand rupees. Certainly, Sir, I would not welcome the composition of an offence of this nature for any sum of money and he must be prosecuted and dealt with under clause 9. Later on in the same clause sub-clause (2) says: "On payment by such person of such sum of money to such officer"—what sum of money nobody knows.—"Such a person will be set at liberty and he will be entitled to an acquittal" and this will prove completely ineffective, because we know, Sir, the cloth dealers and producers made tons of money, literally minted money in the past and they will be in a position to compound any offence of this nature by paying any sum of money even to the tune of perhaps a few thousands of rupees. I therefore request the Honourable Minister to clarify what was in his mind when he used these words 'compounding of the offence by payment of a sum of money'.

That is all I have got to say and I want this measure to be really effective. That is why I have made this criticism and I hope that the Honourable Minister will take it in the spirit in which I have made it.

Sbri T. T. Krishnamachari: (Madras: General): I wanted to interfere in the debate only for eliciting one information, but the course that the discussion has taken has provoked me to make a few more remarks. My Honourable friend Mr. Lianga asked that some portion of the income derived from this measure be set apart for hand-loom weavers. I would like to tell him that I am one of those who sympathize with the hand-loom weavers and I believe in a Province like mine where nearly ten per cent. and over of the people are dependent on that economy, something substantial must be done for them, but that cannot be done by asking for doles and certainly not by treating every additional revenue to Government in the nature of a windfall, which should be made to contribute for the benefit of the hand-loom weavers. That ought to be treated on a more permanent basis and something substantial must be done for them if need be by means of a statute. Actually, Sir, the position is this. There is no use considering this as a mere windfall for the Government because the Government has spent crores of rupees on textile control in the past and have got nothing out of it. If there is any chance by which the Government can do something to equalize the disequilibrium that will arise by the raising of controls and take over some portion of the profit that comes into the hands of the wholesaler or producer for that purpose, it should rightly go to benefit the taxpayer who has been paying all along for the textile control.

Another point was raised by my Honourable friend Mr. Kamath. He was himself a magistrate and must have been aware of the various enactments relating to matters of this post. It is very common for the Government to compound an offence where a large quantum of revenue is concerned. Actually he must have known that income-tax is compounded often by the Income-tax Authorities because the primary factor is not to punish but to get more revenue and that is why in any revenue measure you have this saving clause for the compounding of offences. Ethics for ordinary criminal offence and the evil of the wrongdoer being let off does not apply here because Government gets the money which it would otherwise lose and the taxpayer benefits thereby which is the overriding consideration that determines the law on this subject.

The information that I wanted to ask the Honourable Member is this: This is avowedly a measure for a short temporary period. Perhaps my Honourable friend thinks that the operation of the provisions of the Bill will be over in a month or three or six months, but I do wish he had put in a provision in this Bill that after a year the whole thing will become inoperative. If that had been done it would straightaway assure people that it is a short term measure and it will automatically get repealed. A clause which says the measure will become inoperative after a period of six months or one year will perhaps make the Bill better understood by people and it would really mean that it will come to an end, if not in one month or three months, at least in one year.

Sbri K. Santhanam (Madras: General): Sir, I want to make a few observations regarding the actual scheme of the measure. As I understand it, the cess is to be levied on the stocks held on a particular day by every producer of the wholesaler, that is to say, only one cess by one of these persons is payable. But what happens if the producer sells at a price to the wholesale dealer and the wholesale dealer sells at an unconscionably higher price? I think there must be some provision by which the Minister can drain the excess if the wholesale dealers are to be kept under check. Unless he has got a saving provision, the whole thing will be manipulated so that the producer will hand it over at some lower price to his whole-sale dealer who will charge a higher price to the consumer and between the two there will be a deal. This point should therefore be covered. Then, Sir, why should it be only for the

[Shri K. Santhanam]

existing stock? Why should the producers and the wholesale dealers be entitled to all the profits arising from higher prices for the new cloth which is being produced. I think this measure should be applicable to all cloth for the next two or three years in order to see that undue profits are not made by producers. It is said we get three crores. What does it matter if others are going to make 50 crores at the expense of the consumer? Is it not the duty of the Government that if they cannot control the prices, at least a share of the unconscionable prices are taken for the benefit of the taxpayer? I think the cess should be levied not only once, but as many times as may be necessary in order to see that neither the producer nor the wholesale dealer directly or indirectly does make more profit than is considered legitimate and this cess should be levied not only on the cloth in stock at present but also on the cloth produced so long as the cloth is not sold at reasonable prices. They should evolve a standard of reasonable prices and instead of controlling them simply say: "You have sold at such and such a price which is unreasonable and so I am going to collect all the unreasonable share of it." The existence of such a measure may not bring much revenue, but it will ensure at least so far as the wholesale dealer and the producer are concerned that prices are reasonable. This is necessary. Without such sanctions it is no use to expect conscientious action on the part of private interests. There are many producers and wholesale dealers who want to supply cloth to the consumer at reasonable prices, but the worst man dictates the terms of every market. If one man sells at 200 per cent, the next man cannot sell at a lesser price. Therefore I think the scope and the effectiveness of the measure is highly doubtful and I would like the Honourable Minister in charge to think about this point and see if he could not remedy it either by changing this Bill or if he is anxious that this bill should get through, I suggest he should bring before us a subsequent measure to deal with the points I have mentioned.

Dr. V. Subrahmanyam (Madras: General): I wish to say a few words regarding the three crores of rupees which they are going to get by means of this Bill. My suggestion is that this sum of money should be utilized for the development of *Khadi* scheme in our country. I suggest to our Honourable Minister that he may bear this request in mind as we are going to have our Budget in a few weeks and spend this amount in industrial development and the *khadi* scheme. This is the only suggestion I want to make.

Shri T. A. Ramalingam Chettiar (Madras: General): Sir, there seems to be some misconception about this Bill. It is not a general Bill for stopping black-marketing; it is not a general Bill for the purpose of fixing prices; it is not a Bill for the Government to levy any particular cess for the future as a whole. It is a Bill only to meet a certain contingency that has arisen already. Government used to fix the price of cloth. That went on till the 31st of December 1947. After the 31st December textiles have been decontrolled. They were probably thinking whether they should continue to fix prices or not. In the meantime the trade itself has come in and the Textile Board has undertaken to fix the prices of cloth with reference to the price of raw-materials, cost of manufacture and things like that. There is thus a gap between the prices already fixed by Government and the prices that are going to be fixed by the Textile Board. That gap applies only to what has been produced already; it does not apply to what is going to be produced hereafter. So far as future production is concerned, the prices will be fixed by the Textile Board itself and it will be a competitive price.

Shri K. Santhanam: Competition with whom?

Shri T. A. Ramalingam Chettiar: As Mr. Santhanam has already said if there are black-legs among the textile people, they will naturally have to compete with the better men in the market who will be selling at the prices

other way to exercise control. But this Bill so far as it goes has no application whatever to trade generally after decontrol has come into force. It is only to catch the difference between the gap that has been created as a result of decontrol.

Then, Sir, as regards the cess collected, various proposals have been made. I will only make one suggestion. As has been pointed out by Mr. T. T. Krishnamachari, if the Government of India have spent a lot of money in administering textile control, the Provincial Governments have also spent something out of their revenues. It is only just and fair that if a wind-fall were to come to the Central Government, they should share a portion of it with the provinces. That, of course, is a matter of administrative action and no provision of that sort can be made in the Bill itself. I would, therefore, leave it to the Central Government to consider whether a portion of this wind-fall cannot be handed over to the Provincial Governments, in proportion to what they have spent on textile control.

श्रीधर रणवीर सिंह अध्यक्ष महोदय, मैं इस प्रस्ताव का समर्थन करते हुए सिर्फ इतना कहना चाहता हूँ कि जो कपड़े का स्टॉक (stock) देहात या मुफ़स्सिल दुकानदारों के पास पड़ा हुआ है, इस किसम का प्रयत्न किया जाना चाहिये कि वह जो कपड़ा है वह किसानों को उस कंट्रोल प्राइस पर मिले जो कि पहले था। जो बड़े-बड़े समायोदार होंग इसमें कोई शक नहीं कि यह जो बिल आया है उससे उनका मुनाफा हिन्दुस्तान के मजदूरों और किसानों के लिये हिन्दुस्तान की सरकार के पास आ जायगा। और इस तरह से हिन्दुस्तान के मजदूर और किसान फायदा उठा सकेंगे। लेकिन जो कपड़ा देहात के दुकानदारों और मुफ़स्सिल के दुकानदारों के पास पड़ा हुआ है, उसके बारे में मैं उतनी प्रार्थना करना चाहता हूँ कि जरूर कोई न कोई ऐसा एमेन्डमेन्ट (amendment) कर दिया जाय या इसमें ऐसा तरीका इस्तेमाल किया जाय कि उसका फायदा किसानों और मजदूरों को पहुंचे।

(English translation of the above speech.)

Chaudhri Ranbir Singh (East Punjab: General): Mr. Speaker, in supporting the Bill, I would like to add that steps be taken to make available to the peasants that stock of cloth which is lying at present in the rural areas or with the shopkeepers in the countryside at the previously controlled prices. I have not the least doubt that with the coming in of this Bill into effect, the profits of the capitalists would go to our Government where they could be utilised for the benefit of the labourers and farmers of this country. The labourers and farmers will therefore benefit by this Bill. Regarding the cloth which is now with the shopkeepers of the rural areas and of the countryside, I would submit that some amendment be made in the Bill or some method be followed to make sure that the advantage will go to the labourers and the farmers.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I have carefully read this Bill, but, unfortunately, I find it is not very clear in some respects. Will the prices of cloth be fixed by Government or by the Textile Board. It will be within the recollection of every body that soon after decontrol, the price of sugar rose upto Rs. 35 per maund on account of the fact that the trade was entrusted to the Sugar Syndicate. I would be very sorry indeed if history were to repeat itself in the case of textiles. Sir, there are only two alternatives: either there should be free competition, or there should be proper control. It is rather difficult to visualise a middle course. Every mill should be allowed to produce as they like, and prices should be left to find their level by free play

of competition. As Mr. Santhanam said, if prices of cloth are going to be fixed at a higher rate than the control prices and Government is going to collect the [Prof. Shibban Lal Saksena]

difference as cess, what is going to happen to the cloth which will be produced in the next year. Naturally it will be sold at a higher price. If the cloth is still to be controlled by some syndicate or Textile Board, then there must be some provision to collect the difference by Government. Otherwise, there is no sense in having this Bill only for stocks already held. If on the other hand, prices are going to be left to the free play of competition then, I do not find the necessity of this Bill. I, therefore, think that either Government must see that no such body as a syndicate comes into existence or if such a body crops up, the difference between the price fixed and the price at which is actually sold goes into the public exchequer.

Secondly I wish to say something on clause 10. My Honourable friend Mr. Kamath referred to it and another Honourable friend said it was a very proper clause. I do not think I have ever seen a clause like this in any enactment. It means that every one is asked to evade and if caught it will be compounded. In that case there is no need to have this clause. Clause 9 provides for six months' imprisonment and clause 10 allows it to be compounded. That reminds me of the old saying that if you steal and are not caught you are a brave man, but if you are caught you are a thief. The same thing will happen here. If you are caught it will be compounded and if you are not caught you will go scot-free. That is exactly what I do not understand. This clause 10 must be deleted and then only will it become a good Bill. I think the points made by Mr. Santhanam and Mr. Kamath are very important and I hope the Honourable Minister will try to improve the Bill in that manner.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, in supporting the motion I also support the suggestion made by Mr. Santhanam with regard to certain drafting points. I do not find the expression "wholesale dealer" defined anywhere. There is much loophole in this ambiguous expression.

Shri M. Ananthasayanam Ayyangar: It is already in another Act.

Mr. Naziruddin Ahmad: But this Act must be a self-contained Act. It may be that whenever a dealer is caught who is believed to be a wholesale dealer he will say that he is not a wholesale dealer. If you try to fix him with reference to the definition in another Act he will say that within the meaning of this Bill he is not a wholesale dealer and therefore he is out of your reach. I therefore think that the expression "wholesale dealer" should for purposes of this Bill be separately defined; or any definition existing in any other Act should specifically be adopted as a part of this Bill.

Then Mr. Kamath raised the point that when a person enters a particular premises to make searches and inquiries he may be resisted, and so he should be given the status of a public servant within the meaning of the Indian Penal Code; so that if he is resisted, the resister could be dealt with under the Indian Penal Code. This provision should be made as has been done in other Acts.

With regard to the punishment clause I agree with Mr. Kamath that the punishment is really of a charitable nature. Mr. Kamath has suggested that for subsequent offences he should be publicly flogged or more severely punished. It has been suggested by my Honourable friend Mr. Krishnamachari that there is here no possibility of a subsequent conviction because it is felt that this is to be a temporary Act. But it may be that a man commits several offences in secret and he is caught in only one of them. He is then convicted for this; and another offence is subsequently discovered; then the question of subsequent conviction comes in. I think Mr. Krishnamachari did not give sufficient thought to this aspect of the case. Clause 9 should be so strengthened as to be really deterrent in its effect.

Then with regard to clause 10 I can say, from long experience in the administration of criminal law, that this is one of the most remarkable clauses I have ever come across. It has already attracted sufficient attention in the House and I will merely say this. In clause 9 the normal punishment is already sufficiently lax. Pious wishes have been expressed in the House about public flogging and so on but the whole thing goes to the wind when you come to clause 10. It is said that the authority authorised by the Central Government of any status—may be of very questionable status—may compound an offence for 'a sum of money'. It looks very much like providing for a corrupt transaction; it is so worded that if it is used by a man who tries to corrupt the public services he would only express himself in this language. He may accept from the producer or wholesale dealer 'a sum of money' and then compound; the sum may be even Rs. 5. A dealer may have cheated Government to the extent of a lakh of rupees; he will be able to compound it by the payment of Rs. 5. It is not even provided that this amount taken will go into the public treasury; it may remain in his pocket. Sub-clause (2) further makes it clearer and says that compounding has the effect of an acquittal, and no further proceedings can be taken by any court even under any other Act with reference to the same facts. It may be that part of the offence may be something like forgery or some other serious offence under the Indian Penal Code; sub-clause (2) will wash out all offences, even though they are not compoundable and should not be compoundable on grounds of public policy. If it is desired to check offences and tax evasions, and the like, clause 9 should be strengthened and clause 10 should be entirely omitted.

To give effect to these suggestions I have submitted certain amendments. But the unfortunate part of the business is that I got the Bill after 2 o'clock yesterday and then we had not the time to look into it during the day. Today came the notice that the Bill is to be considered and passed in the course of the day. So today was the earliest day when notice of amendments could be given but I find that even the earliest moment becomes too late. I submit that these points require careful consideration. Drafting is as important as the contents of the Bill and I submit that the consideration of the Bill, clause by clause, should be taken up tomorrow. We should be given some breathing time to consider the various points involved in the amendments. So while I support the motion for consideration today, I submit that the clauses should be taken up tomorrow.

Dr. B. Pattabhi Sitaramayya (Madras: General): Sir, I rise to make a reference to the last clause. Perhaps it is flogging a dead horse. But in view of the fact that a colleague of ours has tried to support the clause by quoting the instance of income-tax compounding, I am compelled to say a few words

lest they should show the way to the Minister in charge how to support his own case. Income-tax compounding is well known. There is no crime in it. It is prescribed by the law and it is open to anyone to invite the officer to settle up the next three or four years' income-tax. In fact it involves no crime to start with.....

Mr. Speaker: I am speaking from memory and subject to correction. I believe it does give the power to compound even in cases where a false return is made.

Dr. B. Pattabhi Sitaramayya: I beg your pardon. I am not acquainted with the latest income-tax law. I did not know that Government had developed in that direction. I was talking of the old days when I was practising medicine. If that is the kind of progress the British Government has made on the eve of its departure, it is hardly an example to be copied by the National Government. Apart from this, I wish to say that I know one or two cases in which services are rendered into money or crimes are compounded. For ins.

tance in the jails, the convict warders who are generally the murderers in the jail, are given a uniform.

[Dr. B. Pattabhi Sitaramayya]

[At this stage Mr. Speaker vacated the Chair which was then occupied by Shri M. Anathasayanam Ayyangar (one of the panel of Chairmen).]

They are given a salary of Re. 1 p.m. and certain powers. First they become mistries, then overseers, and then convict-warders and they earn about Rs. 40-50 after 10 years' term and Government sells every rupee for four days of additional remission. So it is open to this convict to surrender his Rs. 40 and get 160 days of extra remission and the murderer can go home 160 days earlier in order to commit perhaps a second murder by surrendering his Rs. 40. That is the closest example that I can quote. I know of one instance in the Congress Government of 1938 when the Chief Minister of Madras compounded with a Customs Officer by letting him off and taking the Bribe that he had taken, for the Government, and that was about Rs. 13,000 and I am surprised that such a course should have found a place in this Bill. Mr. Saksena has said that if a vendor has committed a crime he tries to escape and if he is caught he is let off by compounding. Really if a vendor has committed a crime and if he escapes he becomes a thief; if he is caught he becomes a gentleman, and then it remains for him to make his way to the Constituent Assembly and join us as a legislator. If this had been in force in regard to the coal trade or the yarn trade, some of the notable prosecutions in the North and South of India would not have taken place. This is a most astounding proposition and I hope the Minister will see his way to deleting the clause.

Then again I support Mr. Naziruddin Ahmed's suggestion that the Bill should be taken more leisurely because I would invite your attention to the strength of the House. It is just 40—now 39 since the Speaker has left. At one o'clock today it was 44, out of a House of about 260. It is extraordinary. We have really given great latitude to the Ministers in not too many speaking. But if you want to hurry up the proceedings, it will be taxing our patience a good deal.

Mr. R. K. Sidhva (C.P. and Berar: General): I have no new points to make on this Bill. Many points raised by the previous speakers require serious consideration. I only rise to emphasize the point that has been brought out by my friend, Mr. Kamath. Sometimes, Sir, if a matter is very important and it has to be emphasized, it needs repetition, even if he repetition is repeated more than once. It is desirable so that the Government may know.....

Diwan Chaman Lal (East Punjab: General): Repetition is always more than once!

Mr. R. K. Sidhva:the sense of the House. Compounding of an offence in this Bill is most objectionable. The Government hereby encourages the evasion of tax and evasion of cess. If you will allow the compounding of this kind of offence, what will happen is that a merchant or a producer will say, "after all this offence is to be compounded. Therefore I must evade payment. Ultimately if I have to pay I will pay. Therefore I will take the risk by not paying it. Thus I will dodge the Government and if I am successful in it I will save that amount to myself. If I am caught then I will give that amount which I originally had to pay." That will be always running in his mind and that is a kind of encouragement which must be avoided. In the illustration that was given about income-tax, that is certainly' compoundable for different reasons.

Shri K. Santhanam: He can evade it!

Mr. R. K. Sidhva: He may evade it but there are certain provisions in the Income-tax Act which are not applicable here. In the Income-tax Act there are so many proceedings, and stages and examinations and books which accord-

ing to the income-tax payer may be right: according to the assessee it may be right but not so according to the officials. Here is one issue of cess to be paid. Nothing is to be discussed, nothing has to be verified. There is no discussion and no appeal lies. He pays the difference. If he evades paying and if you give him encouragement for it, then we lose to that extent the revenue to which Government is entitled to. Therefore I do want to emphasize this matter. We feel that Government must get this amount and no kind of excuse should be given to anybody for the purpose of evasion of this legitimate cess. We know that crores of rupees have been spent by the Government for running the Control Department since last four years without any benefit to the consumer. We know what this control has brought to the consumer. On the top of it when a way has been found and we want money, we do not want to give any opportunity to the tax payer to avoid this amount of tax. Therefore, I suggest that this clause should be omitted and it must be made really a penal clause. Not only must a man pay if he has to pay, but he must not only pay double but he must be sentenced to imprisonment for one year.

The Honourable Dr. Syama Prasad Mookerjee: I am thankful to the Members for their various criticisms, although I would like to point out that most of them arise out of a certain misapprehension of the exact scope of this Bill. It has a limited scope. It refers only to the power which Government wants to take to absorb the difference between existing and new prices of cloth which are with the mills or with the quota holders on a particular day. We decided to decontrol on and from 20th January 1948. Stocks of cloth with the mills either on the 31st December 1947 or on the 20th January 1948, whichever may be greater, will be charged at the new rates but the difference is to be paid to Government. So far as quota-holders are concerned we have fixed the date as 20th January definitely. All stocks with the quota-holders on the 20th January, 1948, will come under the operation of this Bill. There is no intention to apply the provisions of the Bill with regard to other stocks.

Now, you may ask why is it that we did not go downwards: why we did stop only with the quota-holders? In fact that question was raised by one of the Honourable members here. The reason was this. We have only records in respect of the mills and of the quota-holders. It is not possible for us to pursue the other stockists or the retailers, who may have with them smaller or larger quantities of cloth. It will be administratively impossible for Government to pursue these agencies and try to get this surcharge in any reasonable manner. Further we do not want to introduce a complicated scheme which might create an artificial scarcity. By passing the freezing order we took upon ourselves a certain amount of responsibility, because we prevented the free movement of cloth for a few days. We have decontrolled and we should not do anything, not even for the sake of getting a few lakhs or crores of rupees, which might prevent the free movement of cloth throughout this huge country and thus lead to artificial scarcity. We therefore decided to take possession only of the cloth stocks which were with the mills and the quota-holders. We were satisfied that there would be no justification to allow the mills to get the advantage of the new prices of cloth in respect of the stocks which were already with them and had been stamped.

Now here the question may arise as to how Government is going to know whether the mills will give a correct return or not. That is a matter which I discussed with the representatives of the millowners. Up to a particular point we have to depend on their honesty and we have also a rough and ready way of scrutinising whether the returns given by the mills are accurate or not. The Textile Commissioner has with him statistics to show the quantities of cloth which are with the mills at the end of each month, say during the last six months and as soon as we get the return from the mills as regards the stocks with them, either on the 31st December 1947 or on the 20th January 1948, we

[Dr. Syama Prasad Mookerjee]

shall be able to verify the return with reference to the previously declared stocks and see whether the mills are deliberately giving us a lower figure or otherwise. In fact the mills have also agreed to co-operate with the Government and are voluntarily prepared to surrender this extra profit which might otherwise have gone to them.

With regard to the quota-holders the position is simpler, because we have a complete record at the Textile Commissioner's Office. We know definitely on the 20th January, 1948 how much cloth is with a particular quota-holder and this surcharge will be levied on such stocks which are to be accounted for by the quota-holders concerned. There is no question, therefore, of our applying it with regard to future transactions.

Mr. Santhanam raised a very important point. In fact that may have to be considered at a later stage, if we find that the mills are charging prices which are exorbitant. As I said yesterday in answer to a question, we have decided that the Tariff Board should continue its enquiry with regard to the fair prices of mill-made cloth. Once Government has full information with regard to such price structure, we will be in a better position to satisfy ourselves whether the prices that the mills will charge in future are fair or not. As you know, a part of our scheme is that in future every cloth will bear the ex-mill price and also the retail price stamped on it, so that in future we shall be able to know at any time whether the mills are charging more than what is justified or not.

With regard to the penal clauses of the Bill they do not really matter.....

Prof. Shibban Lal Saksena: Who will fix the price? Will it be by some syndicate?

The Honourable Dr. Syama Prasad Mookerjee: The price will be fixed by the mills. There is no syndicate as such. But of course, so far as the millowners are concerned, they have their Millowners' Association and that Association will fix the price structure.

Now here I agree with several Honourable Members who have spoken this afternoon that ultimately prices will adjust themselves. It will all depend on production. In the debate on the floor of this House during the last session of the legislature it was pointed out that the mills are producing much more cloth than what actually comes into the open market. Whether cloth is hidden or not will now be proved. If there is anything lying hidden that will immediately come into the open market. Mills also will have sufficient incentive to produce all that they can, because control has now been withdrawn. In such circumstances I expect that if the cotton supply does not suddenly become extremely difficult, the production will increase and prices will adjust themselves. All that Government wanted to see at this stage was that prices did not shoot up immediately with the promulgation of the decontrol order. But there also Government did not want to take the entire responsibility. Government wanted to throw the responsibility on the millowners themselves and the millowners have assured the Government that the ex-mill price will not be beyond a certain percentage—about 20 or 25 per cent—so that the fear which many of the members of this House and many more outside have, viz., that immediately on the decontrol of cloth prices may shoot up by 50 or 100 per cent, need not be entertained. Government, I claim, have taken steps to prevent such a rise. What the future price structure will be will depend obviously on the production as also on the prices existing amongst 800 mills operating in different parts of the country. As to what steps the Government will take in future is very difficult for me to announce now but I can assure the House that we shall keep a strict watch on the way in which things move and if we find at a later stage that certain additional legislative powers have to be taken by Government, we shall not hesitate to come before the legislature and ask for such powers....

Prof. Shibban Lal Saksena: Is it compulsory for the mills to join the Mill-owners' Association?

The Honourable Dr. Syama Prasad Mookerjee: If any mill wants to go outside the Association and charges less price I shall not interfere with it but if it charges a higher price I shall take such steps as will make it impossible for the mill to function. That I have already informed the millowners about. If any mill wants to go outside the Association and charges a lower price for its cloth Government will not interfere but if any mill wants to remain outside and charge a higher price, Government will have to step in and take necessary action.

A suggestion was made by Prof. Ranga that part of the money that Government will get might be spent for the improvement of handloom cloth. It is very difficult for me to give that assurance, because the Finance Minister has already desired to take possession of this sum of three crores which I have placed at his disposal. When the Budget is introduced a few weeks later, Prof. Ranga will certainly have an opportunity to place his view point before the House. But so far as the sum which is coming to Government in connection with the Equalisation Fund, taken from yarn is concerned, its utilisation has not yet been decided upon, though we might consider it at a later stage, after we discover what amount exactly will be at the disposal of the Government. The same remark applies with regard to *khadi*. It is very difficult for me to give this assurance asked for on behalf of the Govt. at this stage.

With regard to particular clauses is the Bill I sympathise with my Honourable friend Mr. Naziruddin Ahmad that he has not had sufficient time to give notice of amendments. He had only a few hours and he produced 32 amendments. There are just ten clauses in the Bill and if he had had more time, perhaps there would have been 320 amendments from him. I know how his eagle eyes work. I had occasion to know it when I was his colleague in the Bengal Legislative Assembly but so far as this particular Bill is concerned I do not think there is much scope for any of the amendments proposed. Already Government has taken action, Government has fixed the dates and we want that we should get as much of the money as possible from the mills and the quota-holders. If you delay the passing of this Bill it may create difficulties for Government.

As regards the last clause I frankly say that I also did not like this. But I was told that with regard to all Bills with regard to the imposition of cess that is the usual clause which is to be found. I do not expect that any occasion will arise for compounding any of these offenders because the books are already open and we know more or less what sums we are going to get. If Members feel strongly about clause 10, I shall not mind if clause 10 is deleted. But I would tell Mr. Naziruddin Ahmad that he need not press any one of his amendments. The Bill, as it stands, is all right and will help us to get as much of the money as we possibly can.

I have not made any comments deliberately, lest I should be ruled out of order by you, Mr. Chairman, on the remarks of Mr. Ananthasayanam Ayyangar made on the floor of the House.

Mr. Chairman: The question is:

"That the Bill to impose a cess on certain cotton textiles manufactured in the Provinces of India, be taken into consideration."

The motion was adopted.

Mr. Chairman: I have now to take the Bill clause by clause. There are now no amendments.

Mr. Naziruddin Ahmad: I submit, Sir, that if I make some suggestions

Mr. Chairman: The fact that the Honourable Minister is prepared to delete clause 10 will solve the conscience of the Honourable Member.

Mr. Naziruddin Ahmad: I have a few comments to make and probably the Honourable Minister will accept some of my amendments on the floor of the House.

Mr. Chairman: The Honourable Minister has already said that he looked into the 32 amendments and he is not agreeable to accept any.

Mr. Naziruddin Ahmad: He has seen only the number of the amendments.

Mr. Chairman: I am not allowing any of the amendments to be moved.

Shri K. Santhanam: With regard to clause 3 I had made a suggestion that it should be 'cesses', that is the plural. I made two points. One which related to future production the Minister has answered. The other point I made was this. If the cloth is transferred from the producer to the wholesale dealer and the wholesale dealer makes unconscionable profits the Minister may impose a further cess. I therefore suggest that after the word 'cess' there may be added the words 'or cesses'. It is only a discretionary power. I do not want it to be obligatory. But it should be open to him to impose more than one cess on the cloth with the millowners so that the wholesale dealer will pass it on at the price at which he gets it from the millowner. I think it will be a useful provision.

Mr. Chairman: I will now take the Bill clause by clause. I will first take up clause 2.

Mr. Naziruddin Ahmad: With regard to clause 2 I think the definitions 'cloth', 'yarn' and 'producer' should begin with small letters and not capital letters. They are not proper nouns. This amendment is bound to be accepted.

The Honourable Dr. Syama Prasad Mookerjee: Is it an amendment?

Mr. Chairman: After all these amendments are in the hands of the printer and the devil.

The question is:

"That clause 2, stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Shri K. Santhanam: I seek permission to add the words 'or cesses' after the word 'cess'. I want the plurality to give him the power.

Mr. Chairman: Instead of 'at such rate' do you want also 'at such rates'?

Shri K. Santhanam: So far as the rate is concerned it will apply to each cess according to the notification.

Mr. Naziruddin Ahmad: The only objection to the proposed amendment is that it is not necessary because singular includes plural. The real objectionable expression is 'wholesale dealer' which has not been defined. You cannot get hold of a man and say he is a wholesale dealer. This expression requires clarification.

The Honourable Dr. Syama Prasad Mookerjee: As regards the point made by Mr. Santhanam unfortunately we cannot follow the other agents below mill-owners and quota-holders. After all we have decided to decontrol and having once decontrolled we cannot pursue any one if he charges any price which we consider exorbitant. We can only take over the difference in the first stage under the proposed law. Government cannot pursue, when once this is done, the other dealers big or small. Government can pursue them only if Government controls the price structure when anything that is above the prices fixed will become illegal. That was my difficulty. Otherwise the point made by Mr. Santhanam did occur to me.

With regard to the suggestion which Mr. Naziruddin Ahmad has made about wholesale dealer we deliberately kept it vague because we wanted to pursue

all the large wholesale dealers regarding whose stocks we have records. If I define the term as Mr. Naziruddin Ahmad wants some big fish might just go out of our net.

Mr. Naziruddin Ahmad: In other words a wholesale dealer should then be defined as 'any dealer whom the Honourable Minister tries to pursue'.

Mr. Chairman: The question is:

"That clause 3, stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Mr. Naziruddin Ahmad: I think an amendment is necessary in clause 6. In line 4 of this Clause the word 'dealer' is used where obviously 'wholesale dealer' is meant. We are trying to pursue the wholesale dealer, however vague that expression is purposely made. Still the expression 'wholesale dealer' is necessary. Therefore, in order to clarify it there should be the word 'wholesale' to keep up the prestige of this Bill.

Mr. Chairman: I think clause 6 follows clause 3 where it refers to wholesale dealer. It does not refer to ordinary dealer. Penalty can be imposed only on the wholesale dealer. I shall now put the clause.

The question is:

"That clause 6, stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Shri H. V. Kamath: I remarked that the words "any person" are too vague and perhaps may create difficulties later on in the operation of this Act. I think they should be substituted by "public servant". Any person should not be authorized but a public servant should be authorized.

The Honourable Dr. Syama Prasad Mookerjee: Here the difficulty is that quota holders are scattered throughout the country; the stocks of the mills also have to be examined by some experts who may not be public servants. So many considerations may arise which may necessitate the Government to nominate some person to go into a particular shop or mill to enquire into what has happened. I do not think the Honourable Member need pursue his point. He will be a person who will be nominated by us for this purpose and he need not necessarily be a public servant.

Shri H. V. Kamath: If such a person was resisted in the discharge of his duties?

The Honourable Dr. Syama Prasad Mookerjee: The quota-holder will lose his business.

Mr. Naziruddin Ahmad: I propose a few amendments which are in the nature of suggestions. I think they should be accepted. The House will be pleased to note that clause 8 is one complete sentence. It is divided into parts (a), (b) and (c), but these are separated by semi-colons; so it follows that the whole thing is one sentence. But I find that parts (a), (b) and (c) begin with capital letters. I think this is murdering King's English, which is the only kind of murder not punishable by death. So the letters at the beginning of (a), (b) and (c) should be small letters. This amendment at any rate should be accepted. There is no harm in accepting it, and it will make it good English.

The Honourable Dr. Syama Prasad Mookerjee: I think, Sir, you have ruled that is not an amendment, but the printer may refer to the dictionary and do the needful.

Mr. Naziruddin Ahmad: That cannot be done. The point is we are passing a Bill as it is presented to the House. The printer has no right to make amendments. There are obvious errors of grammar and the House has got to correct them. The only thing required is for the Honourable Minister to say 'yes' and I believe the whole House will accept it.

Shri H. V. Kamath: When I made my suggestion, the point I wanted to make was, if any person authorised to enter and search, is resisted by the dealer or producer, that should render the dealer or producer liable to prosecution. The Minister said he would lose his business. That is all. But if he resists him, it would not render him liable to arrest and prosecution, which can be done only if the person searching or seizing property is a public servant. Under the Indian Penal Code, he can be arrested and prosecuted.

Mr. Chairman: Naturally the authority contemplated in clause 8 will certainly appoint a responsible person.

The question is:

"That clause 8, stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

Mr. Naziruddin Ahmad: I have sent in an amendment to clause 10.

Mr. Chairman: Your amendment has been ruled out.

Shri K. Santhanam: I agree with the sentiments of many of my friends who have said that this compounding is bad, but they forget that it does not follow that the people will be prosecuted. Generally Government servants are not very anxious to put millowners or producers in jail. They are not bound to compound. It is only giving them optional power and therefore let us not lose public money under the false hope that they are going to be put in jail. They are not going to be put in jail and you are freeing them from the liability to pay a heavy charge.

Mr. Naziruddin Ahmad: But the effect of this would be to encourage law-breakers to break the law. It would have a demoralizing effect.

Mr. Chairman: Evidently the idea of Mr. Santhanam is even this punishment is sufficient for the millowner and wholesale dealer. It is for the House to take into consideration. He will get into disrepute if compounding is taken against him. Without it he will go scot-free.

The question is:

"That clause 10, stand part of the Bill."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 1, stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. Syama Prasad Mookerjee: I move:

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

Mr. Naziruddin Ahmad: I submit only that in clauses 2 and 8, where some common nouns have illegally begun with capital letters, they should be made to begin with small letters.

Mr. Chairman: The Honourable Member has not quoted any authority for his suggestion.

The question is:

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

The motion was adopted.

Shri K. Santhanam (Madras: General): May I suggest that the Minimum Wages Bill be taken up tomorrow? We got the Bill only today, and so far as I am concerned, I have had no opportunity even to look through the Bill.

Mr. Naziruddin Ahmad (West Bengal: Muslim): But that is no consideration to the Honourable Ministers. Let us pass it.

Shri K. Santhanam: At the preliminary stage, we have to discuss it.

The Honourable Shri N. V. Gadgil (Minister for Works, Mines and Power): There are 20 minutes in which I am sure my Honourable colleague will have made his speech at the preliminary stage. May I make a suggestion that we utilise even these 20 minutes?

The Honourable Shri Jagjivan Ram (Minister for Labour): I do not propose to make any long speech.

Mr. Chairman: I take it that the Honourable Minister-in-Charge is willing that this matter be left over till tomorrow. Possibly the discussion may be quite short also if it stands over, but it is left to the Honourable Minister.

The Honourable Shri Jagjivan Ram: I am entirely in the hands of the House.

Mr. Chairman: There is no serious objection to its standing over till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 6th February, 1948.