

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

Official Report

Volume II, 1947

(29th November to 10th December, 1947)

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



WEDNESDAY, 3RD DECEMBER, 1947—Contd.

	Pages
Hindu Inter Caste Marriage Regulating and Validating Bill—Introduced	1187
Code of Criminal Procedure (Amendment) Bill—Amendment of Sections 161 and 162—Introduced	1187—88
Factories Bill—Introduced	1188
Damodar Valley Corporation Bill—Introduced	1188
Income Tax and Business Profits Tax (Amendment) Bill—Passed as amended	1188—97
Extra Provincial Jurisdiction Bill—Referred to Select Committee	1197—98
Indian Merchant Shipping (Amendment) Bill—Passed	1198—1200

THURSDAY, 4TH DECEMBER, 1947—

Starred Questions and Answers	1201—28
Elections to Central Advisory Boards of Archaeology and Education	1229
General Budget—List of Demands—	1229—71
✓ Demand No. 20—Ministry of Finance— Economy in Central Administration	1230—42
Demand No. 19—Ministry of External Affairs and Commonwealth Relations— Position of India in International Affairs and of Indians in Commonwealth countries	1242—65
Demand No. 29—Ministry of Industry and Supply— Removal of control over cloth, yarn and commodities other than Food— Discussion not concluded	1265—71

FRIDAY, 5TH DECEMBER, 1947—

Starred Questions and Answers	1273—88
Report of the Indian Government Delegates to 29th Session of International Labour Conference, Montreal—laid on the table	1288
Conventions and Recommendations adopted at 28th Session of International Labour Conference Seattle—laid on the table	1288—89
✓ General Budget—List of Demands—	1289—1315
Demand No. 29—Ministry of Industry and Supply— Removal of control over cloth, yarn and commodities other than Food	1289—1315
Demand No. 21—Ministry of Commerce— Corruption in working of Import and Export Licensing	1315
Demand No. 10—Cabinet— Corruption in Government Departments Planning and Development Programme for India	1315—40
Demands Nos. 1—18 and 20—102	1342—51

SATURDAY, 6TH DECEMBER, 1947—

Declaration by Members	1353
Starred Questions and Answers	1353—79
Extra Provincial Jurisdiction Bill—Presentation of the Report of Select Committee	1379
Repealing and Amending Bill—Introduced	1380
Indian Tariff (Second Amendment) Bill—Introduced	1380
Armed Forces (Special Powers) Bill—Introduced	1380
Armed Forces (Emergency Duties) Amendment Bill—Introduced	1380
Indian Finance (Supplementary) Bill—Passed	1381—96
✓ Electricity (Supply) Bill—Discussion on the Motion to refer to Select Committee not concluded	1396—1422

MONDAY, 8TH DECEMBER, 1947—

Starred Questions and Answers	1423—63
Motion for Adjournment re Failure of Government to stop Tribal Raids from Pakistan—Disallowed	1463
Committee on Petitions	1463
✓ Electricity (Supply) Bill—Referred to Select Committee	1464—67
✓ Indian Nursing Council Bill—Passed as amended	1467—88
✓ Delhi Premises (Requisition and Eviction) Bill—Passed as amended	1488—1505
Delhi and Ajmer-Merwara Rent Control (Amendment) Bill—Passed as amended	1506—09

TUESDAY, 9TH DECEMBER, 1947—

Starred Questions and Answers	1511—41
Death of Bhai Parmansand	1541
Short Notice Question and Answer	1542—43

TUESDAY, 9TH DECEMBER, 1947—Contd.

	Pages
Motion for Adjournment <i>re Zulum</i> on Harijans in Pakistan—Not moved	1543
Election to All India Council for Technical Education	1543—46
Indian Cotton Cess (Amendment) Bill—Introduced	1546
Salaries of Ministers Bill—Introduced	1546
Ajmer-Merwara (Extension of Laws) Bill—Introduced	1546
Federal Court (Enlargement of Jurisdiction) Bill—Introduced	1546
Extra Provincial Jurisdiction Bill—Passed as amended	1547—57, 1559—82
Statement <i>re</i> Negotiations between the Dominions of India and Pakistan on the question of division of Assets and Liabilities etc.	1558—59

WEDNESDAY, 10TH DECEMBER, 1947—

Suspension of Question Hour	1583
Starred Questions and Answers	1583—1622
Unstarred Questions and Answers	1623—24
Short Notice Question and Answer	1624—25
Statement <i>re</i> Employment of Gurkha Troops under the Government of India and His Majesty's Government	1625—26
Election to Standing Committee for Ministry of Information and Broadcasting	1626
Election to Standing Committee for Ministry of Commerce	1626—27
Motion <i>re</i> Food Policy of Government of India—Talked out	1627—77

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Tuesday, 9th December, 1947

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

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS.

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

715. *Dr. P. S. Deshmukh: Will the Honourable the Prime Minister be pleased to state:

(a) as to who took the decision of calling the present Central Indian Legislature by the name of the Constituent Assembly of India (Legislative);

(b) whether Government propose to consider the question of giving some other name; and

(c) whether Government will consider the name of "Dominion Parliament"?

The Honourable Sardar Vallabhbhai Patel: (a) The Honourable the President of the Constituent Assembly.

(b) and (c). Yes, but probably any formal change at this stage is not necessary as under the new constitution a new name will certainly be given to the legislature. That name will presumably be in Hindustani. The popular name which is finding increasing acceptance today is Parliament of India.

Dr. P. S. Deshmukh: Would that be recognised as the official name of this Legislature—the Parliament of India?

The Honourable Sardar Vallabhbhai Patel: I have already said that at present it is not necessary. The new Constitution when framed will adopt a name.

INDIA'S EMBASSIES ABROAD

716. *Shri Biswanath Das: Will the Honourable the Prime Minister be pleased to state:

(a) the names of the countries in which India has established her own Embassies;

(b) the names of the countries in which she has High Commissioners or Agents or Trade Agents and the like; and

(c) the names of the countries referred to in parts (a) and (b) above wherein Indians enjoy equality of status and citizenship rights?

The Honourable Sardar Vallabhbhai Patel: (a) and (b). The information regarding countries where the Government of India have established her own Embassies, and where she has High Commissioners or Representatives is contained in the statement placed on the table of the House in answer to Question No. 241 on 21st November 1947.

As regards Trade Commissioners, the Honourable Member is referred to the statement placed on the table of the House by the Honourable Minister of Commerce in answer to Question No. 230 on 21st November 1947.

(c) Out of the foreign countries where India has established her own representation, U.S.A., Iran and Siam have accorded rights of citizenship to Indians. We have no precise information regarding other countries.

In respect of the Commonwealth countries, the Honourable Member is referred to the statement laid on the table of the House in reply to his Question No. 210 on 21st November 1947.

Shri Biswanath Das: May I know what is the position of British Colonies?

The Honourable Sardar Vallabhbhai Patel: I do not know what is the position there. I will make enquiries.

EXPANSION OF INDIAN SHIPPING IN COASTAL TRADE

717* { **Shri T. T. Krishnamachari:**
Shri K. Santhanam:

(a) Will the Honourable Minister of Commerce be pleased to state whether the attention of Government has been drawn to a statement issued by Mr. M. A. Master, President of the Federation of Indian Chamber of Commerce and Industry and a member of the Indian Delegation to London, published in the press on the 3rd September 1947, in regard to the negotiations with British ship owners?

(b) What action Government propose to take in regard to:

(i) acquisition of more tonnage by Indian shipping interests;

(ii) speedy expansion of Indian shipping in the coastal trade of the country; and

(iii) participation of Indian shipping companies in the principal overseas trade of India?

The Honourable Shri N. V. Gadgil: (a) Yes, Sir.

(b) The attention of the Honourable Member is invited to the reply given by me to Mr. Mandloi's Question No. 876 on the 27th November regarding the steps proposed to be taken by Government for the development of the Indian Mercantile Marine.

Shri B. B. Diwakar: May I know the position as regards the shipbuilding industry?

The Honourable Shri N. V. Gadgil: I require notice.

Shri Deshbandhu Gupta: Was this matter ever placed before the Standing Committee for Commerce by the Honourable Minister before any decision was taken?

The Honourable Shri N. V. Gadgil: I require notice for that also.

COMMERCIAL TREATY WITH U. S. A.

718* { **Shri T. T. Krishnamachari:**
Shri K. Santhanam:

Will the Honourable Minister of Commerce be pleased to state whether Government propose to negotiate any commercial treaty or trade agreement with the Government of the United States of America?

The Honourable Shri N. V. Gadgil: No such proposal is at the moment under the active consideration of Government.

Shri K. Santhanam: May I know if it is not a fact that public opinion in this country is very strong for a Treaty with the United States of America?

The Honourable Shri N. V. Gadgil: It is a matter of opinion.

Shri K. Santhanam: May I know whether this matter has been before the Government for the last three or four years?

The Honourable Shri N. V. Gadgil: Every matter which relates to the interests of this country is before the Government.

Shri K. Santhanam: May I know if it is not a fact that during the war the negotiation of a treaty was prevented by the British Government?

The Honourable Shri N. V. Gadgil: Well, I am not aware of that.

Prof. N. G. Ranga: Is it not a fact that one of the results of the Geneva, and now the Havana Conference, is to discourage these bi-lateral treaties and to develop multi-lateral trade agreements as between different countries with regard to various commodities?

The Honourable Shri N. V. Gadgil: That is the main objective for which the conference is meeting in Havana.

Prof. N. G. Ranga: With regard to specific commodities, are agreements being negotiated even with the United States of America today?

The Honourable Shri N. V. Gadgil: That is obviously within the framework of the proposed Charter.

Prof. N. G. Ranga: How far has the Government of India progressed with the United States in its negotiations with regard to specific commodities?

The Honourable Shri N. V. Gadgil: I require notice for that.

HOUSING SCHEME FOR INDUSTRIAL WORKERS

{ **Shri T. T. Krishnamachari:**
Shri K. Santhanam:

(a) Will the Honourable Minister of Labour be pleased to state the steps taken by Government to implement the proposed housing scheme for industrial workers in Labour areas, who are unable to pay an economic rent, under which Government were to make capital grants of 12½ per cent. subject to a maximum of Rs. 200 per house, of the cost of any scheme whether undertaken by Improvement Trusts, Provincial Governments, Municipalities or Employers, provided that Provincial Governments were themselves prepared to make an equivalent grant from their own revenues?

(b) Is it a fact that the Government of India have revised their original scheme and if so, on what lines?

(c) Does the revised scheme take note of the income-tax concessions announced by way of granting exemption from income-tax on income from buildings commenced and completed between 1st. April 1946 and 31st March 1948. to encourage building activity?

The Honourable Shri Jagjivan Ram: (a), (b) and (c). On account of the high building costs there was little response to the offer of the subsidy made by the Central Government. The matter is therefore, under further discussion with the Provincial Governments.

Shri S. Nagappa: Will Government give any subsidies to the Provincial Governments which have taken up the housing scheme especially for labourers?

The Honourable Shri Jagjivan Ram: I am sorry to inform the House that this proposal was before the Provincial Governments, and they were asked to forward their schemes for industrial housing, none of them came forward with their schemes.

Prof. N. G. Ranga: Is not it a fact that for the last two budgets, specific provision was made for encouraging the Provincial Governments, including the Delhi Province to undertake the construction of housing and with the promise that subsidies would be given by the Central Government?

The Honourable Shri Jagjivan Ram: It is already covered by the reply I have given.

Prof. N. G. Ranga: What is it that the Central Government has so far achieved by way of constructing houses for the industrial proletariat as well as the agricultural proletariat in Delhi Province itself?

The Honourable Shri Jagjivan Ram: Well, Sir, as regards the Central Government Department itself, the Department is trying its best to construct buildings to accommodate workers therein and we have taken up construction work in railway departments, in coalfields and in other Central Government departments.

Prof. N. G. Ranga: Are Government to construct houses for the benefit of their employees only and to relegate to the Limbo other employees in industrial centres?

The Honourable Shri Jagjivan Ram: Labour is a provincial matter as regards accommodation for workers, and the Provincial Governments were given this assurance that they would be subsidised to the extent of 12½ per cent. of the cost, the maximum being Rs. 200. But as indicated in the answer just given, none of the Provincial Governments came forward with their schemes for the construction of houses.

Prof. Shibban Lal Saksena: May I know if the Government have any comprehensive scheme for industrial housing both for the areas under the Central Government and the Provinces separately?

The Honourable Shri Jagjivan Ram: As I have already indicated, the matter is under consideration. Only recently I had a conference with the Provincial Labour Ministers when this question also came up for discussion. We are still considering the question.

Prof. Shibban Lal Saksena: By what time do the Government expect to have some such scheme?

The Honourable Shri Jagjivan Ram: It depends upon so many factors. It is very difficult to indicate any definite time limit.

Shri Deshbandhu Gupta: Delhi being a centrally-administered area, have the Government made any progress in this respect at least with regard to this area?

The Honourable Shri Jagjivan Ram: It is very difficult to give details about particular provinces. Delhi is also a Chief Commissioner's Province and unless the Provincial Government approached the Central Government for industrial housing, it is very difficult for the Central Government to consider all these details.

INDIA'S EMBASSIES ABROAD

†730. ***Shri Algu Rai Shastri:** (a) Will the Honourable the Prime Minister be pleased to state the names of the countries where Indian Embassies have been established?

(b) What are the personnel of their staff including the names of the Ambassadors?

(c) What are the expenses of the different Embassies, establishment, pay, allowances, all separately Embassy-wise?

The Honourable Sardar Vallabhbhai Patel: (a), (b) and (c). A statement is placed on the table of the House.

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

Statement showing the names of the countries where Indian Embassies have been established, names of the Ambassadors, personnel of their staff and estimated expenditure.

Name of the country.	Name of the Ambassador.	Personnel of their staff.	Estimated expenditure for the period from the 15th August 1947 to 31st March 1948.
1	2	3	4
U. S. A.	Mr. Asaf Ali	1 Councillor. 1 First Secretary. 1 2nd Secretary. 1 3rd Secretary. 1 Assistant Secretary. 1 Private Secretary to Ambassador. 1 Financial Adviser. 1 Economic Assistant. 1 Transportation Officer. 8 Personal Assistants. 1 Cypher Assistant. 1 Establishment Officer. 1 Accountant. 1 Courier. 1 Registrar. 6 Stenographers. 10 Clerks. 2 Switch Board Operators. 6 Clerical Assistants.	Pay of Officers—Rs. 99,800. Pay of Establishments—Rs. 2,05,100. Other charges (including allowances—Rs. 4,51,700.) Total—Rs. 7,56,600.
China	Mr. K. P. S. Menon	1 First Secretary. 1 2nd Secretary. 1 3rd Secretary. 1 Accountant. 2 Assistants. 1 Stenographer. 1 Cypher Assistant. 1 Passport Assistant. 2 Clerks. 1 Assistant Accountant. 1 Chinese Translator. 1 Chinese Interpreter.	Pay of Officers—Rs. 50,000. Pay of Establishments—Rs. 22,800. Other charges including allowances—Rs. 3,79,300. Total—Rs. 4,52,100, plus Rs. 5,00,000 for purchase of land and construction of buildings for Embassy.
U. S. S. R.	Mrs. Vijaya Laxmi Pandit	1 Councillor. 1 First Secretary. 1 Private Secretary to Ambassador. 1 Economic Advisor—(temporary for 6 months). 1 Additional First Secretary (Cultural Relations). 1 Superintendent. 1 Cypher Superintendent. 1 Cypher Assistant. 2 Assistants. 3 Stenographers. 1 Accountant.	Pay of Officers—Rs. 1,40,100 Pay of Establishments—Rs. 24,000. Other Charges including allowances—Rs. 5,41,600. Total—Rs. 7,05,700.
Nepal	S. Surjit Singh Majithia	1 Secretary. 1 Superintendent. 1 Stenographer (Other staff yet to be settled).	Pay of Officers—Rs. 12,000. Pay of Establishment—Rs. 12,800. Other charges (including allowances)—Rs. 27,200. Total—Rs. 52,000.

Name of the country.	Name of the Ambassador.	Personnel of their staff.	Estimated expenditure for the period from the 15th August 1947 to 31st March 1948.
1	2	3	4
Iran	Mr. Ali Zoh'eer	1 First Secretary. 1 Private Secretary. 1 Office Superintendent. 1 Cypher Superintendent. 10 sten. tent. 2 Assistants. 2 Stenographers. 3 Clerks. 1 Persian Translator.	Pay of Officers—Rs. 17,000 Pay of Establishments—Rs. 13,000. Other charges (including allowances)—Rs. 16,000. Total—Rs. 46,000.

DISALLOWANCE OF ENTRY OF INDIANS INTO BURMA

†721. *Shri Alga Rai Shastri: (a) Will the Honourable the Prime Minister be pleased to state whether it is a fact that some Indians who went to Burma only recently were not allowed to land on the soil of Burma?

(b) If so, why?

(c) Have the Government of India made any enquiry and taken any action in the matter?

The Honourable Sardar Vallabhbhai Patel: (a) Yes, Sir.

(b) They did not possess immigration permits required for entry into Burma under the provisions of the Burma Immigration (Emergency Provisions) Act, 1947.

(c) Yes. In order to avoid the recurrence of such incidents, our Protectors of Emigrants at Indian ports have been instructed to advise all intending passengers that they will not be allowed to land in Burma, if they do not possess immigration permits or valid pasaports. Further, the Government of Burma are being requested to authorise some officer of theirs stationed in India to issue immigration permits to persons embarking from ports where they have no Immigration Officers.

EVACUATION OF REFUGEES FROM JHELUM, WEST PUNJAB

†722. *Shri Alga Rai Shastri: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state how many refugees have been brought to the East Punjab from Jhelum (West Punjab) by the trains which left that place on the 6th and the 11th of November 1947?

(b) Is it a fact that these refugees were collected from various suburbs of the Jhelum town on or about the 25th of September for evacuation and they were given only 20 hours time to collect at a place?

(c) Where are these refugees located now?

The Honourable Shri K. C. Neogy: The information asked for is being collected and will be placed on the table as soon as available.

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

ATTACK ON NON-MUSLIM REFUGEES

†723. *Shri Algu Rai Shastri: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether it is a fact that the non-Muslim refugees who were shifted from Muslim mohallah to Golipara were attacked by Muslim mobs, the Police and the Military?

(b) If so, what is the number of casualties?

(c) Is it a fact that on evacuations, these refugees were not allowed to take their valuables and the Military and the Police looted their property and valuables?

(d) What measures, if any, do Government propose to take to stop such brutalities in future and thus save the life and property of evacuees from the West Punjab?

The Honourable Shri K. O. Neogy: The information asked for is being collected and will be placed on the table as soon as available.

COLLECTIONS FOR COALFIELD LABOUR WELFARE FUND.

724. *Shri Rohini Kumar Chaudhuri (on behalf of Shri Ramnarayan Singh): Will the Honourable Minister of Labour be pleased to state:

(a) the amount hitherto collected at Dhanbad for Coalfield Labour Welfare Fund;

(b) the present activities of the Labour Welfare Department there; and

(c) the amount collected and the welfare work done at Bermo?

The Honourable Shri Jagjivan Ram: (a) The Honourable Member doubtless wishes to know the total amount collected by way of welfare Cess and not the amount collected at Dhanbad, collections being made at the railway stations from where coal or coke is despatched. The total annual yield of the Cess during the current year is estimated at approximately seventy-five lakhs.

(b) I place on the table of the House a statement giving a brief account of the welfare activities carried out by or on behalf of the Fund in the coalfields, including the Bermo collieries.

(c) Figures of amounts collected in different groups of collieries are not maintained. But from a very approximate basis the yield from collieries at Bermo is likely to be only about 1/20th of the total yield of the Cess.

Brief details of the activities of the Coal Mines Labour Welfare Fund.

Two Regional Hospitals each with 10—12 beds are being constructed for the Jharia Coalfield at Katras and Tisra and a similar number is being constructed at Chora and Searsole for the Ranigunj Coalfield. The buildings are ready and the hospitals are expected to function shortly. The construction of similar Regional Hospitals for the Pench Valley and Chanda Coalfields in the Central Provinces will also be taken up shortly. The construction of a dispensary has been sanctioned for Mngma.

2. Preliminary measures have been completed for the construction of a Central Hospital with more than 100 beds for the Jharia Coalfield at Dhanbad. The Hospital will have on its staff specialists in all branches. A similar Hospital will be constructed for the Ranigunj coalfield for which a site has been selected.

3. A certain number of beds has been reserved for colliery labour in the Hospitals at Jamadoba and Sanctoria.

4. An X-Ray unit has been sanctioned for installation at the State Railway Collieries Hospital at Giridih. The Unit is being imported.

5. Two ambulances for the transport of colliery patients for hospital treatment have been placed at the disposal of the Asansol Mines Board of Health and a similar number at the disposal of the Jharia Mines Board of Health. For coalfields in the Central Provinces, 3 such cars have been provided.

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

6. Grants are being given annually to the Asansol and Jharia Mines Board of Health for meeting expenditure on measures for the improvement of sanitation.

7. Schemes for improving the water supply at Jharia, Asansol, and Pench Valley are under consideration.

8. It is proposed to construct 50,000 houses for miners. A beginning has already been made. A number of quarters will be constructed to Railway collieries, also including those at Bermo.

9. Anti-malaria measures are being undertaken in all the important coalfields under the direction of the Director, Malaria Institute of India. A lump sum of Rs. 12½ lakhs has been provided for this purpose during the current year. D. D. T. spraying operations were carried out in Bermo during the last malaria season.

10. A Tuberculosis Specialist has been appointed and a scheme for the establishment of V. D. Clinics has also been prepared.

11. There is a mobile canteen which tours coalfields and sells tea, snacks, etc. There is also a mobile cinema which gives shows for a nominal admission fee. There is also a mobile shop for the sale of consumer goods to colliery labour. This shop visits Bermo coalfields, also.

12. A scheme for the welfare of women by providing visual and craft education at demonstration centres has also been put into operation. The scheme has proved very popular and a number of centres has been opened. It is proposed to cover the whole of the Jharia and Raniganj coalfields by a net work of such centres.

13. Grants have been made to the Leprosy Associations in Bengal and Bihar for the maintenance of a certain number of beds. The Fund has also contributed towards the cost of refresher courses for colliery medical officers, for Baby Shows, Health Exhibitions, etc. The Fund is also meeting the cost of training of two nurses at the Delhi College of Nursing who will later work in the Fund's Hospitals.

14. The Fund has a number of Inspectors of Labour Welfare, Propaganda Officers and a Lady Welfare Officer. They visit collieries for general propaganda and for ascertaining the grievances of colliery labour. These officers have visited Bermo also.

Prof. Shibban Lal Saksena: May I know what is the total number of labourers from outside who are working in these coalfields?

The Honourable Shri Jagjivan Ram: I want notice of that question.

PAKISTAN RAIDS ON INDIA.

725. ***Shri M. S. Aney** (on behalf of **Dr. N. B. Khare**): (a) Will the Honourable the Prime Minister be pleased to state, how many raids have been made on our country by Pakistan, after the partition?

(b) What losses have been suffered by our public in men and material?

(c) What action have Government taken to check further raids?

The Honourable Sardar Vallabhbhai Patel: This question should have been addressed to the Honourable Minister for Defence and has accordingly been transferred to the Ministry of Defence. It will be answered on a day allotted to that Ministry.

PAKISTAN HINDUS AND SIKHS AS NATIONALS OF INDIA.

726. ***Shri M. S. Aney** (on behalf of **Dr. N. B. Khare**): Will the Honourable the Prime Minister be pleased to state whether Government propose to declare all the Hindus and Sikhs residing in Pakistan as Nationals of India and claim their protection as such?

The Honourable Sardar Vallabhbhai Patel: The question of citizenship of the Indian Union and of Pakistan is rather vague at present. It will be finally determined by the provision of the new Constitution. Meanwhile it is for such residents of Pakistan as desire to become Nationals of India to declare this. Government cannot make a declaration on behalf of any group, nor is Government prepared to consider that the people of any particular religious persuasion should necessarily be Nationals of a particular country. Nationality and Religion are not synonymous.

LOSSES SUFFERED BY HINDUS IN PAKISTAN

727. *Shri M. S. Aney (on behalf of Dr. N. B. Khare): Will the Honourable Minister of Relief and Rehabilitation be pleased to state, whether Government propose to prefer claims for the value of property and losses suffered by the Hindus in Pakistan?

The Honourable Shri K. O. Neogy: The Honourable Member is referred to my answer to clause (b) of Starred Question No. 20 and clause (e) of Starred Question No. 23, on the 18th November, 1947. The entire question of evacuee property including the method of valuation is under discussion with the Pakistan Government.

EVACUATION OF HINDUS FROM N. W. F. P.

728. *Giani Gurmukh Singh Musafir: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state whether Government are aware that owing to the Frontier raids, communal situation in the North West Frontier Province has worsened and that the lives and honour of the Hindus are in danger particularly in the pockets of Kohat, Bannu, Peshawar, and Mardan?

(b) What steps have Government taken so far to evacuate them from there, and how many of them have crossed the Indo-Pakistan border?

The Honourable Shri K. O. Neogy: (a) The reference to Frontier raids is not understood. It is true that non-Muslims in N.-W. F. P. have a feeling of insecurity.

(b) Of the non-Muslim population of about two lakhs sixty thousand, considerable numbers migrated from the Province before the 15th August. Some have been evacuated by Air and some more by train. About forty-eight thousand are still left behind. Of these about twenty-four thousand are at Bannu and the others are mainly at Mardan and Peshawar. Evacuation will have to be made by train and the steps to this end are being discussed with the Pakistan Government.

گہانی گورمکھ سنگھ مسافر :- میں یہ دریافت کرنا چاہتا ہوں کہ کیا آئریل
میں نے آج کے ہندوستان ٹائمز میں خبر پڑھی ہے جس کا Heading یہ ہے
"Bannu Non-Muslims in danger" اس میں لکھا ہے کہ تیس ہزار ہندو اور
سکھ وہاں پر بہت خطرے میں ہیں -

Giani Gurmukh Singh Musafir: I want to enquire if the Honourable Minister has read in the 'Hindustan Times' to-day the news under the heading "Bannu Non-Muslims in danger". It has been stated therein that the lives of thirty thousand Hindus and Sikhs are in great danger.

The Honourable Shri K. O. Neogy: The figures that I have got are these: 24,000 people are at Bannu, 6,000 at Peshawar, 5,000 at Mardan and 4,500 at Dera Ismail Khan. We got the statistics very recently from our Deputy High Commissioner.

Dr. Bakshi Tek Chand: Is it a fact that there has been no evacuation from the N.-W.F.P. for the last fortnight? Is it a fact that trains sent to evacuate non-Muslims from the N.-W.F.P. have returned empty, because the Frontier Government would not allow these people to come to India, though they are all anxious to be evacuated?

The Honourable Shri K. O. Neogy: Evacuation by air has been taking place from the N.-W.F.P. As regards evacuation by railway train it is a fact that at one stage the Premier of the N.-W.F.P. stated that the non-Muslims there were not prepared to leave the province and therefore he was not in a position to assist evacuation by train. We took up this question with the Pakistan Government later, and then at the instance of the Prime Minister of Pakistan the attitude of the N.-W.F.P. Government has been changed and

trains are likely to be laid on in consultation with the Pakistan Government in the near future.

Shri Mohan Lal Saksena: Am I to understand that the statement of the Premier of the N.-W.F.P. was not correct when he informed the Government of India that the non-Muslims were not prepared to leave the province for India?

The Honourable Shri K. O. Neogy: The impression that we got from the statement made by the Prime Minister of Pakistan was that "some non-Muslims were now desirous of leaving".

Shri Mohan Lal Saksena: May I know if the Government have taken any steps to ascertain the number of non-Muslim Government servants killed in the N.-W.F.P.?

The Honourable Shri K. O. Neogy: I am afraid that question does not arise. If the Honourable Member is desirous of obtaining this information he can put down another question.

Shri M. S. Aney: May I know if the Government propose to send its own army for the protection of these non-Muslims in Bannu and other places in the N.-W.F.P. who are willing to come here?

The Honourable Shri K. O. Neogy: I do not know whether that is contemplated. The guard may be provided by the Pakistan army for the purpose of evacuation by train of the non-Muslims.

Shri M. S. Aney: May I know whether the Honourable Minister is aware of the fact that the people in Bannu and other places are apprehensive that they will not be properly protected if they are not escorted by the Indian army?

The Honourable Shri K. O. Neogy: I am aware of that and this question is being taken up with the Pakistan authorities.

Prof. Shibban Lal Saksena: Is the Honourable Minister aware that on the 7th December a report was published in the 'Hindustan Times' (the message was from Amritsar) that at Jhelum and Rawalpindi there are regular bands of Frontier tribesmen who are carrying away abducted women brought from Kashmir and that they were being paraded in the streets of Jhelum and Rawalpindi with the open support of the Pakistan Government?

The Honourable Shri K. O. Neogy: I am afraid that question does not arise out of this.

Dr. P. S. Deshmukh: Is the Honourable Minister aware that there are about 8,000 Harijan refugees wanting to be evacuated from Bahawalpur State?

The Honourable Shri K. O. Neogy: That question again does not arise out of the question under answer.

Shri Balkrishna Sharma: Is there any reciprocal arrangement between this Government and the Pakistan Government regarding evacuees that they shall be evacuated under the protection of their own national army units?

The Honourable Shri K. O. Neogy: It is rather a complicated arrangement and I should not like to make a statement straightaway.

Prof. Shibban Lal Saksena: Is the Honourable Minister aware that our military forces which have gone to protect our people in the N.-W.F.P. have been insulted and detained by the Frontier military?

The Honourable Shri K. O. Neogy: I have no such information.

Pandit Lakshmi Kanta Maitra: May I know if it is not a fact that substantial bodies of non-Muslims detained in the N.-W.F.P. are not allowed to come to India, because it is in the interest of the Pakistan Government to keep them for purposes of their public utility services going on?

The Honourable Shri K. C. Neogy: My Honourable friend was not perhaps in his seat when I made a statement as regards the question of some non-Muslims not being permitted to leave Pakistan. The general position has improved since; I am not aware whether any special impediments are being put in the way of the evacuation of the Harijans in the N.-W.F.P.

Shri S. Nagappa: May I know whether the Honourable Minister is aware that especially the Harijans are not allowed either to remain in Pakistan as Harijans or to cross over the border to India? Will the Government take steps to see that Harijans are escorted to the Indian Dominion?

The Honourable Shri K. C. Neogy: I have not received any such specific complaint with reference to the N.-W.F.P. There is such a complaint with regard to certain other provinces of Pakistan.

Diwan Chaman Lall: May I know whether the figure which the Honourable Minister gave the House for Bannu includes only the city of Bannu or also the surrounding areas of Bannu?

The Honourable Shri K. C. Neogy: As far as I am aware it includes all those collected at Bannu from the surrounding areas.

Diwan Chaman Lall: Have Government information regarding the people who are in the surrounding areas now in pockets which are located near Bannu?

The Honourable Shri K. C. Neogy: I have not got that information now.

Diwan Chaman Lall: Is any attempt being made to collect the necessary information regarding the pockets in the N.-W. F. P.?

The Honourable Shri K. C. Neogy: Oh, yes.

Shri Raj Krishna Bose: Have Government any information whether any Harijans in any part of the N.-W.F.P. have been forcibly converted to Islam?

The Honourable Shri K. C. Neogy: That question again, I am afraid, does not arise out of this.

Mr. F. B. Anthony: Sir, I visited the largest camp in Peshawar the other day. Is the Honourable Minister aware that to a man the refugees are insisting on coming to India?

The Honourable Shri K. C. Neogy: That is definitely our information.

Mr. F. B. Anthony: Is he also aware that the official communique from the North-West Frontier Province can have no basis of truth because from my experience I found that not even a Tehsildar has ever so much approached any of the refugee camps?

The Honourable Shri K. C. Neogy: I am prepared to accept the Honourable Member's statement.

COMMONWEALTH CUSTOMS UNION.

729. ***Shrimati Benuka Ray:** Will the Honourable Minister of Commerce be pleased to state:

(a) whether Government have received any communication from His Majesty's Government for a Conference to discuss the possibilities of establishing a Customs Union within the British Commonwealth;

(b) if so, whether the Government of India have accepted this invitation; and

(c) whether Government have formulated any views in regard to the proposal to establish a Commonwealth Customs Union?

The Honourable Shri N. V. Gadgil: (a) No.

(b) Does not arise.

(c) No.

Shrimati Renuka Ray: Will the Honourable Minister tell us if there are any talks expected on these lines at Havana?

The Honourable Shri N. V. Gadgil: Not exactly on these lines. The United Kingdom has expressed a desire that representatives of all the Dominions who possess the requisite knowledge should be made available at Havana with a view to having some preliminary discussion with respect to matters which relate to trade and commerce between the various Dominions constituting the British Commonwealth.

Prof. Shibban Lal Saksena: Will the Honourable Minister assure us that before anything is decided in this matter the House will be consulted?

The Honourable Shri N. V. Gadgil: Nothing is going to be done over the head of the House. No such agreement is visualized at present, but whatever definite agreement may be made will certainly be placed before the House.

Prof. N. G. Ranga: Is it a fact that an attempt is being made to form a European Customs Union, and if so has India been invited to any conference that they are likely to have there for this purpose?

The Honourable Shri N. V. Gadgil: The exact position is that certain countries have formed themselves into what may be called a Study Group in order to study the preliminary matters with a view to ascertaining the possibility of having a Customs Union or Unions between various European countries; and to that Study Group India has been invited.

Prof. N. G. Ranga: In view of the fact that Europe happens to be the biggest importer for Indian agricultural exports, will Government consider the advisability of consulting the agricultural interests before they actually send their experts to the Conference?

The Honourable Shri N. V. Gadgil: No expert is being contemplated to be sent. The Indian High Commissioner has been asked to go wherever it is possible.

Prof. N. G. Ranga: My question has not been answered, Sir.

Mr. Speaker: Not answered to the satisfaction of the Honourable Member perhaps.

Prof. N. G. Ranga: I wanted our agricultural interests to be consulted before the Indian High Commissioner is sent to the Conference.

The Honourable Shri N. V. Gadgil: The Indian High Commissioner is supposed to represent all Indian interests.

Shri Biswanath Das: May I know whether Government have considered the question of intimating the Commonwealth countries that they are not going to enter into the discussion of any question relating to Customs Union unless and until Indians in their Dominions get equal privileges and equal rights of citizenship?

The Honourable Shri N. V. Gadgil: That will be a matter which will be taken under consideration when the question arises.

Shri H. V. Kamath: Is it not more in the interests of India to promote an Asian Customs Union rather than join a Commonwealth Customs Union?

Mr. Speaker: Order, order. It is a matter of opinion.

EXCLUSION OF INDIANS FROM JAPANESE COTTON TRADE.

730. *Shrimati Renuka Ray: (a) Will the Honourable Minister of Commerce be pleased to state whether the attention of Government has been drawn to the statement issued through Reuter's Agency on the 5th September 1947 by Mr. Tusidas Kilachand, Leader of the Indian Mission to Japan, and published

in the 'Statesman', dated the 6th September, 1947, stating that General MacArthur's Supreme Headquarters in Japan had "tied up" the Japanese cotton trade to the exclusion of Indians, with the result that the Indian Mission was able to arrange for only 170,000 bales of raw cotton instead of 394,000 bales as originally proposed?

(b) Have Government taken up this matter through their Representative in Japan with General MacArthur's Headquarters as also with the Government of the United States?

(c) Are the interests of Indian agriculture and trade fully safe-guarded in this matter?

The Honourable Shri N. V. Gadgil: (a) and (b). Government have seen the Press report, but it should not be construed as implying that the Headquarters of the Supreme Commander for the Allied Powers in Japan have been inimical to Indian interests, though there has been some delay in carrying on triangular correspondence between India on the one hand and Washington and Tokyo on the other. The Indian Trade Delegation has arranged for shipment of 170,000 bales but this is not to the exclusion or reduction of the original offer of 394,000 bales. That offer is still under negotiation at Washington and Tokyo through the Indian Embassy and the Indian Liaison Mission.

(c) Government are doing all they can to safeguard their interests.

Prof. N. G. Ranga: Is it not a fact that before the war more than fifty per cent. of India's exports of cotton used to go to Japan?

The Honourable Shri N. V. Gadgil: It is a fact, Sir.

Prof. N. G. Ranga: Are Government satisfied with this offer of the Supreme Headquarters in Japan to take only 3,94,000 bales of cotton from India?

The Honourable Shri N. V. Gadgil: The continuance of the negotiations is a proof that the Government of India is not satisfied with the arrangement.

Shri B. A. Khimji: Has the Indian Delegation to Japan returned to India?

The Honourable Shri N. V. Gadgil: I think so.

Shri B. A. Khimji: Has it submitted a Report?

The Honourable Shri N. V. Gadgil: Not yet, Sir.

Shri B. A. Khimji: May I know when the Delegation has returned to India?

The Honourable Shri N. V. Gadgil: I cannot give the exact date, but it was about a few weeks ago.

Shri B. A. Khimji: Will the Government request the Leader of the Delegation to submit a Report as early as possible?

The Honourable Shri N. V. Gadgil: I shall do that.

Shri M. S. Aney: May I know from the Honourable Minister what is the target which the Government of India is having in view in their negotiations with the Government in Japan regarding the export of raw cotton from India to Japan?

The Honourable Shri N. V. Gadgil: As much as we can export, consistent with the interests of this country.

Shri M. S. Aney: May I inform the Honourable Minister that prior to the war the amount of cotton exported to Japan was something to the tune of seven to eight lakhs of bales, and may I ask if the Government of India is keeping that target in mind now?

The Honourable Shri N. V. Gadgil: That is a fact. But the pattern of trade hereafter may be different, and different circumstances will obviously weigh.

Shri T. A. Ramalingam Chettiyar: Are exports of cotton from India to Japan replaced by exports from America or elsewhere? A large part of Japan's supplies used to be made from here.

The Honourable Shri N. V. Gadgil: I want notice of that question.

Prof. N. G. Ranga: Is it not the policy of the Government to encourage consumption of Indian cotton in this country itself so that our exports may be minimised as far as possible?

The Honourable Shri N. V. Gadgil: That is generally the policy of the Government.

Mr. Hussain Imam: Is there any contract with the authorities in Japan to supply us cloth in place of the cotton that we supply to them?

The Honourable Shri N. V. Gadgil: There is no such contract, but there is some barter arrangement.

Shri M. Ananthasayanam Ayyangar: I have got authority from Shri Ram Narayan Singh to put his questions. He has given authority to two of us.

Mr. Speaker: If it is a doubtful authority, it will not do.

The Honourable Sardar Vallabhbhai Patel: If the authority is given to two persons, the authority may be cancelled.

Mr. Speaker: I should think the latter authority will prevail. What is the date of the authority given to the Honourable Member?

Shri M. Ananthasayanam Ayyangar: There is no date. I am not putting the question on his behalf, Sir.

DAMODAR VALLEY AND KOSHI SCHEMES.

731. ***Shri Rohini Kumar Chaudhuri** (on behalf of **Shri Ramnarayan Singh**): Will the Honourable Minister of Works, Mines and Power be pleased to state the stages of Damodar Valley Scheme and the Koshi Scheme?

The Honourable Shri N. V. Gadgil: As regards the Damodar Valley Scheme, the attention is invited to the reply given by me on the 2nd December 1947 to part (a) of starred question No. 506 put by Prof. N. G. Ranga. The Damodar Valley Corporation Bill has since been introduced in the Dominion Legislature on the 3rd December 1947.

Koshi Scheme.—Regarding Koshi Scheme, preliminary surveys and investigations are progressing according to plan. Surveys of dam site, reservoir area and a portion of the area proposed to be brought under irrigation have been completed. Designing of dams and appurtenant works and other surveys e.g. forest surveys, geological surveys, are in hand and making progress.

Prof. N. G. Ranga: How much is this scheme expected to cost and how much area is likely to benefit?

The Honourable Shri N. V. Gadgil: It has not yet been finally estimated.

Prof. N. G. Ranga: Is it expected to benefit Bihar Province or which Province?

The Honourable Shri N. V. Gadgil: The provinces through which the Koshi river runs.

Prof. N. G. Ranga: We are not expected to be acquainted with all that. That is why I asked the Minister to inform us which Provinces are expected to be benefited.

The Honourable Shri N. V. Gadgil: Mostly Bihar, Sir.

Shri M. S. Aney: May I ask the Honourable Minister if it would be necessary for him to bring forward a Bill for the Koshi scheme on the lines of the Damodar Valley scheme?

The Honourable Shri N. V. Gadgil: If it is found that two provinces are involved, it will be necessary.

Shri M. S. Aney: Is he in a position to state whether more than one Province is involved in this scheme?

The Honourable Shri N. V. Gadgil: That will depend upon the final report of the engineers.

Shri K. Santhanam: May I know whether any agreement between the Government of India, Nepal Government and Bihar have been arrived at regarding the Koshi scheme?

The Honourable Shri N. V. Gadgil: So far as survey matters are concerned, there has been some understanding with the Nepal Government.

PROSECUTION BY SIND GOVERNMENT OF R.S.S. WORKERS

732. *Shri M. S. Aney: (a) Will the Honourable the Prime Minister be pleased to state whether the attention of Government has been drawn to the fact that forty persons alleged to be R.S.S. workers in Sind are being prosecuted by the Government of Sind for offences punishable under Sections 121 and 122 of the Indian Penal Code, as published in the *Hindustan Times*, dated the 24th November, 1947, under the caption "Plot to overthrow Pakistan Government"—"Charges against twenty R.S.S. Workers"?

(b) Do Government propose to instruct the High Commissioner of India at Karachi, to watch the proceedings and keep the Government of India duly informed of the progress of the case and give all the assistance the accused may need for their defence in Court and arrange for a proper treatment while in custody as under-trial prisoners?

The Honourable Sardar Vallabhbhai Patel: (a) Government have seen the press report referred to by the Honourable Member.

(b) The High Commissioner for India in Karachi has already been asked to report the facts and to make such recommendations as he may consider necessary. Government will decide if any action is necessary on receipt of his report.

RESETTLEMENT OF BURMA LABOURERS

733. *Shri Santanu Kumar Das: (a) Will the Honourable the Prime Minister be pleased to state the number of unemployed labourers and workers who left Burma during the War and are now unable to return there to earn their livelihood?

(b) Do Government propose to provide them with work so that they may eke out a living?

The Honourable Sardar Vallabhbhai Patel: (a) According to the Census of evacuees taken in November-December, 1943, 3½ lakhs of Indians evacuated Burma during the War. Of these, about 1,88,000 were labourers. These figures include women and children. Government have no information as to how many of them are unemployed at present or how many wish to return to Burma.

(b) It is now five years since the evacuation took place, and such evacuees must be treated as part of the general population. Government cannot undertake to make any special provision for them.

Shri Santanu Kumar Das: Has Government any information that the labourers from Orissa are not allowed to go to Burma?

The Honourable Sardar Vallabhbhai Patel: Government has no such information, but I am quite prepared to believe that.

Shri Biswanath Das: In view of the importance of the question, may I request the Government to state whether they have completed negotiations between the Government of Burma and India on this question of free entry of Indians into Burma?

The Honourable Sardar Vallabhbhai Patel: That question is under consideration.

REFUGEES RESIDING WITHOUT SHELTER

734. *Shri Santanu Kumar Das: Will the Honourable Minister of Relief and Rehabilitation be pleased to state the number of refugees residing in India without shelter and protection from Government?

The Honourable Shri K. C. Neogy: There must be a number of refugees in India living with their relatives and friends there are others who are being assisted by philanthropic bodies and individuals; but it is not possible for Government to give their number.

Dr. Bakshi Tek Chand: Is it a fact that more than 1,50,000 persons in the Punjab and Delhi are still living in the open without any shelter?

The Honourable Shri K. C. Neogy: I am not in a position to give any definite reply to this question, but I do admit that there must be a number of people who are now living in the open, but their number is fluctuating, and I hope the number is getting gradually reduced.

Dr. Bakshi Tek Chand: Is it a fact that 50,000 of the persons in the Kurukshetra Camp, which is under the direct charge of the Government of India, are still living in the open?

The Honourable Shri K. C. Neogy: As a matter of fact I might mention it to the House that the Kurukshetra Camp was intended to accommodate a maximum number of 2 lakhs of refugees, but the refugees simply continue pouring in without any previous intimation; and what the Honourable Member has said may be substantially correct. I may let the House know that I propose to proceed to Kurukshetra immediately after the question hour is over.

Dr. Bakshi Tek Chand: Is it a fact that in Karnal and Panipat over 50,000 persons were brought by trains from West Punjab which was arranged by MEOs and they have been dumped there without any accommodation? Many of these persons have been there for weeks in Karnal and Panipat and various other places. Similarly in Ambala there are about 30,000 persons in places where they have no accommodation.

Speaker: Order, order. The Honourable Member is giving information. What is the question?

Dr. Bakshi Tek Chand: The question is whether the facts stated are correct.

The Honourable Shri K. C. Neogy: I am afraid I am not in a position to give any categorical reply to these questions because these matters are not directly under the control of the Central Government, but I feel sure that the position is not so bad as the Honourable Member has depicted it to be at the present moment.

Seth Govinddas: Is it not a fact that now the refugees who are in Kurukshetra are being sent to different provinces, and if it is a fact will the Government see that they are sent to different provinces at an early date before the terrible cold starts?

The Honourable Shri K. C. Neogy: As a matter of fact a few trains have already left, and it is with the object of discussing a programme for the dispersal of the Kurukshetra refugees that I shall be proceeding there today.

Shri Mihir Lal Chattopadhyaya: May I know what is the total number of refugees the responsibility for whose shelter and protection has been taken over by the Government of India up till now?

The Honourable Shri K. C. Neogy: I should like to have notice of that question.

Diwan Chaman Lall: May I ask, Sir, what progress has been made in regard to the suggestion that the Government of India should take charge of all refugee camps?

The Honourable Shri K. C. Neogy: This matter was debated the other day, and I am sure my Honourable friend remembers the reply that was given to this point by the Honourable the Prime Minister. He said, as far as I recollect, that the Government of India would be prepared to take over any responsibility from the East Punjab Government provided that Government agreed to such a course.

Diwan Chaman Lall: May I ask whether the Government of India has approached the Provincial Government with a request to that effect?

The Honourable Shri K. C. Neogy: I am afraid that was not intended.

Diwan Chaman Lall: May I ask my Honourable friend whether it is now intended to proceed with the request to the East Punjab Government that all camps should be taken over by the Government of India?

The Honourable Shri K. C. Neogy: This request is expected to come from them.

Diwan Chaman Lall: May I ask my Honourable friend whether, in view of the dreadful condition in which these refugees find themselves, it is not the primary duty of the Government of India to initiate progress in regard to the suggestion?

The Honourable Shri K. C. Neogy: We have been in constant touch with the East Punjab authorities, and I may tell my Honourable friend that whenever we have brought any specific case to their attention, remedial measures have been taken.

Shrimati G. Durgabai: Will the Honourable Minister please state whether it is their policy to wait and see that the number of persons now living in the open will slowly get dwindled and reduced, or do the Government propose to take any steps to give them some protection or other?

The Honourable Shri K. C. Neogy: The primary object of the Government is to reduce this number gradually by affording them necessary protection. Pending the time which may be needed for the purpose of dispersing them to different places where there may be adequate accommodation, the Government will do their best to provide shelter.

Pandit Lakshmi Kanta Maitra: Is there any truth in the rumour that there is a hitch between the East Punjab Government and the Government of India with regard to the refugee question?

Mr. Speaker: Order, order. No questions of controversy will be permitted.

Pandit Lakshmi Kanta Maitra: Is it a fact that a large number of evacuees have been deliberately dumped at Kurukshetra to make the arrangements there impossible for the Central Government?

The Honourable Shri K. C. Neogy: I am not prepared to accept that statement.

Shri Santanu Kumar Das: May I know the names of the philanthropic organizations?

The Honourable Shri K. C. Neogy: I should like to have notice of the question.

Shri Raj Krishna Bose: What is the agency through which Government ascertains the number of refugees who are without shelter?

The Honourable Shri K. C. Neogy: It must necessarily be the agency of the Provincial Government.

Shri Deshbandhu Gupta: May I know if it is a fact that so far as the movement of these refugees are concerned, they are controlled by MEOs which are directly under the Central Government?

The Honourable Shri K. C. Neogy: As a matter of fact, this was a question to which I think I gave some kind of an answer a few days back. The trains that come from Pakistan to India with non-Muslim refugees are controlled by the organization of the two MEOs at Lahore, and the destination of these trains in India is prescribed by the Pakistan authorities with a view to these trains taking out Muslim refugees from particular stations to which the non-Muslim refugees may be brought, and so that the trains may immediately be loaded with Muslim refugees who may be waiting there. This has really been the reason for the state of things to which Bakshi Tek Chand referred.

Shri Deshbandhu Gupta: Does it not follow that the East Punjab Government has no hand in dumping the refugees in Kurukshetra or any other particular camp? The Provincial Government is in no way concerned.

The Honourable Shri K. C. Neogy: So far as this point is concerned, certainly.

Prof. N. G. Ranga: Do the Government get any information, Sir, about the state of health of these people who have no roofs over their heads, and if so, what is the latest report like?

The Honourable Shri K. C. Neogy: As a matter of fact, the latest report about Kurukshetra which I got from the Director-General of Medical Services reached me yesterday evening. I am sorry I have not brought it with me, but he is perfectly satisfied with the state of health of the refugees, having regard to all circumstances.

Dr. Bakshi Tek Chand: Does it refer to Kurukshetra Camp alone or to other places?

The Honourable Shri K. C. Neogy: The report relates to Kurukshetra.

Dr. Bakshi Tek Chand: What about other places?

The Honourable Shri K. C. Neogy: The Director-General has not perhaps visited other places recently.

Dr. Bakshi Tek Chand: Will the Honourable Minister take any steps to ask the Director-General or some other officer of the Ministry of Health to look at the places, particularly Ambala, Panipat, Karnal, Jullundur, and Ludhiana?

The Honourable Shri K. C. Neogy: I am sure there will be reports available from the medical authorities of the East Punjab Government and I will lay them on the table if that is desired.

Diwan Ohaman Lall: May I ask whether the MEO organization has brought non-Muslims into the territory of India at any particular centre? Who takes charge of these refugees after they have been dumped on at that particular centre?

The Honourable Shri K. C. Neogy: They are expected to be taken charge of by the authorities of the locality, but it so happens that there is not sufficient intimation received by these authorities in time to enable them to make proper arrangements.

Diwan Ohaman Lall: May I ask my Honourable friend as to who takes charge for the purpose of dispersal from that particular centre, whose responsibility it is, the Government of India or the East Punjab Government?

The Honourable Shri K. C. Neogy: So far as the Kurukshetra Camp is concerned, it is the responsibility of the Government of India: so far as other areas are concerned, the local authorities are responsible.

Shri Suresh Chandra Majumdar: Sir, do I understand that when these refugee trains reach Lahore and enter the Indian Dominion, the Government of India has not got the right to decide as to where these passengers should be detained?

The Honourable Shri K. O. Neogy: That is more or less so.

Shri Suresh Chandra Majumdar: Sir, will the Government kindly give the reasons as to why, when the trains come into the Indian Dominion, the Pakistan Authorities should decide as to where the passengers are to be detained?

The Honourable Shri K. O. Neogy: The arrangement was arrived at for the purpose of facilitating removal of Muslim refugees from India; therefore, the trains come to such places where there may be Muslim refugees to be cleared.

Shri M. S. Aney: May I ask whether it is the experience of the Honourable Minister that this arrangement is really facilitating the evacuation as they expected, or is it creating some difficulties?

The Honourable Shri K. O. Neogy: I may inform the House that a corresponding arrangement operates in Pakistan; that is to say, we can nominate the places wherefrom the trains should originate for the purpose of collecting the non-Muslim refugees, and therefore the trains that go from here actually go to destinations which we prescribe.

Prof. Shibban Lal Saksena: The Honourable Minister suggests that in Kurukshetra there was room for two lakhs only but more people reached there; was any arrangement made by the Government of India to receive the additional refugees in some other camp and did these additional refugees come to Kurukshetra by mistake?

The Honourable Shri K. O. Neogy: Government have done their best to receive and accommodate them at Kurukshetra.

Prof. Shibban Lal Saksena: My question is, Sir, whether any arrangement was made to divert the additional people elsewhere when the accommodation at Kurukshetra was full?

The Honourable Shri K. O. Neogy: There was no other camp in the neighbourhood; and it would have been cruel to divert them from Kurukshetra; we have been doing our best to look after them at Kurukshetra.

Shrimati G. Durgabai: May I know from the Honourable Minister whether the Government has any plan under consideration whereby they would correspond with the educational institutions of the other provinces—not only the educational institutions run by the Government but also those run by private enterprise—for making some provision for the girl students from among the refugees who are here?

The Honourable Shri K. O. Neogy: I am sure the question is under the consideration of the Education Ministry, but as far as I know there is no discrimination made between girls and boys in the matter of educational facilities to be provided for the refugees in the different Provinces. I might tell the Honourable the Lady Member that arrangements have been made in different Provinces—particularly by the Universities—for taking in refugee students.

پندت تھاکر داس بھارگو : گورکھپتر کے کیسپ کے متعلق ایک سوال کے جواب میں کہا گیا ہے کہ اس کا انتظام گورنمنٹ مکمل طور پر نہیں کر سکتی۔ جب گورنمنٹ آف انڈیا کے پاس اتنے resources ہیں اور وہ ایک کیسپ کا انتظام نہیں کر سکتی تو وہ پنجاب گورنمنٹ سے کس طرح توقع کر سکتی ہے کہ وہ شرناتھوں کے سارے کیسپوں کا انتظام کرے؟

Pandit Thakur Das Bhargava: In reply to a question relating to the Kurukshetra Camp, it has been stated that the Government cannot manage it adequately. When the Government of India who has got so many resources is

unable to manage one camp, then how can it expect from the Punjab Government that it should make arrangements for all the Refugee Camps?

The Honourable Shri K. O. Neogy: I do not admit the assumption that the Government of India are not in a position to make adequate arrangements for the refugees at Kurukshetra. What I was saying was that we had actually made arrangements for two lakhs of people and that number has been very largely exceeded.

Dr. B. Pattabhi Sitaramayya: In view of the admission, Sir, that there is obvious inconvenience in the distribution of the refugees coming from Pakistan to India or going from India to Pakistan and that the only consolation is that we have got a retaliatory power, will not Government consider the advisability of stopping all these refugees at the border and making a re-distribution of trains at that point so as not to inconvenience either party?

The Honourable Shri K. O. Neogy: May I inform the Honourable Member that evacuation by trains is about to be over?

REPRESENTATION OF INTERNATIONAL SHIPPING COMPANY LTD., AT THE CONFERENCE OF SHIPPING INTEREST IN BOMBAY.

†735. ***Shri Rohini Kumar Chaudhuri** (on behalf of **Shri Ramnarayan Singh**): (a) Will the Honourable Minister of Commerce be pleased to state whether it is a fact that one International Shipping Company Limited which had applied for being represented at the Conference of Shipping interest in Bombay, on the 8th November 1947 was not invited while some other Shipping Companies were invited?

(b) What was the reason for discrimination in issuing these invitations?

(c) Do Government propose to encourage the shipping trade by allowing new companies to function even with chartered vessels?

(d) What is the policy of Government with regard to the association of non-shipowning companies in Conferences and Delegations intended to increase the tonnage of Indian Shipping in order to reach the target figure?

The Honourable Shri N. V. Gadgil: (a) and (b). As the main purpose of the Conference was to consider certain proposals of Government for the expansion of the activities of Indian Shipping Companies on a Joint Government-cum-private ownership basis, it was considered unnecessary to trouble companies, including the International Shipping Company, which had no tonnage of their own, and had no practical experience of the shipping trade.

(c) Government consider that from the point of view of making the best possible use of India's foreign exchange resources as well as in the ultimate interests of Indian Shipping, Indian Companies should be encouraged to purchase rather than charter ships.

(d) The practice in such cases is to secure the best possible representation having regard in each case to the specific matters to be dealt with by the particular Conference or Delegation.

Shri M. Ananthasayanam Ayyangar: May I ask the Honourable the Minister, that so long as the tonnage is there, will licence be granted and dollar exchange made available for persons who have chartered ships instead of allowing this cargo from being shipped from place to place?

The Honourable Shri N. V. Gadgil: Each case will be considered on its merits.

Shri M. Ananthasayanam Ayyangar: What is the present position regarding tonnage, Sir, and the availability of tonnage for removing of the cargo? Is it not limited?

The Honourable Shri N. V. Gadgil: Yes; it is limited.

†Taken up in the second round.

EXPANSION OF INDIAN SHIPPING TONNAGE

†736. *Shri Ramnarayan Singh: (a) Will the Honourable Minister of Commerce be pleased to state what measures, if any, were decided upon in the Conference held recently in Bombay for the development and expansion of Indian Shipping?

(b) How many shipping companies were invited to the Conference and what are the names of those companies?

(c) How many non-shipowning companies are there in India and how many such companies were invited?

(d) What facilities do Government propose to give to the shipping companies to increase the tonnage of shipping in order to reach the target figure?

The Honourable Shri N. V. Gadgil: (a) As stated by me in reply to the previous question Government placed before the representatives of shipowners for their consideration certain proposals for the rapid expansion of the activities of Indian shipping. No decisions were taken.

(b) Fifteen companies were invited to attend. A list showing the names of the companies is placed on the table of the House.

(c) Government have no precise information but as far as they are aware there are over fifteen companies which own no ships. None of these companies was invited to the Conference.

(d) Government will render all practicable assistance to Indian companies in building or purchasing additional ships. The proposals now before the shipping companies are specially designed to encourage rapid acquisition of tonnage.

List of Indian Shipping Companies invited for the Shipping Conference, held in Bombay on the 3rd November 1947.

1. The Scindia Steam Navigation Company Ltd., Bombay.
2. The Bombay Steam Navigation Co. Ltd., Bombay.
3. The Eastern Steam Navigation Co. Ltd., Bombay.
4. The Indian Co-operative Navigation & Trading Co., Ltd., Bombay.
5. Shri Ambica Steam Navigation Co., Ltd., Bombay.
6. The Oceanic Navigation Company Ltd., Calcutta.
7. The Malabar Steamship Co., Ltd., Bombay.
8. The New Dholera Steamships Ltd., Bombay.
9. The India Steamship Co. Ltd., Calcutta.
10. The Chandbali Steamer Service Co., Calcutta.
11. The Ratnagar Steam Navigation Co., Ltd., Bombay.
12. The Kalwarsund Co., Bombay.
13. The Merchant Steam Navigation Co., Bombay.
14. The Bharat Line Ltd., Bombay.
15. The Bengal Burma Steam Navigation Co., Bombay.

APPLICATIONS FOR JUTE EXPORT

†737. *Shri Ramnarayan Singh: (a) Will the Honourable Minister of Commerce be pleased to state how many firms or individual dealers applied for quota of jute export?

~~†Responded to be taken up in the second round, the member being absent; but could not be reached during question hour.~~

- (b) How many such applications were granted and how many were rejected?
- (c) What total quantity of Jute has been allowed as quota for export?
- (d) What was the principle of distribution of quotas to different applicants?
- (e) Is it a fact that every applicant was required to deposit Rs. 50 with his application?
- (f) What was the total amount thus collected?

The Honourable Shri N. V. Gadgil: Exports of raw jute and jute goods are allowed through established shippers as well as through new-comers to the trade in the ratio of 90:10. From part (e) of the question it is presumed that the Honourable Member has in mind the applications made by the latter. On this presumption the answers to the questions put by him are as follows:

(a) Raw Jute	588	Applications
Jute Products	6,886	"
	Total	7,474

(b) Applications for new-comers quota in respect of raw jute are still under consideration. With regard to jute products 347 applicants were granted quotas and 6,589 applications have been rejected.

(c) The total quantity of jute manufactures allotted to new comers for export is 68,657 tons.

(d) Firms or individuals were selected for allotment on their fulfilling two essential conditions, *vis.*: (i) The selected firm should not have received an allotment as an established shipper under the 90 per cent. reserved for such shippers; and (ii) The firm should have produced evidence of having received firm orders direct from the importing countries concerned. Preference was given to those who had produced evidence of letters of credit also.

(e) Those who applied for new comer's quotas were required to forward a Treasury Receipt for Rs. 50 along with their applications.

(f) Rs. 8,78,700.

IMPORT OF OILS AND GREASES.

†738. ***Shri Ramnarayan Singh:** (a) Will the Honourable Minister of Commerce be pleased to state, countrywise, what quantity of assorted lubricant oils and greases were imported in the years 1945 and 1946?

(b) What are the names of the importing firms and the countries from which the oils were imported?

(c) What is the quantity of oil allowed to each firm for which licences have been issued in the current year?

(d) How many of such importers are foreign companies and how many are Indian?

The Honourable Shri N. V. Gadgil: (a), (b) and (c). I lay on the table statements containing the information desired by the Honourable Member.

(d) Of the 78 firms who have been granted licences during the current year, 26 appear to be foreign. I would add for the Honourable Member's information that licences for the import of lubricants and greases are issued freely without distinction.

†Postponed to be taken up in the second round, the member being absent; but could not be reached during question hour.

Statement showing the quantity and country of consignment of lubricating oils and greases imported in the years 1945-46 and 1946-47

Country of consignment	Lubricating oils in galls.		Greases in lbs.	
	1945-46	1946-47	1945-46	1946-47
U. K.	84,247	2,811,487	69,277	524,913
Iran	8,665,614	13,453,312		
Palestine	...	18,084	...	
Ceylon	8,304	4,987	565	128
Canada	225	198,809	38,400	
Kenya Colony	...	900		...
Union of South Africa	1,390	900		48
Commonwealth of Australia	225,000	...		18,027
Egypt	...	58,495	1,580	668
Portuguese East Africa	1,350	
United States of America	23,674,614	20,123,443	3,880,040	5,660,9
France				1
Market	...			5
Total	32,661,244	36,670,417	3,989,862	6,203,939

Note :—The above statement is based on information so far available for the financial years 1945-46 and 1946-47. Information for calendar years is not readily available. The information is confined to the Indian Union.

Statement showing the name of Importers in the Indian Union with countries of consignment of lubricating oils imported in the years 1945 and 1946

1945		1946	
Name of Importer	Country of consignment	Name of Importer	Country of consignment
M/s. Bombay Cycle Stores Co.	United Kingdom, U. S. A., Iran and Ceylon.	Burma Shell & Oil Co. Ltd.	United Kingdom, U. S. A., Iran and Ceylon
„ Caudies Filter (India) Ltd.		Indo-Burmo Petroleum Co. (India) Ltd.	
„ Hard Castle Waud & Co.		Nowrojee Wadia & Sons Ltd.	
„ Don Watson & Co. Ltd.,		C. C. Wakefield & Co., Ltd.	
„ C. C. Wakefield & Co. Ltd.		Silvertown Lubricants (India) Ltd.	

1945		1946	
Name of Importer	Country of consignment	Name of Importer	Country of consignment
M/s. Caltex India Ltd	United Kingdom, U. S. A., Iran and Ceylon.	Phirozsha & Sons	United King- dom, U. S. A., Iran and Ceylon
„ Silvertown Lubricants (India) Ltd.		Shah Trading Co., Ltd.	
„ Valvoline Oil Co		National Petroleum Co. Ltd.	
„ Martin & Co		Imperial Trading Co.	
„ Burmah Shell & Oil Co Ltd.		V. R. Shah & Co.	
„ Standard Vacuum Oil Co		Tulshidas Khimji	
„ H. J. Leach & Co. Ltd.		V. B. Kusumgar & Co.	
Narotam Karsondas & Co.		P. D. Gupta & Co.	
„ Kela & Co.		Greaves Cotton & Co. Ltd.	
„ Tide Water Oil Co., (India) Ltd.		Famous Transport Co.	
„ Indo-Burma Petroleum Co., Ltd.		Standard Vacuum Oil Co.	
„ Turner Hoare & Co.		Hardcastle Waud & Co.	
„ Lubricating Oils & Fuels (India) Ltd.		Narotamdas Karsondas & Co.	
„ H. J. Mehta		Caltex (India) Ltd.	
„ U. D. Patel & Co.		General Motors (India) Ltd.	
„ G. H. Lentin & Sons		Valvoline Oil Co.	
„ Motor & General Stores Supply Co.		Kela & Co.	
„ The Chartered Bank of India & China.		James Finlay & Co.	
„ Maitland Craig & Co., Ltd.		Lubricating Oils & Fuels (India) Ltd.	
„ Mills Stores		Tide Water Oils Co. (India) Ltd.	
„ Powells Ltd.	U. D. Patel		
„ Saraswathy Importing Co.	Don Watson & Co., Ltd.		
„ Grieves Cotton & Co.	Andrew Yule & Company.		
„ Parry & Co.	Jardine Skimmer & Co. Ltd.		
„ Taylor & Co.	Martin & Co.		
	Victor Oil Co. Ltd.		
	Saraswathy Cycle Trading Co.		
	Parry & Co.		
	Taylor & Co.		

Statement showing the quantities of Lubricating Oils and Greases allowed to each firm for which licences have been issued in the current year.

Serial No.	Name and Address of Licence Holder	Description of goods	Quantity
1	2	3	4
1	M/s. Silvertown Lubricants (I) Ltd., Calcutta.	(a) Lubricating Oils (b) Greases	(a) 12,81,810 I. G. (b) 652 tons-520 lbs.
2	,, Caltex (India) Ltd., Bombay.	(a) Lubricating Oils (b) Greases	(a) 18,93,275 I. (b) 553 tons-1930 lbs.
3	,, C. C. Wakefield & Co., Bombay.	(a) Lubricating Oils (b) Greases	(a) 9,16,045 I. G. (b) 171 tons-1760 lbs.
4	,, Standard Oil Vacuum Co. Bombay.	(a) Lubricating Oils (b) Greases	(a) 9,18,976 I. G. (b) 6,116 tons-406 lbs.
5	,, Hard Castle Waud & Co., Bombay.	(a) Lubricating Oils (b) Greases	(a) 60,000 I. G. (b) 147 tons-720 lbs.
6	,, Meto Lubricants Bombay.	(a) Lubricating Oils (b) Greases	(a) 25,000 I. G. (b) 4 tons-1040 lbs.
7	,, Burmah Shell Oil (India) Ltd., Bombay.	(a) Lubricating Oils (b) Greases	(a) 19,94,800 I. G. (b) 6 tons-0 lbs.
8	,, Patel's India, Bombay.	(a) Lubricating Oils (b) Greases	(a) 50,000 I. G. (b) 17 tons-1920 lbs.
9	,, Amchand Das Dwarka Dass, Madras.	(a) Lubricating Oils (b) Greases	(a) 14,76,000 I. G. (b) 75 tons-0 lbs.
10	,, American Oil and Trading Co., Ahmedabad.	(a) Lubricating Oils (b) Greases	(a) 81,092 I. G. (b) 13 tons-880 lbs.
11	,, Tide Water Co. (India) Ltd., Calcutta.	(a) Lubricating Oils (b) Greases	(a) 6,00,000 I. G. (b) 147 tons-720 lbs.
12	,, Freedom Kalmolina Oil Co., Calcutta.	(a) Lubricating Oils (b) Greases	(a) 68,125 I. G. (b) 8 tons-480 lbs.
13	,, Bombay Mercantile, Bombay.	(a) Grease	275 tons-0 lbs.
14	,, T. Biramji & Co., Bombay.	Oils	41,500 I. G.
15	,, Nelson Petroleum Co., Bombay.	Grease	25 tons-0 lbs.

Serial No.	Name and Address of Licence Holder	Description of goods	Quantity
1	2	3	4
16	M/S. Duncan Bros. Co. Ltd., Calcutta.	Grease	12 tons.
17	.. Arjun Das Gupta Bros., Calcutta.	Do.	11 tons:1360 lbs.
18	.. Betco Ltd., Calcutta	Oils	45,000 I. G.
19	.. Atlas Trading Co., Calcutta.	Do.	8,100 I. G.
20	.. Surya Bros., Calcutta	Do.	20,000 I. G.
21	.. Phoenix Oil Co., (India) Ltd., Delhi.	Do.	67,500 I. G.
22	.. Motor General Stores Supplying Co., Bombay	Do.	6,20,000 I. G.
23	.. H. J. Leich and Co. Bombay.	Do.	3,25,850 I. G.
24	.. Chandu Lal T. Parikh, Bombay.	Do.	63,250 I. G.
25	.. Overseas Trading Co., Sialkot.	Do.	12,500 I. G.
26	.. Getty Bros & Co., Bombay.	Do.	2,25,000 I. G.
27	.. Danial & Co., Murteen- pur.	Do.	80,000 I. G.
28	.. Martin & Co., Calcutta	Do.	1,84,770 I. G.
29	.. Chundri Sreeromlee, Ellore.	Do.	5,850 I. G.
30	.. National Petroleum Co., Bombay.	Do.	1,40,000 I. G.
31	.. Mangal & Co., Calcutta	Do.	2,00,000 I. G.
32	.. J. Byron & Co., Bombay	Do.	9,000 I. G.
33	.. Toyal & Co., Hissar	Do.	3,00,000 I. G.
34	.. Prabhat Trading Co., Jamnagar.	Do.	9,000 I. G.
35	.. E. M. N. Sura, Bombay	Do.	13,500 I. G.

Serial No.	Name and Address of Licence Holder	Description of goods	Quantity
(1)	(2)	(3)	(4)
36	M/S. Asian Trading Co., Bombay.	Oils	1,500 I. G.
37	„ The Kela Co., Bombay .	Do.	22,040 I. G.
38	„ M. C. Shah & Co., Calcutta.	Do.	22,500 I. G.
39	„ M. M. Robindernath, Bombay.	Grease	8 tons—1080 lbs.
40	„ Madhuns & Co., Bombay	Oils	25,000 I. G.
41	„ Girdhari Lal & Co., Karachi.	Do.	1,35,000 I. G.
42	„ India Motor Trading Co., Bhavnagar.	Do.	5,400 I. G.
43	„ Maya Shanker P. Pathani, Bombay.	Do.	1,00,000 I. G.
44	„ Parnand Manik Lal & Co., Bombay.	Do.	4,500 I. G.
45	„ Electric Trading Co., Bombay.	Do.	50,000 I. G.
46	„ A. R. Mookerji & Co., Calcutta.	Do.	90,000 I. G.
47	„ Janson Oil Co., Calcutta	Do.	90,000 I. G.
48	„ Indo Burmah Petroleum Co., Ltd., Calcutta.	Do.	24,000 I. G.
49	„ Balmer Lawrie & Co., Ltd., Calcutta.	Do.	3,00,000 I. G.
50	„ United Oil Co., Cawnpore	Do.	90,000 I. G.
51	„ Kilburn & Co., Calcutta	Do.	10,000 I. G.
52	„ Kaye Marden & Co., Calcutta.	Do.	1,00,000 I. G.
53	„ Greaves Cotton & Co., Bombay.	Do.	1,14,244 I. G.
54	„ P. K. Agneer, Bombay .	Do.	10,000 I. G.
55	„ Shanti Lal Phulchand Shah, Bombay.	Do.	1,00,000 I. G.
56	„ Atlantic Oil Co., Cal- cutta.	Do.	90,000 I. G.
57	„ M. A. Malik & Co., Bombay.	Do.	50,000 I. G.

Serial No.	Name and Address of Licence Holder	Description of goods	Quantity
(1)	(2)	(3)	(4)
58	M/S. U. D. Patel & Co., Bombay.	Oil	12,500 I. G.
59	.. Valji N. Thakar, Bombay	Do.	5,40,000 I. G.
60	.. Farmago Ltd., Bombay.	Do.	4,50,000 I. G.
61	.. Hindustan Petroleum Co., Calcutta.	Do.	25,000 I. G.
62	.. Shri & Grover, Karachi	Do.	7,55,000 I. G.
63	.. Geta Bros., & Co., Bombay.	Do.	2,25,000 I. G.
64	.. Bhagwan Bulchand Mal- kani, Bombay.	Do.	53,000 I. G.
65	.. Mutual Co., Ltd., Bombay.	Do.	50,000 I. G.
66	.. Don Mason & Co., Ltd., Calcutta.	Do.	5,00,000 I. G.
67	.. Turner Hoare & Co., Ltd., Bombay.	Do.	2,02,500 I. G.
68	.. Sreepati Bros., Bagwada	Do.	8,595 I. G.
69	.. National Corporation Ltd., Lahore.	Do.	25,000 I. G.
70	.. Nowrooji Wadia & Sons, Ltd., Bombay.	Do.	24,100 I. G.
71	.. Continental Oil Co., Madras.	Do.	9,000 I. G.
72	.. V. L. & Co., Bombay .	Do.	10,500 I. G.
73	.. Vajjnath & Co., Karachi	Do.	18,000 I. G.
74	.. S. N. Kashyap Bros., Lahore.	Do.	1,00,000 I. G.
75	.. G. H. Lentin & Sons, Ahmedabad.	Do.	9,000 I. G.
76	.. Sales Corporation, Bombay.	Do.	67,500 I. G.
77	.. Narottan Das Karam Das & Co., Bombay.	Do.	60,000 I. G.
78	.. Universal Oil Corpora- tion, Lahore.	Do.	10,500 I. G.

STAY IN INDIA OF MR. SATCHELL A SOUTH AFRICAN WHITE

739. *Shri Lakshminarayan Sahu: Will the Honourable the Prime Minister be pleased to state:

(a) whether it is a fact that Mr. Satchell, now at the Christa Prema Seva Sangh, Poona, is a South African White;

(b) whether it is a fact that he had championed the cause of Indians in South Africa and was imprisoned for his participation in the Indian Satyagraha movement;

(c) whether he had been in India before and if so, when;

(d) whether Government are aware of the purpose of his present visit to India;

(e) whether in coming to India he had fulfilled all the conditions imposed on South African Whites under the Reciprocity Act;

(f) whether Government are aware that before he disembarked in Bombay, he was taken to the police station;

(g) what action the police took before discharging him; and

(h) whether in view of his championship of Indians' cause in South Africa and the purpose of his present visit to India, he will be permitted to stay in India as long as he wishes?

The Honourable Sardar Vallabhbhai Patel: (a) Yes.

(b) Yes.

(c) It is reported that he spent six years in India, his last visit to India being in 1938-39.

(d) Yes.

(e), (f) and (g). Information has been called for and will be laid on the table of the House when it is received.

(h) Government will consider any such request favourably.

Shri Lakshminarayan Sahu: May I know what is the real policy of the Government of India towards the entry of South African whites into this country?

The Honourable Sardar Vallabhbhai Patel: The question does not arise from the reply given.

Shri Rohini Kumar Chaudhuri: Arising from (b) may I know whether this is a British organisation or a Hindu organisation; whether it refers to Shri Krishna or Jesus Christ?

Mr. Speaker: Order, order. It is obvious.

MOVEMENT OF EAST BENGAL HINDUS TO WEST BENGAL

740. *Pandit Hirday Nath Kunzru: (a) Will the Honourable Minister of Relief and Rehabilitation be pleased to state what is the number of Hindus who have moved from East Bengal into West Bengal since the 15th August 1947?

(b) Have Government established any organization to provide accommodation for them and arrange for their maintenance?

(c) Is a steady exodus of Hindus from East Bengal going on?

(d) If so, what is the approximate number of Hindus arriving every week in West Bengal?

(e) What is the exodus due to?

(f) Have Government taken the matter with the Government of East Bengal?

(g) If so, what is the result of the negotiations?

The Honourable Shri K. O. Neogy: (a) No detailed check has been made but it is estimated by the Government of West Bengal Province that approximately 2 lakhs Non-Muslims have arrived in West Bengal from East Bengal since the 15th August, 1947.

(b) The Provincial Government have reported that the majority of these evacuees appear to possess means with which to rehabilitate themselves. No large scheme of relief and rehabilitation has, therefore, been undertaken so far. For genuinely destitute persons who have migrated into the Nabadwip district, a former military camp is being used as a camp.

(c) The exodus is still continuing but at a reduced pace.

(d) No estimate of the approximate number is possible.

(e) The main cause is panic arising from alleged threats of violence; in some cases it was economic boycott by the majority community.

(f) and (g). The question of discussing the entire situation with the Pakistan Government is under consideration.

Pandit Hirday Nath Kunzru: As this exodus has been going on now for months, how is it that the Government of India are still considering the question of taking up the matter with the Pakistan Government?

The Honourable Shri K. O. Neogy: As the Honourable Member would realise, we depend upon the West Bengal Government to a very large extent in assessing the nature of the problem and the reports that reached us from West Bengal did not indicate the necessity of taking any definite action.

Pandit Hirday Nath Kunzru: When did the Honourable Minister of the Government of India come to know of the magnitude of the exodus?

The Honourable Shri K. O. Neogy: Well, we made enquiries a few days ago and the result is what I have stated in reply to the Honourable Member's question.

Pandit Hirday Nath Kunzru: Does the Honourable Minister mean that but for the enquiry made by the Government of India, the West Bengal Government would not have informed him of the scale on which the exodus was going on?

The Honourable Shri K. O. Neogy: The West Bengal Government has been in touch with the Government of India, but I do not know if they gave any definite information requiring action on the part of the Central Government.

Pandit Hirday Nath Kunzru: May I ask the Honourable Minister if he can give me information regarding the number of people who are without any accommodation and who need relief?

The Honourable Shri K. O. Neogy: I am afraid this question does not arise from the present question. But I could make enquiries on the point raised.

Pandit Hirday Nath Kunzru: Will the Honourable Minister make enquiries now?

The Honourable Shri K. O. Neogy: Yes, if the Honourable Member so desires. As I have already said, according to the West Bengal Government, the evacuees appeared to possess means with which to rehabilitate themselves, apart from a number of persons who have proceeded to Nabadwip district and who have been accommodated in camps.

Shrimati Renuka Ray: Is Government aware that there is a very large number of women also who are destitute and have come across from East to West Bengal and arrangements for their accommodation and training are provided for by private organisations, and thus it is not correct to say that they are all able to rehabilitate themselves?

The Honourable Shri K. O. Neogy: We have to depend upon the Provincial Government for information on all these various points, and I have stated what

I have obtained from the Provincial Government in reply to the various questions.

Prof. Shibban Lal Saksena: Will the Honourable Minister, now that he has got information from the Honourable the lady Member, make enquiries?

The Honourable Shri K. C. Neogy: We shall pass all the points that have been raised by the Honourable Members to the Provincial Government and I expect they will send us their replies in the near future.

Shri Mihir Lal Chattopadhyaya: May I know from the Honourable Minister what is the nature of assistance that has been sought by the West Bengal Government from the Central Government and what is the assistance that has been given to the West Bengal Government by the Central Government?

The Honourable Shri K. C. Neogy: I do not recollect having received any request for assistance from the West Bengal Government in this matter.

Pandit Hirday Nath Kunzru: Has there been any discussion about this matter so far between East and West Bengal Governments?

The Honourable Shri K. C. Neogy: I have no definite official information on the point, but I understand there have been discussions.

Shri Mihir Lal Chattopadhyaya: The Honourable Minister has stated that about 2 lakhs refugees have come over from East to West Bengal. May I know up to what date does this figure relate?

The Honourable Shri K. C. Neogy: Up to a few days ago, according to information received from West Bengal Government.

Shri K. V. Kamath: In answer to part (a) the Honourable Minister has referred to the movement of "Non-Muslims" from East to West Bengal. Does the Honourable Minister mean, by "Non-Muslims" Hindus only or all communities barring Muslims?

The Honourable Shri K. C. Neogy: I would not definitely state that there were no other Non-Muslims evacuated from East Bengal. It is in these terms that we have received information from West Bengal Government.

Prof. Shibban Lal Saksena: May I know the number of Muslims who have gone from West to East Bengal?

The Honourable Shri K. C. Neogy: I am afraid the question does not arise. However, I have not got that information.

DEATH OF BHAI PARMANAND

Mr. Speaker: Before we proceed to the next item of business, I, on behalf of the House, express the deep sorrow which all of us feel on account of the sad demise of Bhai Parmanand, who was a member of this House
12 Noon for about 15 years. He had a brilliant academic career and served his country to the best of his ability at great sacrifice. We are all very sorry that he has left us, and our sympathies naturally go to the members of his family. The House, by this reference may record its sense of sorrow and sympathy for the family of the deceased by Honourable Members standing and then resuming their seats.

Shri K. Santhanam (Madras: General): Sir, before you proceed with the agenda, I have got to make a complaint. I got the papers this morning at 10 O'clock and I find that except for items Nos. 19, 20 and 21, in all the other new items included in the agenda are new and we must have some time to look through these matters and read them. I suggest, Sir, that arrangements should be made to give us at least 2 clear days' notice of motions. Otherwise, there is no time for us to table amendments.

Mr. Speaker: We will consider that point. The Honourable Member means to say about certain consideration motions that he did not know which specific motion was coming for consideration today. Of course, that is an important point. I will see to it that no inconvenience is caused and I will also see what is possible so far as waiving of notices of amendments is concerned.

Prof. Shibban Lal Saksena (U. P.: General): Will the Honourable the Speaker waive the rule in connection with the amendments that may be tabled with reference to the Bills before the House today?

Mr. Speaker: It is very difficult just to say generally about all such cases. It will depend upon the importance of the Bill, the nature of the amendment, the wishes of the House and so many other things. I cannot generally decide and say that in all cases I shall waive notice. I will consider each case on its merits and I will give each member all chance of having an equitable and just treatment in so far as tabling of amendments is concerned and if the Honourable Members have not got sufficient time, that fact and other circumstances will be taken into consideration.

SHORT NOTICE QUESTION AND ANSWER

INTERRUPTION OF ELECTRIC SUPPLY BETWEEN JANGPURA AND NIZAMUDDIN ON THE 1ST DECEMBER 1947

Pandit Mukut Bihari Lal Bhargava: (a) Will the Honourable Minister of Works, Mines and Power be pleased to state whether Government are aware that there was a serious interruption of electric supply in the area between Jangpura and Nizamuddin of New Delhi on the evening of Monday, the 1st December 1947?

(b) Are Government aware that similar interruptions have taken place frequently in the last two months?

(c) Have Government made any enquiry in this connection and if so, what is the result of such enquiry and what steps have Government taken or propose to take to avoid such repetitions in the future?

The Honourable Shri N. V. Gadgil: (a) Yes.

(b) and (c). From enquiries it appears that electric supply was interrupted on four occasions in certain areas. The first interruption for two minutes on the night of 1st October 1947 was due to a fault in a pole mounting box. Supply of electricity was made available by an alternative route within two minutes. The second interruption was on the 5th October 1947 for 10 minutes due to drop of steam pressure in the boilers of the Central Power House. The third interruption for two minutes occurred on the 2nd November 1947 due to a transient fault in the mains of the Electric Lane Sub-Station in New Delhi. The fourth interruption on the night of 1st December was due to a stout piece of galvanised iron wire being thrown on the overhead high tension line between Nizamuddin and Jangpura. The New Delhi Municipal Committee who are in charge of this high tension line have made full enquiries and are considering the question of preventive measures. The Honourable Members will no doubt appreciate the difficulty of taking preventive measures against deliberate mischief.

Prof. N. G. Ranga: May I ask the Honourable the Minister whether Government had any information at all that deliberate mischief was really caused by any individuals or any group?

The Honourable Shri N. V. Gadgil: If we only get that definite information, the men will be behind the prison walls.

Pandit Mukut Bihari Lal Bhargava: May I know what was the duration of the last interruption on 1st December.

The Honourable Shri N. V. Gadgil: It occurred three times at an interval of 10 minutes each.

Prof. N. G. Ranga: Was any sabotage suspected and if so, were the police investigating the matter?

The Honourable Shri N. V. Gadgil: Sabotage is not definitely suspected, but the matter has been reported to the police.

Shri Mohan Lal Saksena: Is the Honourable Minister aware that there was a break-down yesterday morning as well between 5 and 6 O'clock.

The Honourable Shri N. V. Gadgil: As there was ample light, the Honourable Member did not notice it.

Shri Mohan Lal Saksena: If the Honourable Member is awake by that time, he will know that there is no light after 6 O'clock.

The Honourable Shri N. V. Gadgil: The Honourable Member is an early riser.

MOTION FOR ADJOURNMENT

Zulum on Harijans in Pakistan.

Mr. Speaker: I have received notice of an adjournment motion from the Honourable Mr. Nagappa and two others and the subject-matter for adjournment is:

"The *Zulum* exercised on *Harijans* in Pakistan areas by compelling them to embrace *Islam* and preventing them from crossing the borders of Pakistan to come over to the Indian Union."

Whatever the importance of the matter, it does not come within what the rules prescribe as 'urgency' and I do not think therefore this motion.....

Mr. Nagappa: Sir, I do not wish to move it.

ELECTION TO ALL-INDIA COUNCIL FOR TECHNICAL EDUCATION

آنریبل مولانا ابولکلام آزاد : جناب ! میں یہ تجویز پیش کرتا ہوں اس اسمبلی کو چاہئے کہ اس طریقہ پر جسکو کہ آنریبل سپیکر منظور کرے اپنی تعداد میں سے پانچ ممبروں کو چلے یہ چلے ہوئے ممبران اس آل انڈیا کونسل فار ٹیکنیکل ایجوکیشن کے ممبران ہونگے جسکو کہ گورنمنٹ آف انڈیا نے قائم کیا ہے ۔

جناب ! اس سلسلے میں میں صرف یہ کہنا چاہتا ہوں کہ ۱۹۶۵ ع میں یہ کونسل قائم کیا گیا اور اسوقت لہجسلیٹو سے اس میں تین ممبر رکھے گئے تھے ۔ ایک کونسل آف سٹیٹ کی طرف سے اور دو لہجسلیٹو اسمبلی کی طرف سے ۔ اسکے بعد یہ تعداد ۱۹۳۶ ع میں بڑھائی گئی ۔ اور کونسل آف سٹیٹ کی طرف سے دو اور لہجسلیٹو اسمبلی کی طرف سے ۵ ممبران اس میں رکھے گئے ۔ اب ۱۵ اگست ۱۹۴۷ ع کو جیسا کہ آپکو معلوم ہے یہ پچھلے دنوں لہجسلیٹو ختم ہوئے اور انکی جگہ اسی قومہنیں لہجسلیٹو نے لی ۔ جب یہ مسئلہ ملتانی کے سامنے آیا تو اسات کی ضرورت محسوس ہوئی کہ اس میں کچھ تبدیلیاں ہونی چاہئیں چلتی

کچھ تبدیلیاں کی گئیں اور یہ قرار پایا کہ اس سال پانچ ممبران اس ہاؤس سے اس کونسل میں آئے جائیں۔

(English translation of the above speech)

The Honourable Maulana Abul Kalam Azad (Minister of Education): Sir, I move:

"That the members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their own numbers to be members of the All-India Council for Technical Education constituted by the Government of India."

Sir, in this connection I simply want to say that this Council was set up in 1915 and at that time it constituted of three members elected by the Legislature; one from the Council of State and two from the Legislative Assembly. Afterwards, this number was increased in 1916, and two members from the Council of State and 5 from the Legislative Assembly were included in it. As you are aware, these two former legislatures ceased to exist with effect from 15th August and have been replaced by the present Dominion Legislature. When this matter was brought up before the Ministry, the necessity was felt that some changes should be made in it. Consequently certain changes were made and it was decided that during the current year, five members from this House should be included in this Council.

Mr. Speaker: Motion moved:

"That the Members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from among their own numbers to be members of the All-India Council for Technical Education constituted by the Government of India."

Shri M. S. Aney (Deccan and Madras Group): Sir, may I know why the membership which, as drawn from the Council of State and the Assembly, used to be seven is now reduced to five?

آنریبل مولانا ابوالکلام آزاد : اس بارے میں ہم نے قانونی مجلسوں سے مشورہ کیا تھا۔ اور انہوں نے یہ رائے دی اس میں صرف پانچ ممبر کافی ہیں اور سات کی ضرورت نہیں ہے۔

The Honourable Maulana Abul Kalam Azad: In this connection we consulted the Ministry of Law, who expressed the opinion that it was quite sufficient to have only five members and that seven were not necessary.

سری ایم۔ ایس۔ اے : کیا سات سے تکلیف ہوتی ہے ؟

Shri M. S. Aney: Was seven an inconvenient number?

مولانا ابوالکلام آزاد : سات ممبر ضرورت سے زیادہ تھے۔

The Honourable Maulana Abul Kalam Azad: Seven members were more than necessary.

سری شبان لال سکسینہ : اس کمیٹی میں کل کتنے ممبر ہیں۔

Shri Shibban Lal Saxena (U. P.: General): How many members constitute this Committee?

آنریبل مولانا ابوالکلام آزاد : چونکہ اس میں چھ ممبر تھے مختلف جماعتوں کی تھے اس لئے وہ سب ملا کر اسکی تعداد آٹھ یا ہاٹھ ممبران کی ہوتی ہے۔

The Honourable Maulana Abul Kalam Azad: It consists of representatives of various classes, therefore taking all these together, their number comes to 51 or 52.

مسٹر حسین امام : کیا انکی اس تعداد میں بھی کچھ کسی کی ٹٹی پاکہ صرف
ممبران لیجسلیچر کی تعداد میں کسی کی ٹٹی -

Mr. Hussain Iman (Bihar: Muslim): Was any reduction made in respect of their number also, or only the number of members of the Legislature were reduced?

آنریبل مولانا ابوالکلام آزاد : انکی پوری تعداد میں کسی نہیں کی گئی لیکن
یہ رائے قائم پائی کہ لیجسلیچر سے جو پانچ ممبران لئے جاتے تھے وہ ہی کافی ہیں -

The Honourable Maulana Abul Kalam Azad: No reduction was made in the total number, but it was decided that the number of five members which are elected from the Legislature is quite sufficient.

Dr. P. S. Deshmukh (C. P. and Berar: General): Will the Honourable Member take into account the request of this House and raise the number to seven?

Mr. Speaker: It is for the House to decide. There are so many Committees on which a large number of Members are working. But that is a matter of opinion and it is for the Honourable Minister to consider whether he will increase the number or not if the House so desires.

آنریبل مولانا ابوالکلام آزاد : مجلس نے پانچ کی تعداد کافی سمجھی اور میں
یہ سمجھتا ہوں کہ ممبران کی تعداد سات تک کرنے سے کوئی خاص نفع نہیں
نکلےگا۔

The Honourable Maulana Abul Kalam Azad: The Ministry considered the number of five quite sufficient, and I think that no useful purpose will be served by raising the number of members to seven.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, the desire to increase the number expressed an earnest desire to work and to take an increasing part in the affairs of Government; it is not just for the sake of increasing the number.

Mr. Speaker: That is always presumed. The question is:

"That the members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker, five persons from their own numbers to be members of the All-India Council for Technical Education constituted by the Government of India."

The motion was adopted

Mr. Speaker: I have to inform Honourable Members that for the purpose of election by means of the single transferable vote of members to the All India Council for Technical Education the programmes of dates will be as follows:

1. Nominations to be filed in the Notice Office upto 12 noon on Wednesday the 10th December.

[Mr. Speaker]

2. Election, if necessary, will be held on Thursday, the 11th December, in the Assistant Secretary's room (No. 21) in the Council House between the hours of 10-30 A.M. and 1 P.M.

INDIAN COTTON CESS (AMENDMENT) BILL

The Honourable Dr. Rajendra Prasad (Minister for Agriculture): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Cotton Cess Act, 1923.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Indian Cotton Cess Act, 1923."

The motion was adopted.

The Honourable Dr. Rajendra Prasad: Sir, I introduce the Bill.

SALARIES OF MINISTERS BILL

The Honourable Sardar Vallabhbhai Patel (Minister for Home, Information and Broadcasting and States): Sir, I beg to move for leave to introduce a Bill to provide for the salaries of Ministers.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the salaries of Ministers."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

AJMER-MERWARA (EXTENSION OF LAWS) BILL

The Honourable Sardar Vallabhbhai Patel (Minister for Home, Information and Broadcasting and States): Sir, I beg to move for leave to introduce a Bill to provide for the extension of enactments to the Province of Ajmer-Merwara.

Mr. Speaker: The question is:—

"That leave be granted to introduce a Bill to provide for the extension of enactments to the Province of Ajmer-Merwara."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I introduce the Bill.

FEDERAL COURT (ENLARGEMENT OF JURISDICTION) BILL

The Honourable Dr. B. R. Ambedkar (Minister for Law): Sir, I beg to move for leave to introduce a Bill to provide for the enlargement of the appellate jurisdiction of the Federal Court in Civil cases.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the enlargement of the appellate jurisdiction of the Federal Court in Civil cases."

The motion was adopted.

The Honourable Dr. B. R. Ambedkar: Sir, I introduce the Bill.

EXTRA-PROVINCIAL JURISDICTION BILL

The Honourable Sardar Vallabhbhai Patel (Minister for Home, Information and Broadcasting and States): Sir, I move:

"That the Bill to provide for the exercise of certain extra-provincial jurisdiction of the Central Government, as reported by the Select Committee, be taken into consideration."

This Bill was referred to a Select Committee and their report is practically unanimous except on one point on which a minute of dissent has been appended by certain members. There are also several amendments of a similar type from several Honourable Members. But it is a short measure intended to fill a gap which arose out of the lapse of Paramountcy: As I have stated before Government had to intervene because in certain areas by the lapse of Paramountcy there was no authority at all and there was a danger of anarchy prevailing there. The Bill has with reference to a limited part of the country where non-jurisdictional or semi-jurisdictional States are situated, such as Kathiawar in Western India and Manipur round about that area. I think this is an absolutely non-controversial measure: an Ordinance is in existence and this Bill is based more or less on that Ordinance. I will not take any more time of the House. Sir, I move.

Mr. Speaker: Motion moved: .

"That the Bill to provide for the exercise of certain extra-provincial jurisdiction of the Central Government, as reported by the Select Committee, be taken into consideration."

Shri K. Santhanam (Madras: General): Sir, I welcome this Bill. It is wholly non-controversial and I will not take up much time of the House. But I want to make one point. I am glad that the Honourable Minister has made it clear that this House has the right to pass Bills relating to areas which are not only under our jurisdiction today but may come under our jurisdiction hereafter. The Preamble states:

"Whereas by treaty, grant, usage, sufferance and other lawful means, the Central Government has and may hereafter acquire, jurisdiction in and in relation to areas outside the Province of India:—"

This is amplified in the definition of 'extra-provincial jurisdiction' and in clause 3 where it is said:

"It shall be lawful for the Central Government to exercise extra-provincial jurisdiction in such manner as it thinks fit."

Sir, you may remember that yesterday this question came up as to whether this Assembly can pass a Bill which refers to jurisdiction which may hereafter come under its powers.

It was argued that we cannot have a speculative measure and I am glad that this point is made clear and I congratulate the Home Member on it.

Kazi Syed Karimuddin (C. P. and Bernar: Muslim): Sir, I move:

"That the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion thereon."

Sir, I fully realize that the matter under discussion is very delicate and I should not make any statement to complicate the relations between the States and the Union. I also realize that the relation between the States and the Union are in a great state of confusion, because we have to depend only on the Instrument of Accession. I fully realize that the Member in charge of the States has a stupendous work in establishing relations between the states and the Union and that he has been doing it with admirable skill.

Before I come to the particular provisions of this Bill, I submit that every one of us is looking forward to a time when there is no distinction between a

[Kazi Syed Karimuddin]

Union Province and a State. The direct relationship between the States and the British Government was created only to avoid this day—that they should be away from the Government of India.

The Preamble of this Bill, Sir, is:

"Whereas by treaty, grant, usage, sufferance and other lawful means, the Central Government has, and may hereafter acquire, jurisdiction in and in relation to areas outside the Provinces of India:"

After the Independence Bill was enacted in Parliament all the relations between the States and the Government of India lapsed. In his speech in the House of Lords, Lord Listowel said:

"Clause 7, sub-section (1) and the proviso to the clause deal with relations with the Indian States. Your Lordships will remember that the Cabinet Mission in their memorandum of May 13, 1946, informed the States that His Majesty's Government would in no circumstances transfer paramountcy to an Indian Government. To that pledge we firmly adhere to. We are therefore proposing that from the date when the new Dominions are set up the Treaties and Agreements which gave us suzerainty over the States will become void and the States will be masters of their fate."

Now, Sir, the legal position is that after paramountcy lapsed, there is no usage, no sufferance, no grant, except the Instrument of Accession by virtue of which the States have acceded to the Union. The Instrument of Accession is very clear on this point:

"I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India"

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

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

The relations between the States and the Indian Union are based on contract or on terms specifically mentioned in the Instrument of Accession and not based on usage, sufferance or grant. The wording in this Bill used regarding usage, sufferance and grant will be inconsistent with the terms of the Instrument of Accession. After paramountcy lapses, there is no usage, sufferance or grant that can continue. All these relations which existed between the Crown and the States have lapsed.

The Law Minister while arguing yesterday said that there could be no legislation on any matter which is not provided in the Government of India Act and Schedule. Now, the passing of this Bill with these words which I have already quoted, will be inconsistent with the terms of the Instrument of Accession. Therefore, my submission is that in view of the provisions of the Independence Act, in view of the provisions of the Instrument of Accession, the words used—"grant, usage, sufferance" must be deleted.

Another matter which I want to bring to the notice of the House is Clause 6 of the Bill. Clause 6 of the Bill mentions:

"If in any proceeding civil or criminal, in a Court established in the Provinces or by the authority of the Central Government outside the Provinces, any question arises as to the existence or extent of any extra-provincial jurisdiction of the Central Government, the Secretary of the Government of India in the appropriate department shall, on the application of the Court, send to the Court the decision of the Central Government on the question, and that decision shall for the purposes of the proceeding be final."

The interpretation of the treaties, the interpretation of special terms of the Instrument of Accession and other terms between the States and the Indian

Union will be decided by the Secretary to the Government. If any such law point arises in a court of law about jurisdiction, the opinion and the findings of the Secretary of the Union will be final. My submission is that if contractual relations are established, if relations are based on terms of agreement by treaty or accession then it should be open to the judicial Court or the Federal Court of India or some other Court to interpret such terms and it should not be left to the executive authority vested in the Secretary to Government. The Government of the Union or the Secretary cannot be a judge and a party at the same time. Such a valuable right of interpretation regarding jurisdiction should not be vested in the executive in the person of the Secretary to Government. My submission is that with a view that the States may not be alarmed, we should not pass any law which is inconsistent with the Instrument of Accession.

I have moved this motion that the opinion of those concerned and those who are interested in the problem should be taken before such a Bill is enacted and brought on to the statute book.

Mr. Speaker: The Honourable Member has used the words "eliciting opinion". Whose opinion?

Kazi Syed Karimuddin: The States and those interested in the matter.

Mr. Speaker: Amendment moved:

"That the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion thereon.

The Honourable Sardar Vallabhbhai Patel: Sir, I am surprised that this motion has been moved for circulating the Bill for eliciting opinion. The Bill is one which is absolutely harmless, which affects nobody, except, as I have said, where there is a possibility of a vacuum being created. I do not think there is any need for the States which have acceded to us to suspect anything in this Bill. The representatives of the States are here, almost all of them, and I do not see any point why a reference is to be made to them. I wish to make it clear that there is no desire to encroach upon the authority of any State. The object of the Bill, as I have made it abundantly clear (and it ought to be the object of every body in this House, even of the representatives of the States) is that in the Union of India or in any area outside the provinces within the Union of India there cannot remain any spot over which there is no jurisdiction. We cannot allow any such thing and therefore this Bill is introduced in order to legalise the existing Ordinance, the promulgation of which became necessary when on the 15th August there were certain areas in Western India and in the Eastern Agency and certain other areas where there were pockets over which there was no jurisdiction. Besides, apart from the Instrument of Accession, there have been cases where it has become necessary for the smaller states, even for their own protection, to approach us to take over jurisdiction. I would quote the instance of the Nilgiri State near Orissa where there was complete anarchy and danger of the ruler being killed. The ruler himself sent us telegrams and the people also approached us saying that there was going to be complete anarchy and violence and misrule. Uneducated people were incited and they took into their heads that there was neither the British rule nor any other authority, as paramountcy had lapsed. Such a state of affairs cannot be allowed. This was an acceding State which approached us to take over the whole administration. Therefore we had immediately to instruct the District Magistrate of the neighbouring area to go into the state with adequate forces and take over the administration. We received numerous congratulatory telegrams in this connection. We must remember that there are about four or five hundred petty or small states in which these conditions are likely to arise. This was contemplated by the Political Department before they left and tried to bring about mergers, groups or coalitions but these were all artificial arrangements, under which in spite of all

[Sardar Vallabhbhai Patel]

their efforts conditions are likely to arise when we may have to step in. We tried our best on behalf of the Government of India or on behalf of the States Department to give no cause to even the smallest state to feel that the Government had any design or intention to set up any paramountcy or any other authority except with their consent or their agreement. If there is a vacuum and there is nobody to step in, it would be a dangerous thing to allow. Therefore we have in this Bill introduced a phraseology which is copied from another enactment. Phraseology like "treaty, grant, usage, sufferance or other lawful means" has been taken from another enactment and there is no reason to suspect or doubt our *bona fides*. Therefore, as I said, there is no need for the circulation of the Bill, as it has been considered by the Select Committee. Even as regards consideration by a Select Committee I thought it was unnecessary. The states' representatives thought that it should go to a Select Committee and so I agreed. Sir, I oppose the motion. I have made it abundantly clear that there is no room for suspicion. I hope that the motion will be withdrawn.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I sincerely thank the Honourable Minister for making the position absolutely clear. It is not now therefore necessary for me to support the motion for circulation; but the sentiments expressed by the Honourable Minister should I think be clearly put down in the text of the Bill. It is from that point of view that I have tabled several amendments. The object of my amendments is to secure clarification. If it is not intended to affect the present relations which have been created by the Government of India Act and the Indian Independence Act—a relation which is now purely contractual, then there is no harm in making it clear. As the Bill stands its terms are much wider than the orally declared object of the Bill. It is from that point of view, to secure clarification by the use of suitable phraseology, that I have tabled my amendments.

It is no doubt true that the wording "treaty, grant, usage, sufferance and other lawful means" has been taken almost bodily from the English enactment, the Extra-territorial Jurisdiction Act, 1890. But the circumstances prevailing when the Foreign Jurisdiction Act was passed the Rules relating to India thereunder were framed, were entirely different from what they are today. At this stage, when the motion for consideration is before the House, I need not go into much detail but I shall do so later on in connection with the amendments. Briefly the position that I would take is this. At the time when the Foreign Jurisdiction Act of 1890 was passed by the Parliament, the relation between the Crown and the various colonies was not dependent upon any treaty or grant alone but it was a question of gradual growth, a question of common law, which is peculiarly the English way of developing the law. When the English Act was adopted in India by means of suitable rules, the Indian (Foreign Jurisdiction) order in Council, 1902, the same phraseology was used, because at that time the relation between the Crown and the States largely upon usage, sufferance and other lawful means. It is a well-known fact that the British Government did not acquire power in India by means of any statute or treaty on any particular day. The development of British power in India is a matter of slow growth. No one can say on what date, by what document, by what specific Act the British Government obtained jurisdiction over the States in India. The relations were then certainly dependent upon "grant, treaty, usage, sufferance and other lawful means." But since the Indian Independence Act was passed the Government of India Act has been adapted in accordance therewith. On and from the 15th August the relationship between the Crown and the Indian States has completely changed. From usage and other vague and undefinable sources of authority we have now come to contracts. It is definitely laid down that the relation between

the Government of India and the States would depend upon the Instrument of Accession or supplementary Instruments as the case may be. The Honourable Minister has been pleased to explain that there have been requests from some small States for interference, That would really be equivalent to an Instrument of Accession.

It is to make this point clear that I have tabled those amendments. I do not think any useful purpose will be served by sending the Bill for circulation, provided these points which are adequately covered by the proposed amendments are considered in the House and given effect to. On these considerations I should submit that the House should rather proceed with the consideration of the Bill.

As regards the amendment proposed by my friend Kazi Syed Karimuddin, it is a very substantial one, namely that these facts should be brought to the notice of the public, especially of those who are interested—for instance the States—and their views taken. But I believe that the States are represented here and there are also Members in the House who would always be ready to do justice to them. In these circumstances, when the point is clearly before the House, I think the matter can be adequately and properly dealt with here and now on the floor of the House. It is from this point of view and in the hope that the amendments will receive full consideration in the House that I think I should not support the motion for circulation.

The Honourable the Minister for Law yesterday made a very remarkable admission that this House has no jurisdiction to pass any law or accept any amendment which would go outside the scope of the Instruments of Accession or supplementary Instruments of Accession so far as the States are concerned. I should, at a later stage, very respectfully ask the Honourable Minister to stick to that statement because if that view is right—and I have not the least doubt that it is absolutely right and constitutional and is the proper view—I should then think the Bill should require careful revision in the House.

I think, Sir, it is not permissible to discuss or even to refer to matters which took place in the Select Committee. I would not therefore refer to them. I have carefully considered the Bill and I think its terms will lead to a great deal of complications. I shall submit my suggestions at the proper time when the appropriate amendments come before the House. At present I should rather support the motion for consideration of the Bill.

Shri N. Madhava Rau (Eastern States Group): Mr. Speaker, Sir I had not intended specifically to support this amendment. But after the explanation that has been given by the Honourable Minister as to the intentions of this Bill I feel that I ought to give expression to my views on this subject.

Looking to the Statement of Objects and Reasons, the Bill would appear to be a simple, if not a routine, measure of legislation; but the text of the Bill belies this impression. From the remarks which have fallen from the Honourable Minister I am led to think that this Bill rather marks a significant change of policy in relation at least to some of the States. While the Statement of Objects and Reasons specifically mentions "the semi-jurisdictional and non-jurisdictional States of Western India, Manipur, etc.," the Bill itself is not confined to these States, and the use of the word "etc." in connection with the Statements of Objects and Reasons seems to be rather unusual. The Honourable Minister assured the House that there is no intention of extending this measure to any States which had signed the Instrument of Accession. But he immediately also instanced a case in which the States Ministry had intervened, apparently under the only authority of usage and sufferance. With the passing of the Indian Independence Act all rights of paramountcy had ceased. In the Cabinet Mission statement this was made explicitly clear and the Indian Independence Act reproduces it in unmistakable language. It says:

"As from the appointed day the suzerainty of His Majesty over the Indian

[Shri N. Madhava Rau]

States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise."

Consistently with this, the Government of India Act provides for the States executing Instruments of Accession and Standstill Agreements. In other words, the only source of authority for the Central Government today in respect of States, irrespective of whether they are semi-judicial or non-judicial, is by means of Agreements. The Agreements have already been executed. The Act provides a method for enforcing those Agreements, and I do not see why the States Department of the Dominion Government should seek a supplemental source of authority which no longer exists. I am afraid that this piece of legislation is somewhat wrongly conceived because it seems to apply to Indian States, which form part of the Dominion, the law that was in force under the Foreign Jurisdiction orders formerly. We cannot have a rule of law and at the same time claim the right of interference at discretion under the power alleged to have been derived by usage or sufferance. The two seem to be quite inconsistent. The relations of Indian States today, with the Central Government irrespective of their size or importance, are constitutional or contractual and not feudal.

There seems to be a little confusion in invoking the aid of usage and sufferance in addition to the powers (that are fairly ample) given under the Instruments of Accession, standstill agreements and any other supplementary agreements that may be made in future. I therefore support the amendment proposed by the Mover.

Shri M. Ananthasayanam Ayyangar (Madras: General): Mr. Speaker, Sir, I do not support the amendment moved by my Honourable friend. There is a difference. The first set agreed to abide by the jurisdiction of the Dominion Legislature in regard to matters of Defence, External Affairs and Communication. The second set added to that instrument of accession a further clause stating that the Dominion Legislature may exercise criminal and civil jurisdiction over their States in all the ways in which the Paramount Power was exercising before the 15th day of August 1947. It is to give effect to that that this Bill has been brought into existence. It is true that the Dominion Legislature must have a right either constitutional or otherwise, by treaty or agreement. Clause 1 of that treaty, which is part I and printed as part II of the Instrument of Accession relating to different sets of States whose names are included in Schedule B, definitely contains a clause stating that the Dominion Legislature can enact laws and exercise jurisdiction in civil and criminal matters in respect of those States and this Bill gives effect to it. I do not know how this piece of legislation is *ultra vires* or tries to grab a jurisdiction which is not conferred. As a matter of fact it is conferred. What exactly is the manner by which that jurisdiction is being exercised by the Crown if not by treaty. It might have been by treaty or by agreement or by sufferance or by usage. In all those matters they themselves openly entered into an agreement that similar jurisdiction may be exercised by the Dominion Legislature. Therefore Sir, I do not see any reason why the amendment ought to be accepted.

Shri Lal Mohan Pati (Mayurbhanj State): Mr. Speaker, Sir, The Central Government seeks to get power for the purpose of dealing with matters arising in any area outside the jurisdiction of any province. Now evidently it includes areas outside the provinces, that is some State or States in India. Now by the Independence Act and also by the announcement publicly made by the Cabinet Mission, it is very clear that since the transfer of power by the British Government, all existing agreements between the British Crown on the one side

and the Indian States on the other arising out of any treaty, engagement, *sanad*, agreement or usage ceased to exist. That is, the States became so many sovereign States, and it is on the basis of this sovereignty of the States that subsequently some of the States entered into some relationship with the Government of India by what is called the Instrument of Accession. Now the terms and obligations arising out of the executed instruments of accession are the only basis by which any action to be taken by one of the parties to the agreement, be it the State or be it the Government of India, can be determined. That being so, the use of the words in the preamble "treaty, grant, usage, sufferance and other lawful means" appear to be not only very vague, but would appear to be rather very misleading and rather fraught with much misgiving. Again clause 6 of the Bill is still more ambiguous and appears to be for the purpose of conferring power on the Government itself constituting as the sole judge on any dispute which may ever arise regarding the existence of any usage or any jurisdiction between the State on the one side and the Government of India on the other side. Now what I beg to ask and put before the House is that if there is any instrument of accession executed by any State on one side and the Government of India on the other, that instrument is the only basis by which powers might have been derived by the Government of India for the purpose of either interfering or exercising any jurisdiction in or in relation to any affairs in any such State. That being so, this does not seem to be quite in consonance with the terms of the instrument of accession. The use of the words usage and sufferance make the Bill more dangerous. In view of this ambiguity and this dangerous position of the matter, I fully support the amendment, and further observe that the whole Bill may again be referred to a Select Committee.

Shri Yudhisthir Misra (Eastern States Group): Mr. Speaker, Sir, I oppose the amendment which has been moved by Honourable Mr. Kazi Syed Karimuddin, and I support the Bill moved by the Honourable Sardar Vallabhbhai Patel. Sir, I can assure the Honourable Minister on behalf of the people of Orissa and Chhattisgarh States that they have got full sympathy with the object of this Bill. It is contended by those who support the amendment that the Government of India has no authority to intervene and that the opinion of the public should be taken in this matter. Sir, as has been rightly observed by the Honourable Minister, the popular representatives from the States are present in this House and it is unnecessary to send this Bill for eliciting public opinion. Those representatives represent the popular wishes and they are in a position to say what the people want. Now after the lapse of paramountcy it is said that the Government of India does not exercise any jurisdiction which the previous British Government used to do on account of treaty, usage and sufferance. Sir, as you know, there are certain very small States not only in Orissa and Chhattisgarh, but in other parts of the country, the authority of which is quite incompetent to keep the peace in those particular States. As for example it has been rightly instanced by the Honourable Minister that a situation did arise in Nilgiri where the intervention of the Indian Government was necessary. In Nilgiri there were so many elements which were instigated by interested parties who created disturbances in that State. Sir, if the ruler who has made an agreement with the Government of India is unable to keep the State in peace, if he cannot rule the State according to the wishes of the people, is it the intention of this House that the poor people of those States should be left to the mercies of those people who want to butcher them, kill them, and do anything they like? Sir, much has been made of the legal position of these States. According to my opinion, authority which is derived from usage or sufferance cannot go away simply because the British Government said, "The paramountcy lapses, and we do not want to take responsibility". As far as I understand the law, the usage which

[Shri Yudhisthir Misra]

is there still remains, even for the Government which comes in place of the previous Government.

Therefore, for the safety of the people and tranquility in the States, the Government of India which is a people's Government, should come to the rescue of the people of the States wherever necessary. When there is no authority in the States, when there is anarchy or disturbance, the Government of India should exercise the authority as has been contemplated in this Bill. Therefore, on behalf of the people of the States, I oppose the statements made by some of the Honourable members from the Eastern States Agency. I wholeheartedly support the Bill and recommend that this Bill be passed.

Shri M. S. Aney (Deccan and Madras States Group): Sir, the point raised by my Honourable friend Kazi Karimuddin is that by virtue of the lapse of paramountcy and Section 7 of the Indian Independence Act, the position to which the Government of India is now reduced is of such a nature that they can under no circumstances make any law which has got some bearing upon the position of the States that have acceded to the Dominion of India. That is the position which he has taken.

Sir, whenever there is a question of curtailment of jurisdiction, it is necessary to construe the law very strictly and not give it any wider extension. If this rule of interpretation is accepted, I have no doubt that Section 7 of the Independence Act which is invoked by my Honourable friend in favour of his argument, takes away only one thing and nothing more than that: and that is what may be called the lapse of suzerainty or lapse of paramountcy. Whatever is conveyed by the term "suzerainty" or "paramountcy", that was the right which the Crown had over the State, and that right is taken away. Any new developments or relations that may take place during this period by agreement, or usage or by sufferance or by other lawful means, have been left completely untouched by Section 7. It is true, so far as the Crown is concerned all those relations have completely ceased because the Crown has ceased to exist in this country. Therefore the wording which is there—

"all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise have lapsed".

only applies to the Crown. But those who have come after, here in power can only accept Section 7 to this extent that they will not exercise the right of paramountcy as Successor Government. But if certain circumstances arise in which the interference is in the interests of law and order, I say there is nothing to prevent it under the Section.

Therefore, what we have next to see is this, whether it directly conflicts with anything that is contained in the Instrument of Accession. So far as I have read it, I believe it is not directly inconsistent with it. There may or may not be occasion for the exercise of that right in any particular State, but there is nothing inconsistent in taking enabling powers which can be used only in a lawful way; and the lawful way presumes that either there must be a justifiable occasion for the State to exercise these powers or that the party and the people who are concerned give the lawful power to the Dominion Government to exercise administration or jurisdiction over those territories.

I say this, that the effect due to "usage, sufferance or other lawful means" which are mentioned here and any relations which have developed on account of that, remains unimpaired by Section 7 of Independence Act. If that is the position in theory, there is nothing objectionable, in my opinion, in having a Bill of this kind and asking this House to vote for the Motion which the Honourable the Minister for States has put before it. There is no advantage in ascertaining the opinion of the States on this point because there were

representatives of the States in the Select Committee; and I believe those representatives of the States who were on the Select Committee are probably the most towering persons who can be trusted as being the proper custodians of the rights and interests of the States as well as the states-people. Having discussed the matter with them and come to certain conclusions which may be taken as a result of a compromise made in the Select Committee, there is nothing to be gained by sending back the Bill for opinion to the States; actually they may not be able to throw any more light on this matter. I therefore think that the motion should be supported by the House.

Shri B. N. Munavalli (Deccan and Madras States Group): Mr. Speaker, Sir, I take this opportunity to support the motion of the Honourable Minister. The Honourable Minister has made it quite clear that certain circumstances arose when it was not possible for the Dominion Government to interfere. I am supporting this view of the Honourable Minister on behalf of the Deccan States people because in the Deccan States now a Union has been formed by the Rajas without the consent of the people. I apprehend there will be a struggle between the Rajas and the people if it is thrust on the people. The people have already declared that they will start *Satyagraha*. Under such circumstances, if there is *Satyagraha*, chaos may arise and the Union Government may have to interfere. If this Bill be not passed and is delayed, and if such circumstances arise, then things will be altogether hopeless. I therefore support this Bill which seeks to strengthen the Central Government to interfere in such matters, and oppose the amendment.

श्री गोकूल भाई भट्ट : सभापति जी, मैं इस विषय पर बोलना नहीं चाहता था, पर जब कि कई मित्रों ने या एक दो मित्रों ने आपत्ति उठाई है तब मैं भी एक छोटी सी रियासत के प्रतिनिधि की हैसियत से यहां आया हूं और मुझे भी कुछ बोलने का अधिकार है।

मैं यह कहना चाहता हूं कि १५ अगस्त के बाद आज दिन तक जिस प्रकार से States Ministry काम कर रही है और जिस दक्षता पूर्वक वह काम कर रही है उसे देखते हुए हमें किसी प्रकार का डर नहीं होना चाहिये कि हमारी रियासतों के अन्दरूनी कारोबार में यह States Ministry कोई दखल देगी लेकिन हमने यह देखा है कि जहां तक राजा और प्रजा दोनों के बीच में कोई क्लेश, कलह या मतभेद होता है तो States Ministry उसको आपस में ही मिटा देने की सलाह हमें देती है।

अब यह बिल जो यहां आया है वह बिल तो उस ordinance की जगह पर है जो ordinance अगस्त की १५ तारीख से जारी है, और उसी ordinance की जगह पर यह बिल आ रहा है। अगर उस ordinance के बारे में किसी को कोई विरोध होता तो अब तक वह विरोध दाखिल हो जाता। लेकिन मैं समझता हूं और मैंने जहां तक देखा है वहां तक अभी किसी भी State ने ऐसा नहीं किया है लेकिन जो non-jurisdictional ताल्लुके, States या छोटी छोटी जगहें हैं जहां कोई कारोबार नहीं और जहां कारोबार के लिये ब्रिटिश गवर्नमेंट ने एक अलग तरीका अस्त्यार किया था वहां के कारोबार को संभालने के लिये और उसको अच्छी तरह से चलाने के लिये जो ordinance निकाला गया उस ordinance

(श्री गोकुल भाई भट्ट)

कौ जरा पर जरा यह प्रिक्रान्त है वत में नरों समजता कि रियासतों के प्रतिनिधि मेम्बर साहब हैं वह क्यों घबराते हैं। क्या हो जायगा ? नोलगिरि का दृष्टान्त दिया गया है जिससे यह बहम उनको पैदा होता है कि शायद हमारी छोटी States में यह States Ministry दखल देगे। लेकिन मुझे इतमीनान है, हम छोटी States दाले भी इसे विश्वास के साथ कह सकते हैं कि यह States Ministry अगर हमारी छोटी रियासतों के काम में दखल देने के लिये आयेगी, जब हमारे हुकूमत वगैरह की हिफजत में दखल देने आयेगी तो हम States Ministry को भी कह सकते हैं कि आपका यह दखल हम बर्दाश्त नहीं कर सकते हैं। यह हम प्रजा की हेंसियत से कह सकते हैं, पहले जमाने में, १५ अगस्त के पहले राजा लोग Political Department को तत्रवीज से जिस तरह से चाहते थे मदद लेते थे। हम लोग इस प्रकार की उलझन में पड़े रहते थे कि हमको मदद नहीं मिलती थी और हम एक तरह से मारे जाते थे। उस समय अलग सवाल था आज हमारी States Ministry और हमारे सर्दार बल्लभभाई पटेल, हमारी गवर्नमेंट इस रीति से काम कर रही है कि हमें विश्वास है कि वह किसी के ऊपर अन्याय नहीं कर सकते हैं न वहां के राजा के ऊपर और न प्रजा के ऊपर। इस प्रकार की जहां States Ministry काम करने लग गई है वहां किसी प्रकार से मन में खौफ काना या एक प्रकार का शुबह लाना नाजायज चीज है और उसको निकाल देना चाहिये।

हमारे मित्र ने कहा कि वहां etc. (एटस्ट्रा) शब्द लिखा है उससे भय पैदा होता है। मैं कहना चाहता हूँ कि हमारी गवर्नमेंट के पास इतने काम पड़े हैं और वह इन स्टेटों के कारोबार में कभी घुसना नहीं पसन्द करेंगे क्योंकि उनके पास बहुत से काम पड़े हैं। हम लोग जो स्टेट के लोग हैं वह इतनी ताकत हासिल कर चुके हैं कि स्टेट का अपना कारोबार हमारे राजा के छत्र के नीचे जिसे Responsible Govt. कहते हैं वही Responsible Govt. कायम करके हम चलाने वाले हैं और इसमें हमको यहां की सरकार की पूरी मदद मिलेगी, यानी कारोबार को चलाने के लिये सलाह मिलती रहेगी।

मैं यह कहना चाहता हूँ कि राजपूताने की जो रियासतें हैं वहां तो कमसे कम कोई ऐसा डर नहीं है, और यह बिल जिसका मकसद यह है कि वह छोटी छोटी ताल्लुकदारियां हैं, जहां बन्दोबस्त नहीं है, कारोबार नहीं है, वहां का इन्तजाम करने के लिये आया है। उसकी हमें पूरी तरह ताईद करना चाहिये और हमें किसी प्रकार का खौफ नहीं रहना चाहिये कि उसमें क्या होगा। मैं छोटी रियासतों की तरफ से यह विश्वास बिलाना चाहता हूँ कि States Ministry जिस तरह से काम कर रही है उसी तरह अगर काम करती रहेगी तो हम उनके साथ हैं।

(English translation of the above speech)

Shri Gokulbhai (Eastern Rajputana States Group): Mr. Speaker, Sir, I did not intend to speak on this issue. But when so many of my friends, or more precisely, a couple of them have taken this trouble, I feel as a representative of a small state that I have also the right to say something.

I like to say that after the 15th of August the way the States Ministry has been working and the astuteness and dexterity it has been exhibiting in handling the States issues should remove our fears that this Ministry will unnecessarily poke its nose in the internal affairs of the states. We have rather witnessed that whenever any troubles, conflicts or differences of opinion have arisen between the State rulers and the Ruled, the States Ministry has advised us to make mutual settlements.

The bill that is before us now is only to replace the Ordinance which has been current from the 15th of August. It is the Ordinance in whose place this bill is being brought. If anybody had any objections to this Ordinance, these objections must have been put on record by this time. I have observed and my reading is corroborated, that no state has so far done it. In the case, however, of 'non-jurisdictional' talukas, states and other such small territories where there was no proper Administration, the British Government had adopted another mode of Administration. When an Ordinance had already been in existence for running this Administration smoothly, I wonder why the States Representatives feel upset if the Ordinance is given the shape of a bill. After all what will happen? The example of Nagri has been quoted. Perhaps this puts a doubt into their minds that the State Ministry will interfere with the affairs of our small states. I am sure, and we of the small states can say it with confidence, that if this States Ministry meddles with the Administration of the Small States, if it interferes against the safety of our rights, we can tell the States Ministry also that we cannot tolerate its interference. We can say this being the subject of the State. In the past, before the 15th of August, the Princes had been using the suggestions of the Political Department in whatever way they thought proper. We were always in such a fix that we never got the help. In a way, we were oppressed. It was a different matter then. Today our States Ministry, our Honourable Sardar Vallabhbhai Patel and our Government are working in such a way that we can rest assured that nobody will be subjected to injustice, neither the Ruler of a State nor its subject. Where we have such a States Ministry, it does not behove us to harbour any such fear or suspicion. These thoughts must be expelled from our minds.

My friend pointed out the word 'etc'. He thinks it gives birth to fears. I like to say that our Government is already over head and ears busy with so many other affairs that it will never like to interfere in the Administration of the States. We who come from the States have gathered so much strength that we are bound to have what is called a 'Responsible Government' with a Prince as its Constitutional Head. For running this 'Responsible Government' we will be getting help from the Indian Government i.e. we will be always getting advice for running the States Administration.

I have to say, Sir, that at least the Rajputana States need have no such fear. This Bill aims at making proper arrangements for the administration of the small talukas which have no proper administration. We must fully support this Bill and should never have any fear about what is going to happen. On behalf of the small states I want to assure this House that if the States Ministry continues to work as it has been, we of the small states shall always be lending our help to it.

Mr. Speaker: The Honourable Minister will reply after Lunch.

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. Mavalankar) in the Chair.

STATEMENT RE NEGOTIATIONS BETWEEN THE DOMINIONS OF INDIA AND PAKISTAN ON THE QUESTION OF DIVISION OF ASSETS AND LIABILITIES ETC.

The Honourable Sardar Vallabhbhai Patel (Minister for Home, Information and Broadcasting and States): Sir, before we proceed with the debate regarding the Bill, I have to make a short statement in connection with the negotiations that were going on between the two Dominions on the question of division of assets and liabilities and other allied questions. I am glad to say that there has been complete unanimity on these questions. Therefore, I will read this short statement:

A series of high-level discussions has been held in Delhi and Lahore during the last fortnight between the representatives of India and Pakistan to settle all outstanding issues between the two Dominion Governments relating to partition, including those affecting the Armed Forces. These discussions were conducted in a spirit of friendliness and goodwill. Complete agreement has been reached on all these issues. No references will now be made to the Arbitral Tribunal and those already made will be withdrawn.

The major issues on which settlement has been reached are:

- (1) Division between the two Dominions of the cash balances of the undivided Government of India as on 14th August, 1947.
- (2) The ratio in which the uncovered debt of the undivided Government of India being the excess of the liabilities over assets should be divided between the two Dominions.
- (3) The manner in which Pakistan would discharge its share of the public debt to India.
- (4) The division of the sterling balances between the two Dominions.
- (5) The division of military stores between the two Dominions.
- (6) The ordnance factories.

A detailed statement will be made by me later in the session on the settlement reached on these and other items.

During the course of these discussions, problems relating to the property of refugees, bank accounts and safe deposit vaults were also considered. Both Governments reaffirmed the principle that the ownership of the property, both movable and immovable, of refugees continues to vest in the refugees. Custodians have been appointed to look after and manage the property on behalf of the refugees. Both Governments appreciate the anxiety of the refugees in this matter and are engaged in working out schemes relating to problems connected with the property of refugees, such as the sale of property and the transfer of sale proceeds and the extent to which exchanges of property would be permitted etc. These schemes will be discussed between the two Governments firstly at the official level in the third week of December, and as soon thereafter as possible at the Ministerial level.

A full statement regarding the policy governing the operation of safe deposit vaults, arrangements for the safe transfer of such deposits, and the transfer of bank accounts between the two Dominions will be issued within the next few days.

This is the general statement that I am making today. A detailed statement will be made by me either tomorrow or day after as soon as the statement

is ready. This will give an idea of the amount of work that has been done and the issues that have been settled between the two Governments so far as the partition of assets and liabilities and allied questions are concerned. It leaves no question to be decided by the Arbitral Tribunal. To that extent we have done the work very satisfactorily. I know there is considerable anxiety in the House and outside about the main question which gives us trouble; that is the question of Kashmir. That question is not before the Partition Committee and it is no part of this reference, but the manner and the method the time, and the process by which these will be executed will be decided later, but I can only announce this today that we are all anxious that if it is possible all issues should be settled including that of Kashmir, as far as possible simultaneously. Every effort will be made to that end; if it is not successful, we shall act in a manner which is to the best interests of the Dominion of India.

EXTRA-PROVINCIAL JURISDICTION BILL—*contd.*

The Honourable Dr. B. R. Ambedkar (Minister for Law): Mr. Speaker, I stand to make just a few observations in order to clear some of the doubts and suspicions which have been expressed by Members of the Assembly who have so far taken part in the debate.

Sir, the one point which was made by the Honourable Mover of the amendment was that this Bill was reviving the jurisdiction of paramountcy which was abolished by the Indian Independence Act. Now, it is quite true that the Indian Independence Act releases the Indian States from all the obligations that were imposed upon them by virtue of paramountcy. But, I think, what that means is this, that the Dominion Government cannot as a succession State inherit the jurisdiction which arose out of paramountcy. It means nothing more than that; it does not mean that any Indian State could not confer by an agreement upon the Dominion Government the rights and jurisdictions which were exercised by the British Government as against that Indian State. I think that point has been clearly lost sight of, and I should like to repeat it again that what the Independence Act means is this; that the Dominion Government cannot be regarded as a succession State to the British Government in so far as Paramountcy is concerned. It certainly does not mean that if an Indian State chooses, for reasons which it thinks are imperative, to confer jurisdiction of the analogous type that arose out of Paramountcy upon the Dominion Government, there is anything either in the Government of India Act or in the Indian Independence Act to prevent that Indian State from doing so. I think that point has to be clearly borne in mind. When the question is raised as to which are the Indian States to which this particular Bill and its provisions would apply, the answer to the question must be related to the Instruments of Accession which have been passed by the various Indian States in favour of the Dominion Government of India. Therefore in order to understand what are the States to which this Bill applies, what we have to do is to go to the Instruments of Accession and find out what is contained therein. As the House knows, so far as the accession of Indian States is concerned, they are divided into three categories: (1) fully jurisdictional States, (2) semi-jurisdictional States and (3) non-jurisdictional States. All the three classes of States have passed, barring a few exceptions here and there, Instruments of Accession in favour of the Indian Dominion. Now if Honourable Members were to refer to the Instrument of Accession passed in favour of the Dominion of India by States which fall in class (2) they will realise that their Instrument of Accession contains this very important clause

[Dr. B. R. Ambedkar]

which, in order to remove all doubts and suspicions, I propose to read with your permission, Sir. This is the paragraph 1:

"And I further declare that the Dominion of India may through such agency or agencies and in such manner as it thinks fit exercise in relation to the administration of the civil and criminal justice in this State all such powers, authority and jurisdiction as were at any time exercisable by His Majesty's representative for the exercise of the functions of the Crown in its relation with the Indian States."

That, I submit is a very important clause in the Instrument of Accession passed by the semi-jurisdictional States. Now if my Honourable friends will turn to the third category of States and read the Instrument of Accession passed by them, it reads as follows:

"Whereas . . . of the said State or Taluka, am desirous that the Dominion of India should exercise in relation to the said *taluka* or state all the powers and jurisdictions which were exercisable before such attachment by His Majesty's representative for the exercise of the functions of the Crown in its relation with the Indian States," etc.

This is a clause which finds a place in the Instruments of Accession of the States falling in the second category or the third category; it has not found a place in the Instruments of Accession passed by the States which fall in the first category, namely, fully jurisdictional States. Obviously two things follow from this. The first is that this Bill does not apply to those States whose Instrument of Accession does not contain this clause; secondly, that this applies only to those States whose Instrument of Accession contains such a clause and which have voluntarily granted to the Dominion Government the rights, whether they arose out of treaty or sufferance or usage, which were exercised by the British Government; they have transferred them voluntarily to the Indian Dominion, and they may do so in future. Now the point is that all that the Bill does is this that wherever any State has granted to the Dominion jurisdiction by virtue of its Instrument of Accession the Central Government will have the legal authority to exercise that jurisdiction. There is no case of usurpation at all; it is merely giving legal authority to rights and jurisdictions which have been voluntarily transferred by the Indian States to the Dominion of India. Therefore the first thing that I should like to emphasise is that there is no clandestine effort in the Bill to usurp any authority as against any Indian State which has not voluntarily surrendered its authority in this respect to the Dominion Government. I think that ought to put at rest all the doubts and suspicions which have been expressed in this House with regard to this Bill. And I do not think that if Honourable members bear in mind what I have stated there will be any necessity for very many of the amendments which I find on the order paper.

I do not want to say anything more because that is all that I wanted to say, but my Honourable friend Mr. Santhanam while making his observations on the Bill said that there was an inconsistency in the position which I took yesterday and the position as it arises from this Bill. I think my Honourable friend Mr. Santhanam must have completely misunderstood what I said yesterday. What I said then was that having regard to the fact that the Nursing Bill had reference to entry No. 16 in the concurrent legislative list there was never any possibility of the Dominion Government acquiring any jurisdiction because the Instruments of Accession and the Indian States have made it absolutely clear that if they at all join the Indian Union they will join it only with respect to list No. 1 which is a Federal List, and that too with respect to some subjects only. Therefore my contention was that there was not even the remotest possibility, having regard to these circumstances, that the Indian Dominion should acquire any jurisdiction. And so any sort of legislation which he wanted to be introduced by his amendment to clause 1 would be purely speculative. Here so far as this Bill is concerned, there is nothing inherently impossible in the Indian Dominion acquiring further jurisdiction of an extra-provincial character, and therefore a legislation which looks

at the application of this by anticipation would not be speculative because the possibility is always there. I therefore submit that there is no inconsistency in the two positions I have taken.

The Honourable Sardar Vallabhbhai Patel: Sir, I believe that there is a lot of misunderstanding about the exact purpose and the intention as to the operation of this Bill in spite of my having made the position clear. Therefore I want again to make it clear that there is no intention on our part to assume in any form or shape or to take the place of Paramountcy. Paramountcy is dead and gone and nobody laments or mourns it. There is no reason to think that because paramountcy has disappeared there is going to be no power in India: the Government of India proposes to function as a Government and will not leave vacuum or anarchy in any part of India whatever happens. That must be understood clearly, because it is neither in the interests of the States nor of the States' people nor of India. But it must also be understood that this Bill is not intended to serve the purpose of entering into places where there is a conflict between the people and the State. It is not the purpose of the Bill. The purpose is to step in where there is a vacuum and I do not think anybody will take exception to it. This Bill originated in this sense because several States were attached to bigger States. A large number of States were attached to Baroda: several States were attached to Jamnagar, some to Junagadh and some to others. Some objection was raised to some of these attachments. Some States were forcibly attached against their will by the Political Department. This issue was fought out in a civil court. A special commission was appointed by the Political Department before which, I remember Sir Chimanlal Setalvad appeared and argued the case on behalf of the States and that court which was appointed by the Political Department gave a decision that the attachment scheme was not legal and eventually it was legalised by Parliament passing a short Bill.

Now when paramountcy lapsed, these attached States were detached automatically. So the Parliament Act also did not justify or legalise the continuance of the attachment after the lapse of paramountcy. The States to which they were attached also announced that they did not want them because they found it a burden. Some of these small States were semi-jurisdictional and some non-jurisdictional and they were in such a state that they could not discharge their functions with any degree of responsibility. What is to happen to the people of these States? If we did not intervene, there was a possibility of complete lawlessness there. We were approached by the States as well as the people that we should take over these directly under the Central Government. Therefore we drafted an Instrument of Accession of two separate kinds: the first one was of the full jurisdictional States—the first class States. They had to accede. But these smaller States were of two varieties—one semi-jurisdictional State and some non-jurisdictional. Now we drafted two different Instruments of Accession for them, the relevant portions of which my Honourable friend, the Law Member has read out to you and under which we assumed jurisdiction and provided for a machinery for the exercise of that jurisdiction, *e.g.* for the establishment of courts and other necessary paraphernalia, we took over that jurisdiction by an Ordinance because there was no Legislature sitting.

Now is the opportunity for legalising the matter. In drafting the legislation, we took the phraseology from the Foreign Jurisdictions Act. The words there are:

[Sardar Vallabhbhai Patel]

authority. So far as the full jurisdictional States are concerned, there is no reason to fear. In my speech in the morning I referred to the Nilgiris States. It was suggested that it was an improper interference by usage. On the contrary it was an interference by agreement because the State itself handed over and the people also approached us. They have not taken exception to it and they are very glad that we interfered.

I will suggest for the consideration of the House an instance in which, supposing there is a minority regime. During the period of the regency the minor disappears or dies, and the regency abdicates as has happened in some instances. Then there is no authority because there is no heir, and there is nobody to assume authority. Then we have to take a wider phraseology and accommodate all such instances where there are small areas in which such instances are likely to happen. So when we legislate, we do not want to come again for such emergencies with a separate Bill. Therefore, we have adopted a wider phraseology. At the same time I wish to draw the attention of the House that this is also a temporary measure, because you will see that when the permanent constitution is passed, then all these things will disappear. Then again, as this is a temporary measure to meet an emergency which arises out of a sudden disappearance of paramountcy, you will have to see that there is no cause given to any State or any people for any apprehension. Therefore, we have taken care, and as I have told you that in the administration of the Ordinance we have taken so much care that up till now no complaint has been received, and I have no doubt that no complaint will be received. There can be no desire on our part to assume jurisdiction by means of legislation. But I may be permitted to say that the States have no fear of encroachment on the part of the Government of India by means of legislation. They have every reason to fear if they do not progress with the times and do not meet the legitimate demands of the people.

Mr. Speaker: I am first putting the amendment to the House. The question is:

"That the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinion thereon."

The motion was negatived.

Mr. Speaker: I shall now put the original motion to the House. The question is:

"That the Bill to provide for the exercise of certain extra-provincial jurisdiction of the Central Government, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

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

"That for part (a) of clause 2 of the Bill, the following be substituted, namely:

"(a) 'extra provincial jurisdiction' means any jurisdiction which the Central Government has acquired or may hereafter acquire—

- (i) in respect of any acceding State or of any State which may hereafter accede to the Dominion, by virtue of the Instrument of Accession or of any supplementary Instrument, or
- (ii) in respect of any tribal area, by virtue of any treaty, grant or agreement, or
- (iii) in respect of the acceding States or the tribal areas in relation to all matters referred to in the proviso to sub-section (1) of section 7 of the Indian Independence Act, 1947 (10 & 11 Geo. 6, c. 30) and subject to denunciation in the said Proviso contained, or
- (iv) in any other area outside the Provinces which may with the consent of the Dominion be included in the Dominion by any treaty, grant or agreement."

Sir, before I submit the detailed technical reasons which induced me to move this amendment I should like to make a plain declaration that
 3 P. M. I am in full and respectful agreement with the clear statement made by the Honourable Minister for Law as well as the Honourable Minister in charge of the Bill explaining the precise object they have in view. I am in entire and full agreement with the purpose so ably and lucidly explained by them. But, Sir, in spite of my fully agreeing with their purpose, in spite of there being complete unanimity between my humble self and the two most eminent Ministers concerned, still I think this amendment is necessary. I submit that the amendment is only a conversion into words of the very purpose which the two eminent Honourable Ministers have in view.

I beg to submit that the kind admissions which have been made seem to me to be very remarkable and it seems to me that I could not have advanced anything better than those arguments and declarations which have been so clearly and kindly made. I humbly rely upon the admission that there is no real intention on the part of the Central Government to encroach upon any existing rights, to encroach in any way upon any State belonging to Class I or to encroach in any way with regard to class II or class III States except in so far as they agree to be bound by them. It is upon agreement, which is technically speaking the Instrument of Accession, through which the Honourable Ministers virtually agree to act.

I submit with great respect that the amendment tries to embody in legislative form the very purposes which the two eminent Honourable Ministers have in mind. The two Honourable Ministers have made it clear that they do not wish to go behind any agreement, except perhaps in the extreme case which is a remote contingency and which again, according to the picturesque phraseology of the Honourable Law Minister is speculative legislation. The only case where it is said that the Central Government may possibly interfere is the case of a minor who is represented by a regency, and the minor has fled or has vanished and the regency has resigned and then there is a consequent vacuum, then the Central Government proposes to intervene. I do not deny the justice of this claim. But I beg to submit that the Bill does not express this limitation. The lacuna in the Bill is that neither the savings have been expressed in the Bill, nor has the vacancy or vacuum justifying a direct intervention, been defined nor in any way indicated. The power that is sought to be taken by means of this Bill is too wide and all-embracing and absolutely uncompromising and unlimited in scope.

There is another proposition which I consider to be well-established and it is this. The scope of a Bill does not depend upon any verbally expressed intention of the Honourable Minister in Charge or anything that may be said in the House. Its scope must be determined by its own terms and by its logical interpretation alone. As it is, the terms of the Bill are considerably wider than the orally declared intention. A very sound and well-established proposition repeatedly laid down by the highest courts of law is that the scope of a Bill is to be found within the four corners of the Bill itself. In fact a Bill will stand or fall on its own terms. Therefore if the terms of the Bill are wider than what is orally declared to be the real intention of the Honourable Minister, then however clear and precise that expression of opinion might be, it does not form part of the Bill or the subsequent Act that is to be passed. It is for this reason necessary by means of clear expressions to guard against any encroachment upon ordinary rights which are never intended to be exercised. That would be, again to use the same picturesque phrase of the Honourable the Law Minister, speculative legislation. There should be no legislation on any matter in any direction whether it is never intended to act. Legislative measures should be accurately drafted to give exact effect to the precise purpose which the Government have in view but not more. I submit that the terms of the Bill are considerably wider and perhaps, if I may say so, in many respects *ultra vires* of this legislature

[Mr. Naziruddin Ahmad]

I am prepared to make another admission that the wording which is objected to, namely that the Central Government have acquired jurisdiction by "treaty, grant, usage, sufferance and any other lawful means", has been, as the Honourable Minister said, bodily lifted from the preamble to the Foreign Jurisdiction Act, 1890 which is a British statute (53 & 54 Vict. c. 57). It is said there: "Whereas by treaty, capitulation, grant usage, sufferance or other lawful means, Her Majesty....." This language appears in the Indian Foreign Jurisdiction Order in Council, 1902, made under the authority of this Act and is to this effect: "Whereas by treaty, grant, usage, sufferance or other lawful means, etc.". The word "capitulation" which appears in the British Statute does not appear in the Indian (Foreign Jurisdiction) Order in Council, which is the offshoot of this parliamentary legislation. The word 'capitulation' does not appear in the Order in Council or in the present Bill.

But the question is whether the tests laid down in the Foreign Jurisdiction Act and the Order in Council, which were clearly applicable to India before the 15th August last, are now applicable to the circumstances of today. As I submitted briefly earlier in the course of the debate, the British acquisition of jurisdiction, or the very growth and development of British power in India was by slow gradual evolution. It was not made by any comprehensive legislation or by comprehensive treaties or grants but largely by convention and other subtle, vague, and undefinable things, namely, "usage, sufferance or other lawful means".

Leaving aside for the time being the Foreign Jurisdictions Act and confining ourselves to the Order in Council which directly applied to India before the 15th August, I submit that before that fateful day the British Government could legally claim over the States many rights, not only by treaty, grant, etc., but also by "usage, sufferance and other lawful means". The expression accurately represented the pre-existing sources of title of the Paramount Power. The British came first of all as so many traders, they acquired some parliamentary authority to legislate for the protection of their factories, and gradually, by slow imperceptible degrees, by accession, by usage, by sufferance and by other lawful means—and perhaps also by unlawful means, by force or fraud and by all sorts of means—they gradually acquired some kind of jurisdictions which were not derived from any definite legislative enactments or any definite treaties or grants. So British authority grew along with and is part of the history of the development of British power in India. Again, the authority varied with different States under different circumstances. The authority of the Paramount Power before the 15th August thus stood like this, namely, that it was a product not merely of treaties, charters and agreements but also of usage, sufferance and other lawful means and various other subtle and imperceptible factors.

The question then is what is the position of the States on and from the 15th August. The position has not been left in an indeterminate condition. I believe it is the policy of this House so long as we do not declare complete independence by virtue of the Constitution which is in the making, to regard the Indian Independence Act and the Government of India Act as adapted under the terms of the Indian Independence Act as binding. In fact the Honourable the Law Member said yesterday that the terms of the Government of India Act are binding, and an amendment proposed by Mr. Santhanam was supposed by him to have gone beyond the Government of India Act and for this reason he declared that amendment to be *ultra vires*. The relevant provisions of these two statutes are thus of supreme importance. I would like therefore respectfully to draw the attention of the House to the Indian Independence Act, clause (b) of sub-section (1) of Section 7. It deals specifically

and I submit conclusively with the question of "treaty, grant, usage, sufferance and other lawful means". It says:

"The suzerainty of His Majesty over the Indian States lapses (I shall omit a lot of things which are not of immediate concern here) and with it all treaties and agreements in force (on the 15th August) and all powers, rights, authority or jurisdiction exercisable by His Majesty by treaty, grant usage, sufferance or otherwise."

That was the previous claim of His Majesty and from 15th August that claim "lapses". By virtue of the Indian Independence Act these sources of title, namely, "treaty, grant, usage, sufferance or otherwise" absolutely go. I therefore submit that on and from 15th August the position is this. Instead of the vague relationship derived from treaty, grant, usage, sufferance and other lawful means we have now, on and from 15th August, the Instruments of Accession. Treaty, grant, usage, sufferance and other lawful means consisted of a nebulous and undefinable description of the relationship between the State and the Crown, but we have now a newly established relationship between the States and the Indian Government which relationship is to be determined solely and exclusively on the terms of the Instrument of Accession. Of course reference has been made in another place, to which I wish to draw the attention of the House, to supplementary Instruments of Accession.

So far as para. one of my amendment is concerned it says that "extra provincial jurisdiction" means "any jurisdiction which the Central Government has acquired (that is, by means of the Instrument of Accession) or may hereafter acquire (that is, by supplementary Instrument of Accession) in respect of any acceding State or of any State which may hereafter accede to the Dominion, by virtue of the Instrument of Accession or of any supplementary Instrument". That is exactly what has been graciously conceded by the two most eminent Members of the Government—that the relationship is now contractual, based upon agreement, except in the restricted and improbable case of a minor who may have vanished and a Regency who must have ceased to function. The whole relationship is now claimed by the Government to be entirely contractual and based upon agreement. I therefore submit that the Bill copies verbatim the language of the Foreign Jurisdictions Act and the Order in Council though the circumstances and conditions have changed; as I have attempted to show, not merely by the lapse of paramountcy but also by the express terms of Section 7 of the Indian Independence Act. The phraseology of the British Act and the Order in Council is today a phantastic anachronism.

The Indian Independence Act goes further. Clause (c) of section 7 deals with tribal areas and it says "all powers, rights, authority or jurisdiction exercisable by treaty, grant, usage, sufferance or otherwise" shall also lapse. In fact clause (b) of the section deals with the States while clause (c) deals with tribal areas. That is embodied in para. (ii) of my amendment which says "in respect of any tribal area, by virtue of any treaty, grant or agreement". In fact the other undefined, vague and shadowy sources of authority have also vanished on the Independence Day in the case of the tribal areas. The relationship must start afresh on contractual basis. The States, the tribal areas and ourselves must begin with a clean slate which must be written anew. And the new relationship must begin with the Instrument of Accession—call it as the agreement or consent and the like.

Then there is a significant passage which is embodied in the Proviso to sub-section (1) to section 7 to the Indian Independence Act. That proviso deals with certain aspects of the matter and gives jurisdiction to the Dominion Government on some specific subjects which have not been noticed by the House. It says:

"Notwithstanding anything in paragraph (b) or paragraph (c) (that is the lapsing of paramountcy in the States and in the tribal areas) of this Section, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs or other like matters until the provisions in question are denounced" by the States or the tribal areas

{Mr. Naziruddin Ahmad}

on the one hand or by the Dominion or the Province on the other, "or are superseded by subsequent agreement."

Thus only agreements are saved from any automatic lapse in so far as they clearly relate to "customs, transit and communications, posts and telegraphs and other like matters". The proviso thus provide an automatic "Stand Still Agreement" on these vital matters affecting the smooth working of the Government, on both sides. These would remain alive till they are denounced or superseded by new agreement.

Although paramountcy has lapsed and the Government of India has not stepped in as an heir to the Paramount Power, it can by virtue of the proviso, interfere in matters such as customs, transit and communications, posts and telegraphs and the like until the provisions in question are denounced by the ruler of an Indian State or by a proper authority in a tribal area as the case may be or by the Indian Dominion. Until therefore one of the parties repudiates these obligations, the Government of India, stepping automatically into the void, will have power to deal with and legislate with regard to these subjects until they are repudiated. This situation is covered by part (iii) of my amendment, in respect of the acceding States or the tribal areas as the case may be and in relation to all matters referred to in the proviso and subject to the right of denouncement in the said Proviso contained. I submit that the amendment which I have submitted to the House contains the three classes of cases in the States or the tribal areas in relation to certain specified subjects. Then to meet any possible residuary case *in vacuo* or something which we cannot now clearly define, I have inserted para. (iv) of my amendment which provides that "in any other area outside the Provinces (which is comprehensive enough), which may with the consent of the Dominion be included in the Dominion by any treaty, grant or agreement"; that is also provided for in clause (d) of section 5 of the Government of India Act. We may, if we like, thus incorporate within the Dominion any areas outside the Provinces and the States. Para. (iv) of my amendment covers a case of continued void where, as the Honourable Minister has said, it is necessary to step in. I have however no objection to para. (iv) of my amendment being re-drafted and more closely fit in with a case *in vacuo*. These I think completely exhaust all matters which are to be incorporated in the definition. I therefore submit that this amendment puts in exact and precise legislative form all permissible sources of authority for the Dominion. I have taken careful note of the Honourable Ministers' statements because they are very weighty pronouncements. The Honourable Minister for Law has made a contention, to which I readily agree, that the Dominion has not inherited the rights of the British Government described as paramountcy. Then he has been careful to explain that if any Indian State confers jurisdiction upon the Dominion, then we would be able to interfere, otherwise not. He has made this absolutely clear and to this proposition also I readily and respectfully agree. Now the only way in which the States can confer jurisdiction to the Dominion is by Instruments of Accession. That is provided in section 6 of the newly adapted Government of India Act. I submit with respect that the Honourable Minister has been pleased to virtually accept all the terms of my amendment. As I see it, this concession conclusively supports all the terms of my amendment. Then it is said that section 7 does not prevent this Legislature from making law. I readily agree, and go further that we have real power to legislate as to the States and others but the power must be found within the Instruments of Accession or supplementary Instrument if any. I find it difficult to make a distinction between clauses (a), (b) and (c) of sub-section (1) of section 7 of the Indian Independence Act. By virtue of section 7 all these clauses are now released from paramountcy and to be governed by Instruments of Accession. They were under the Crown and the exact relationship was a matter difficult of definition, and no one has attempted to define it. But whatever may be the relationship between the Para-

mount power and the State, paramountcy has gone and the States are now completely become independent. But they are independent only so long as they do not accede to the Dominion. If they accede, their independent status will be controlled and dominated by the Instrument of Accession. I beg to submit that we have power to legislate provided we do not transgress the limits imposed upon us by the two statutes and by the Instruments of Accession, and the Honourable the Minister for Law has made it absolutely clear that the government do not wish to go behind the Instruments of Accession, and my amendment attempts to make it quite clear that we stand or fall by the Instruments of Accession. The Honourable Minister for Law has also made it clear that if any State, great or small, Second class or Third class, or belonging to any class whatsoever, has voluntarily granted any power, the question of 'usage' does not arise. I am again in full agreement and this is the exact point which I have been making, that usage and other things must go and the Instrument of Accession alone must remain. Then again it is conceded that there is no desire to drag in class I States. But I believe the terms of the Bill are wide enough to drag them in. I have already accepted the plain declaration made that there is no such desire, but we are not to be governed by the private desires even of very eminent authorities but not incorporated in the Bill. In fact the desire must be expressed in the Bill, and if you look at the Bill, it would clearly include classes I, II and III, in fact all classes. In fact, in keeping this clause a court would be debarred from reading the Statement of Objects and Reasons, the proceedings in this House, and the declarations and concessions made during the debate. That proposition is also long well established. In fact all that we say here, all concessions and all declarations made, all safeguards agreed to during the debate, cannot even be referred to in a court of law in interpreting the Bill.

Then the Honourable Minister for Law has argued that there has been no inconsistency between the position taken by him yesterday and the position taken today. I submit there is still an inconsistency, and it is this. The Honourable Minister's contention yesterday was that the terms of the Nursing Bill could not be extended to any States, even when the State agreed to concede jurisdiction as to the Nursing Bill by a Supplementary Instrument. Even then, as he was of opinion we have no power to legislate. Firstly, he said that entry 16 in the Concurrent List did not apply to States. Secondly, as he said, there was no other power by which we could extend the Bill to the State because there is no entry anywhere except entry 16 which obviously did not apply to States. Today's contention of the Honourable Minister is inconsistent with that in this way. Today also we are faced with the same situation. This Bill is on the other hand on a stronger ground for rejection. There is even no entry, either in List One, or List Two or List Three,—Central, Provincial or Concurrent—to justify legislation in this respect. The only way we can do so is through Section 7 of the Indian Independence Act and Section 6 of the Government of India Act as adapted. But those Sections are absolutely strict as to the limitation of our power in this respect. In these circumstances, I submit that if any extension of the Nursing Bill to States—even with their consent—was impermissible by virtue of the fact that there was no entry in the Lists applicable thereto, this Bill suffers from the same difficulty, that it is covered by no entry in any of the three Lists; it is only covered by the two Sections which I have quoted and they absolutely bar our jurisdiction. Sir, if it was *ultra vires* on our part to extend the Nursing Bill to the States even where there is the Instrument of Accession to cover it, I do submit that it would be impermissible for us to accept the Bill on the same ground. On the other hand, here there is no Instrument of Accession covering the subject. Sir, Mr. Santhanam's amendment tried to cover a State which was covered by the Instrument of Accession; and if that was *ultra vires* then this Bill which is not covered by any Instrument of Accession should on the same argument be all the more *ultra vires* of this Legislature.

[Mr. Naziruddin Ahmad]

Sir, I do not know whether this can be raised as a point of order or merely as an objection as to why the original clause should not be accepted and why the amendment or something on the lines of the amendment be accepted. I am not very sure, but these are very fundamental constitutional questions. I beg to submit it is not the Law Member's kind concession that will bind the Chair; I beg to submit that this has got to be considered independently. This may be taken as a point of order, but I do not raise it directly as a point of order; but the question may be considered as such because I am not very clear in my mind as to that.

Mr. Speaker: Perhaps it might assist, if I explain the attitude of the Chair with reference to the question of *ultra vires*. Generally, the Chair will not take upon itself the responsibility of deciding whether any particular Bill is *ultra vires*; it is a question for the House to decide. The opinion of the Chair though binding on the House, will not be of any avail so far as the courts are concerned in case the validity of a legislation is taken to the court. Therefore, the usual practice of the Chair is always not to interfere in the matter of questions of *ultra vires* and not to kill any Bill on that ground. The Chair will also tend in favour of assuming jurisdiction rather than denying it. So that is one point.

I would also request the other Members not to discuss this point of *ultra vires*; because, as I have said just now, even the unanimous opinion of the House that a particular Bill is *ultra vires* will have absolutely no effect on the judgment of the deciding court if the court comes to the conclusion that it is *ultra vires*. So, any discussion that honourable members carry on in this House over the question of *ultra vires* will be nothing but taking up the time of the House.

Mr. Naziruddin Ahmad: Sir, your kind ruling I bow down to with great respect. I had some difficulty and misgivings about the correctness of the point of order and you have set that doubt at rest. But this ruling will be of some help to us in considering clause 6 where the jurisdiction of the court—to call a spade a spade—is attempted to be taken away. Although there is no desire to use it in any irregular manner, the very jurisdiction of the court, even of the Federal Court as I have been able to gather, would be largely taken away.

Supposing there is a State which accedes on three subjects but then there is interference by the Centre with regard to a fourth subject outside the scope of the Instrument of Accession. Then this interference will plainly be *ultra vires* although, as you have very clearly ruled that the entire House will not bind the court by virtue of clause 6, the discretion of the court to say that two plus two is four has been attempted to be taken away. So, if we come to clause 6, I shall try to submit my difficulties to the House, contending for the time being that you had not given a final ruling; though it is in my favour, it is a very important ruling and we may have to consider this once again when it comes to clause 6.

But Sir, I find that the unfortunate courts, even the Federal Court, which are supposed to be absolutely independent, would be controlled by an order by a Secretary acting on behalf of the Government. So the courts will not be permitted to say, "Look here, here is a subject outside the scope of the Instrument of Accession, and here are two Honourable Ministers who have declared on behalf of the Government that they are absolutely unwilling to act in respect of those spheres, still, as they have acted in contravention of the Instrument, they have acted *ultra vires*", the court's right to declare this obvious fact which is conceded here will be taken away and along with it will be taken away the power of the court to call a spade a spade. A Secretary's report will be conclusive.

Pandit Thakurdas Bhargava (East Punjab: General): Can not any court declare that clause 6 is not *ultra vires*?

Mr. Naziruddin Ahmad: I am very grateful to the honourable the member Mr. Bhargava for raising the point. It is a very interesting point. I am not absolutely clear that the courts have no jurisdiction but as far as I have been able to think of it—it has given me several nights of work—I think that this Legislature is superior to all courts. In fact, this is the Legislature which can control the jurisdiction even of the Federal Court which will be the final court in India. Today the Honourable the Minister for Law has introduced a Bill to extend the appellate jurisdiction in civil matters of the Federal Court. That shows that this House can extend jurisdiction and this House can curtail it. If we say that clause 6 says this in simple words that if a question arises as to whether the Act is *ultra vires*, and if a Secretary in reply to a court's question says the court will be bound by the degree.

An Honourable Member: No, no.

Mr. Naziruddin Ahmad: Yes, yes. I am absolutely certain the courts would then be powerless to interfere. I think I am right and I respectfully ask honourable Members to think of clause 6 on its own terms, not by the headline. The marginal note purports to be a model of legal phraseology but the body is a draconian provision which gives absolute power to the Secretary.

An Honourable Member: On a point of order, Sir. Are we discussing clause 6 now?

Mr. Speaker: We are discussing clause 2, but the honourable member's argument, as it seems to me, is that in legislating as we are doing, we are doing something which is not within the power of this House. He is referring to clause 6 in order to point out what further difficulties would be created if this clause is passed. That seems to be his argument. But I would again repeat to the honourable member that arguments on the question of *ultra vires*, however interesting and learned, are not ultimately going to result in anything, because the courts will not be bound by anything that we decide.

Mr. Naziruddin Ahmad: Sir, my object is exactly this. If clause 2 is beyond the scope of this legislature, as has practically been conceded, and if it is allowed to remain, and if any act is done overriding the provisions given here, the courts will be absolutely powerless to interfere if a Secretary's report is given. Clause 6 came in by way of argument. The argument on clause 6 was like a warning bell. Any power given in clause 2 beyond the scope of the Instrument of Accession should not be allowed to creep in. On these grounds I submit that at least the principle of my amendment should be accepted. I have no objection if a re-draft is made. My whole point is why should a legislative enactment go beyond the terms of the agreement? We should call a spade a spade. We should declare with clarity what we intend, and not give unlimited power to a Secretary who might at a later time not be under the careful and authoritative guidance of the Honourable Minister in charge.

Then there is another aspect of the matter. My object in trying to amend this clause is purely from a puritanists point of view. The passing of clause 2 will be a kind of mild corruption in the Legislature. It goes beyond the scope and purpose and authority of the House. Laws should be provided in language which should be free from doubt. Supposing a case comes before the court, the court cannot give effect to the concessions here because that would be absolutely useless. Under the circumstances, there is a clear case for accepting my amendment.

Then, Sir, there are misgivings in the minds of certain members representing the States. Personally I have no misgivings, but I do not see why at all misgivings should be allowed to creep in. The draft should be as clear as possible

[Mr. Naziruddin Ahmad]

and I have attempted, as far as it lies in my power, to do so. I am in the hands of the House and of the Honourable Ministers, and their draftsmen. Subject to any drafting changes, I think the principle of the amendment should be fully accepted by the House.

Mr. Speaker: Amendment moved:

"That for part (a) of clause 2 of the Bill, the following be substituted namely:

'(a) "extra provincial jurisdiction" means any jurisdiction which the Central Government has acquired or may hereafter acquire—

- (i) in respect of any acceding State or of any State which may hereafter accede to the Dominion, by virtue of the Instrument of Accession or of any supplementary Instrument, or
- (ii) in respect of any tribal area, by virtue of any treaty, grant or agreement, or
- (iii) in respect of the acceding States or the tribal areas in relation to all matters referred to in the Proviso to sub section (1) of section 7 of the Indian Independence Act, 1947 (10 & 11 Geo. 6, c. 30) and subject to denouncement in the said Proviso contained, or
- (iv) in any other area outside the Provinces which may with the consent of the Dominion be included in the Dominion by any treaty, grant or agreement'."

I was just considering as to whether the effect of the acceptance or rejection of this amendment by the House will be to bar the subsequent amendment which possibly seeks the same objective or an objective which is included in it. Will the honourable Members who have tabled the amendment No. 10 consider this point?

Shri Himmat Singh K. Maheshwari (Sikkim and Cooch Bihar Group): Sir the object of the amendment which stands in my name and the name of certain other gentleman is very limited. The scope of the amendment of Mr. Naziruddin Ahmad is far more wide. When the time comes, I shall only take two minutes.....

Mr. Speaker: Order, order. I was putting it to the honourable Member that his amendment appears to be included in Mr. Naziruddin's amendment. Then the rejection of his amendment would mean that he would be barred from moving his. I may just help the honourable Member by suggesting that he may move his amendment now. I will put that first to the vote and then put the other amendment of Mr. Naziruddin Ahmad which is a wider one.

Mr. Naziruddin Ahmad: May I submit, Sir, that rejection of my amendment would not necessarily mean rejection of amendment No. 10. Mine is a larger amendment. The rejection of the larger does not include the smaller. It may be that the House may accept the smaller.

Mr. Speaker: Of course this is ordinarily true in the case of the larger amendment, but if the smaller amendment is included in the larger and decision is recorded on that particular point, then it will be certainly barred. I do not want to leave the Honourable Member in the lurch about it. He may move his amendment at this stage.

Shri Himmat Singh K. Maheshwari: As I said the words, "usage and sufferance" which have been incorporated in the definition of extra-Provincial Jurisdiction are, in my opinion, unfortunate and unhappy reminders of Paramountcy. They have no clear meaning at all to most of us who are not lawyers. Therefore my submission to the House is that it will be better if these words were omitted. In view of the very reassuring observations made by the Honourable the Home Minister and the Honourable the Law Minister, it may be only necessary now to obtain one further clarification, namely, that so far as the States of the first class are concerned the words "usage and sufferance" are not going to be allowed to have any play in determining the

relations between the Government and Class I States. If that specific assurance be forthcoming, I do not press my amendment at all.

Mr. Speaker: I suppose the Honourable Member wishes to move the amendment at present.

Shri Himmat Singh K. Maheshwari: Yes and I would be grateful for a reply to the point that I have raised. Sir, I move:

"That in part (a) of clause 2 of the Bill, for the words 'treaty, grant, usage, sufferance or other lawful means', the words 'treaty or agreement' be substituted."

Mr. Speaker: Amendment moved:

"That in part (a) of clause 2 of the Bill, for the words 'treaty, grant, usage, sufferance or other lawful means', the words 'treaty or agreement' be substituted."

The Honourable Dr. B. E. Ambedkar: Mr. Speaker, Sir, the two amendments although they are set out under different headings are in substance one. The amendment No. 10 may be put as the result of amendment No. 9 and from that point of view, there is no difference between the two. The aim of both the Honourable Members who have tabled this amendment is to delete the word "grant, usage and sufferance". I think that is what they want to do and in so far as that is their object, I have no doubt that the two amendments are one and the same.

Sir, I am sorry to say that I cannot accept this amendment and I am also sorry to say that the amendment has been based upon a misunderstanding. First of all, I should like to say with regard to the amendment moved by Mr. Naziruddin Ahmad that item (iii) in his amendment is entirely out of place. Tribal areas are part of British India or the Indian Dominion. Secondly there is no question of the Indian Dominion acquiring any extra territorial jurisdiction so far as the tribal areas are concerned. What does the Honourable member want to do? The Honourable member, if I understood correctly, wants to say that whatever extra territorial jurisdiction which the Dominion of India can exercise must be relatable to the Instruments of Accession. I think that is the sum and substance of his position and he wants to make it clear that the jurisdiction which the Central Government may exercise under the provisions of this Act must be in turn sanctioned by the Instruments of Accession.

Mr. Naziruddin Ahmad: That is also conceded to by the Government.

The Honourable Dr. B. E. Ambedkar: Now, Sir, does the Act do anything different from what my Honourable friend wants us to do in this Bill? As I have stated, what the Instruments of Accession passed by the Indian States enable the Central Government to do is to exercise all such powers, authority and jurisdiction as were at any time exercisable by His Majesty's representative for the exercise of the functions of the Crown in relation to the Indian States. That is what the Instruments of Accession passed by the Indian States empower the Central Government to do, to exercise all such powers, authority and jurisdiction as were at any time exercisable by His Majesty's representative. Let us go back to the question and ask what are the powers which His Majesty's representative was exercising in relation to the functions of the Crown in relation to the Indian States. Any one who reads the Foreign Jurisdiction Act passed by the Indian Legislature where the powers, authority and jurisdiction, which were exercised by the representatives of His Majesty exercising the functions of the Crown in relation to the States, are described in the very precise terms which are used in part (a) of clause 2, namely "treaty, grant, usage, sufferance or other lawful means". These are exactly the words that occur in the Indian Foreign Jurisdiction Act and they are the words which we have adopted in our Act because the Instruments of Accession passed by the Indian States give all the power which His Majesty's representative exercises in relation to the States and Paramountcy. Therefore, it seems

[Dr. B. B. Ambedkar]

to me purely tautological whether you say that you derive your powers from the Instruments of Accession or whether you say that you use the powers given to you by "treaty, usage, sufferance and so on" which were the modes by which power was acquired by the Paramount authority, I see no difference at all. It is one and the same and therefore, I submit that apart from the difficulty that I have pointed out that you cannot accept an amendment relating to the Tribal area, this amendment seems to be utterly based upon some confusion of understanding of the real position and seems to me to be tautologous and it is nothing more than what has already been done in the Bill.

Shri M. Ananthasayanam Ayyangar (Madras: General): My Honourable friend the Minister for Law referred to the Foreign Jurisdiction Act. I come much nearer to the Indian Independence Act itself. Under clause 7 of the Indian Independence Act to which reference is made in this amendment of my Honourable friend, the Mover of the amendment, paramountcy lapses. How is it that Paramountcy conferred under the second part of the Accession which the Honourable the Law Minister read, exercised? I will read the relevant clause in the Indian Independence Act:

"... and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise."

These are the very words that have been copied.

Mr. Nasiruddin Ahmad: This has now lapsed.

Shri M. Ananthasayanam Ayyangar: It is true that this has lapsed. The British Government which had suzerainty over the Indian States did not transfer the authority in so far as they were not conferred or transferred to the Dominion of India. But what was done in its place was that it allowed the States themselves to confer that jurisdiction. And as a matter of fact the first set of States did not confer that jurisdiction; they have conferred jurisdiction only in respect of particular matters. The second set of States specifically entered into agreement conferring all that jurisdiction. They have said that all the rights and powers exercisable by His Majesty's representative as representative of the Crown are now exercisable by you on that date. Those rights are specified here. They might have been exercisable by treaty or by usage or by sufferance, etc. In one or other of these forms rights may have been acquired, and all these rights were acquired. It is true, that by the Indian Independence Act, Paramountcy lapsed, but by virtue of the Instrument of Accession all these powers are once again conferred. All that the Bill seeks to do is to give effect in a tangible form, appointing officers and telling them to carry it out; telling provinces that their officers serving in the Indian Dominion will exercise certain rights in relation to those States. It is not as if the Bill is trying now to confer on the Dominion legislature extra power which has not been conferred by the acceding States. So far as the first set of States is concerned what we are doing is this. It is open to the first set of States, though they have not acceded or given any particular right in relation to any treaty, usage, etc., they may do so now. They have acceded only in respect of three or four items and they have now entered into a standstill agreement; but with respect to other items they may confer rights. It is contemplated in the Government of India Act itself. There may be an original Instrument of Accession; by a subsequent Instrument of Accession for the sake of convenience they may concede some more powers in which case this Act will apply to the exercise of those powers also. Therefore in this Bill they are trying to give effect to those powers which have been already conceded with respect to the second set of States and to whatever other powers might be conferred upon the Indian Dominion by the first set of States, in case they may also think of conceding those powers. Therefore there is nothing which

tries to give extra jurisdiction over matters which were not conferred already. This is a matter of procedure only; there is nothing involving the substance, and therefore I submit that this amendment need not be accepted.

Sir, as this refers to clause 2, I should like to move a small amendment with your permission:

"That in sub-clause (a) of clause 2 of the Bill, after the word 'treaty' the word 'agreement' be inserted."

Mr. Naziruddin Ahmad: Sir, I may cut the debate short. It has been pointed out that the tribal areas are not in dispute. I am prepared to cut out para. (ii) of my amendment and the words "or the tribal areas" in para. (iii).

Mr. Speaker: I will first put the amendment of Mr. Ayyangar. Amendment moved:

"That in sub-clause (a) of clause 2 of the Bill, after the word 'treaty' the word 'agreement' be inserted."

I believe the Honourable Member will also have to make consequential amendments in the Preamble when we come to it.

I do not wish to intervene in the debate on legal arguments, but it seems to me that confusion arises because of not properly appreciating all factors as they appear in respect of section 7 of the Indian Independence Act. As pointed out by the Honourable Law Minister, that section merely says that, whatever the Government of India may acquire independently it does not acquire powers as successor to the British Government. And if we read that section, it appears to me that, care is taken to see that His Majesty's Government is absolved from all liability. It is for that purpose and not for the purpose of conferring or not conferring any powers on the Government of India that section 7 was enacted. If this aspect of section 7 is remembered, perhaps the confusion that is felt here about that section and its interpretation will disappear. The Honourable Law Minister will correct me, if I am wrong.

Mr. Naziruddin Ahmad: It provides for both lapsing and absolving.

Mr. Speaker: They are more careful to absolve themselves from liability than to confer power on anybody else. So they say, "Whoever comes in as our successor, we are not giving these powers to him". So they do not want to become responsible as predecessors-in-title.

Mr. Naziruddin Ahmad: With regard to the amendment of my Honourable friend Mr. Ayyangar, for whose legal acumen I have got the greatest respect, I must say that by the insertion of the word "agreement" as he suggests no improvement is made. Instead of calling a spade a spade we are using roundabout language. The very ability which my Honourable friend undoubtedly possesses shows him the difficulties and he tries somehow or other to give us second-hand satisfaction by putting in the word "agreement". He feels the difficulty caused by the absence of the words "Instrument of Accession". Why not say that? No reply has been made to that.

Again with regard to second and third class States we have agreed that they enjoy powers which the British Government enjoyed. That is again contractual; that is, we are going back again to the Instrument of Accession. So there is no difficulty in accepting the amendment.

The Honourable Sardar Vallabhbhai Patel: Sir, so far as the legal controversy is concerned, my Honourable friend the Law Minister has made things quite clear and I have nothing more to add. So far as verbal alteration incorporated in the amendment is concerned, I think the spirit of the Bill is that we are not going to take any powers except by agreement or by treaty; so that if the word "agreement" is put in I am prepared to accept it.

Mr. Speaker: Has the Honourable Minister anything to say as regards the clarification required by Shri Himmat Singh Maheshwari, about his amendment that the words "treaty" or "agreement" be substituted and that there was no desire, so far as the first class of States was concerned, to assume any jurisdiction except by Instrument of Accession?

Shri Himmat Singh K. Maheshwari: I understand the Honourable Home Minister to say that so far as States of the first class are concerned, the relations between the Government of India and the States will be governed by treaty and agreement only and not by usage or sufferance.

The Honourable Sardar Vallabhbhai Patel: That is what I said.

Shri Himmat Singh K. Maheshwari: On that assurance I beg leave of the House to withdraw my motion.

Mr. Speaker: Has the honourable member leave of the House to withdraw the amendment?

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

Mr. Speaker: I shall now put the amendment of Mr. Naziruddin Ahmad. I do not think it is necessary for me to read the whole of it.

Mr. Naziruddin Ahmad: I would like to withdraw para. (ii) of my amendment and delete the words "or the tribal areas" from para. (iii).

Mr. Speaker: The Honourable Member is asking me to put the amendment in an amended form. The question is:

... "That for part (a) of clause 2 of the Bill, the following be substituted namely:

'(a) "extra provincial jurisdiction" means any jurisdiction which the Central Government has acquired or may hereafter acquire—

- (i) in respect of any acceding State or of any State which may hereafter accede to the Dominion, by virtue of the Instrument of Accession or of any supplementary Instrument, or
- (ii) in respect of the acceding States in relation to all matters referred to in the Proviso to sub-section (1) of section 7 of the Indian Independence Act, 1947 (10 & 11 Geo. 6. c. 30) and subject to denouncement in the said Proviso contained, or
- (iii) in any other area outside the Provinces which may with the consent of the Dominion be included in the Dominion by any treaty, grant or agreement."

The motion was negatived.

Mr. Speaker: I shall now put Mr. Ananthasayanam Ayyangar's amendment to the House. The question is:

"That in sub-clause (a) of Clause 2 of the Bill after the word 'treaty' the word 'agreement' be inserted."

The motion was adopted.

Mr. Speaker: The question is:

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

The motion was adopted.

ments seek to introduce, with the result, that any decision in respect of these amendments in the affirmative will be inconsistent with the previous decision.

Kazi Syed Karimuddin: In Clause 3 of the Bill, it is said that the Central Government may delegate any such jurisdiction as aforesaid to any officer or authority in such manner and to such extent as it thinks fit, and this is not quite in keeping with the agreement.

Mr. Speaker: But the previous clause explains that it shall be lawful for the Central Government to exercise extra-provincial jurisdiction in such manner as it thinks fit. The honourable member's amendment is not dealing with the manner of exercising it but he restricts the extra-provincial jurisdiction when he says "consistent with terms of treaty or Instrument of Accession". He restricts the jurisdiction and that is inconsistent with what the House has accepted so far as Clause 2 is concerned.

Kazi Syed Karimuddin: I accept the ruling of the Chair.

Mr. Speaker: The question is:

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

The motion was adopted.

Clause 3 was added to the Bill.

Mr. Naziruddin Ahmad: I submit that in rejecting amendment No. 9, the House has rejected certain things in combination with others. They have not rejected item by item that is the component parts individually. The amendment as a whole consisted of a large number of parts. The parts have not been separately rejected.

It may be that if I ask anyone to have a dinner and I gave nine very good courses, and I ask him to take the tenth course also which is bad, he will refuse. That does not mean that he refuses to take the other nine or the best of the other nine. So the amendment which has been lost is a combination of parts. The House has rejected the combination. They yet may be tempted by the attraction of the taste of one of the parts!

Mr. Speaker: All I can say is that the argument is a very ingenious one. But the difficulty is that the 'one' thing runs throughout the other nine things!

As regards the amendments to Clause 4, I am inclined to take the same view as with regard to the amendment to Clause 3. The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Speaker: Since amendment No. 16 will be the negative of the original proposition, it is out of order. The honourable member can however oppose the acceptance of the Clause.

Mr. Naziruddin Ahmad: The object was to draw the pointed attention of the House that I object to Clause 5.

[At this stage Mr. Speaker vacated the Chair, which was then occupied by Mr. Hussain Imam (one of the Panel of Chairmen).]

I oppose Clause 5 which says that "every act and thing done before or after the commencement of this Act..... in an area outside the Provinces shall be valid as if it had been done according to the local law then in force in that area". It validates with retrospective effect all acts done irrespective of the real validity or legality or impropriety of those acts. I submit that restrictive validity without recourse should be left so that the Ministers and the others

[Mr. Naziruddin Ahmad]

already concerned may meet together to consider the propriety of any order made. If they sit together, they may come to a right understanding.

Today we have learnt with considerable relief that all the misunderstanding regarding partition and other things about Pakistan and India have been amicably settled. I beg to submit that this question should be settled.

And the second point is that the power of the Court to do justice according to law, according to its own sense of right and wrong should not be taken away. We do not know what acts and things have been done. We only know that some act may have been done. We are putting our seal of approval to acts unknown to us. It should be left to the parties or the courts to do justice according to the nature of the act also in the context in which those acts and the things were done. So in order to leave the parties and the court free to discuss the matter from a fresh angle, I submit that Clause 5 should be entirely omitted.

I therefore oppose its acceptance.

Shri M. S. Aney: This clause is a very important one. The very object of this Bill will be defeated if this clause is not passed by this House. The Honourable Minister in introducing this Bill as well as moving the motion for consideration explained the circumstances under which this Bill was conceived and the circumstances that made it incumbent upon Government to issue an Ordinance which is now being enacted in the form of a law. Sir, any adverse vote on this clause would mean absence of confidence in the present ministry. That is the net result of any opposition to this clause and I warn this House to bear this consequence in mind in considering the point of view of my honourable friend Mr. Naziruddin Ahmad. After all this is one of the usual features of a piece of legislation of this kind where Government is claiming certain jurisdiction which ordinarily is not expected to be possessed by Government. Having now thought it necessary to confer that jurisdiction by passing foregoing clauses and as a logical consequence of the votes we have recorded on other provisions of the Bill, we must concede the validity of the acts which had been done assuming that jurisdiction by the Minister in the best interests of the state itself. This clause asks you to do nothing more than that. What you have now conceded as a matter of principle has been anticipated by the Minister who has come before you with this legislation. You have only to express that what they have done has your full support. Otherwise you ask the present ministry to go out of office. The great ability that the Minister has shown in dealing with questions relating to states has created a very favourable situation in the whole country and I have no doubt that there will be no other minister capable of handling such a delicate situation with the same skill and ability in the country. Even my Honourable friend might not have meant what the consequence would be if the House were to vote in the way in which he wants it to do. It would be inconsistent with the vote which the House has given already upon the previous three clauses. So I urge the House to support the clause as it stands.

Shri Gopikrishna Vijayavargiya (Gwalior State): Sir, I come from an Indian State and I am speaking on behalf of the people of the Indian States. I am not a lawyer and therefore I cannot deal with the subtle legal points involved. I can make some observations as a layman.

India in its past history has been full of many small States and although the paramountcy of the British Government has passed I think that even the people of the Indian States do realise that we must have a strong central Government. Therefore whatever powers the Central Government of India is assuming through this Act must be there. The paramountcy of the British Government has lapsed but it does not mean that another strong Central Government should not exist

in India and that Central Government should not assume powers which it should have. The Government of India is the strongest power and the most dominant factor in India today and if there is a vacuum of authority anywhere, that authority must vest with the Central Government of India. Our country during its history of so many centuries has been weak on account of the existence of so many small States throughout the country. Now again there is a talk among big and small States of retaining their small chieftainship or principalities distributed throughout India and they want their own sovereignty. I say that although paramountcy has lapsed the paramountcy must take its rebirth and grow again and must be vested in the Central Government of India. In the law of England there is a saying "The King is dead, Long live the King". Even so, Paramountcy is dead but long live the Paramountcy of the Central Government of India.

Mr. Naziruddin Ahmad: May I point out that the Honourable Minister has repudiated that theory?

Shri Gopikrishna Vijayavargiya: We want to create a new paramountcy—the paramountcy of the people of India and not of a foreign government.

Some Honourable Members: No, no.

An Honourable Member: What is there in a word?

Shri Gopikrishna Vijayavargiya: Paramountcy not of any foreign government but of the people of India—that is what we want. Therefore I fully support the powers which the Central Government want to assume under this Bill. The legal points raised have been answered by other people. I feel that this section should also remain and the Bill should be passed as it is.

Shri Jai Sukh Lal Hathi (Residuary States Group): Sir, I will restrict myself to the amendment for the deletion of clause 5.

An Honourable Member: No amendment has been moved.

Shri Jai Sukh Lal Hathi: What I want to say is that this clause is very essential in the practical working of the administration that has been taken over by the Central Government so far as the States are concerned. If this clause is not there there will be so many difficulties. Regional Commissioners have been appointed for the various states. Courts have been established. The machinery has been set in motion. If all the acts that are done as if by virtue of this act, are not regularised, what would be the position? The whole thing would be upset. This clause is essential and its absence is bound to have disastrous results. It is a misapprehension to say that parties should be allowed to say whether under a particular circumstance a certain act was necessary or not. That would give rise to various questions which no administration can be expected to tackle. Therefore I submit that clause 5 should be retained.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Mr. Chairman: The two amendments to clause 6 cannot be moved in view of the Speaker's ruling. One is negative and the other is restrictive in character.

Mr. Naziruddin Ahmad: Sir, I want to oppose the clause. Clause 6 is the most picturesque clause in this Bill. I do not wish to read the technical language of the clause but its purport in accurate language is this. If I am wrong I may be corrected. Suppose a question arises between a State and the Central Government as to the existence or extent of extra-provincial jurisdiction or a question arises whether the Central Government has any jurisdiction

[Mr. Naziruddin Ahmad]

on a particular matter or if it had a jurisdiction to what extent it goes. It goes to the very root of jurisdiction as well as the quantum. The existence of the jurisdiction as well as the quantum is the subject matter of dispute in a court of law. It might arise in a variety of ways. The clause says that the courts may on the application of a party ask for the decision of the Central Government through its appropriate secretary. I do not object to the Secretary being the agency. It is just, fit and proper that the Central Government should act through their secretary. But if the Secretary, purporting to act on behalf of the Government and by instruction from it says "We have jurisdiction over the matter or jurisdiction and to this extent" it will absolutely paralyse the Court. It takes it for granted that the courts cannot decide this matter. It is the greatest libel upon our courts. I presume no one will feel that our courts are intellectually or morally unable to decide these matters or that their legal knowledge is defective. If it is so then it is a case for abolishing the courts. Not only the smaller courts, but the bigger ones including the District Judges' Courts, the High Courts and perhaps even the Federal Court cannot decide these matters. Their power to decide these matters according to their light and according to the rules of justice, equity and good conscience is by an executive order taken away. If my fears are justified even the Federal Court's hands would be fettered. If that is so, the clause is beautifully vague in this respect. Then the verdict of this House, by accepting clause 6, would amount to this, namely, that our Judges are incapable of deciding right or wrong any matter according to their own light of justice, equity and good conscience. I think it gives the Central Government powers of a Draconian character. A guillotine rule is given in their hands. All discussions and all questions would be cut down by an answer of 'yes' or 'no'. I submit that the suspicion about the integrity, ability or the sense of justice of the courts is absolutely improper. My justification in supposing that even the Federal Court will come within, I should say, the mischief of this clause is this. The wording of the clause is "If in any proceeding, civil or criminal, in a Court established in the Provinces or by the authority of the Central Government outside the Provinces.....etc." and I submit that the Federal Court is also meant. God forbid that I should be right in my interpretation. But if I am right I am amazed at this provision that our highest judiciary which will have to consider the legality of a statute or the fundamental principles of a statute or the extent of the jurisdiction of this House, should be deprived of its powers. The description of Courts "in the Provinces" of course does not apply to the Federal Court, but there are the words "any court established by the Central Government outside the Provinces". We can think of a court outside the Provinces—that is the Federal Court. In fact the Court may be geographically within some Province, but legally is the Federal Court within any Provincial Jurisdiction? Certainly not. The Federal Court will thus be a Court outside the Provinces and will be within the mischief of clause 6. If we adopt this clause it would be the greatest disaster to the sense of justice and fairplay which everybody should expect in the Judges of the Federal Court which will be our highest judiciary. If a question arises as to whether the Central Government has jurisdiction or not and if, as is conceded the jurisdiction may be conferred by agreement, what harm is there in asking the Court to read the agreement and say "yes, the Central Government has or has not the jurisdiction"? Agreements involving crores of rupees and question affecting life and death and extensive properties are daily decided by our Courts. It is a question of plain interpretation. Our highest Courts are considered to be intellectually and morally fitted to pronounce their final judgment upon interpretation of contracts. If, as Mr. Ananthasayanam Ayyangar thinks, the treaty, grant, usage, sufferance or other lawful means cannot be properly judged by the Court, then all reference to Courts should be eliminated and the clause should run "All

Courts should be considered to have been abolished in relation to a decision arising out of this Act." I think this is virtually the effect of the clause as it is. I ask what is the fear in relying upon the sense of justice of our Courts? What is the necessity of appealing to a Secretary? Then the Courts are made a mere post office. If a question is raised, the Federal Court sends a letter to the Secretary and the letter replied to it is to be conclusive. There is no sense of proportion so far as this power is concerned. It may be said that this power is analogous to certain power given to Secretaries of Government purporting to act on behalf of the Government when a letter signed by the Secretary is sent to the Court. The courts presume its authority. The Court will not question the genuineness of a letter, or authority or communication signed on behalf of the Government. But that is not the same thing as saying that legally they should accept as valid and binding everything contained in it. The Evidence Act does not empower courts to do that. The clause should be redrafted on these lines, namely, that "if any question arises as to what is the position, the Secretary should be empowered to give a reply and its genuineness would be conclusive and not open to question," but its legality should be left for decision by the Court.

Clause 6 is legislatively, judicially and constitutionally the most mischievous and the most dangerous section that I have ever come across. It may be said that this is exactly a copy of the Foreign Jurisdictions Act. - There is an essential distinction which I submit with respect, has been missed, namely in dealing with matters arising out of foreign jurisdictions which formerly depended upon "usage, sufferance or other lawful means." It is not as if 'paramountcy is dead, long live paramountcy'. It is certainly a very attractive slogan to be uttered before a public meeting. But it is neither good sense nor good law and will not appeal to serious minded people in the House, and two Honourable Ministers who are serious minded people have not accepted that proposition. They have declared merely that Paramountcy is dead and cannot be resurrected. In those cases where the British Government exercised acts under the Foreign Jurisdictions Act, matters were left to be judged from a large number of records, from long practice and other things not known to the public and even to the Courts and the Government were the only suitable and fit persons to give an effective judgment.

But here we have started afresh on a clean slate with contractual relationships and my respected friend Mr. Ananthasayanam Ayyangar thought that second class and third class States did not proceed to confer power by means of an instrument of accession, but agreement is nothing more than an instrument of accession. It is a glorified name for agreement by a State, however large or small it may be. I beg to submit that the entire position is contractual and the matter would be a pure question of interpretation of contract. Why cannot courts of law be allowed to decide according to plain interpretation of contracts? The object of the clause is in a manner to abolish courts of law so far as the propriety, the legality of acts done or purporting to have been done under this Bill if the Secretary gives a "decision."

With these few words I oppose the clause.

Shri M. S. Aney: Sir, the Honourable Member who has opposed this clause as also the previous clause has in the course of his arguments remarked that this indicates want of confidence in the courts by those who are bringing this law. I say nothing of the kind. This is a Bill, Sir, which deals mainly with relations between States and States, and I believe, as my honourable friend is very well conversant with constitutional law, he must have come across some such thing as an act of State. There are certain things in which the State claims to be the sole arbiter and judge, and not allow any court to come in and question its right in those matters. If there are any subjects in which the authority of the State is held supreme, it is in matters which essentially deal with relations between State and State, which intend to

[Shri M. S. Aney]

renew old relations and create new relations in all matters arising out of treaties, grants and precedence. These are matters in which the ultimate judgment or opinion of the state itself must prevail against everything else. Nobody else except the state can determine in what relationship a state should stand to another state whose relationship is in question. This is a Bill of that nature, and therefore in my opinion this section lays down nothing more than that a decision taken under this clause is an act of State and therefore under constitutional law being an act of state it is not to be questioned in any court at all. Such a provision would always find a proper place in any civilized constitution, if my honourable friend will take pains to go through it. In matters of this kind the ultimate verdict would always be that of the State, as that is the best authority to interpret it. He himself has given good reason for that when he said that such a state of things was justifiable when the British Paramount Power was here, and he justified a similar provision in the Foreign Jurisdiction Act on the ground that it essentially deals with matters of which a proper knowledge cannot be had by anybody else except the ultimate authority of the state. That position he conceded. Now, simply because the British paramount Power has gone and the Government of the Indian Dominion has come in as successor, although as successor it cannot assume paramount power, it does not cease to exercise those functions which it is necessary to exercise in its interests in order to keep its position, its prestige, and its good relations with every state. These are natural rights which would accrue to a sovereign state by usages and agreement. I am not quite prepared to say that they would be governed hereafter only by agreement. They will grow by usages also, hereafter as they have grown in the past. If certain usages have already grown in the past, this government will be entitled to make full use of them. Clause 7 of the Independence Act has been very clearly explained by Hon'ble the Speaker. H. M.'s Government wanted to absolve themselves of all obligations fastened on them by treaties usurpation and other methods in those early days. How this successor Government would acquire those relations was a matter with which they were not at all concerned. That was left to be done as a matter to be decided between themselves, by the Government of India on the one hand and any other state that would come in relation to them on the other. With that, section 7 does not concern itself at all. Therefore what I say is this, there might be many considerations on which the ultimate decision in regard to matters covered by section 6 will depend, and as they will be governed by considerations which can be exclusively in the possession of the state itself, the decision of the government department, which is represented by the words 'the Secretary to the Government of India', itself must be a final and unimpeachable thing, a thing that cannot be questioned in a court of law. That is in reality the duty and the exclusive function of the sovereign power itself; and it can not allow any court to come in and say to it "you cannot settle relations; and if you do that, it will be *ultra vires* and not *intra vires*." The decision is indication of the sovereign right of the State. The question raised by my friend is this: whether the Union Government that is going to come into existence here or to be more precise which has already come into existence since the 15th August is a sovereign government or not? If it is a sovereign government, it must have its final voice in certain matters of the highest importance to the state, and I believe section 6 deals with matters of this type, and therefore the absence of any provision there allowing a court to interfere with the discretion of the state is one which is perfectly justifiable and valid. This House should uphold it.

The Honourable Dr. B. R. Ambedkar (Minister for Law): If this clause 6 had been described by a Member of the Legislature who is not a lawyer as an unusual thing, I would not have any complaint: But I think for a lawyer to get up and say that this clause is not only unusual and strange, but cuts at the very

foundation in the judiciary, I cannot help expressing my surprise. Sir, as every lawyer knows, the law makes a distinction so far as rights are concerned between two sets—political rights and rights which are justiciable. Justiciable rights must always be determined by a judicial decree founded upon evidence produced by the parties before the court. But the political right, and I shall presently explain what is meant by political right, is never submitted to a court in the ordinary sense of the word. Now rights, whether they are contractual or otherwise, between two states are never regarded as justiciable rights. They are always regarded as political rights: and that is the one reason why this clause has been introduced into this Bill. The extra-territorial jurisdiction which is being conferred by the Indian States upon the Indian Dominion is a matter between two states and not between two individuals; and being a matter between two states, obviously all the matters connected with that jurisdiction are political rights, and as such they cannot be left to the judiciary to determine. This clause, as I said, is in no sense an unusual one, for if my Honourable friend refers to the British Act, on which this one is modelled, and refers to clause 4, he will find, the language of clause 6, is absolutely the same as the language of clause 4. Now, my Honourable friend also said that he was aware of certain provisions in the Evidence Act where a certificate given by a Secretary of a Department of the Government of India was said to be conclusive evidence of his authenticity, but it was never accepted as deciding the status of any particular individual. I am sure that he must have forgotten Section 86 of the Civil Procedure Code. If he refers to the Civil Procedure Code, Section 86, he will find therein a provision which is very much analogous to the provisions contained in clause 6 of this Bill. Section 86 of the Civil Procedure Code relates to a suit against an Indian Prince or a foreign Envoy or any such person occupying the capacity or status of a non-Indian citizen. It is provided by Section 86 of the Civil Procedure Code that no suit against an Indian Prince can proceed unless and until the party suing the Indian Prince secures the consent of the Secretary of State that he may be sued. The object underlying Section 86 is to give the Government of India an opportunity to express an opinion whether they regard the particular Prince who is sued, as entitled to the status of a sovereign Prince. If they think that he is entitled to the status of a sovereign Prince, we issue a certificate that he is a sovereign Prince, and the moment that certificate is issued the matter becomes a political matter and ceases to be justiciable in the ordinary sense and the suit falls through. There is nothing unusual in it.

My Honourable friend wants me to state the reason for this somewhat anomalous position which the law recognises not only in this country but in every other country. I could state for his information the reason why this distinction is made. Sir, supposing the Department of a State upon the assumption that a particular Prince is a sovereign Prince deals with him on that basis, and suppose that if the question of his status was left to be decided by an ordinary court of law, where evidence was brought in, and the court came to the conclusion that he was not a Ruling Prince in the sense of a Sovereign Prince, what happens? We have in a situation like this two conflicting decisions—one decision given by the judiciary and another decision given by the State and both are irreconcilable. In such a situation the execution of a decree becomes absolutely impossible. In England, as my Honourable friend knows, there is no such thing as an Evidence Act, but there is a very well-established rule which the British Judiciary has adopted that in matters of this sort where they are likely to come into conflict with the Political Department of the State, they shall not entertain a plea and give a judgment because after all the judgment on a decree of the judiciary has to be executed by the Department of the State and they do not want themselves to be entangled with the State Department. That, I think, is a very salutary reason why the courts themselves have abnegated the right of exercising any jurisdiction in a matter which is likely to be political.

[Dr. B. B. Ambedkar]

I submit, therefore, that this clause, clause 6, is a very right clause, appropriate, and should remain in the Bill as it is.

Mr. Chairman: 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.

Clause 1 was added to the Bill.

Shri M. Ananthasayanam Ayyangar: Sir, consequential upon the amendment already accepted in relation to clause 2, I move:

"That in the Preamble, after the word 'treaty', the word 'agreement' be inserted."

Mr. Chairman: The question is:

"That in the Preamble, after the word 'treaty', the word 'agreement' be inserted."

The motion was adopted.

Mr. Chairman: The question is:

"That the Title and the Preamble as amended, stand part of the Bill."

The motion was adopted.

The Honourable Sardar Vallabhbhai Patel: Sir, I move:

"That the Bill as amended be passed."

In doing so, I express my gratefulness to the House for the generous support that has been given to it.

Mr. Chairman: Motion moved:

"That the Bill as amended be passed."

Mr. Naziruddin Ahmad: Sir, I express my gratitude to this House and to the Honourable Members and the Ministers for condescending to reply to my points which were raised in the interests of puritanism in legislation. I am very grateful to the eminent Ministers for clarifying the matter in spite of the fact that my amendment has not been accepted. The position is now clear as if the amendments were accepted. The extreme cases where interference will be justified have been conceded and the assurances so clearly given in the House will, I am sure, be respected by the Government. I submit that I yield to none in my respect for the very able manner, in which delicate negotiations between the States and the Government of India are being conducted and brought to successful conclusion. In whatever I have done, it is never in derogation to the respect and admiration which I feel for the present Administration. With these few words, Sir, I would now support the motion that the Bill as settled in the House be passed.

In passing, one remark may be made that my learned friend has said that there is a distinction between a "Sovereign Power" and a "State" but here we are concerned with two sovereign powers; when two sovereign powers disagree it is a question for the International Court and these matters are decided not by one party but by two. But that is only an academic aspect of the thing. I heartily and fully support the motion that the Bill as settled in the House be passed.

Mr. Chairman: The question is:

"That the Bill as amended be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 10th December, 1947.