

Saturday, 25th November, 1950

Par. B. II. V. 50 (1)

840



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



THIRD SESSION (FIRST PART)

of the

PARLIAMENT OF INDIA

(1950)

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**THE**  
**PARLIAMENTARY DEBATES**  
**(Part I—Questions and Answers)**  
**OFFICIAL REPORT**

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PARLIAMENT OF INDIA

Saturday, 25th November, 1950

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

[MR. SPEAKER in the Choir]

ORAL ANSWERS TO QUESTIONS

RICE PRODUCTION IN WEST BENGAL

\*333. **Shri B. K. Das:** Will the Minister of Food be pleased to state:

(a) the deficit in production of rice in West Bengal on account of the diversion of paddy-growing land to jute cultivation; and

(b) the allocation of food grains made to the State to make up the loss?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) The deficit in production of rice in West Bengal on account of diversion of paddy-growing land to jute cultivation is about 60,000 tons.

(b) The ceiling quota for West Bengal fixed originally at 250,000 tons has been increased to 300,000 tons.

**Shri B. K. Das:** May I know what is the quantity of rice that has been allocated out of the total allotment made to West Bengal? What I mean is out of the 300,000 tons of food-grains allocated to West Bengal, what is the quantity of rice allotted?

**Shri Thirumala Rao:** I am answering about rice.

**Shri B. K. Das:** This figure does not include any wheat or wheat products?

**Shri Thirumala Rao:** I want notice of that.

**Shri Barman:** What is the total acreage of paddy-growing lands diverted to jute cultivation?

**Shri Thirumala Rao:** I am afraid I have not got the figures.

**Dr. V. Subramaniam:** What is the profit which a cultivator gets when he diverts an acre of land from paddy to jute?

**Shri Thirumala Rao:** I cannot answer that question off-hand.

**Shri B. K. Das:** What is the output of jute of the land diverted from paddy in West Bengal?

**Shri Thirumala Rao:** I want notice of that question, Sir.

**Shri Barman:** What is the total acreage of land under jute cultivation in the whole country?

**Shri Kamath:** Is it a fact that in West Bengal and other parts of India owing to the procurement policy of the Governments, several peasants are diverting their land from food crops to cash crops?

**Shri Thirumala Rao:** It is a matter of opinion, Sir.

**Shri Kamath:** I want to know whether it is a fact.

**Mr. Speaker:** The hon. Member is trying to gauge the mind of the cultivator as to why he is diverting.

**Shri Chattopadhyay:** May I know whether the diversion from paddy to jute is being made under the instructions of the Government or the people themselves are diverting?

**Shri Thirumala Rao:** In pursuance of the "Grow more jute" policy accepted by Government, we are asking certain States to divert some of their lands to jute.

**Shri Chattopadhyay:** My question has not been replied to. I want to know whether in the State of West Bengal the diversion was made under the instructions of Government or the people themselves are diverting?

**Shri Thirumala Rao:** It is partly due to the efforts of the Government to divert rice-producing lands to jute; it is also partly due to the initiative of the cultivator himself.

**Shri Chattopadhyay:** May I know what steps are being taken by the Government to see that rice and paddy are made available to the cultivators of jute at reasonable prices?

**Shri Thirumala Rao:** It is the duty of the Bengal Government to see to it, keeping in view the overall supply position of rice.

#### CALCUTTA TELEPHONE SYSTEM

\*334. **Shri B. K. Das:** Will the Minister of Communications be pleased to state:

(a) the main complaints received regarding the telephone system in Calcutta; and

(b) the steps taken for their remedy?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) and (b) I lay on the Table of the House a statement showing the types of complaints which have been received from time to time and the steps taken to remedy the defects brought to notice. [See Appendix III, annexure No. 27.]

**Shri B. K. Das:** I would like to know the number of complaints that have been investigated so far; and the number of punishments awarded.

**Shri Khurshed Lal:** I am afraid I would not be able to give those figures.

**Shri B. K. Das:** I understand that a complaint and investigation officer has been appointed: how long has he been working and how many cases has he investigated so far?

**Shri Khurshed Lal:** This organisation was created a few months ago. I have not got here with me the number of cases dealt with by him.

**Shri Rndrappa:** Is it a fact that similar complaints have been received from the Mysore Government regarding the working of the telephone system there?

**Mr. Speaker:** That is not within the scope of this question.

**Shri A. C. Guha:** Have the Government any proposal under consideration of introducing an automatic system in Calcutta?

**Shri Khurshed Lal:** Government are fully aware that the telephone service

in Calcutta is as unsatisfactory as it possibly can be and the causes for it are well-known to the House. Government are taking all possible steps to improve it. As part of a long-term plan Government are going ahead with the automatization scheme at a cost of Rs. 14 crores. It will naturally take some time before it is completed.

**Shri B. K. Das:** May I know what is the arrangement for the training of operators?

**Shri Khurshed Lal:** There are Operators' training classes. But we are finding great difficulty in the matter of operators also, because I have to say that it has been found by experience that Anglo-Indian girls who were formerly manning the Calcutta system were much more efficient than the girls we are getting now and a good deal of difficulty is being experienced. Steps are, however, being taken to overcome that.

**Shri Barrow:** Is it a fact that Anglo-Indians are being debarred from this service by raising the qualifications?

**Shri Khurshed Lal:** They are not debarred from service; but they are not available.

**Shri B. K. Das:** Is it a fact that many of the complaints arise out of the wilful negligence on the part of the operators?

**Shri Khurshed Lal:** The drawbacks of the Calcutta telephone system, in my opinion, are due 50 per cent. to the very bad condition of the equipment there and 50 per cent. to the failure of human material.

**Shri S. C. Samanta:** Are all complainants informed of the result of the enquiry?

**Shri Khurshed Lal:** Usually what happens is that the complaints are remedied; they get automatically informed.

#### MURDERS, ROBBERIES AND THEFTS IN TRAINS

\*337. **Shri Kamath:** Will the Minister of Railways be pleased to state:

(a) the number of murders, robberies and thefts which occurred in running trains during the last twelve months; and

(b) what steps have been taken or are proposed to be taken to prevent such incidents?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) During the 12 months ending 30th September, 1950, 52 murders, 216

robberies and 6869 thefts occurred in running trains both passenger and goods.

(b) Every precaution is being taken to prevent murders, robberies and thefts in running trains. So far as passenger trains are concerned, the measures adopted include the escorting of trains by the Government Railway Police and the Railway Protection Police; intensive checking to ensure the proper maintenance of security fastenings and safety devices in all classes of accommodation; the fitting of iron bars across the window openings of all upper class carriages and ladies, Inter and III class compartments; and the giving of warning to passengers to make use of the devices fitted for their security. Goods trains running after dusk are escorted by Police and Watch and Ward staff. As far as practicable Watch and Ward staff are posted in known bad localities to ensure the protection of passing trains.

**Shri Kamath:** How many, Sir, of these murders, dacoities and thefts were investigated and in how many were the culprits traced and apprehended?

**Shri Santhanam:** The investigation of these crimes is the responsibility of State Governments. The Railways, as soon as any such robbery or theft occurs, give full details to the State Governments and render such help as is asked for by those Governments. I have not got the results of the investigations by State Governments in all these cases.

**Shri Kamath:** Is it not a fact that the Railway Police and the Watch and Ward staff collaborate with the State Government machinery in investigating these offences?

**Shri Santhanam:** The Railway Police also are part of the State Police. Only they are put at the disposal of the railways for this particular purpose, and all their records also go to the State Police.

**Shri Kamath:** Are the Railway Police the responsibility of the State Government or the Central Government?

**Shri Santhanam:** The State Government.

**Shri Kamath:** And Watch and Ward staff?

**Shri Santhanam:** Watch and Ward staff are railway servants, but their business is to bring any offence to the notice of the Railway Police who report to the regular State authorities.

**Shri Deshbandhu Gupta:** Can the hon. Minister give the figures for murders and robberies for the previous year?

**Shri Santhanam:** I am afraid I have not got those figures, but I wish to say that the murders last year were especially heavy in Bengal, on the East Indian Railway, owing to the communal disturbances of last year.

**Shri R. L. Malviya:** Can the hon. Minister give figures of the murders and robberies State-wise?

**Shri Santhanam:** Sir, I have got the figures by Railways, because our Railways are inter-State Railways. Out of fifty-two, forty-three murders took place on the East Indian Railway, and as I informed the House it was largely due to the outbreak of communal disturbances last year.

**Shri Joachim Alva:** In view of the extreme hardship in pulling the alarm chain do Government consider the advisability of having electric press buttons by which a passenger can speedily communicate with the guard or driver?

**Mr. Speaker:** The hon. Member is making a suggestion.

**Shri Joachim Alva:** Sir, I have tried it on more than one occasion.

**Shri B. K. Das:** Has any of the Railways been equipped with any automatic device to prevent these crimes?

**Shri Santhanam:** Sir, as the House knows, one such device is being experimented upon in the East Indian Railway. The experiments are still continuing and no final opinion can be expressed about their effectiveness at present.

**Shri Kamath:** Have any instructions been issued by the Central Government to the State Governments asking them to communicate the results of their investigations in these cases?

**Shri Santhanam:** For instance there are 6,869 thefts, some of them serious, some of them minor. I think it will be impracticable to ask them to communicate the result of every investigation. But so far as the major cases are concerned, our Railway Administrations follow these cases with some interest, and when we ask for information they communicate to us.

**Shri Kamath:** Is there no machinery at all to keep the Central Government

informed of what happens to the investigations about offences and crimes on the Railways?

**Shri Santhanam:** Each Railway Administration keeps itself informed, and when we ask the Railway Administration they inform us.

**Shri Kamath:** But we are not informed. Parliament is not informed.

**Mr. Speaker:** Order, order. I am passing on to the next question.

#### ADDITIONAL TRAINS FOR MADHYA PRADESH

\*338. **Shri Kamath:** Will the Minister of Railways be pleased to state:

(a) whether any representations have been made to Government asking for additional trains between Nagpur and Kamptee in Madhya Pradesh; and

(b) if so, whether any decision has been taken in the matter?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Yes.

(b) With effect from the 1st October, 1950, additional local trains have been introduced between Nagpur and Kamptee.

**Shri Kamath:** How many train or trains?

**Shri Santhanam:** One additional train from Kamptee to Nagpur and, of course, the return train from Nagpur to Kamptee.

**Shri Kamath:** Is it a fact that the Passengers' Association at Kamptee made a representation to Government that owing to the heavy traffic on the line there should be at least two trains running either way?

**Shri Santhanam:** Yes, Sir. The necessity for the provision of additional local trains between Kamptee and Nagpur is appreciated, and in this connection a proposal to discontinue one of the local trains between Ramtek and Nagpur is being considered as additional engines and rake are not available. If the proposal to discontinue one of the local trains between Ramtek and Nagpur is found feasible, in consultation with the local Passengers' Association it is proposed to introduce additional trains between Nagpur and Kamptee and to revise the timings of others so as to make them more suitable for local needs.

**Shri Kamath:** Is it a fact that this representation was made to Government over six months ago and that in

spite of the request - made to the General Manager he refused to convene a meeting of the local Advisory Committee to consider this matter?

**Shri Santhanam:** That is not a fact, Sir. The question of stoppage of mail trains was agitated. It was included in the agenda of the Time-table Subcommittee meeting arranged for the 13th July, 1950. But as only one member turned up the question was not discussed.

#### VERNALIZED WHEAT SEEDS

\*339. **Dr. R. S. Singh:** (a) Will the Minister of Agriculture be pleased to state whether experiments are being made on vernalized wheat seeds?

(b) If so, in which laboratory are those experiments being made?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) Yes.

(b) At the Indian Agricultural Institute of Research, Delhi and the Vivekananda Laboratory, Almora.

**Dr. R. S. Singh:** Is it a fact that these vernalized seeds can be planted like paddy when field conditions are favourable?

**Shri Thirumala Rao:** Yes, Sir.

**Dr. R. S. Singh:** May I know whether the use of the vernalized seed will minimise the effects of drought and flood in cultivation?

**Shri Thirumala Rao:** When the seed is planted before unfavourable conditions set in the late varieties escape the effects of drought, etc.

**Dr. R. S. Singh:** May I know the conditions and the temperature in which the seed is kept for vernalization?

**Mr. Speaker:** Order, order. That will be a scientific research.

#### SPECIAL QUOTA OF FOOD GRAINS

\*340. **Dr. R. S. Singh:** (a) Will the Minister of Food be pleased to state whether the Government of India have allotted any special quota of food grains for distribution among Post and Telegraph employees in Bihar?

(b) If so, how long will that arrangement last?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) No.

(b) Does not arise.

**Shri R. Velayudhan:** There is another question, namely No. 359, on the same matter. Both can be taken together.

**Mr. Speaker:** This question refers to the Government of Bihar. The other one (359) refers to Travancore-Cochin. They are different though they are of the same nature no doubt. Let us take them separately.

#### FOOD PRODUCTION (GRANT)

\*341. **Dr. R. S. Singh:** (a) Will the Minister of Agriculture be pleased to state whether any grant has been made to the Government of Bihar for increasing her food production?

(b) If so, what is the amount of that grant?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). A grant of Rs. 94,47,781 has so far been sanctioned to the Government of Bihar for the Grow More Food schemes during 1950-51.

**Sardar B. S. Man:** May I know what was the grant for last year, that is in 1949-50, to the State of Bihar and whether that amount was spent by the Bihar Government or not?

**Shri Thirumala Rao:** I am sorry, I want notice.

**Shri Kamath:** How much of this grant has been utilised or earmarked for minor irrigation schemes in that State?

**Shri Thirumala Rao:** There are a number of items giving the details. I have got them here. It will take time to read. I may mention a few. Construction of pynes, aharas and bunds: Rs. 68 lakhs. Grant for reclamation of waste land: Rs. 20,000. Lift engine and pumps: Rs. 9 lakhs. Medium aharas, bunds and pynes: Rs. 5 lakhs. Installation of tube wells: Rs. 7,70,000. Rahat pump scheme: Rs. 14 lakhs.

**Shri Kamath:** Has the Deputy Minister's attention been drawn to the speech of Mr. Anugraha Narain Sinha, the Bihar Food Minister, made yesterday that crores of rupees had been wasted on minor irrigation schemes in Bihar? Does it relate to the Central Government grant?

**Mr. Speaker:** I think the hon. Member in that House will be able to answer it.

**Shri Jhunjhunwala:** Do the Central Government keep a watch over the money which is being given to differ-

ent states as to whether these are properly utilized and do the Government get any report? What is the latest report which Government have obtained for the money given to the Bihar Government?

**Shri Thirumala Rao:** The Central Government keep a close watch on the items of expenditure that are being incurred from grants that are given from the Central Government and they get periodical reports and the officers of the Central Government go about in the States and contact officers in charge of 'Grow More Food' campaign and get the information.

**Shri Jhunjhunwala:** What is the additional food which has been grown because of this grant? Has he got the latest report?

**Shri Thirumala Rao:** I can give you the anticipated production: it is 1,33,691 tons.

**Shri Jhunjhunwala:** I do not want your anticipated figures.....

**Mr. Speaker:** Order, order; he has already said that he wants notice.

**Babu Ramnarayan Singh:** Have the Government of India any agency of their own to report whether the grants made to States are properly used?

**Shri Thirumala Rao:** A high power officer is in charge of the 'Grow More Food' campaign from the Central Government. He is in close touch with the development in the provinces and States.

**Sardar B. S. Man:** Arising out of the answer that the Central Government is keeping a close watch over the schemes which are being carried out by the different State Governments, may I ask whether the fact has been brought to the notice of the Central Government that Bihar Government did not conform to the schemes in 1951 and 1950?

**Shri Thirumala Rao:** I am not aware of it.

**Shri Hussain Imam:** Has the State Government the power to reappropriate from one head to another head the grants made by the Centre?

**Shri Thirumala Rao:** That is a matter of detail and I require notice.

**Shri Kamath:** Does the Deputy Minister agree with the Bihar Food Minister that the Minor irrigation works in Bihar have been a farce?

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

## RAILWAY ACCIDENTS

\*346. **Shri B. E. Bhagat:** Will the Minister of Railways be pleased to state:

(a) whether all Railway accidents which have occurred since 1st July, 1950 have been investigated and if so, how many of them were due to sabotage;

(b) whether investigations were made into accidents due to the design and performance of latest type of locomotives or soft track soil; and

(c) what steps have been taken so far to prevent accidents and with what results?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Yes, all accidents are investigated. Two accidents in August and one in September, were attributed to sabotage.

(b) An investigation in each case was made to ascertain the cause and remedial measures. Such an investigation takes into account all attendant circumstances, including the condition and performance of the locomotive and the condition and standard of the track, the soil etc.

(c) Steps taken include:

Effective disciplinary action against Railway staff held responsible for accidents; frequent and intensive inspections of permanent way, rolling stock etc., systematic examination of the working of stations more intensive patrolling of selected lengths of the railway line in consultation and collaboration with State Governments; provision of certain mechanical devices in the structure of the permanent way so as to make the tampering with the track difficult; grant of special priority for works required to enhance the margin of safety.

Even though it is not possible to measure their results, it can be said that these steps have resulted in a decrease in the number of train accidents during the quarters ended June and September, 1950, as compared with that during the first quarter of this year.

**Shri B. E. Bhagat:** May I know what is the basis of this conclusion arrived at by the Government, whether the investigation has taken place through department or any judicial enquiry has taken place?

**Shri Santhanam:** In major accidents the investigation is conducted by the Government Inspector of Railways. In all other cases it is conducted by the officers of the Railway Administrations.

**Shri B. E. Bhagat:** What is the result of the remedial measures taken to prevent these accidents?

**Mr. Speaker:** He has said that the number of accidents is reduced in the last quarter.

**Shri K. Velayudhan:** Arising out of answer to part (b) may I know whether any engineer in the Railway Department had reported that the Canadian locomotives which were imported into India will not give a higher running and the accidents happen because of the slow running of the trains?

**Shri Santhanam:** It is exactly the reverse of the fact. Out of 496 accidents the W. P locomotives were involved in 10 of which 3 were due to running into road traffic at level crossings, 1 running into obstruction, 2 derailments due to wrong manipulation of or defective points, 2 passing signals at danger, 1 reception on wrong line and 1 train parting due to breakage of drawbar of a vehicle. There has been no case in which any defect of construction or behaviour of W.P. engines has been said to be the cause of accidents.

**Shri K. Velayudhan:** May I know whether any engineer had reported like that in the Railway Board?

**Shri Santhanam:** I cannot say whether any engineer had investigated and made such a report.

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

**Pandit Munishwar Datt Upadhyay:** May I know how many accidents were due to the negligence of the staff?

**Shri Santhanam:** Out of a total of 496 train accidents which occurred during the three months July, August and September 1950, the number of cases of railway staff punishable was about 400

**Shri Rathnaswamy:** Is it a fact that the Calcutta-Madras Mail was involved in an accident some days back, and if so, will the hon. Minister be pleased to tell us what are the causes that led to that accident?

**Mr. Speaker:** I think that there was a separate question which was answered.

**Shri S. N. Sinha:** May I know which are those two accidents which were due to sabotage in August last?

**Shri Santhanam:** August 1950. (1) Derailment of 320 Down Goods on E.I. Railway between Durgauti and Karmnasa on 13th August 1950, which



resulted in the accident to the 7 Up Toofan Express (2) Derailment of a motor trolley on the S.I. Railway due to running over stones placed on line.

September 1950. An averted collision on the E.I. Railway caused by some unknown person or persons having tampered with signal wires resulting in the entry of a Goods Train on an occupied line at a station.

**Shri Tyagi:** Is the hon. Minister aware that in 1942 when we used to burn Railway stations and commit such accidents on the Railways, they were mostly done with the connivance and collaboration of the Railway staff?

**Mr. Speaker:** Order, order. He need not go into that question.

CLAIMS COMMISSIONER (RAILWAYS)

\*347. **Shri B. R. Bhagat:** Will the Minister of Railways be pleased to state:

(a) whether a Claims Commissioner has been appointed in each case of major railway accident that has occurred recently;

(b) how many claimants have applied for compensation in each one of the major accidents; and

(c) the total amount of claims disbursed?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) A special Claims Commissioner was appointed to deal with the claims arising from each of the seven major accidents which have occurred during this year. There are permanent Claims Commissioners to deal with claims arising in other accidents.

(b) A statement is placed on the Table of the House giving the number of claimants for each of the seven major accidents.

(c) Rs. 2,80,963.

STATEMENT

Number of claimants who applied for compensation in each of the major Railway accidents.

Brief details of accidents	Number of claimants
Derailment of 27 Up Kashmir Mail at Sirhind on 29-1-50 (EPR)	95
Collision between 4 Dn and 1 Up at Munderwa (OTR) on 2-2-50.	9

Brief details of accidents	Number of Claimants
(3) Derailment of Calcutta Mail at Sulturupeta (MSM) on 3-3-50.	65
(4) Derailment of 10 Dn Kumaon Express between Bitroi and Kachhla (OTR) on 12-4-50.	31
(5) Derailment of 5 Up Punjab Mail between Jasidih and Simultala (EIR) on 7-5-50.	125
(6) Accident to 7 Up Toofan Express between Durgauti and Karmanasa (EIR) on 13-8-50.	13
(7) Derailment of 321 Up Kashmir Mail between Dina Nagar and Gurdaspur (EPR) on 3-9-50.	16
Total ..	354

**Shri B. R. Bhagat:** How many applications for compensation have been received in the case of 7-Up Toofan Express accident?

**Shri Santhanam:** So far as the Toofan Express accident between Durgauti and Karmanasa stations is concerned, 13 claims have been filed.

**Shri B. R. Bhagat:** What is the maximum amount of compensation given in any particular case?

**Mr. Speaker:** Identical questions are being repeated. This matter has been gone into in detail.

**Shri Kamath:** Are the Claims Commissioners asked to dispose of these claims cases within a specified period?

**Shri Santhanam:** Yes, Sir. Claims have to be filed within three months of the accident. Claims Commissioners are generally appointed for a period of not more than six months. They are expected to finish all the claims within six months.

**Shri Kamath:** Have any cases come to the notice of Government where the Claims Commissioners kept cases pending for a longer time than six months?

**Shri Santhanam:** This institution of Claims Commissioners has been started only this year after the passing of the law last year. So far as the Claims Commissioners are concerned, there has not been much delay.

**Mr. Speaker:** Next question.

## GOAT WOOL

\*349. **Shri S. C. Samanta:** Will the Minister of Agriculture be pleased to state.

(a) what are the foreign markets of Indian goat wool;

(b) whether goat wool is graded and standardised before it is exported; and

(c) the names of States in India where goat wool is mostly available?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) The important foreign markets are—U.S.A., U.K., Australia and France.

(b) No.

(c) (1) Rajasthan.

(2) (Punjab (I).

(3) Himachal Pradesh.

(4) P.E.P.S.U.

(5) Uttar Pradesh.

(6) Saurashtra.

(7) Kashmir.

**Shri S. C. Samanta:** May I know the length, strength and quality of goat wool in comparison with sheep wool?

**Shri Thirumala Rao:** The exporters, after cleaning the hair sort it into different colours before sending to foreign countries. The rough grading adopted by the shippers is not uniform and is not based on any standard schedule. Therefore, it is difficult for me to answer my hon. friend's question.

**Shri S. C. Samanta:** May I know whether the price of exported wool is determined by auction at Liverpool?

**Shri Thirumala Rao:** I have got no information.

**Shri S. C. Samanta:** May I know whether it is a fact that New Zealand, U.S.A. and Australia and other countries which produce wool have their auction floors in their own countries?

**Shri Thirumala Rao:** I have no idea. The information is, that the schedules for grading the hair for export to Australia, U.K., and U.S.A. has been tentatively drawn up by the Directorate of Marketing and these specifications have been approved by the importers abroad.

**Shri S. C. Samanta:** May I know whether the producers get an equitable price?

**Shri Thirumala Rao:** I want notice of the question. Perhaps, the Commerce Ministry may be able to give an answer.

**Pandit Munishwar Datt Upadhyay:** What is the value of wool exported every year?

**Shri Thirumala Rao:** I have no information; perhaps the Commerce Ministry may be able to give an answer.

## AERONAUTICAL INSPECTION DIRECTORATE

\*351. **Dr. M. M. Das:** (a) Will the Minister of Communications be pleased to state whether there is any Aeronautical Inspection Directorate, functioning in this country?

(b) Is it a fact that the Indian Air Force have requested the Government for setting up immediately such a Directorate with a team of experts imported from abroad?

(c) If so, what action Government propose to take in the matter?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) to (c). There is an Aeronautical Inspection Directorate in the Civil Aviation Department responsible for the supervision of air-worthiness of civil aircraft. As aircraft are now going to be manufactured in India, new and distinct functions, namely control of the standards of manufacture and inspection of manufacture of aircraft, will have to be exercised by Government. For this purpose a separate Aeronautical Inspection Directorate exists in foreign countries and will have to be set up in due course in India when manufacture of aircraft increases. In the meanwhile the Director General of Civil Aviation's Inspection Directorate has been strengthened as necessary for inspection of the (at present) limited manufacture of aircraft in the country. Consultations in regard to any further personnel required are taking place between the Ministries concerned. If it is found unavoidable to obtain the services of any foreign expert, necessary decision will be taken in due course.

**Dr. M. M. Das:** Part (b) of my question is whether it is a fact that the Indian Air Force have requested our Ministry to establish such a Directorate. I want to know whether it is correct.

**Shri Khurshed Lal:** I would respectfully submit that consultations between the various Ministries of Government should be confined to the Ministries, and the result will be communicated to the House.

**Dr. M. M. Das:** I want to know whether the Indian Air Force have requested the Ministry.....

**Mr. Speaker:** His reply seems to be that inter-departmental communications may not be disclosed to the House. Whatever the discussions may be, he is not prepared to disclose them to the House.

**Dr. M. M. Das:** May I know whether it is a fact that there is some defect in the process of manufacturing aircraft in the Hindustan Aircraft, to which some of our recent Indian Air Force accidents are attributed, and whether that is the reason why the Indian Air Force have requested the Ministry to set up such a Directorate?

**Shri Khurshed Lal:** This information that there has been some defect in the Hindustan Aircraft manufacture, I am getting for the first time from my hon. friend. I think it is wrong.

**Shri Kamath:** To what extent have the recommendations made by the enquiry Committee on the KLM Air Crash in July 1949, been implemented?

**Shri Khurshed Lal:** I gave a detailed answer to that question some time back.

**Shri Kamath:** That was during the Budget session. Since then, what further implementation has there been?

**Mr. Speaker:** The work is going on. That is what he says.

**Shri Kamath:** That is hardly satisfactory.

**Dr. M. M. Das:** May I know whether the present inspecting body consists of some officials who are employed in the Hindustan Aircraft factory, or is it an entirely separate body?

**Shri Khurshed Lal:** The Inspection Directorate in the Civil Aviation Department has nothing to do with the Hindustan Aircraft factory, except that some officers are stationed in Bangalore.

**Dr. M. M. Das:** May I know whether these officers inspect the process of manufacture?

**Shri Khurshed Lal:** Yes; it will be the duty of the organisation to inspect and lay down standards for manufacture.

**Shri Kamath:** Has the recent economy drive affected adversely the implementation of the recommendations of that Committee?

**Shri Khurshed Lal:** The KLM enquiry hardly arises out of this question.

**Shri Kamath:** This question relates to aeronautical inspection. The safety of air travel is concerned here.

#### KASHMIR MAIL DERAILMENT (ENQUIRY)

\*352. **Sardar Hukam Singh:** (a) Will the Minister of Railways be pleased to state whether the enquiry into the circumstances leading to the derailment of the UP. Kashmir Mail between Dinanagar and Gurdaspur has been completed?

(b) What was the final estimate of persons (i) killed, (ii) injured?

(c) Have all the claims for compensation been settled?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Yes; the statutory enquiry by the Government Inspector of Railways has been completed.

(b) 12 persons were killed, 22 received grievous injuries and 43 minor injuries. Figures of casualties in accidents are not estimated but are ascertained as accurately as possible.

(c) A special Claims Commissioner has been appointed to receive and determine claims arising out of this case, but no claim has yet been disposed of so far.

**Sardar B. S. Man:** What are the results of the enquiry that has been completed?

**Shri Santhanam:** The Government Inspector says:

"I consider that the accident would not have occurred if the track had properly and efficiently been controlled by the permanent way staff during the heavy rains."

He says that the accident was due to the scouring of the approaches to the bridge by heavy rains. He also says that the responsibility for lack of control is shared by the permanent way gang and by the engineering inspecting officials. We are taking necessary action on the basis of this report.

**Sardar B. S. Man:** What action has been taken?

**Shri Santhanam:** We are considering the responsibility of the officials. I cannot communicate the results before we have completed consideration.

**Mr. Speaker:** Next question.

#### DELHI TRANSPORT BUS ACCIDENTS

\*353. **Sardar Hukam Singh:** Will the Minister of Transport be pleased to state:

(a) the number of persons killed or injured in Delhi Transport Bus accidents during the last six months; and

(b) whether any compensation was paid to passengers, workmen or pedestrians in cases of injuries in such accidents?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Twelve persons were involved in Delhi Transport Service Bus accidents during the six months ending 31st October 1950. Of these eleven sustained minor injuries and one proved fatal.

(b) The compensation paid by the Delhi Road Transport Authority to passengers, workmen or pedestrians involved in those accidents is nil.

**Shri Kamath:** Has it been reported to the Minister that the D.T.S. buses are mechanically and otherwise badly maintained and during the last monsoon several of them leaked very badly?

**Shri Santhanam:** It is quite true that maintenance arrangements are not as satisfactory as we would like them to be. The Delhi Road Transport Authority is setting up a proper workshop and getting proper engineers. They have had to struggle with a bad legacy of the old G.N.I.T. which Government took over.

**Shri Kamath:** Is it a fact that since Government took over the buses, their condition has deteriorated?

**Shri Santhanam:** Till the workshop and necessary maintenance arrangements are complete, there is bound to be some difficulty in maintaining the buses.

**Shri Kamath:** What complacency!

**Sardar B. S. Man:** Have the sheds necessary for the carrying on of repairs been erected so far or not?

**Shri Santhanam:** Arrangements are being made.

**Shri Joachim Alva:** Is the hon. Minister aware that full headlights are put on in the vehicles in the Queensway and other roads, and how many accidents are due to this putting on of full headlights?

**Shri Santhanam:** Accidents are very few; only about two per month. So I cannot say how far this was responsible for the accidents.

**Shri Hussain Imam:** What is the proportion of the buses which are working and which are under repairs, on an average?

**Shri Santhanam:** There is, I think, a separate question on the matter and I shall give all the details.

#### STARVATION DEATHS IN BIHAR

\*354. **Shri Kshudiram Mahata:** Will the Minister of Food be pleased to state:

(a) the number of reported starvation deaths in the State of Bihar since 1st August, 1950 with reference to the different districts;

(b) whether Government are aware of the fact that several starvation deaths have taken place in Sadar-Manbhium during the period; and

(c) if the answer to part (b) above be in the affirmative, what action did Government take to meet food scarcity there?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) and (b). Many reports of starvation deaths in Bihar have appeared in the Press, but all these reports, with the exception of one death in a beggar family in Purnea District about which mention was made in the last session of Parliament, have, on verification, been found to be incorrect.

(c) Although there has been no starvation death in Sadar-Manbhium District, as Members are aware, scarcity conditions prevail throughout Bihar and as stated by me in the course of the food debate, Government will take all possible steps to relieve the distress.

**Shri Kshudiram Mahata:** Sir, may I know whether the attention of Government has been drawn to a report appearing in the Indian Nation of six starvation deaths in one village in Manbhium Sadar where the people, according to the report of the Secretary of the District Congress Committee were living on roots of "palash" trees, etc.

**Shri Thirumala Rao:** Sir, I am not aware of that particular instance.

**Shri Kshudiram Mahata:** May I know what procedure is adopted by Government in the matter of verifying the reported starvation deaths, i.e., whether there was any directive to include as starvation deaths, those deaths which took place due to taking non-eatable things, etc. for want of cereals?

**Shri Thirumala Rao:** The State Governments are investigating these matters and giving us their reports.

**Shri Jhunjhunwala:** What is the date of the death of the beggar? Was it before or after the 1st of August 1950?

**Shri Thirumala Rao:** I cannot give the exact date. It is evidently after the 1st of August, it was referred to in the previous session.

**Shri Jhunjhunwala:** The question asks about deaths after the 1st of August, and the death of the beggar was probably before the 1st of August.

**Shri Thirumala Rao:** As I said, I cannot give the exact date; but this was referred to in the last session held in August.

**Shri Hussain Imam:** Sir, may I know the measure by which Government assess whether a man's death is a death by starvation or an ordinary death? Is there any disease like starvation?

**Mr. Speaker:** I think we are entering into an argument about it. I go to the next question.

PROCUREMENT OF FOOD GRAINS IN  
SADAR MANBHUM

\*355. **Shri Kshudiram Mahata:** Will the Minister of Food be pleased to refer to the reply given to starred question No. 114 asked on 2nd August, 1950 and lay on the Table of the House a statement showing:

(a) the quantities of food grains procured in Sadar Manbhum (Bihar) from January 1950 to August 1950, month by month;

(b) the quantities of food grain despatched out of Sadar-Manbhum each month from February 1950 up to September 1950;

(c) the quantity reported by local authority as procured till the month of March 1950 and what amount of money was given to purchasing agents for the procurement; and

(d) whether it is a fact that an enquiry was made regarding the procured stock of rice from Sadar-Manbhum by the State Government and that 1,32,000 maunds of rice out of the procured stock have been found short?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) to (d). The information has been called for from the Bihar Government and will be laid on the Table of the House when received.

TEESTA VALLEY ROAD

\*356. **Shri A. B. Gurung:** Will the Minister of Transport be pleased to state:

(a) the amount allotted for repairs of damages to Teesta Valley Road caused by landslides and floods; and

(b) the approximate cost the Government will bear to make the road between Teesta and Gangtok motorable?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Rs. 17 lakhs from the Coronation bridge to Gangtok.

(b) Rs. 28.50 lakhs, subject to availability of funds, for the section Teesta bridge to Gangtok.

**Shri A. B. Gurung:** Sir, is it not a fact that the Finance Ministry had sanctioned Rs. 50 lakhs for the repairs of this section?

**Shri Santhanam:** I am not sure if the hon. Member is mixing it up with the permanent restoration of the section from the Coronation bridge to the Teesta Bridge, because so far as the repairs are concerned this is the amount which the Transport Ministry have considered necessary and it has been granted. The Finance Ministry as such does not grant any funds unless we ask for it.

**Shri A. B. Gurung:** In view of the fact that the road linking Gangtok with India is very important, in respect of the trade with Tibet, will the work done there by the State Government be taken up by the Ministry of Defence? Is such a proposal under contemplation?

**Shri Santhanam:** That question. I don't think, has been considered.

**Shri Brajeshwar Prasad:** Will the hon. Minister give us any indication of the time which will be taken to make the road motorable?

**Shri Santhanam:** It will not be possible to provide a through-motorable road before May 1951. For the present suitable diversions are provided wherever possible.

**Dr. M. M. Das:** In view of the fact that the Teesta Valley Road is going to be one of our national highways, will the maintenance of this road be taken up by the Centre?

**Shri Santhanam:** The maintenance work is done by the West Bengal P.W.D. on behalf of the Transport Ministry.

**Dr. M. M. Das:** May I know how far this restoration work has progressed?

**Shri Santhanam:** The emergency repairs to this portion, i.e., from the Coronation bridge to the Teesta Section have been carried out at a cost of Rs. 4½ lakhs.

**Dr. M. M. Das:** Sir, I wanted to know how far the work of restoration has been completed, and not the amount spent.

**Shri Santhanam:** The emergency work has been carried out and the permanent restoration works are being carried out.

**Sardar B. S. Man:** Is the slow work on this repair in any way connected with the economy drive of the Ministry?

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

#### DARJEELING HIMALAYAN RAILWAY

\*357. **Shri A. B. Gurung:** Will the Minister of Railways be pleased to state the total damage caused to the Darjeeling Himalayan Railway by the recent flood between Sevoke and Giellekholā?

The Minister of State for Transport and Railways (Shri Santhanam): The damages caused to the Teesta Valley Railway between Sevoke and Giellekholā is roughly estimated at Rs. 11 lakhs.

**Dr. M. M. Das:** May I know, Sir, if it is contemplated by Government to discontinue the Darjeeling-Himalayan Railway?

**Shri Santhanam:** This particular section of the Railway has been badly damaged, large portions being washed away and it is considered doubtful whether it will be worthwhile restoring it. As far as the other portions of the Darjeeling-Himalayan Railway is concerned, I don't think there is any such proposal as was mentioned by the hon. Member.

**Dr. M. M. Das:** I would like to know if a decision has been arrived on this matter.

**Shri Santhanam:** I would require notice.

**Dr. M. M. Das:** May I know whether the work of restoration has been taken up at all?

**Shri Santhanam:** Work on which Railway does the hon. Member mean?

**Dr. M. M. Das:** On the Darjeeling-Himalayan Railway.

**Shri Santhanam:** This question refers only to the Teesta Valley Railway. I would require notice to answer the other question.

#### FOOD PRODUCTION SCHEME

\*359. **Shri R. Velayudhan:** Will the Minister of Agriculture be pleased to state.

(a) the subsidy (amount) given to the Travancore-Cochin Union for Food production scheme (intensive cultivation scheme) in the year 1950 up-to-date;

(b) the items on which the amount is spent and the amount spent on each item; and

(c) the result achieved so far?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) to (c). A statement showing the loans and grants sanctioned for the various schemes in Travancore and Cochin during 1950-51, is placed on the Table of the House. [See Appendix III, annexure No. 28.] Information regarding the actual expenditure incurred and the progress made so far has been called for from the State Government and will be laid on the Table of the House when received.

**Shri R. Velayudhan:** May I know whether the Minister is aware that there is a Food Production Board in the State?

**Shri Thirumala Rao:** Yes, Sir.

**Shri R. Velayudhan:** May I know whether the Chairman of this Food Production Board is paid Rs. 1,000 per month as salary? It is from the subsidy given to the State.

**Mr. Speaker:** It is a matter of administration. I will not permit that question. I will not allow Members to go into administrative details, unless there is some valid reason for it.

**Shri R. Velayudhan:** What is the result of this 'Grow More Food' Scheme there? Has there been any increase in paddy cultivation?

**Shri Thirumala Rao:** The presumption is that there is an increase in paddy output. We have called for a detailed report from the Government of the State and it will be laid on the Table when it is received.

**Mr. Speaker:** The hon. Member had better await the report.

#### AGRICULTURAL FARMS

\*360. **Shri R. Velayudhan:** Will the Minister of Agriculture be pleased to state:

(a) the number of demonstrative agricultural farms for paddy in the Travancore-Cochin Union; and

(b) the amount given by the Government as subsidy to the same?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) There are no demonstration farms for paddy in the Travancore-Cochin Union.

(b) Does not arise.

#### MESSAGE RATE SYSTEM (TELEPHONES)

\*363. **Prof. K. T. Shah:** (a) Will the Minister of Communications be pleased to state the extent of increase or decrease in the number of subscribers, the number of calls per subscriber per month, and the amount of revenue from Telephones, since the introduction of the Message Rate System in substitution for a fixed charge for the use of telephones up to the end of October, 1950, in the cities of Bombay, Calcutta, Madras, Ahmedabad, and Delhi?

(b) Do Government propose to review that policy in the light of the experience gained?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) and (b). There has been no change in the number of applicants for new telephone connections and no decrease in the existing number of subscribers in stations where the message rate system has been introduced. The demand for new connections continues to increase. The number of connections in Bombay, Delhi and Ahmedabad at the time of introduction of message rate was 22,127, 5,767 and 2,252 respectively. The number of working connections on 1st November, 1950 was 23,561, 7,207 and 2,568 respectively, showing substantial increase. The number of calls per subscriber at first showed rapid decrease on the introduction of Message Rate service, but the average number of calls has been gradually increasing; it is still much below the figure prior to the introduction of Message Rate and may never come up to that figure.

Message Rate has been introduced in Bombay, Ahmedabad and Delhi recently. It was already in existence in Calcutta and Madras before the systems were taken over by the Government of India. It is too early to say as to the long term effect on the revenue earned from the systems, but it can be generally stated that the revenue is about the same.

The intention of the Government is to introduce Message Rate in all large systems.

**Prof. K. T. Shah:** May I know if the message rates are uniform throughout all the principal cities?

**Shri Khurshed Lal:** I think the rates in Bombay and Calcutta are higher than in other places.

**Prof. K. T. Shah:** What is the reason? Why are these rates higher?

**Shri Khurshed Lal:** Because in Bombay and Calcutta the subscriber has the facility of having the service of a larger number of telephones.

**Prof. K. T. Shah:** Does that justify the higher rates?

**Shri Khurshed Lal:** That is a matter of opinion.

**Prof. K. T. Shah:** If the rates were lower would there not be a higher consumption?

**Mr. Speaker:** That would be an argument.

**Shri Kishorimohan Tripathi:** Is the telephone operating cost in Calcutta higher than in any other city?

**Shri Khurshed Lal:** Costs in Calcutta and Bombay are higher.

**Dr. M. C. Reddy:** May I know when the message rate system will be introduced in other places also, particularly in Hyderabad?

**Shri Khurshed Lal:** As soon as arrangements can be made.

**Shri Kamath:** In how many cities is the "Own Your Telephone Scheme" still in force and in how many has it been discontinued?

**Shri Khurshed Lal:** It has not been discontinued anywhere so far.

**Shri Kamath:** What about Nagpur?

**Shri Khurshed Lal:** The next question will probably answer all that.

#### SUGAR

\*364. **Shri Ghule:** (a) Will the Minister of Agriculture be pleased to state whether it is a fact that a certain percentage of the total produce of sugar in the sugar factories of Madhya Bharat is allowed to be sold by the management of the factories?

(b) If so, what is the percentage so allowed?

(c) What are the conditions under which this sugar is to be sold?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) All the sugar factories in India, including those in Madhya Bharat are allowed a fixed monthly quota for gate sales.

(b) A statement showing the quantities of sugar released to each of Madhya Bharat factories from December, 1949 to November, 1950 for gate sale is laid on the Table of the House. [See Appendix III, annexure No. 29.]

(c) The gate sale quota allotted to sugar mills is intended for distribution to their employees, labour and cane suppliers.

**Shri Ghule:** Are Government aware that the gate sales effected by the management of the Dabra factory have been sold to persons who were not labourers, who were not employees and who were not in any way connected with the factory?

**Shri Thirumala Rao:** Government are not aware of it.

**Shri Ghule:** May I know if such facts are brought to the notice of the Government, whether it is within the competency of either the Central Government or the State Government to take action against the management?

**Shri Thirumala Rao:** The Central Government will draw the attention of the State Government to take suitable steps to rectify these matters.

**Shri Kamath:** Sir, on a point of order, the Deputy Minister of Communications, if I may say so, evaded the answer to a previous question of mine by saying that there was a question on the subject later on but I do not find any question addressed to the Communications Minister in the rest of the list.

**The Deputy Minister of Communications (Shri Khurshed Lal):** It was a mistake on my part. There is an unstarred question on the subject but I am prepared to answer any question now.

**Shri Kamath:** If it is relevant now, could you, Sir, ask him to answer the question?

**Mr. Speaker:** I cannot star an unstarred question now. I can unstar a starred question.

**Shri Kamath:** Would you kindly ask him.....

**Mr. Speaker:** I was myself going then to the next question.

**Shri Kamath:** You had allowed my question, Sir, and the Deputy Minister said that he would answer it later on. He may do so now.

#### FOOD SCARCITY

**\*365. Prof. S. N. Mishra:** Will the Minister of Food be pleased to state:

(a) the steps taken by the Government to alleviate the prevailing food scarcity in Orissa, Bengal and Madras; and

(b) whether there has been any improvement in the food situation of these States?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):**

(a) The Central Government have increased the allotments to West Bengal, and Madras. The ceiling quotes fixed for these States in January 1950 and subsequent allotments made up to end of November 1950 are :

State	Quota fixed in January 1950.	Allotments up to November 1950
	Tons	Tons
West Bengal	250,000	294,600
Madras	300,000	568,000

Further allotments will be made for December 1950.

In the case of Orissa, owing to the difficulties caused by damage to crops this year, their export quota has not been completed and part of the stocks intended for export has been drawn upon by the State for meeting local requirements. Against 150,000 tons rice due for export, actual exports have been 1 lakh tons only.

(b) The position continues to be difficult.

**Prof. S. N. Mishra:** May I know whether the deficit in food production in these areas is considered to be normal or abnormal?

**Shri Thirumala Rao:** The deficits in these areas are not quite normal.

**Prof. S. N. Mishra:** May I know the exact amounts indicated to the Central Government in regard to the deficits by the State Governments of these areas?

**Shri Thirumala Rao:** The deficit declared by the West Bengal Government was 4.81.000 tons and by Madras 8,20,000 tons.

**Prof. S. N. Mishra:** Is it the decision of the Government to import food-grains from foreign countries to the tune of the deficits that exist in these States?



**Shri Thirumala Rao:** It has been declared on the floor of this House that it is the policy of Government to import all the necessary foodgrains to meet our requirements.

**Prof. S. N. Mishra:** May I know whether in regard to Bihar the deficit has been declared by the State Government?

**Shri Thirumala Rao:** The deficit will be calculated by the Central Government in consultation with the State Government concerned and it will be a mutually agreed figure.

**Shri Rathnaswamy:** Is the hon. Minister aware that the rice content of the food ration in places of Madras State is as low as two ounces?

**Shri Thirumala Rao:** I do not think that the rice content of the ration is as low as two ounces in the statutorily rationed areas. In the informally rationed areas it may be so but I am not quite sure about the figure.

**Pandit Munishwar Datt Upadhyay:** What steps are being taken by Government to meet the scarcity in U.P.?

**Shri Thirumala Rao:** U.P. I think has been allotted some foodgrains.

**Dr. M. M. Das:** May I know whether the amount of rice that the Central Government have promised to West Bengal is adequate to cover fully the loss in paddy cultivation due to diversion of land from paddy cultivation to jute cultivation?

**Shri Thirumala Rao:** In answering a previous question it was said that about 50,000 tons more of rice was being allotted to make up for the deficit.

**Shri R. Velayudham:** May I know whether the allotment is made every month or every three months or is there any particular schedule for it?

**Shri Thirumala Rao:** This year the allotments are being made from month to month.

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

#### Short Notice Question and Answer

**Mr. Speaker:** Short Notice Question. Shri Dwivedi. The hon. Member is not present.

**The Minister of State for Transport and Railways (Shri Santhanam):** Mr. Speaker, in reply to a supplementary question about the Calcutta Mail, I said that I will be answering a Short Notice Question. I don't know if you

will permit me to do so, because this question has been asked many a time.

**Mr. Speaker:** That is the question which Mr. Dwivedi has given notice of, and that was why I called him, but unfortunately he is not present.

**Shri Tyagi:** Let it be put to some other date.

**Mr. Speaker:** The hon. Member was called; he is absent. It cannot be put to some other date. But if the hon. Members wish that the question should be put and answered, I have no objection to the question being put by any other Member.

**Hon. Members:** Yes.

**Shri Santhanam:** Sir, I will read out the question asked by Mr. Dwivedi and give the answer.

#### DERAILMENT OF THE MADRAS MAIL

**Shri Dwivedi:** (a) Will the Minister of Railways be pleased to state the facts leading to the derailment of the Madras Mail on the 17th November 1950 at 2.25 A.M.?

(b) What is the total loss of life and property according to the latest information received?

(c) Did timely medical aid etc. reach the spot?

(d) What is the estimated damage to the Railways?

**Shri Santhanam:** (a) On the 17th instant at about 2.26 A.M., whole the South bound Madras Mail was being passed by one of the loop lines at Haridaspur station on the Kharagpur-Cuttack section of the B. N. Railway, the engine and the next three bogies completely derailed and the fourth bogie derailed of the leading pair of wheels.

It is surmised that the accident was caused by the train running at a speed in excess of the permissible limit of 10 miles per hour over the turn-out leading to the 2nd loop. The Government Inspector of Railways commenced his enquiry into the cause of the accident on the 20th instant and his preliminary report is expected next week.

(b) There was no loss of life. 18 persons, of whom 8 were Railway employees, received injuries. Of these, 14 persons proceeded on their journey after receiving first aid and 4, including 2 Railway employees, were admitted into Hospital. All the persons have since been discharged from Hospital. The only report about loss of property of the passengers so far received by

the Railway was by one of the injured persons who was admitted into Hospital and who alleged loss of a suitcase, bedding and a watch. The Railway Police are looking into it.

(c) Yes. First Aid was rendered immediately after the accident by Railway staff and by a Doctor, who was travelling by the train. The Relief train from Khurda Road with an ambulance van left for site of accident at 3-35 A.M. and arrived at 6 A.M. The ambulance van with the relief train from Bhadrak arrived earlier at 5-45 A.M.

(d) The estimated cost of damage to engine, coaches, permanent way and interlocking equipment is Rs. 73,600.

**Shri Tyagi:** When was the line last inspected before the incident took place?

**Shri Santhanam:** I would like to have notice.

**Shri Joachim Alva:** Will action be taken against the driver for having exceeded the speed?

**Mr. Speaker:** Order, order. It is too early to say. Let us have the report.

#### WRITTEN ANSWERS TO QUESTIONS

##### IRRIGATION PROJECTS

\*335. **Shri Kesava Rao:** (a) Will the Minister of Works, Mines and Power be pleased to give an up-to-date list of the various Irrigation Projects undertaken by the Central Government?

(b) What is the financial help given to the different State Governments for their irrigation projects?

(c) How many of the projects under Central Government which were started earlier have been subsequently abandoned for want of finances?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) Damodar Valley Project in Bengal and Bihar, the Hirakud Dam Project in Orissa, and the Kakrapara Weir and Canals Project in Bombay. In addition, the Centre is giving loans for some other projects as shown in the answer to part (b).

(b) A statement showing the loans sanctioned up to the 1st November, 1950 to certain States for their River Valley Development Projects (which include irrigation as one of the main objects) is placed on the Table of the House. [See Appendix III, annexure No. 30.]

(c) Nil.

##### FOOD GRAINS INVESTIGATION AND PROCUREMENT COMMITTEES (RECOMMENDATIONS)

\*336. **Shri Kesava Rao:** (a) Will the Minister of Food be pleased to state whether any of the recommendations of the Foodgrains Investigation Committee and the Foodgrains Procurement Committee have been implemented?

(b) If the answer to part (a) above be in the affirmative, what are the recommendations so implemented?

(c) If the answer to part (a) above be in the negative, what are the reasons for the delay in implementing them?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) and (b). The principal recommendations of the Foodgrains Investigation Committee and the Foodgrains Procurement Committee were discussed at the Chief Ministers Conference held in August, 1950, when it was decided that all State Governments should adopt a variant of the monopoly system of procurement and action should be taken to ensure better coordination of prices. Action has been taken towards implementation of the principal recommendations of the two Committees in the light of the decisions of the Chief Ministers' Conference and in consultation with State Governments concerned so as to ensure that action finally taken was suited to prevailing local conditions of procurement and distribution. Two Statements are placed on the Table of the House indicating action taken on the recommendations of the two Committees. [See Appendix III, annexure No. 31.]

(c) Does not arise.

##### DAMODAR VALLEY CORPORATION

\*342. **Prof. Ranga:** (a) Will the Minister of Works, Mines and Power be pleased to state the progress so far made by Damodar Valley Corporation in erecting Kumardhubi Power House?

(b) Is it a fact that the American contractors and experts are unwilling to use Indian materials and machinery even when available at competitive prices and insist upon importing them from America?

(c) If so, in how many cases were such imports made?

(d) What are the salaries and allowances paid to the highest experts employed in Damodar Valley Corporation through their consultants?

(e) In how many cases did the Damodar Valley Corporation depart from the advice given by the Advisory Committee in regard to utilisation of local materials and machinery?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) The Kumardhubi Power House was put into Commission on the 25th October 1950.

(b) No. In no case where price, quality and delivery were reasonable, has this happened.

(c) Does not arise.

(d) The Kuljian Corporation who are in charge of complete erection and initial operation of the Bokaro Steam Power Station has at present four American Experts drawing respectively 15,000 for three and 12,000 dollars for the fourth men per annum plus a living allowance in India of Rs. 500 per month in each case, plus free furnished quarters. The Harza Engineering Company who are providing the services of some engineers for the design of the Maithon Project have deputed one foreign engineer on one year contract. He is paid Rs. 1700 per month as living allowance in India plus free furnished quarters plus a dollar salary by the Company in the United States of America on condition that the total commitment for the Damodar Valley Corporation on his account will not exceed 18,000 dollars.

(e) The Advisory Committee does not appear to have specifically discussed this matter at any of its meetings. As such, the question does not arise.

#### RATIONALISATION OF RAIL COMMUNICATIONS

**\*343. Shri Sidhva:** Will the Minister of Railways be pleased to state:

(a) whether Government have considered the question of rationalisation of rail communications in the country as promised in the last Budget Session;

(b) if so, what are the recommendations and conclusions of the Government; and

(c) when they intend to implement these recommendations?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) to (c). The question of rationalisation of rail-communications has been under consideration and a tentative scheme of Regrouping of Railways was published in the Press and circulated to State Governments, Cham-

bers of Commerce and Trade and Railway Labour Organisations to elicit their opinion. Replies have been received and these and the views expressed in the Press, together with other aspects of Regrouping are still under examination.

#### PURCHASE OF RICE FROM ABROAD

**\*344. Shri Sidhva:** Will the Minister of Food be pleased to state with reference to the reply given to my starred question No. 252 of 7th August 1950;

(a) whether any rice has been purchased from any other countries besides Burma and Thailand in addition to the cereals contracted for during the year 1950 upto 31st July 1950;

(b) if so, the quantity and price at which the contract has been closed;

(c) whether the 1 lakh tons and 33,000 tons of rice purchased from Burma and Thailand respectively have arrived; and

(d) if not, what their shipment period is and when they are likely to reach India?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) and (b). Yes, 60,000 tons of rice has been purchased from Egypt under a barter agreement. Since this rice has been purchased on a barter basis its cost can be calculated only after the completion of deliveries of jute goods which we have agreed to supply in exchange for rice.

(c) Yes,

(d) Does not arise

#### DELHI TRANSPORT SERVICE

**\*345. Shri Sidhva:** Will the Minister of Transport be pleased to state:

(a) whether the number of buses of Delhi Transport Service has been increased during the current year; if so, what the number is; and

(b) how many have gone out of service during the current year?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) No, Sir. It is, however, expected to place 40 Diesel-operated buses in service by the end of December.

(b) Eleven buses have gone out of service during the current financial year.

VINAY NAGAR COLONY (DAMAGE TO ROAD)

\*348. **Shri D. S. Seth:** Will the Minister of Works, Mines and Power be pleased to state:

(a) whether it is a fact that the road leading to Vinay Nagar Colony was damaged during the first fall of monsoon this year and water level rose, entered the quarters of the residents of the colony and spoiled their belongings; and

(b) what was the damage of the road due to?

The Minister of Works, Mines and Power (Shri Gadgil): (a) and (b). Due to un-precedented heavy rains on the 21st July 1950, which caused breaches in the Railway embankment and the Khushk Nalla, water entered eight of the ground floor quarters in Vinay Nagar. The road leading to the Colony also settled down in certain portions, where there had been heavy filling of earth. This subsidence was not due to any bad workmanship. No damage is reported to have been caused to the belongings of the residents which were removed in time with the assistance of Departmental labour.

NON-DELIVERY OF MAILS ON SUNDAYS

\*350. **Dr. Deshmukh:** (a) Will the Minister of Communications be pleased to state the number of people who used to work on Sundays when there were Sunday delivery and clearance?

(b) What was the number of hours for which they worked?

The Deputy Minister of Communications (Shri Khurshed Lal): (a) and (b). Collection of information required by the hon. Member would involve expense and time which would not be commensurate with its usefulness.

I may, however, state that up to the end of April, 1950, only such skeleton staff as was required to issue one delivery and make restricted despatches on Sundays was called on duty in Post Offices. Where there was more than one set of postmen, only one set of postmen attended office on Sundays for taking out the delivery. In larger offices, some registration and parcel clerks also used to be called for the purpose of keeping the articles ready for delivery on the following day. Generally speaking, about 1/3rd of the clerical staff and half the number of postmen and lower grade staff were called to work on Sundays. In small offices, the

entire staff used to attend office for about 2 hours.

Since the closure of Post Offices on Sundays, no postal official is required to come on duty on Sundays, except in certain very big offices where some staff attend to prepare the mail for the next day's delivery; they are given a compensatory holiday during the course of the next week.

R.M.S. Sections used to work full strength on Sundays and they continue to do so even now.

In Mail Offices, such skeleton staff as is necessary for the receipt, sorting and despatch of mails is now called on duty, and they receive compensatory 'off' during the course of the next week.

GROWING OF FOOD GRAINS IN LAWNS IN DELHI

\*358. **Dr. Deshmukh:** Will the Minister of Agriculture be pleased to state:

(a) the total area of lawns in Delhi that was ploughed for Grow More Food;

(b) the cost of ploughing and cultivating them;

(c) the value of the total out-turn; and

(d) whether any attempt has been made to assess profit and loss before undertaking such schemes?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) 52 acres were ploughed up by Government tractors during 1949-50. This does not include the area ploughed up by the tenants themselves, figures in respect of which are not available

(b) Total cost of tractor ploughing in 52 acres was Rs. 4,996 which was payable by the tenants themselves.

(c) The value of the total out-turn is not known as it was consumed mainly by the tenants themselves.

(d) The intention was to accelerate the 'Grow More Food' Campaign by utilising vacant spaces in bungalow compounds.

पैसेजर ट्रेन सर्विस

\*361. डा० : इकी सिंह : क्या रेल तथा वातायात मंत्री यह बतलाने की कृपा करेंगे कि रत्नाम और अजमेर स्टेशनों के बीच चलने वाली पैसेजर ट्रेन को जो कुछ काल में बन्द कर दी गई थी, पुनः चलाया जायेगा?

PASSANGER TRAIN SERVICE

[\*361. Dr. Devi Singh: Will the Minister of Railways be pleased to state whether the Passenger Train Service between Ratlam and Ajmer Stations that was stopped during the war days would be re-started?]

The Minister of State for Transport and Railways (Shri Santhanam): Yes, as soon as the improvement in the power and coaching stock position permits it.

खजूर वृक्षों से गुड़ तथा शक्कर

\* ३६२. डा० देवी सिंह : (क) क्या मंत्री यह बतलाने की कृपा करेंगे कि क्या यह सत्य है कि भारत में खजूर वृक्षों का बाहुल्य है और अभी तक उनसे गुड़ तथा शक्कर नहीं बनाई गई है ?

(ख) यदि ऐसा है, तो क्या इस सम्बन्ध में राज्यों को कोई आदेश दिये गये हैं ?

Gur AND SUGAR FROM DATE-PALM TREES

[\*362. Dr. Devi Singh: (a) Will the Minister of Agriculture be pleased to state whether it is a fact that there is a large number of date-palm trees in India and that no gur or sugar has so far been produced therefrom?

(b) If so, have any directions been issued to the States for that purpose?]

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) As palm trees are scattered throughout the country, an accurate census is rather difficult. According to a modest estimate however, the total number of sugar yielding palms viz., date, palmyra, jago and coconut obtaining throughout India is placed at about 5 crores. It is not correct to say that no gur or sugar has been produced from palm trees. On the contrary in 1948-50, 7 lakh maunds of palm gur were produced. During the current year this figure is likely to be exceeded. The main problem is to reduce the cost of tapping the juice and of manufacture of gur. This has been done in Madras and Bengal. In other States experiments are in progress.

(b) Yes. The Central Government have from time to time been emphasizing the importance of the development of this industry, and have offered technical guidance as well as financial assistance to the State Govern-

ernments. Two annual conferences of palm gur workers have been organised to devise ways and means of developing this industry. A Central Palm Gur Training School has been set up for training Palm Gur Instructors and Organisers for the State Governments.

MACHINERY FOR FOOD CONTROL

\*366. Shri Kishorimohan Tripathi: (a) Will the Minister of Food be pleased to state the strength of the Governmental machinery at the Centre, engaged in administering controls over Food?

(b) What has been the total expenditure on the said staff during the years 1948-49 and 1949-50?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):

(a) Gazetted .. ..	111
Non-Gazetted .. ..	911
Class IV .. ..	782
	1804

(b) 1948-49 .. ..	Rs. 40,66,000
1949-50 .. ..	Rs. 36,11,000

DAMS OVER DAMODAR

\*367. Shri Chandrika Ram: (a) Will the Minister of Works, Mines and Power be pleased to state how many dams over the Damodar have been constructed up-to-date?

(b) What is the amount that has been spent over each dam?

(c) Is it a fact that one of its dams has been washed away during the rains?

(d) What is the loss, if any, that has occurred owing to the washing away of this dam?

The Minister of Works, Mines and Power (Shri Gadgil): (a) None.

(b) Does not arise in view of reply to (a) above.

(c) No.

(d) Does not arise in view of the reply to (c) above.

RAILWAYS STORES (PURCHASE)

\*368. Shri Kishorimohan Tripathi: (a) Will the Minister of Railways be pleased to state the total value of purchases of stores and stock made by Railways during the year 1948-49?

(b) What portion of the said purchases was made in Indian market?

(c) In respect of purchases made abroad, through what agencies they were made?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) and (b). The hon. Member is referred to Appendix A of the Report by the Railway Board on Indian Railways (Vol. II) for 1948-49, a copy of which is in the Library of the House. This gives information in respect of Class I Railways excluding the Bikaner, Jodhpur, Mysore and Nizam's State Railways.

(c) Purchases from abroad were made through the Director General, I.S.D., London and the India Supply Mission, Washington.

**AMENITIES FOR 3RD CLASS PASSENGERS**

**\*369. Shri Kishorimohan Tripathi:** (a) Will the Minister of Railways be pleased to state the total amount of expenditure incurred during April-September 1950 on additional amenities for 3rd class passengers?

(b) What part of the said expenditure has been spent on (i) constructions and erections and (ii) providing sanitary fittings in 3rd class compartments?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Rs. 77,90,000 approximately.

(b) (i) Rs. 71,70,000.

(ii) Rs. 2,55,000 excluding the G.I.P. Railway for which figures are not separately available.

**DAMODAR VALLEY CORPORATION  
(LAND RECLAMATION)**

**\*370. Shri Jnani Ram:** Will the Minister of Works, Mines and Power be pleased to state:

(a) the area reclaimed by the Damodar Valley Corporation for rehabilitation at Telaiya, Konar and Maithon before March 1950; and

(b) the area reclaimed after March 1950?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) (i) At Tilaiya—346 acres.

(ii) For Konar—None.

(iii) For Maithon—None.

(b) (i) Tilaiya—from 1st April 1950 to 15th October 1950—778 acres.

(ii) Konar—None.

(iii) Maithon—None.

**EGGS AND POULTRY (PRODUCTION)**

**\*371. Shri Alexander:** (a) Will the Minister of Agriculture be pleased to state whether the Government of India are having any statistics on the production of eggs and poultry of this country?

(b) Is this country an exporting or importing one in the matter of eggs?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) Yes. They are contained in the report on the Marketing of Eggs published by Government.

(b) Information is not available as eggs are not separately classified in Trade Statistics maintained for imports and exports.

**GUR CONTROL**

**\*372. Shri Deogirikar:** Will the Minister of Agriculture be pleased to state:

(a) the date on which the order for controlling Gur was issued;

(b) the date on which the order for taking into possession the stores of Gur was issued;

(c) the date on which the order in writing was issued to Bombay State and when it was actually received by that State; and

(d) whether the dealers in Gur got time to take their stores underground on account of various dates of publications of these orders?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) The sugar and gur Control Order enabling Government to impose control on gur was issued on 7th October, 1950. The ceiling price of gur for U.P., Bihar and Madras was notified on 19th October, 1950, and for other areas on 25th October, 1950.

(b) No order was issued for wholesale freezing of gur stocks. Telegraphic instructions were issued to U.P., Bihar and Madras Governments on the 24th October, and detailed instructions to surplus States on the 30th October, 1950 and to others on 2nd November, 1950 for sample freezing of stocks with traders from time to time as considered necessary or feasible to keep prices within the ceiling.

(c) The instructions referred to in (b) above were issued to Bombay Government on 30th October, 1950, and they were received by that Government on 31st October, 1950.

(d) Does not arise in view of the reply to (b) above.

**Gur (CONTROL AND DECONTROL)**

**\*373. Shri Deogirikar:** Will the Minister of Agriculture be pleased to state how many times Gur was controlled and decontrolled since 15th August 1947 up to 10th October 1950 and the reasons for so doing?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** Control on *gur*, which had been imposed on 24th July 1943, was lifted from the 8th December, 1947, in pursuance of the general de-control policy of the Government.

Control only on the movement of *gur* from U.P. was imposed from 15th February to 6th April 1950. This was done with a view to check undue rise in the prices of *gur* and consequent large scale diversion of cane from sugar to *gur*. Price control over *gur* has been reintroduced since 19th October 1950, and Government have taken powers to requisition stocks at or below the ceiling prices. Price control has become necessary as the prices of *gur* were unduly high for the consumer. They were in fact higher than the controlled price of sugar and were militating against the production of sugar and were tending to cause undue diversion of cane for manufacture of *gur* in factory areas. For the same reason it was decided to license *kolhus* in factory areas.

#### ASSAM VALLEY SCHEME

\*374. **Maulvi Wajed Ali:** Will the Minister of Works, Mines and Power be pleased to state the progress of work on the Assam Valley Scheme?

**The Minister of Works, Mines and Power (Shri Gadgil):** Presumably the hon. Member desires to know the progress of investigations undertaken by Central Waterpower, Irrigation and Navigation Commission in Assam. Air photography of the reservoir area on the Manas and Dihang rivers, of the dam site on the Dihang and 50 per cent. of the ground surveys in the Dihang reservoir area, have been completed. Discharge observations and gauge readings on both the sites are in progress. Silt laboratories have been established and silt observations on the Manas have commenced.

#### EXPORT OF RICE AND GRAM FROM VINDHYA PRADESH

\*376. **Shri D. S. Seth:** Will the Minister of Food be pleased to state:

(a) what quantity of rice and gram was exported out of the Vindhya Pradesh during the last six months; and

(b) whether export of gram from the Vindhya Pradesh still continues?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) During the last six months (April to October 1950) 9,279 tons of rice and

2,226 tons of gram were exported out of Vindhya Pradesh.

(b) Yes.

#### PROSPECTS OF PADDY HARVEST

\*377. **Shri Balmiki:** (a) Will the Minister of Agriculture be pleased to state what are the prospects of paddy harvest in the different States particularly in Uttar Pradesh, Bihar, Bengal, Bombay and Madras?

(b) Do Government expect that the general output of the production is likely to be more than in the previous year, 1949?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) A statement giving the available information is placed on the Table of the House. [See Appendix III, *annexure No. 32.*]

(b) No.

#### AGRICULTURAL RESEARCH PLANNING COMMITTEE

15. **Shri Dwivedi:** Will the Minister of Agriculture be pleased to state:

(a) whether the Agricultural Research Planning Committee constituted more than two years back has ever met; and

(b) what work it has done so far?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) and (b). The Government of India have not constituted an Agricultural Research Planning Committee. But the Governing Body of the Indian Council of Agricultural Research appointed a Committee to review the existing policy and procedure adopted by the Indian Council of Agricultural Research in regard to planning and execution of its research activities and to make recommendations for modifications if any. Subsequently, on the 19th September 1950, the Government of India set up a Board of Agricultural Research in order to secure planning and coordination of agricultural research conducted in the Institutes under the control of the Ministry of Agriculture, the Indian Council of Agricultural Research, the Commodity Committees and the State Governments. This Board of Research submitted a report on coordination of research and recommended amendments to rules and regulations of the Indian Council of Agricultural Research in order to have more effective consideration of research proposals. Action on the recommendations of the Board has already been taken.

**SUPREME COURT (BUILDING)**

16. **Shri Sidhva:** Will the Minister of Works, Mines and Power be pleased to state:

(a) whether the construction of building for the Supreme Court in New Delhi for which a site has been selected, has been started;

(b) if not what are the reasons for the delay; and

(c) what will be the total cost of the building and whether a contract has been given for the construction and within what period the building is to be completed?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) and (b). Construction of a new building for the Supreme Court has not yet been started. Owing to financial stringency, it will not be possible to take up the construction of a new building for some time, and efforts are, therefore, being made to utilise some existing building for accommodating the Court. The whole question is still under the consideration of Government.

(c) Does not arise at present in view of what is stated above.

**'OWN YOUR TELEPHONE' SCHEME**

17. **Shri Sidhva:** Will the Minister of Communications be pleased to state:

(a) how far the scheme of "Own your phone" has progressed;

(b) the number of applications received so far under this scheme, in each State separately; and

(c) how many telephones have been actually supplied under this scheme and when others are likely to be supplied?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) The "Own Your Telephone" scheme, which was originally introduced at Ahmedabad, Amritsar, Bombay, Calcutta, Delhi, Kanpur and Madras was later extended to Hyderabad, Nagpur, Rajkot, Surat and Meerut.

(b) and (c). Total number of applications received—8,106.

Number of telephones installed—5,251.

A detailed statement State-wise is placed on the Table of the House. [See Appendix III, annexeure No. 33.] In

order to meet the pending requirements of the "Own Your Telephone" subscribers, additional lines are being laid in all the stations where the scheme is in force and the depositors will be given telephones as soon as the additional installations have been made. Every effort is being made to give the telephones as expeditiously as possible.

**SUGAR (PURCHASE)**

18. **Shri Sidhva:** (a) Will the Minister of Agriculture be pleased to state whether sugar was available in foreign countries in the month of June 1950 and if so, what effort was made to purchase the same?

(b) At what price have Government made purchases of sugar for forward shipment?

(c) Did any private sources or associations make any request to Government that if forward shipments were to be made they were prepared to supply sugar at a cheaper rate?

(d) what is the present price of sugar prevailing in foreign countries?

(e) Is sugar still available for sale by America from the stocks they purchased from Cuba?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) Yes.

No effort was made to import sugar upto June 1950 as the trend of prices in foreign markets was then downward and the requirements of the country for imported sugar were not urgent upto that time. Government had also sufficient stocks to meet the rationed requirements till the end of November.

(b) A statement is placed on the Table of the House. [See Appendix III, annexeure No. 34.]

(c) Yes, but they were not considered due to late delivery period offered when our own production would be in full swing.

(d) According to the latest quotations available, the price of Cuban refined is 7.40 cents per lb. l.o.b., or Rs. 28/14/3 per maund.

(e) No.



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# PARLIAMENTARY DEBATES

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PARLIAMENT OF INDIA

OFFICIAL REPORT

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Part II—Proceedings other than Questions and Answers.

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President's Address to Parliament [Cols. 1—16]

*Price Five Annas*

## PARLIAMENT OF INDIA

Saturday, 25th November, 1950

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

[MR. SPEAKER in the Chair]

## QUESTIONS AND ANSWERS

(See Part I)

## MOTION FOR ADJOURNMENT

ATTACK ON PROF. SHIBBAN LAL SAKSENA  
NEAR INDO-NEPAL BORDER

**Mr. Speaker:** I have received notice of an adjournment motion from the hon. Member, Mr. Kamath, which asks for adjournment of the business of Parliament for the purpose of discussing, what he calls a definite matter of urgent public importance, namely:

"The attack on Prof. Shibban Lal Saksena, M.P., by Nepal State troops near the Indo-Nepal border, a couple of days ago."

Now, I don't know how such a motion could be considered to be admissible. It does not give specific details, it does not state as to where the incident took place, it does not connect this Government with what happened on the Nepal border. And in view of the very elaborate reasons which I gave for not admitting adjournment motions in the new set-up of things, I don't see how I can give my consent to such a motion.

**Shri Kamath (Madhya Pradesh):** May I submit, Sir?

**Mr. Speaker:** Yes, but he may speak on the question of admissibility alone.

**Shri Kamath:** May I say that in regard to details I thought it would not be quite in order if I gave details of the incident or the particular matter referred to, in the motion itself because under the Rules we are to state briefly the subject.....

**Mr. Speaker:** I am not referring to giving the details in the motion itself. That is not the point.

**Shri Kamath:** The point is that there are various versions of the attack referred to in my motion. One version mentions that he went inside the border; another.....

**Mr. Speaker:** Now the hon. Member is going into details. The point is, how is the Government connected with this that it can be brought in this House, and what is there to be discussed? He himself admits that there are different versions. The better course for the hon. Member would have been to table a Short Notice Question, ask for information and then move in the matter. That is the proper procedure.

**Shri Kamath:** The attack was made on him—he was shot at—when, in fact, he was inside the Indian border.

**Mr. Speaker:** That is not very clear. There are contradictory reports about it in the Press.....

**Shri Kamath:** Is Government aware of it at all?

**Mr. Speaker:** .....and therefore, he must put a Short Notice Question.

**Shri Tyagi (Uttar Pradesh):** Sir, in cases when our citizens are attacked with bullets or guns by persons who come from outside and invade our territory, and where a person is killed, that I think is a good case for an adjournment motion to be discussed for the failure of the Government to protect the lives of the citizens.

**Mr. Speaker:** I think it is laying the proposition too widely. Any person who may choose to go in any dangerous zone faces the risk of being shot at; and then to hold the Government responsible throughout the length and breadth of India will mean that we shall have to daily sit doing nothing but adjournment motions. Now, this is not a proper way of looking at the

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[Mr. Speaker]

machinery of adjournment motions for the purpose of agitating such questions or for having information about them.

**Shri Deshbandhu Gupta (Delhi):** May I point out that the hon. Member involved in the incident has made it clear in a statement that the incident took place inside the Indian border? So, there is no question about that.

**Mr. Speaker:** Whatever that may be, the question still remains as to how far it was possible to give him protection, whether he asked Government for protection, whether he was permitted to go. The place where he went was an admittedly dangerous zone in view of what is happening in that part of the border. And to say that Government were necessarily connected by way of failure to protect him, is something which I cannot say is correct. There is no material to go by, even assuming Government is responsible. So, let us first ascertain the facts. Therefore, as I said the proper procedure would be to put a Short Notice Question.

**Shri J. R. Kapoor (Uttar Pradesh):** After that Short Notice Question is answered, will it be open to any Member of this House to move an adjournment motion? Will it not be too late?

**Mr. Speaker:** I cannot give an answer to a problematical question like that. It will all depend on the merits of the case.

**Shri Kamath:** Sir, this motion, to my mind, raises an important point: whether Government had taken adequate steps to protect the border at all.

**Mr. Speaker:** Whatever it is, he is now discussing the merits of the case. I am unable to give my consent to the motion.

#### LEAVE OF ABSENCE FROM THE HOUSE

**Mr. Speaker:** Before the House proceeds with any other business, I would like to inform hon. Members that Shri Suresh Chandra Majumdar has requested for leave of absence from all meetings during this session on account of illness.

Is it the pleasure of the House to grant him leave?

**Hon. Members:** Yes.

Leave of absence was granted.

#### GOVERNMENT PREMISES EVICTION (AMENDMENT) BILL

**The Minister of Defence (Sardar Baldev Singh):** I beg to move for leave to introduce a Bill to amend the Government Premises Eviction Act, 1950.

**Mr. Speaker:** I am very loathe to invite the attention of hon. Members to certain conventions which have to be observed, but I am constrained to do it today, because I find that these conventions are not being observed. One of the conventions is that when the Speaker is on his legs, no hon. Member will walk or stand. The other convention which is not observed is that hon. Members should not cross the floor freely between the Chair and the hon. Member who is on his legs. The third is that hon. Members, instead of addressing the Chair, carry on conversation and address each other, which should not be so. There are many other conventions, but I need not refer to all of them. When the occasion has arisen, I have mentioned only three important points.

The question is:

"That leave be granted to introduce a Bill to amend the Government Premises Eviction Act, 1950."

The motion was adopted.

**Sardar Baldev Singh:** I introduce the Bill.

#### DISPLACED PERSONS (INSTITUTION OF SUITS AND LEGAL PROCEEDINGS) AMENDMENT BILL—concl'd.

**Mr. Speaker:** The House will now proceed with the further consideration of the following motion moved by the hon. Shri Ajit Prasad Jain on the 22nd November, 1950:

"That the Bill to amend the Displaced Persons (Institution of Suits) Act, 1948, and the Displaced Persons (Legal Proceedings) Act, 1949, be taken into consideration."

**Shri J. R. Kapoor (Uttar Pradesh):** I am afraid I cannot give my whole-hearted support to this Bill in its present form. Unless and until it is amended in certain material particulars, I can only look upon it with mixed feelings of pleasure and regret: pleasure, because it accords certain concessions and facilities to displaced persons, but regret because while the original Act extended certain other facilities, they are not only being withdrawn by this amending Bill, but certain fresh disabilities are going to be imposed on displaced persons. The claims against displaced persons which

had become extinct are, according to this amending Bill, going to be revived. To that extent, I must express my regret. I must, all the same, appreciate—and I hope the displaced persons will sincerely appreciate—those provisions of this Bill which extend concessions to the displaced persons by extending the period of limitation not only in the matter of the institution of suits by displaced persons but also in the matter of legal proceedings against them. Not only this, I find that there are certain new substantial concessions that are being given to displaced persons. One such is that whereas under the existing Act the period of limitation is extended only in respect of suits and not in respect of other legal proceedings, this amending Bill extends that concession to all other legal proceedings also.

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The second concession, which is also a substantial one, is that whereas in the old Act it was incumbent upon a displaced person to prove to the satisfaction of a court of law that if he had failed to institute a suit or legal proceeding within the normal period of limitation his failure was due to circumstances connected with his being a displaced person, hereafter no such onus rests on a displaced plaintiff. The mere fact that he is a displaced person is enough to carry with it the implication and the presumption that failure on his part to institute a suit within the normal period of limitation is due to circumstances connected with the fact of his being a displaced person.

Thirdly, whereas under the old Act the extended period of limitation was not applicable to suits in relation to immoveable property, hereafter this concession will be applicable to legal proceedings in respect of immoveable property also.

Fourthly, apart from these concessions to displaced plaintiffs, a concession has been given to displaced debtors also, namely, that whereas under the old Act the relief of postponement of execution of decrees and concessions with regard to the payment of the decretal amount in instalments was given only up to 31st March, 1952, according to this amending Bill no particular date has been fixed and this concession will continue to be extended to the judgment debtors without a limitation of time, but of course only in respect of those legal proceedings which are instituted with the help of the concession of the extended period of limitation which is being granted. These concessions, I submit, are great and

substantial concessions and I am sure the displaced persons will sincerely appreciate them. I do trust that it will inspire confidence in them that the Rehabilitation Ministry is ever watchful of their interests and whenever it finds that it can do something to help them, it readily comes before the Parliament with necessary legislation on the subject.

Having mentioned the appreciable and good features of this Bill, I must regretfully bring to the notice of the House and the hon. Minister of State for Rehabilitation that this Bill appears to be—obviously, it is—more in the interests of the displaced creditors than in the interests of the displaced debtors. Not only is that so, but I find that several of its provisions hit the displaced persons very hard. One such provision is the one which says that legal proceedings can now be instituted against displaced persons, which was not the case according to the old Act.

**The Minister of State for Rehabilitation (Shri A. P. Jain):** With your permission, Sir, I may inform the hon. Member that I am going to accept his amendment. Although it may not be in the words in which he has put it, I shall carry out the substance of his amendment.

**Shri J. R. Kapoor:** I am very much obliged to the hon. Minister of State for telling us at this early stage that he is going to accept the amendment, notice of which I have given only this morning. This will only serve to confirm the opinion which I expressed that the Ministry of Rehabilitation is ever ready to do anything which is possible to help the refugees. This is one further instance, which when brought to the notice of the displaced persons will create confidence in them, and will make them feel very happy.

My hon. friend to my left enquires of me as to what that amendment is. With your permission, Sir, I may read that amendment—which the hon. Minister proposes to accept—straightaway. It runs thus:

“That in clause 4, after the existing proviso to the proposed section 8 of the Displaced Persons (Institution of Suits) Act, 1948, the following new Proviso be added, namely:

‘Provided further that no suit or other legal proceeding shall be instituted against a displaced person if the period of limitation in respect of it expired before the 25th day of November, 1950.’”

[Shri J. R. Kapoor]

I should like to explain the necessity and the implications of my amendment. Hitherto, according to the provision under the old Act, no suit could be instituted or legal proceedings taken against a displaced person, if the period of limitation of that legal proceeding had expired. That is the obvious meaning of this amending clause which runs thus:

"8. Extension of period of limitation.—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908, (IX of 1908), or in any special or local law, any suit or other legal proceeding by a displaced person, whether in pursuance of section 4 or otherwise, in respect of which the period of limitation expires or has expired after the 14th day of August, 1947, may be instituted at any time before the date of expiry of this Act."

Now, these are the material words "or otherwise" which have been added here.

Under section 4 of the original Act, no such legal proceedings could be instituted against a displaced person. With the addition of the words "or otherwise" in this newly proposed section, such suits could be instituted even against a displaced person. Hence the necessity of my amendment. After the incorporation of my amendment in this newly proposed section, it will not be open to anybody to institute legal proceedings against a displaced person, if the period of limitation in respect of that legal proceeding has expired before today.

I heard the very sympathetic speech of the hon. and learned Minister of State for Rehabilitation the other day. I was really wondering as to how this important aspect of the question escaped his notice. I could not even then feel convinced that it was due to the persuasive representations made by the banker creditors to the Ministry of Rehabilitation. I was feeling certain that if the difficulty is brought to the notice of the hon. Minister of State he would certainly take immediate steps to make necessary changes in the Bill. As I find, now, my anticipations were correct and he has readily agreed to accept my amendments, maybe with mere verbal alterations here and there, the effect of which will be, I suppose, to improve upon it and not to detract in any substantial manner from its purpose.

It is only just and fair that those claims which have already become extinct should not be revived. I shall

not labour this point any further, because it has so easily been brought home to the hon. Minister of State. His sympathetic speech which he delivered the other day emboldens me to make a further suggestion. He was pleased to hold out a hope which amounted almost to a promise that at no distant date he will be bringing before the House a piece of legislation which will have the effect of protecting the interests of the debtors also and he asked us to accord to him our co-operation. I am prepared to extend to him our co-operation here and now. And I may bring to his notice one aspect of the question and that is that a large number of suits have been filed and certainly will also be filed hereafter when the extended period of limitation comes near and nearer to a close. A large number of such suits have been filed in which the properties involved are the ones mortgaged with bankers. Such properties which must practically have been in the custody of bankers would all have been looted away in Pakistan. Now, those displaced persons who pledged their goods with the banks must have invested from their own pockets a substantial amount of money in those goods. That property though it was in the possession and custody of the bankers, because it has all been looted away, it is obviously impossible either for the bankers or for the original owners to realise anything out of it. The question arises as to who should bear the loss accruing therefrom. Is it fair and proper, as it is under the existing law, that the original owners of those properties should bear the entire loss? Won't it be equitable that the loss should be borne both by the bankers as well as the displaced persons. I submit that it is an important aspect of the question which deserves the serious attention and consideration of the hon. Minister of State for Rehabilitation. It is increasing the difficulties of the displaced persons and standing in the way of their rehabilitation. Therefore, the Ministry of Rehabilitation must give its serious consideration to this subject. I would suggest that in the law which is under contemplation of the hon. Minister of State for Rehabilitation some provision should be made to the effect that losses in such cases shall be borne either in proportion to the investment made by the banker and the displaced persons, or, at the most, in the proportion of half and half. The banks, even though they be displaced banks, are certainly in a much better position to bear a substantial portion of this loss than the individual displaced persons. But here I am not suggesting that the entire loss

should be borne by the banks, nor am I even suggesting that they should bear the losses to the full extent of the money which they have invested, but I am only suggesting that these losses may be equitably distributed. I hope the displaced banks, though they have lost heavily, would not act in the manner of a Shylock for realizing their dues from displaced persons in respect of advances which they made towards goods which were pledged with them. I would appeal to the displaced banks, and still more I would appeal to the hon. Minister of State for Rehabilitation to take up this question at a very early date. Even if the blue-print of his new contemplated legislation is not ready I would request him to bring a short amending Bill at an early date so that this particular point which is causing great hardship to the displaced person may be covered.

**Pandit Thakur Das Bhargava** (Punjab): So far as the amending Bill is concerned, I am sorry that I cannot congratulate the hon. Minister of State for Rehabilitation on producing this amending Bill. To start with, when the need for amendment of the law was realized by the Ministry they put forth two Bills. One was in respect of giving some concession to the plaintiffs, known as the Institution of Suits Act. And the second was in respect of legal proceedings, which was expected to give relief to the defendants. So far so good. Both the displaced defendants and the plaintiffs were to an extent accommodated. It is no doubt true that so far as any concession or favour is allowed to any litigant, be he plaintiff or defendant, it is always at the cost of the other party. In regard to limitation we know full well that the various High Courts have given their judgments that when the period of limitation expires a new right is acquired by the defendant and should not ordinarily be taken away. But the circumstances in which the displaced persons were placed were so exceptional that nobody raised any objection when the original Bill was passed. But now the effect of this amending Bill is quite different and I should like to say that the interests of persons who are affected by the Bill should also have been considered.

The Institution of Suits Act came into force on 4th September 1948 and it extended the limitation provided certain conditions were fulfilled. At that time it was felt that one of the conditions should be that the plaintiff should be asked to satisfy the court that he was unable to institute the suit owing to causes connected with his being a

displaced person. Now, I should like that this should have been an absolute rule. There is no reason why the limitation should now be extended after such a period to another period beyond the period which was originally intended. This Act, XLVII of 1948, would have expired on 3rd September, 1951. There is enough time yet. There is no reason why the defendants in these coming suits should be put to the difficulty having to defend their suits after this period also. It is said that some of the plaintiffs are not able to find money to bring their suits. May I humbly know what arrangements has this Government made to give money to those plaintiffs so that they may bring those suits? If they could not bring those suits all this time and if they will not be able to bring them before 4th September, 1951, may I humbly enquire how they will be enabled to do so—because they lack money—by the end of March, 1952? There is no provision for financing them. There is no reason why these plaintiffs should have been granted further time for bringing their suits. All the same, my objection so far as these plaintiffs are concerned is not so strong because I still think that if any concession is given to displaced defendants also I would not grudge it. But so far as the question of displaced defendants is concerned, it struck me to be an exceptional course for the Rehabilitation Ministry to put in the Bill a provision by which the limitation against displaced persons was also extended. I am very glad that the hon. Minister of State for Rehabilitation has been pleased to accept the amendment of my hon. friend Mr. Jaspal Roy Kapoor. Still I very humbly put before him one or two considerations in this regard. If this amendment is accepted it will mean this. This refers to a suit brought in respect of a cause of action of which limitation expired before the 14th of August. Suppose it is brought thereafter, and the suit was brought on the 25th November, 1950. My submission is that there is no reason why limitation should be extended in regard to such suits. The same purpose would be attained if the words "whether" and "or otherwise" were taken away from clause 4. That would mean that in so far as the question of a displaced person is concerned this Bill will not give any extension of limitation. And that would be in accord with the spirit of the amendment and the spirit which has actuated the hon. Minister of State for Rehabilitation to accept the amendment. I would rather like that so far as displaced persons are concerned in no manner should the limitation be ex-

[Pandit Thakur Das Bhargava] tended. And this purpose would be attained if, as I have suggested, these words, that is, "whether" and "or otherwise" are taken away.

In regard to the rest of the speech of the hon. Minister of State for Rehabilitation, I am bound to congratulate him. I was very happy when I heard his speech in regard to persons who needed his special protection. The association of these traders who are placed in a very precarious predicament on account of many suits having been filed against them, the West Punjab Refugee Traders' Association, wanted to come in a deputation to wait upon the hon. Minister for Rehabilitation in regard to their grievance. And the grievance is quite real. Many of these traders had pledged their goods with the banks in Pakistan and now those goods were either looted or taken away by the government of the day. But they were in the possession of the banks. The banks have got suits against those people. Though I may or may not agree with the arguments given by the hon. Minister of State for Rehabilitation in his speech, yet I do feel that he has shown sufficient solicitude for such persons. In regard to such persons the question would arise, what is to happen to goods which have been looted or the government of the day has taken possession of without paying any sort of compensation? According to the views of my friend Mr. Jaspat Roy Kapoor, as he expressed them, he thinks equity lies in dividing them proportionately or if they are shared half and half by the bank as well as these traders. My submission is that according to the law as I understand it, if goods are in possession of a certain person and those goods are not sufficiently protected by him, or if Government of the day takes away those goods from the possession of any person, then the loss should fall where it would have fallen if no remedy was available. This is the general rule but all the same as these traders have practically been ruined, they are unable to pay the dues to the banks and some course has to be found out whereby justice could be done to them. It is idle to leave this matter to the courts and I fully agree with the hon. Minister of State for Rehabilitation that he should go out of his way and bring in legislation to see that these persons are protected. While the Act is sought to be amended, I thought that something would be done in this Bill itself because when the suits are decreed, it will be very difficult then to provide that these decrees be vacated or amendments ought to be made to these decrees. It is therefore, necessary that as soon as

possible some legislation should be brought about in this House to mete out justice to these people. I again congratulate the hon. Minister of State for Rehabilitation for his solicitude for these people and I believe, that before long he will be pleased to bring in such a legislation.

**Sardar Hukam Singh (Punjab):** On account of some trouble in my throat, I shall not be able to speak sufficiently loudly or to criticise the Bill before us. But I do want to press one or two points which, I think, are very essential for the benefit of the displaced persons. In the first instance, I also join my hon. friends, Messrs. Jaspat Roy Kapoor and Pandit Thakur Das Bhargava in congratulating the hon. Minister of State for the sympathy he has shown and the solicitude he has expressed in his speech for the displaced persons. I am sorry to say that this Bill does not go as far as it should have done. Although we have got a hope, as the hon. Minister said that he would soon be bringing up another Bill on those points which he thinks are essential for the rehabilitation of those unlucky displaced persons, I cannot refrain from expressing that the present Bill that is before us does not give any comfort to the displaced persons. The objects so far as they are given here are to extend the period of limitation in respect of suits or other proceedings to be filed by the displaced persons. So far as individuals are concerned, I can assure the hon. Minister that those creditors who had some individual claims have filed their suits, whether by paying the court fee or *in forma pauperis*; they will not be waiting so long, but there are banks, which may have certain claims pending of high values, which did not think that they should file their suits because they thought there was no chance of recovery of their amounts and that they might lose the court fee as well. So if any class of persons is getting benefit out of this Bill, it is only one or two big bankers and not the individual displaced person. I had a talk with the hon. Minister as well and he said that he had something very beneficial in his mind for the displaced persons when he sponsored this Bill. The banks had assured him that they could wait for some more time for filing their suits if they have some more limitation period; otherwise they were obliged to rush to the courts lest their claims be time-barred. As I said already that could not be the real objective and we cannot gain anything out of this because it would only give time to the banks to file their suits against those poor persons, of whom something has

been said by both my hon. friends who spoke first. I would give two or three illustrations. In West Punjab these people had pledged their stocks with these banks and the value of those pledged goods was many times greater than the actual loans advanced to them. These displaced persons when they were coming out could not remove them on account of the circumstances, and in their case they had not got possession of their goods; therefore they were helpless; actually the goods were with those banks. It is now known that the banks did not come out simultaneously with the individuals and some, particularly the Punjab National Bank, are working even up to now. There is no account to show that it has taken out some of these goods or they have been paid out of the stocks there. The displaced persons have no means of knowing the facts, whether the banks have utilised some of their stocks there or not. Two hundred suits have already been filed up to the tune of Rs. 50 lakhs worth of goods belonging to the displaced persons in Amritsar and in other places. Against these the pledged goods amount to Rs. 1½ crores. The banks have not rendered any account of the goods that had been pledged with them and by three or four illustrations, I would show that those poor displaced evacuees had pledged goods of much bigger value. One suit is pending in Amritsar; Thakurdas Rakki Ram pledged goods to the value of Rs. nine lakhs and now the bank claims Rs. 1,50,000 against them and has not given any account of all the goods which were worth Rs. nine lakhs. In another case Rakki Ram Kirtar Chand had pledged goods of the value of Rs. four lakhs and the loan advanced and the interest accounted for is Rs. 1,37,000. Similarly, there is another firm, Rala Ram Gurbak Singh; the goods pledged were worth Rs. 5,75,000 and the amount made up so far is Rs. 2,57,000. There is one thing very peculiar with these banks. Up to the date of filing the suits, they have piled up the interest and filed the suits against these poor persons. No remedy is being given so far to such persons who are not to blame. They were not parties to this loss. I do not agree with my hon. friend, Mr. Jaspat Roy Kapoor that the losses should be shared equitably or half and half, between the debtor and the creditor. If Government feel that the banks should also be helped and rehabilitated, then there should be some different method adopted to help them.

[MR. DEPUTY-SPEAKER in the Chair]  
 The Reserve Bank can be asked

to give advances of money as loans and the banks are in a position to rehabilitate themselves in a few years' time, but if such suits are decreed and executions are taken out, then certainly these individuals would find themselves in a very difficult position to rehabilitate themselves. It is not only the question of persons who had pledged their stocks but it is a question of other displaced persons as well who had imported or purchased goods from those persons who were not displaced persons but who live on this side of the country and who have filed suits in courts here in India. All articles purchased and which are taken from these persons lie there and they had to fly empty-handed but the suits are pending; they are being pursued and executions are being taken out. Thus these persons find themselves unable to rehabilitate themselves. At least, I would make this suggestion to the hon. Minister that if these suits are kept pending for some time until the question of compensation is decided, that would give them some relief so that these persons might rehabilitate themselves. They are prepared even to go to this extent that these decrees or these claims might be given first charge on anything that they may get by way of compensation. They are not dishonest people; they do not want to evade payment. Unless some means are adopted to help them at this moment, certainly, they would not find it possible to rehabilitate themselves. Government has already not taken sufficient steps to help them. Therefore, it would be another blow to these poor persons. Therefore, I request the hon. Minister with all the force that I can command, to bring out a Bill at an early date wherein these provisions may be incorporated.

लाला अर्चित राम : इस ऐमेन्डिंग बिल के सम्बन्ध में जो तक्ररीर मंत्री जी ने की है मुझे उसको सुन कर बड़ी खुशी हुई। उन्होंने डिस्प्लेस्ड डेटर्स जो हैं उनके सम्बन्ध में हमदर्दी के खयालत का इजहार किया। न-सिर्फ यही बल्कि जो अंगरेजों के कानून हैं उस सम्बन्ध में भी खयाल का इजहार किया कि वह सब क्रेडिटर्स के हक में हैं। उनकी तक्ररीर से ऐसा मालूम हुआ कि उनके दिल के अन्दर सच्ची सहानुभूति डिस्प्लेस्ड पर्सन्स के लिये है। लेकिन इसके बावजूद जैसा कि हमारे दूसरे भाइयों ने मंत्री जी को इस बिल के पेश करने के लिये



[लाला अचितराम]

मुबारकबादी दी है मेरी खाहिश थी कि मैं भी इसके लिये मुबारकबाद पेश कर दूँ लेकिन मैं मजबूर हूँ कि मैं नहीं कर सकता। इसका यह मतलब नहीं है कि यह बिल बुरा है या इसमें कुछ हमदर्दी का इजहार नहीं किया गया। डेटर्स के लिये इसमें रिलीफ नहीं है, इसका यह मतलब नहीं है। लेकिन मेरा मतलब थोड़ा सा और है। यानी जिस तकलीफ के मुताल्लिक हुकुम सिंह साहब ने और ठाकुरदास भागंब साहब ने जिक्र किया उस तकलीफ के मुताल्लिक। लोगों ने आठ आठ लाख रुपये का माल पाकिस्तान के अन्दर बैंकों के हवाले किया और उन्होंने सिर्फ दो या तीन लाख रुपया बैंकों से कर्ज लिया अब उन पर दो लाख और का दावा होता है। वह आठ लाख तो उनके पास से गया अब दो लाख के लिये दावा और हो रहा है। मुझे जो तकलीफ हो रही है वह है कि इस मिनिस्ट्री के सामने मैं पिछले सवा डेढ़ साल से इस सवाल को रख रहा हूँ, मोहन लाल सक्सेना साहब के सामने से ही उन्होंने मुझे यह कहा कि वह इसके लिये बिल लाने वाले हैं। एक महीना गुजरा, दो महीने गुजरे, एक साल गुजरा यहाँ तक कि वह चले गए और दूसरे मिनिस्टर साहब तयारी कर लाये, उनकी खिदमत में मैंने अर्ज किया कि आप इस चीज को पेश कीजिये। आप ने फर्माया कि आप जरूर लायेंगे क्योंकि जल्दी ही पार्लियामेंट का इजलास होने वाला है। खुदा खुदा करके वह सेशन आया और मैं हाजिर हुआ। लेकिन जब मैंने बिल्स की फेहरिस्त देखी तो उसमें इसका कोई जिक्र ही नहीं है। आप लाने वाले हैं लेकिन अभी तक सवा डेढ़ साल से नहीं आया। अब आपने वादा किया है कि जरूर लायेंगे। मैं तभी खुश हूँगा जब आप उसको इस सेशन में लायेंगे। जैसा

मोहन लाल सक्सेना साहब न कर सके मुमकिन है आप भी न कर पायें इसलिये बेहतर है कि जो काम कल करना है उसे आज ही कर लें।

लेकिन मैं एक बात के लिये जरूर तहेदिल से मुबारकबाद देता हूँ कि उन्होंने इस बिल के जरिये से कुछ डिस्प्लेस्ड पर्सन्स के साथ हमदर्दी का इजहार किया और यह मेजर गर्वनमेन्ट की तरफ से लाये। और इस तरीके से उन्होंने उस बेइन्साफ़ों की जो इस सेशन में यहाँ मेम्बरो के साथ प्रेजिडेन्ट्स ऐंड्रेस की बहस में की गई उसको थोड़ी हद तक दूर किया है। कितने ताज्जुब की बात है कि प्रेजिडेन्ट्स ऐंड्रेस पर बहस के बक्त दो दिन तो फ़ूड के लिये दे दिये, एक दिन फारेन एफेअर्स के लिये दे दिया और एक दिन मिस्लेनिअस मेटर्स के लिये रक्खा। इस तरीके से, मिस्लेनिअस के अन्दर रिहैबिलिटेशन को भी रक्खा। प्राइम मिनिस्टर साहब ने फरमाया कि मिस्लेनिअस मेटर्स में ही रिहैबिलिटेशन होना चाहिये। यही नहीं कांग्रेस पार्टी के मेम्बरो को एक दिन में दो मिनट भी नहीं मिले जब वह इस सवाल पर अपने खयाल जाहिर कर सकते। प्रेजिडेन्ट साहब ने अपनी स्पीच में कह दिया कि जो वेस्ट पंजाब से आये हैं उनमें से पच्चीस लाख की जमीनें मिल गई हैं और १७ लाख को लोन आदि दिया गया है। सब बातें इसी तरह से कह दीं। कहा कि (satisfactory) सैटस्फैक्टरी तरह पर काम चल रहा है। लेकिन यह सब एक्स पार्टी बातें हो रही हैं। प्रेजिडेन्ट साहब खुश हैं और तकरीर कर दीं। हमारे मंत्री साहब भी खुश हैं जो काम हो रहा है उस पर। मगर कोई यह नहीं पूछता कि कितने (displaced persons) शर्णाथियों को आपने लोन दिया, कितना रुपया आपने दिया और किसको दिया। इन सब बातों को कोई नहीं देखता लेकिन ऐक्स

पार्टी फैसला कर दिया कि सब काम ठीक तरह से चल रहा है ।

मैं आपका बहुत मसकूर हूँ कि आपने इस बिल के जरिये हम लोगों को अपनी बात कहने का मौका दिया और जो बेइन्साफी हमारे साथ की गई थी उसकी थोड़ी हद तक तलाफ़ी कर दी । मैं आप से उम्मीद करता हूँ कि बहुत जल्द इस सेशन में आप बिल लायेंगे और जो वादा आपने पूरा नहीं किया उस को पूरा करेंगे ।

(English translation of the above speech)

Lala Achint Ram (Punjab): I was much pleased to listen to the speech made by the hon. Minister in connection with this amending Bill. He has given expression to sentiments of sympathy for displaced debtors. Not only that he has also given his opinion that the laws framed by the British also favour the creditors. His speech indicates that he has real sympathy for displaced persons. With all that, however, I do not find myself in a position to congratulate the hon. Minister on the introduction of this Bill, as others have done, how much so ever I may have wished to do so. Of course, this does not mean that the Bill is a bad one or that it does not radiate enough sympathy. Nor does this mean that it does not provide relief to debtors. What I mean is something different. Of course I refer to the hardship mentioned by Shri Hukam Singh and Shri Thakur Das Bhargava. There are people who, while in Pakistan, made over goods worth as much as eight lakhs of rupees to banks against which they took from them a loan of just about two or three lakhs. With all that they are now faced with a suit for two lakhs. What pains me is that it is about a year and a half since I have been representing to this Ministry over that question. I represented it to Shri Mohan Lal Saksena. He told me he was going to bring forth a Bill in that connection. A month passed; two months passed; a year passed; and then he left. The other Minister stepped in. I represented to him and asked him to do the needful. He replied he was certainly going to introduce the necessary legislation in the then ensuing session of the Parliament. After anxious waiting came the session. I arrived to attend. When, however, I scanned the list of Bills I discovered that that subject was not to be found anywhere. You do intend

bringing it forth yet it has not come forth during the last one year and a half, or so. You have again promised to do so without fail. I should, however, be happy only if you could bring it forth during the current session. Shri Mohan Lal Saksena could not do it; maybe you too may not be able to do it. It is better, therefore, to do today what you would like to do tomorrow.

For one thing, nevertheless, I do wish to offer him my sincere congratulations. By means of this Bill he has expressed his sympathy for the displaced persons and brought forth this measure on behalf of Government. By doing so he has, to a certain extent, undone the injustice that was done to the Members during the present session in regard to the Debate on the President's address. How surprizing that, in the allotment of time for the Debate on the President's address, whereas two days were allotted for discussion on food and one day was given to foreign affairs just one day was allowed for miscellaneous matters. Rehabilitation was also included in the miscellaneous matters. The Prime Minister remarked that rehabilitation should come under miscellaneous matters. Not only that, for Members of the Congress Party did not get even two minutes in that one day when they might have given expression to their views on the subject. The President has stated in his speech that twenty-five lakhs of those who have come from the West Punjab have been allotted lands and that loans etc. have been granted to 17 lakhs. Now, there is no warrant for those statements. He stated that the work was going on satisfactorily. But all this is an *ex parte* affair. The President is happy; he has made his speech. Our Ministers are also happy over the work that is being done. But there is no one to ask, "to how many displaced persons have you advanced the loan? How much money have you advanced and to whom?" Nobody considers all these aspects of the question, but here is an *ex parte* pronouncement that everything is going on all right.

I am greatly obliged to you for having provided us, through this Bill, an opportunity to have our say and thus atoning, to a certain extent, for the injustice done to us. I hope you are going to bring forth that Bill very soon—in this very session—and thereby fulfil a promise that has remained unfulfilled.

Shri A. P. Jain: I am very thankful to the hon. Members who have parti-

[Shri A. P. Jain]

icipated in the debate on this Bill for the constructive approach that they have made.

One very important point was raised by my hon. friend Mr. Jaspat Roy Kapoor and Pandit Thakur Das Bhargava has also commented on it, and also other friends. If we analyse the existing law, it falls into two categories. Wherever the plaintiff was a displaced person and the defendant was not a displaced person, and no immovable property was involved in the case, a conditional extension of limitation was given under the existing law. Wherever the plaintiff was a displaced person, and the defendant, also was a displaced person, or immovable property was involved, extension was not given and the law was not applicable. By the present amending Bill it is proposed to make the conditional extension an absolute extension. What is the reason? A sort of a veiled suggestion has been made that this extension has been given for the benefit of the displaced creditors. I refute any such suggestion. It is equally for the benefit of the displaced creditors as for the benefit of the displaced debtors. Because, if we do not give an unconditional extension, the result would be, the creditors being in a state of uncertainty, would not run the risk and would prefer to file a suit. When a suit is filed, in the first instance, it is the plaintiff that has to incur the cost, but ultimately, the burden goes on to the defendant. It is with a view to giving an opportunity both to the creditor and to the debtor to come to a mutual settlement, that the conditional extension has been made an absolute extension. Although the present Act would expire on 3rd September 1951, it has been extended by another few months, up to 31st March 1952. Pandit Thakur Das Bhargava has made a suggestion that if in the existing section 8, the words 'or otherwise' are removed, the object of this amendment would be served. Undoubtedly, the object of this amendment would be served; but it would mean such more. If it were to the advantage of the displaced debtors, I would have certainly accepted the amendment of Pandit Thakur Das Bhargava. Unfortunately my own opinion is that it will not react to the benefit of the displaced debtors. As I have said, the words "or otherwise" would include displaced debtors and also non-displaced debtors where immovable property is involved. If we extend the period of limitation,

the result would be that the displaced creditor would not run the risk of filing such suits immediately. Therefore he may have to incur expenditure and also an opportunity of settlement which we want to afford him will not be available to him.

**Pandit Thakur Das Bhargava:** In what case does that happen? According to the present law a displaced person in respect of immovable property can bring in a suit in the court in the area in which the property is situated. Only in exceptional cases can it be filed in other courts, and this extension of the time limit will be to the detriment of the creditor.

**Shri A. P. Jain:** I would only invite the attention of the hon. Member to the Displaced Persons (Legal Proceedings) Act which has abrogated the ordinary law regarding the jurisdiction provided in the Civil Procedure Code and which has provided that in the case of displaced persons a suit can be filed in .....

**Pandit Thakur Das Bhargava:** That is only in connection with execution of decrees. Section 7 of the 1949 Act relates only to decrees before the 14th August, 1947.

**Shri A. P. Jain:** I will read section 4 of the Act and that will make the position clear.

**Shri J. R. Kapoor:** Pandit Thakur Das Bhargava refers to section 7 of the Displaced Persons (Legal Proceedings) Act, 1949.

**Shri A. P. Jain:** Yes, I will refer to section 7 of that Act. It reads:

"Where a decree or order, not being a decree or order relating to immovable property situate outside the Provinces of India, has been passed before the 15th day of August, 1947, by any Court situate in an area now forming part of Pakistan in favour of a displaced person or, in favour of any other person who before and after the said date, has resided in, and continues to reside in, an area now forming part of India....."

Even where immovable property is involved, under this Bill, the extension has been given, and the whole idea is that if it is possible a mutual settlement may be made permissible. I quite agree that it was never our intention to place any greater burden on the debtors than what exists under the present law. The amendment of Shri Kapoor is meant to bring that idea into effect. Therefore I have

accepted that amendment and am incorporating it in an amendment which I intend to propose to the present clause subsequently.

I would say a word more. It has been said by some of our friends that a number of suits have been filed and others are being filed. They have also expressed the apprehension that once a decree is given it will be difficult to reopen it. To the displaced debtors I want to make it clear on the floor of this House that I propose to go ahead with all speed to bring in legislation to which I referred also the other day, and I will not be afraid to reopen any order or decree passed if that order is not in conformity with the law which we subsequently adopt in this House. We are going to achieve equity between debtors and creditors, and if anybody just rushes to court merely to circumvent our intention, the law which we propose ultimately to enforce, to establish the proper relationship between displaced creditors and debtors or other creditors and displaced debtors, we shall not be afraid to bring those decrees and orders in consonance with the ultimate scheme that we adopt. The whole object of this Bill is to provide another period during which displaced creditors need not be afraid and during which, if they so choose, they can make a settlement. If they rush to court, they will do so at their own risk.

I myself said the other day while moving for consideration of this Bill that this is only a piecemeal measure. I do not deserve any credit for it; nor am I personally happy about it. I feel the deficiency of this little Bill, as do my friends like Shri Achint Ram. But I can assure him, and assure him very definitely that I will do my very best to bring in a comprehensive measure at an early date. Mr. Jaspat Roy Kapoor suggested that I might bring in another amending Bill with respect to goods in Pakistan and which are not available now, but I do not propose to bring in another piecemeal measure, because I look at the whole of this problem and desire to bring in a comprehensive measure after considering the whole question from the point of view of equity. It is not for me to say whether the proportion will be fifty and fifty, or twenty-five and seventy-five, or zero and hundred. All the same, I can assure the House that I will spare no effort to bring in an equitable piece of legislation at a very early date.

**Shri J. E. Kapoor:** May we expect such a measure early next session?

**Shri A. P. Jain:** It will be difficult for me to make any promise in terms of time; but I can assure the House once again that I will not delay the matter.

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

"That the Bill to amend the Displaced Persons (Institution of Suits) Act, 1948, and the Displaced Persons (Legal Proceedings) Act, 1949, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

**Clause 4.**—Substitution of new section for section 8 in Act XLVII of 1948.

**Shri A. P. Jain:** I beg to move:

For clause 4, substitute:

"4. Substitution of new section for section 8 in Act XLVII of 1948.—For section 8 of the said Act, the following section shall be substituted, namely:

'8. Extension of period of limitation.—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), or in any special or local law, any suit or other legal proceeding by a displaced person—

(a) where such suit or other legal proceeding is instituted in pursuance of section 4 and the period of limitation expires or has expired on or after the 14th day of August, 1947, or

(b) where such suit or other legal proceeding is instituted otherwise than in pursuance of section 4 in respect of a cause of action which arises or has arisen in a place now situate within the territories of Pakistan and the period of limitation expires after the commencement of the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950, may be instituted at any time before the date of expiry of this Act."

**Pandit Thakur Das Bhargava:** We have not received a copy of this amendment and have not been able to understand its implications. I understand that this involves again an extension of the limitation in the case of displaced persons...

**Shri A. P. Jain:** Yes, it does.

**Pandit Thakur Das Bhargava:** Unless and until we get a copy of the amendment we will not be able to do

[Pandit Thakur Das Bhargava]

justice to the amendment. I would suggest that it may be taken after Lunch, if the Minister does not mind.

**Mr. Deputy-Speaker:** There are two more amendments by Mr. J. R. Kapoor, notice of which has been received at 10-15 A.M. I suppose they can also be considered after Lunch.

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

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

[MR. SPEAKER in the Chair]

**Mr. Speaker:** I believe the amendment to clause 4 is to be placed before the House.

Amendment moved:

For clause 4, substitute:

"4. *Substitution of new section 8 in Act XLVII of 1948.*—For section 8 of the said Act, the following section shall be substituted, namely:

'8. *Extension of period of limitation.*—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), or in any special or local law, any suit or other legal proceeding by a displaced person—

(a) where such suit or other legal proceeding is instituted in pursuance of section 4 and the period of limitation expires or has expired on or after the 14th day of August, 1947, or

(b) where such suit or other legal proceeding is instituted otherwise than in pursuance of section 4 in respect of a cause of action which arises or has arisen in a place now situate within the territories of Pakistan and the period of limitation expires after the commencement of the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950, may be instituted at any time before the date of expiry of this Act.' "

**Pandit Thakur Das Bhargava:** In connection with this amendment, my humble submission is that it creates more confusion than at present exists. The previous Act, when it was passed, related to persons who were not displaced persons. There were two other safeguards: one was that the plaintiff was required to prove that he was prevented from bringing the suit owing to reasons connected with his being a displaced person; secondly, a suit did not relate to immovable property. My humble submission is that this word "otherwise" will not fully carry out the purpose which the hon. Minister has in view as "otherwise" may or may

not be interpreted in the manner in which the hon. Minister wants it to be interpreted.

Secondly, as regards the words "immovable property", I don't know which immovable property they relate to. If it relates to immovable property situate in Pakistan, according to the international law and according to the law of the land, it cannot relate to property in Pakistan inasmuch as in regard to that property no Court has any jurisdiction here. If it refers to immovable property here in India, then I don't see how this change will affect the displaced persons or other persons for the better. In the first place, the extension of limitation with regard to such suits as do not relate to immovable property was given by the law of 1948. The present law rather extends the scope of that extension. If clause (b) of this amendment is to be interpreted rightly, it means that limitation will be extended in regard to displaced persons also. I could see that there is something to be said in respect of the fact that if the limitation is to be extended immediately suits may not be brought and to that extent the displaced persons may be benefited. But if we put both the things in the scales I should think the extension of limit is a much greater detriment than the concession which a person secures by a suit not being brought immediately against him.

When we consider the provisions of the Displaced Persons (Legal Proceedings) Act, it appears the displaced person is very well protected by the Legislature so far as decess are concerned. The same position could very well have been achieved if the Central Government would have asked the State Governments to forego court-fee stamps. The creditor would have been able to bring a suit without the court-fee stamps, and the debtor would not have been burdened with costs so far as court-fees are concerned, or it might have provided an easy procedure by way of arbitration and the award may have been exempted from the court-fees. Even now those persons who do not want to burden the other side with costs or don't want to inconvenience themselves with paying costs, have a very good substitute in having recourse to arbitration. If arbitration is made compulsory this question of costs could have been solved, because I consider it is against all accepted notions of law that a limitation should be extended in favour of any person against any other person. In regard to a displaced person this limitation stands extended to-day. When we consider that this safeguard of the previous Act is also taken away, then it means that even in regard to immovable property belonging to

displaced persons situated in India, the period of limitation stands extended. Take the instance of a person with property in Pakistan. He had a large amount of property in India also, for instance, in Bombay or East Punjab. Many displaced persons who have come from Pakistan had properties in East Punjab or Bombay as well. And in some cases a person may be technically a displaced person and yet have a very large amount of property in East Punjab, Bombay, etc. In a case of that nature, I don't see why any concession was given in regard to suits relating to immovable property. The provision in 1948 law was that there was no extension of limitation in regard to suits relating to immovable property. Now this safeguard is being taken away. No reason has been advanced why an innovation is sought to be made in regard to these matters. The only thing that we know is that some banks approached the authorities and said that they were unable to bring suits. Now, the limitation has not yet expired in respect of many causes, because the previous Act extends up to 3rd September 1951. So it is not the paucity of time that has brought about this change in the law; it is the paucity of funds with them. This difficulty of theirs ought to have been solved in some other way. It is not right to extend the limitation, because after all if the disabled creditor has not got funds it does not follow that the displaced defendant should be asked to be liable for a period longer than has been allowed. My humble submission is that, considered from whatever standpoint—from the point of view of law or from the point of view of the displaced persons themselves—this amendment would not carry out the purpose which it is intended to carry. Then, immovable property is not defined specifically. It is not clear to which immovable property it refers. This will make confusion worse confounded. Any person who has property here as well as in Pakistan and is a displaced person will have protection, whereas according to the law of the land no such protection can be given to a person who has got property here. According to section 20 of the Civil Procedure Code, a defendant is liable to be sued in India if he lives here or works for gain. If a suit relates to land, he is liable. Supposing a house here was mortgaged, I do not see any equity in giving him exemption from liability. He may have a house in Pakistan and one in Punjab and if a person wants to sue him and proceeds against the house in Punjab, there is no reason why that person should be protected in this manner. As a matter of fact, this law is rather misconceived. If the hon. Minister is minded to give protection to displaced creditors, he should bring

a measure of a separate type and if Government can give an assurance that they will take away all these Bills and substitute them by a comprehensive measure which will not be against the well-known principles of law, then only I support my hon. friend; otherwise, I am afraid that if we pass this measure in the way in which we wish to do, it will make confusion worse confounded.

**Shri A. P. Jain:** I am sorry to confess that I have not been able to understand the logic of my friend Mr. Bhargava. If I understood him correctly, this morning he was quite solicitous about debtors and I said something in reply to certain observations that he had made this morning. The object of this Bill is, firstly, not to compel the creditors to file the suit at once; and secondly, to save the creditors from being burdened with the cost of the suit. If the present clause which I have proposed is examined, it does not make it compulsory for any creditor not to file a suit. It only enables him to wait for a certain period, if he so chooses. So the logic that we are saving any immovable property does not hold good. All that this clause enables is this. If the creditor wants that he should negotiate with his debtor instead of filing a suit, and come to a compromise, this enables him to do it. I also made it clear this morning that it would be most inadvisable for the creditors to rush to a court of law, because I propose to have the whole of this question examined in all its aspects and if it becomes necessary, we may have to give retrospective effect to certain provisions. We may have to re-open decrees which are hastily obtained in order to circumvent the law which we want to lay down. In the light of all that, I have been unable to understand what difficulty it is going to create. It is open to a creditor to file a suit or not to file a suit. If he files a suit, he does so at his risk and it may be that if we pass a fresh law his decree would be liable to be modified in the light of that new law.

My friend has also made certain observations about immovable property. Surely, it is correct that this House has no jurisdiction over any immovable property in Pakistan, but there may be immovable property in India which may be the subject of mortgage which may have been executed in Pakistan together with certain properties in Pakistan. I have been unable to understand the logic of my friend that any property situated in India is of no consideration. Here is a person who may have eight houses in Pakistan and one house in Amritsar. All these nine houses may have been mortgaged together. The eight houses in Pakistan are merely his property in name, but

[Shri A. P. Jain]

the one house in Amritsar is his property in actuality. To my mind, the position does come to this: that his relationship to his creditor should be judged from the point of view of how he has been affected by partition. It may not appear to the mind of Mr. Bhargava, but it appears to me that a new situation has arisen and I am sorry that I am unable to accept the criticism that he has offered. I hope that the House would be good enough to accept this innocuous clause. It is only an enabling clause. It does not compel anybody to do anything. It only enables a person to take advantage, if he so chooses.

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

For clause 4, substitute:

"4. Substitution of new section for section 8 in Act XLVII of 1948.—For section 8 of the said Act, the following section shall be substituted, namely:

"8. Extension of period of limitation.—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), or in any special or local law, any suit or other legal proceeding by a displaced person—

(a) where such suit or other legal proceeding is instituted in pursuance of section 4 and the period of limitation expires or has expired on or after the 14th day of August, 1947, or

(b) where such suit or other legal proceeding is instituted otherwise than in pursuance of section 4 in respect of a cause of action which arises or has arisen in a place now situate within the territories of Pakistan and the period of limitation expires after the commencement of the Displaced Persons (Institution of Suits and Legal Proceedings) Amendment Act, 1950, may be instituted at any time before the date of expiry of this Act."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 7 were added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

**Shri A. P. Jain:** I beg to move:

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

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

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

The motion was adopted.

#### AJMER RURAL BOARDS AND MUNICIPALITIES (AMENDMENT) BILL

**The Minister of Health (Rajkumari Amrit Kaur):** I beg to move:

"That the Bill to amend the Ajmere Rural Boards Regulation, 1886, and the Ajmer-Merwara Municipalities Regulation, 1925, be taken into consideration."

The objects and reasons of this Bill are quite apparent. What is sought to be done is very necessary. It is just an enabling measure to allow the Local Boards to proceed with as little expense and as quickly as possible with the municipal elections on the basis of adult suffrage. There have been no amendments tabled. The Bill is wholly non-controversial. I do not think that I need say anything more.

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

"That the Bill to amend the Ajmere Rural Boards Regulation, 1886, and the Ajmer-Merwara Municipalities Regulation, 1925, be taken into consideration."

The motion was adopted.

Clauses 1 to 4 were added to the Bill.

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

**Rajkumari Amrit Kaur:** I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

#### ROAD TRANSPORT CORPORATIONS BILL

**The Minister of State for Transport and Railways (Shri K. Santhanam):** I beg to move:

"That the Bill to provide for the incorporation and regulation of Road Transport Corporations, as reported by the Select Committee, be taken into consideration."

The House knows why this Bill was introduced. Road transport is a State function. The States have got the same legislative and executive jurisdiction over road transport as the Central

Government has got over Railways or Civil Aviation. The States can exercise these functions in many ways. A State can run the road transport as a mere departmental concern; it can run it in the form of companies either private or public limited companies. In considering this subject, in consultation with the States, the Government of India some years ago came to the conclusion that it is to the advantage of the State Governments as well as the people that it should not be run as a departmental enterprise, but either as a tripartite company, consisting of the State Governments, the Central Government and the public investors, or as a public corporation constituted in accordance with law.

But, the formalities of incorporation and winding up and the functions of a Corporation have to be defined by Central legislation, because the States have not got the power to form corporations; they had to come to the Centre for legislation for the purpose. This House passed a Bill in 1948 in order to enable the State Governments to form Road Transport Corporations. Unfortunately, that Act was found defective. It was found defective in two respects. One of the sections empowered the State Legislatures to define the powers and other matters connected with the Corporation. This was considered unconstitutional, because the Parliament or its predecessor, the Central Legislature, had no right to delegate its legislative function to a State Legislature. Secondly, when Bombay Government set up a Corporation by notification, the High Court found that by not defining the powers and functions, the law was defective, irrespective of the fact that certain powers were left to the State legislatures. That was why this Road Transport Corporations Bill was introduced, after further consultation with the States. I should like to emphasise this fact, because many of the criticisms and amendments are due to an imperfect realisation of this fact. This is purely an enabling Bill. It does not compel the States to form a Road Corporation at all. They are free to form a Road Transport Corporation or not. What all the Bill says is that when any State chooses to run its road transport services through a public corporation that road transport corporation shall conform to the provisions of the Bill. Therefore, to imagine that we can introduce here mandatory provisions which ought to be observed by the State Governments is a mistake, because if we introduce any restrictions with reference to these corporations which are not applicable to a State Road Transport undertaking, either run departmentally or as a company, then the only result will be that the States

will not make use of this measure and run the road transport enterprise in some other manner. I think it is a great advantage to the public and to the State Governments and even to the existing road operators that State Governments should resort to this Bill and run their road transport services as a public transport corporation rather than in the alternative methods. Therefore, I suggest that hon. Members should not put in amendments which seek to fetter the hands of the State Governments.

I will just take the House through a few of the improvements made by the Select Committee. We had provided that wherever a State Government so decided they may allot shares to the public, or the present road-operators. The Select Committee thought that in case such shares are allotted those shareholders should be given specific representation through election and not through nomination as originally provided. That has been incorporated in clause 5.

Again, the original Bill had made provision for an advisory council. The Select Committee was of opinion that if the Road Transport Corporation operated over a wide area, it may be desirable to have regional advisory councils. So a provision has been made for the setting up of more than one advisory council.

The Select Committee was strongly of the view that where a corporation acquired the whole or any part of the undertaking the Corporation should in appointing its officers and servants, take into consideration the claims of employees employed in that undertaking. This provision has been incorporated. It has been argued by some—I think one or two amendments have been tabled—that all such officers and servants should compulsorily be taken over by such a corporation. As I have already indicated any such mandatory provision will only kill the idea of such a corporation. We know that in the case of many private road transport agencies people have been appointed not on their merits, but because they happen to be sons, sons-in-law or relations of the proprietors, or on account of other influences. Therefore, to say that all of them should be taken over by the Road Transport Corporation will mean that we should give legislative sanction for the perpetuation of appointments made not purely on merits.

Originally the terms and conditions on which mails are to be carried by a road transport corporation was to be regulated by the State Governments, in consultation with the Central Government. The Select Committee thought that in such a matter as mails,



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the Central Government should have the final voice and so the position has been reversed and in the amended clause it is the Central Government which will fix the rates after consultation with the State Governments.

In the original Bill the net profits were to be put aside as a fund for amenities to passengers or to labour. The Select Committee was of opinion that this was not quite appropriate and that a substantial part of the net profits should be available for the development of roads in the States, because at present no road user pays for the maintenance or the construction of new roads. Therefore, the Select Committee I think quite rightly considered that the most legitimate purpose of the net profits should be the improvement of roads on which a great deal of rural economy depends.

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One of the most important changes is in clause 39 regarding compensation. This has been one of the most difficult points with reference to this Bill. There have been complaints by the motor operators that whenever their undertakings have been taken, proper compensation has not been paid. A great deal of pressure was brought upon the Select Committee to have the principles of compensation defined in this Bill. But the Select Committee did not find its way to do so for the simple reason that to lay down the principles of compensation applicable only to the Road Transport Corporations which are not applicable to road transport undertaken either departmentally or by particular agencies or companies will be a futile proceeding. Therefore, if there is to be legislation regarding the principles of compensation, as Parliament has every right to enact because it is a concurrent subject, it should be done by a separate measure which applies to all kinds of road undertakings, in whatever way they may be run. Therefore it could not be incorporated.

But the Select Committee has done one thing which ought to be appreciated. Whenever any agency is taken over by the Corporation the compensation is to be determined by a tribunal. This tribunal is to consist of a Chairman who will be independent because he will be appointed by the Chief Justice of the High Court who is not amenable to the State authorities. One representative will be of the State. Another will be of the operator. This body will determine the compensation, and whatever they determine will be final and binding on all the parties.

In the existing circumstances we found that this was the most satisfactory provision we could think of. In this country the conditions of road operators are vastly different. There are people who have got a single bus, a ramshackle one running in a remote route. There are companies which are well organised, which have got their workshops, which have got all other facilities. Therefore any set of principles which we may lay down may not be applicable to the different parts of India and to the different kinds of operators. In the circumstances a machinery which is bound to be impartial by its very composition and the decisions of which will be binding on all the parties is the best method we could think of. This is the method we have adopted in the constitution of the Delhi Road Transport Authority and therefore these provisions have been incorporated by the Select Committee in the present Bill.

In the original Bill the Motor Vehicles of a Corporation were exempted from the operation of the Motor Vehicles Act which deals with third party risks. It has now been provided that such exemption can be given only when the State Government is satisfied that the Corporation has established and maintained a fund to meet any liability that the Corporation may incur through third parties.

I may just refer to the Minute of Dissent of Sardar Hukam Singh. He makes two points. One is about compensation of which I have already spoken. He also refers to the complaint of the refusal or cancellation of permits under the Motor Vehicles Act. He complains that these permits are arbitrarily or unfairly cancelled and something should be done about it. Here in this Bill we are not dealing with permits at all. It is not in the power of the Road Transport Corporation which may be formed under this Bill to grant a permit or refuse a permit or do anything with a permit. In the original Bill there was a clause saying that these Road Transport Corporations need not conform to certain sections of the Motor Vehicles Act. All that has been removed. Therefore, the result is that the Road Transport Corporation also will have to apply for permits and get permits as prescribed by the Motor Vehicles Act. So, whatever complaints there may be regarding the Motor Vehicles Act, it cannot be amended by this Bill. It is also futile to amend a mandatory Act by inserting any clauses in a

permissive or enabling Bill. Therefore, while I appreciate that there is some substance in the complaint, the remedy is to amend the Motor Vehicles Act. We have already taken up that question. We are considering how the Motor Vehicles Act, the various sections of it, have been operated and in what way they require amendment in the light of present conditions. Therefore I suggest to all those who have got such complaints that they will be attended to and they will have plenty of opportunity to press their views when an amendment to the Motor Vehicles Act comes up before Parliament.

In this connection I crave your indulgence for making a few general observations. There seems to be a tendency on the part of some Members of the House to think of this Parliament with reference to the State Legislatures in the same way as the Supreme Court is in relation to High Courts and the other Courts. I think that conception is wrong. This Parliament is not an appellate body at all. It shares the sovereignty of the country with the State Legislatures. Both Parliament and the State Legislatures have to respect the delimitation of functions as prescribed by the Constitution and should be very scrupulous in confining their powers to the respective Schedules. Even in matters relating to the Concurrent List I think it will be altogether wrong on the part of Parliament to take a very high-brow attitude with reference to State Governments. We form one partnership. Parliament may be a major partner; the States may be junior partners. But we have to deal with one another in the spirit of partners, try to persuade and seek co-operation and not to coerce the States against their will.

As I have already said, this is essentially a State function. In exercising the State function, simply because we have got powers to regulate certain aspects of the machinery, just as the formation of State Transport Corporations or putting down qualifications in the matter of operating mechanically propelled vehicles, we should not do anything in a spirit of coercion or invite the displeasure or hostility of the State Legislatures and Governments. It has been the policy of the Transport Ministry not to proceed in these matters without fullest consultation and, as far as possible, fullest co-operation from the State Governments. This Bill, like the previous Bill, was framed after discussions in the Transport

Advisory Council where every State is represented. Therefore, in passing this Bill as well as in its operation we shall endeavour to seek the co-operation of the State Governments. I hope nothing will be said in this Parliament in any way which may give offence to the State Governments. If motor operators have got any complaints regarding the way in which they have been dealt with in any State, then the proper forum, I suggest is the State Legislature just as this Parliament is a forum for making complaints against the Government of India and any Member is free to make any complaint. Similarly any Member of a State Legislature is free to make a complaint regarding the operation of the State Governments in their own fields. Therefore, we should not sit in judgment on how the State Governments operate the functions which are assigned to them. Their legislature, which will be in future based on adult franchise, is set up to control those Governments, that should be the forum and I suggest that it is not desirable in the interest of harmonious growth of parliamentary institutions in this country that Parliament should become a forum for complaints in State Governments. With these few words, I commend the motion to the acceptance of the House and I shall take up in detail the amendments on the clauses when the clause by clause consideration of the Bill is taken.

**Mr. Speaker:** Motion moved:

"That the Bill to provide for the incorporation and regulation of Road Transport Corporations, as reported by the Select Committee, be taken into consideration."

**Shri Hussain Imam (Bihar):** May I know under what item of List III this legislation has been brought in under the Constitution?

**Shri Santhanam:** This is under item 43 under List 1, that is, incorporation, regulation and winding up of trading corporations. This comes under trading corporation.

**Shri M. A. Ayyangar (Madras):** rose—

**Shri B. K. P. Sinha (Bihar):** There is an amendment standing in my name for recommittal of the Bill to Select Committee.

**Mr. Speaker:** I think, the better course would be that I will put his amendment also to the House and the discussion on the consideration motion as well as amendment may go on simultaneously.

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**Shri B. K. P. Sinha:** Sir, I could not follow you.

**Mr. Speaker:** In view of the fact that the hon. Minister has already explained that the Select Committee had considered this point, about providing something for compensation and has given the reasons why the Select Committee did not think it proper to go into that question.....

**Shri B. K. P. Sinha:** There is a constitutional objection, Sir.

**Mr. Speaker:** I am coming to that. And he also further stated that the matter of making a provision in respect of compensation with reference to all compensations is under consideration, I do not think any useful purpose will be served by debating this particular amendment separately. The hon. Member is perfectly entitled to move his amendment. In order to shorten time and to avoid a double debate, I propose to allow him to move his amendment. I will place it before the House and this along with the consideration motion may both be discussed together.

**Shri B. K. P. Sinha:** I beg to move:

"That the Bill, as reported by the Select Committee, be recommended to the Select Committee for specification of the principles on which, and the manner in which compensation for the whole or any part of any undertaking that is acquired shall be determined and given, and to report thereon."

**Mr. Speaker:** I shall place the amendment to the House and then call upon Mr. Ananthasayanam Ayyangar to speak and then I will call upon the hon. Minister to have his say.

Amendment moved:

"That the Bill, as reported by the Select Committee, be recommended to the Select Committee for specification of the principles on which, and the manner in which compensation for the whole or any part of any undertaking that is acquired shall be determined and given, and to report thereon."

**Shri M. A. Ayyangar:** I welcome this measure as a first step towards nationalization of the road transport service. The biggest asset that the Union Government possesses is the rail service. Side by side the transport service also requires some control and co-ordination. It was with that view that the Act was passed in 1938, which law still governs motor

transport in the various parts of the country. The traffic boards were brought into existence for the purpose of effecting co-ordination between road and rail service. Hon. Members here may be aware of the fact that alongside the railway line roads also run and very often instead of exploring the possibility of diverting or getting traffic from various villages to the nearest railway station, advantage is taken of the existence of those roads parallel to the railway lines and bus services are run there. I have seen instances where the buses get into the railway compound just 15 or 20 minutes before the train arrives and pick up passengers and go away with the passengers to the nearest place. Unhealthy competition in the matter of fares has also existed and so much so the railways had to be protected against such unhealthy competition. It was with that view that traffic boards were advised not to give permits or licences for passenger services for longer distances over 50 miles and for vehicular traffic for more than about 150 miles. I think that the rule still holds good and is being adopted. Then it was found that this alone was not sufficient. All the roads are maintained by the local authorities and certain roads which are highways have been taken charge of directly by the Transport Ministry at the Centre. The transport operators indirectly contribute by way of motor vehicle taxation; something is collected from them as a set off against the maintenance of those roads which cost heavily to Government exchequer, both of the Centre as well as the State Governments. Thus the whole thing is borne by the Central Government or the Provincial Governments. Under those circumstances, it was found necessary to have a kind of co-ordination so that the village roads may be extended and the goods and motor traffic of the villages may be brought to the railway stations and thus avoid competition. It was thought also that individual operators have one or two buses and the service is not so much their concern as profit. Hon. Members also might have had this experience that alongside the road the bus drivers catch hold of passengers' luggage and insist upon their getting into the buses and in the midway, some 20 miles off a tyre bursts. There is not even a pump to come in useful and the passengers are made to wait till some other private owner of a car passes by

**Shri R. K. Chandhuri (Assam):** Are you speaking of things happening 20 years ago?

**Shri M. A. Ayyangar:** I am still living and therefore, I have got a continuous experience and so far I have not found any change. Possibly in the Assam Hills there may have been a change and a change in human nature. Private enterprise is devoted to profit. Public enterprise is devoted to service. I am not a whole-hogger so far as this matter is concerned. Until we are able to manage those things more efficiently—the State by itself either directly through the department or indirectly by their corporations—there is place for private enterprise. I am only trying to submit to the House as to what the place is for private enterprise. I would not have intervened in this debate but for the fact that almost every newspaper has come forward with editorials saying that this nationalization is absolute nonsense and ought not to be undertaken. If it is possible to distribute all the functions of the Central Government also to various private enterprises, they would be only too glad. I am not prepared to accept this kind of support for private enterprise. Merely because they are controlling the papers, they ought not to forget the best interests of the community and the country at large as a whole. There is a place for private enterprise, but this is not the way. We have seen that private enterprise had led to cut throat competition with Railways. If the Railways lose, who loses? The community as a whole loses. We have invested 2,300 crores, apart from any competition and indirect interference with the revenues of the railways, which are our primary asset to our country. Are we satisfied that there is no overloading in our buses? Everywhere all along the road the buses carry 20 or 21 passengers in excess even though the engines may not be able to pull them. It is rather unsafe to get into these buses. They dash and overtake at breakneck speed. Recently, I had to travel by a bus from Chittoor to Madras, a distance of about 100 miles, as I missed the train. The driving was very rash and even in the turnings, he was driving at 50 miles an hour. As soon as the drivers hold the steering rod, they think they are the masters of the situation. Let us not be carried away by a false sense of sympathy towards these people. Nobody wants that these people who are operating the buses should be killed. Another thing that the hon. Members forget is that this is not a national industry at all. Is a single bus manufactured in this country? No. We are expecting to produce cars hereafter. Now, we pride ourselves in having purchased motor cars from foreign countries,

Italy, America, England. We exploit ourselves, pay one per cent. to ourselves and pay 99 per cent. to the foreigners. No doubt, this service has provided employment to a number of people. Even if the State should take over, do you mean to say that the hon. Mr. Santhanam and his elderly colleague Mr. Gopalaswami Ayyangar will be, one the driver and the other the conductor? There is a cry that all these drivers and conductors will be thrown out of employment. How will they be thrown out? The same drivers and conductors if they are honest and efficient, will be employed. The only question is regarding the proprietors. There again, hon. Members will have to see whether it is desirable whether a proprietor must have only one bus and carry on service. If per chance a tyre bursts or something happens, on the way, should the passengers be put to all sorts of suffering? There was a wholesome provision in Madras that any person who wants to operate a bus service must have at least a fleet of twenty cars. Now, circumstances have changed. We are charitably disposed and this provision has been thrown overboard. What was intended for the benefit of the passengers and for better service, has been given up and we have operators who have only one bus. During the time when Sir Edward Benthall was the Member for Transport and Railways, he attempted to bring into existence a corporation of this kind. We were then in the Opposition as Members of the Congress Party. We thought that they were trying to create a kind of monopoly for various people and we had our own apprehensions. Later on, the provincial Governments themselves took up this transport service. In the Punjab, they started a nationalised transport service. In the United Provinces I understand they have a fleet of 1200 cars. In the city of Madras, they are running this service as a State department. In Travancore, it is, I am told, a profitable concern. At first, the gentleman who was in charge of the administration had some doubts in the matter. Now, it is a profitable concern. It is a source of income in Hyderabad also.

Therefore, I would support nationalisation of transport services on the following grounds. Our provinces are struggling for want of funds. This will certainly put some money into their hands. Of course, this is not money of the proprietors; it is money belonging to the passengers. Government has a right to take over this service and augment their reve-

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nues. Secondly, it cannot be denied that when once Government undertakes a thing, the service is better; better buses are put on the road. They do not feel ticklish about it; if a tyre bursts or if some part is worn out, they are certainly prepared to substitute good parts. As regards the employees, the conditions of service would certainly be better. They will have provident fund benefits and their service is secure, whereas now, they are completely at the mercy of the proprietors. The Highways belong to us. These Highways may be earmarked for the nationalised transport services.

Even if the States may undertake to run these services, I think it would be better if this is left to the Corporations. If the State should take this as a department under it, even for a small tyre, or tube or some thing else, they will have to wait for the orders of Government and on account of all this red-tapism there may be delays. Under these circumstances, it is thought advisable to have a Corporation. We would have had a Corporation even previously but for the form of Government that existed then. We had no control over Government and therefore, we opposed this and I was one of the Members who opposed that measure, because we were under the impression that some persons were in view of that particular Government and that they were trying to create a sort of a monopoly as against the small proprietors. We were the protagonists of the small proprietors. I have changed my mind. As between the country on the one side, and the small proprietor on the other, I think we must throw in our weight in favour of the State and service to the public. Therefore, this Corporation is a welcome institution.

At the same time, I would like to point out the defects in this also. If a certain thing is directly under State management, we can question their actions here. Take the case of the Railways. There is a separate Budget for the Railways and we spend seven or eight days in discussing the affairs of the Railways. The moment you create a Corporation, God alone knows what is happening there. Take the Damodar Valley Corporation. I heard this morning that they have ordered the appointment of an Engineer in charge of that, paying him a lot of money, as if there are no Engineers in this country and dams have not been constructed. An Engineer has been brought in; he has to be paid in dollars, over a number

of years. What I find in the newspapers is this: that the Damodar Valley Corporation has been advised not to embark upon indenting foreigners at heavy prices without consulting previously the Government of India. I do not know if it is correct or not. If it is true, I would like that the Corporation must be answerable to Parliament. Wherever Corporations are brought into existence, they must be constantly under the control of Parliament, though in the day to day administration, it is not right that either the Government or Parliament should interfere. As far as joint stock companies are concerned, there are the shareholders who meet once a year or more often, if necessary; they appoint the directors and they may remove them. It is not so with respect to a State Corporation. The money comes from the State; the officers are there; not a pie of the officers is involved in the setting up of the Corporation. Except as officers they have no more interest. That is the defect with respect to State Corporations. A suitable provision must be made whereby the Corporation should be made to send an administration report to Parliament and some time must be allotted for its discussion. Some means must be found out whereby it should not be too autonomous or too restricted and subordinate to Government. I hope some suitable provisions will be made here as I am not able to find a similar provision here.

**Shri Santhanam:** I would request the hon. Member to refer to clauses 33 and 34.

**Shri M. A. Ayyangar:** I am glad to note that I have not examined in detail clauses 33 and 34. If such provisions have been made, I am glad that the hon. Minister has taken these matters into consideration.

Then, the hon. Minister stated that we are not compelling the State Governments to take this over and that this Bill merely clothes them with the necessary power. This is only an enabling measure. Unlike in the case of the Electricity Act where it is enacted that within a couple of years, Electric Supply Corporations must be installed in every place, here, the State Governments may or may not take this up. Even though there may be a compulsory provision, we have absolutely no means of enforcing that. Therefore, advisedly, I think, this is made an enabling measure. The States may run the services either as a State enterprise or entrust this road transport to a Corporation. I find one of the functions of the Corporation is that they may embark

upon having a workshop and making some spare parts though as a whole the motor car industry may not be taken up. I consider this a proper and necessary provision so far as efficient working of the service is concerned. In these corporations also there is the possibility of having one or two defects. I recently attended a conference which was held in Delhi under the presidentship of our friend Shri Deshbandhu Gupta and I was asked to open that conference. I said there that I should not be asked to commit myself to any particular course of action. It was there pointed out that the corporation could take up a particular route and go to the traffic board and apply for that particular route. And then the private operators who are already operating on that route would be thrown out. In such a case the suggestion was made that the whole of their enterprise or undertaking may be purchased by the corporation, after paying proper compensation. So far as these compensations are concerned, there are provisions in a similar Act in the United Kingdom as to the principles which ought to be adopted in working out the compensation. They wanted to insist upon such provisions also being incorporated in our Act. They are told that instead of having detailed provisions here, it would be better to leave it at that, saying that compensation shall be paid, details to be worked out later. Compensation always means fair compensation, and it is not possible to lay down any rule applicable to all kinds of vehicles. The price of a particular vehicle may differ from that of another, according to its make or according to the service already rendered by it and so on. What is necessary is that a compromise should be arrived at which is good and in the interest of both parties. So, instead of crystallising the principles and keeping them rigid, it is better to give the discretion to the tribunal before whom the parties come, to decide this matter. That is a wholesome principle and I am sure the hon. Minister—and I understand he has already done it—will accept it and thus set at rest all the doubts and suspicions that may be in the minds of operators.

The second thing that the operators want is that the whole of the undertaking should be purchased by the corporation. Their fear seems to be this. There may be a fleet of a hundred buses running in various routes, and the corporation might undertake to run only one route, and they may think it is no good purchasing all the buses for this one

route. But in this matter also the tribunal may be clothed with the power to find out what portion of the undertaking can be cut out from the rest so that it may be kept as a separate unit and may be purchased without disadvantage to the operators. If the major portion is purchased and a few routes or buses are left to the operators, without the corresponding routes, then the operators will suffer, and it should, therefore, be a matter for adjustment and I am sure the tribunal may be clothed with the necessary power in this question also to decide whether the undertaking should be taken in as a whole or in part.

The third item that is insisted upon in general, is with reference to the workers in the undertakings purchased or acquired by the corporations. It is said that these workmen ought to be absorbed in the new services, and I am sure that so far as the workmen are concerned, they will certainly be so absorbed and retained as drivers, conductors and other kinds of employees, provided they have had good sheets regarding their conduct and capacity. The difficulty, if any, arises only in the case of the proprietors and how they should be absorbed. Some provision is asked for in respect of the proprietors also. A few individuals may have a large number of buses, but in other cases they may be owned by middle-class men and some of them might have been with us in the freedom movement also. In these circumstances, to deprive them of their only means of occupation or livelihood will be unjust. Therefore, suitable occupation and means of livelihood should be provided for them. It is suggested that in these corporations, such proprietors may take shares and be directors or other persons of responsibility. Also, there may be necessity to have inspectors and managers and persons of that category in these corporations and for these jobs, such persons can very well be used. After all a corporation is not a living thing, it has to function through living persons, through the agency of such persons and their experience and knowledge of the work will be of great value in running the services efficiently and well. I am sure the corporations will not impose rigid conditions of service, like age restrictions etc. that a man should go out the moment he attains the age of 55. On the other hand, if a person is even 60, provided he is able and keeps fit and efficient, such rules should be relaxed and advantage taken of his experience and knowledge. So also in the matter of

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qualifications. In his own line, a person may be very good, though he may be without any academic qualifications like university degrees, etc. He may not be a B. Com. or knowing commercial law. These qualifications need not be insisted upon. Why I refer to this question is because sometimes we are over-enthusiastic about degrees got from colleges and other places, forgetting the fact that the qualification gained by experience in a particular line over a long period of time is sometimes far more valuable than any such academic qualifications. It is the duty of Government to see that no able-bodied person in the country goes without employment and therefore in our over-enthusiasm for nationalising things, we should not deprive these experienced persons of their employment and provide opportunities for others who may be stragglers in the streets. I do not want anyone to be thrown in the street. That kind of hope and promise should be there. These proprietors whose routes have been taken away may also be used for exploring the possibilities of extending the services through the villages to the nearest railway station. Alternative routes may also be given to them. Indeed, there are various ways in which they can be useful and I am sure the corporations will make use of them in the proper way, and that these corporations will be worked in a spirit of service to the country and also in the spirit of helping these people who are already in the field and who had contributed enormously to the growth of transport in the country. In the first few years of any service, there are great difficulties to be overcome and these pioneers in the line have worked hard and overcome the natural doubts of passengers whether such and such service will be punctual or regular and so on. Therefore, I say these persons must not be thrown out. These are of course, matters of detail and I am sure the corporations that will come into existence will bear them in mind.

I welcome these corporations, but I would like to sound a note of warning. These corporations are likely to over-emphasise the service aspect of the thing, and to be indifferent to the economic aspect. The private owner is more anxious about the commercial side of it but not so the corporation, for in the latter case there is the tendency to over-emphasise the service aspect. There must, I think, be a happy middle course between the two and these corporations must be able to work as good commercial concerns and

also be quite efficient and give good service. If a new tyre gets punctured by a horse-shoe, the man under the corporation may pronounce it to be useless and ask for another; but the private owner will take it up, repair it and put it back on the road as far as it can go. The corporation, or all those who are in charge of it must see to it that great care is taken in this direction that it is public property and that it ought to be utilised to the greatest advantage and to the greatest profit, subject, of course, to the efficiency of the service.

Nobody need be afraid of this measure, or think that it is a revolutionary Bill. This measure will not throw them out of their employment. There are sufficient provisions to guard against that and I am glad to learn the Minister has been very sympathetic and has accepted most of the amendments that have been suggested and all the necessary amendments will get through without controversy but by means of compromise and on an agreed basis.

I support the motion for consideration.

**Shri B. K. P. Sinha:** This Bill empowers the State Governments to form corporations. Clause 3 of the Bill does that. Then clause 18 empowers these corporations to acquire and hold such property and also to prepare schemes for the acquisition of and to acquire either by agreement or compulsorily motor undertakings. That is the second feature of the Bill. There would be no necessity after the passage of this Bill and after the establishment of the corporations for any other legislation for those corporations to take up these undertakings which are at present being operated in the motor transport field.

**Shri Santhanam:** These corporations will have no right of acquisition. They are not empowered by this Bill to acquire anything. They have to acquire only by consent or through the existing law, by which acquisitions are made for public purposes.

**Shri B. K. P. Sinha:** I will come to that.

The third feature is that they are empowered to acquire the present undertakings and they are empowered to do it without the necessity of any further legislation by either this Parliament or the State Legislatures. The fourth feature is that it prescribes the machinery for determining compensation by clause 39. But this Bill does not prescribe the principles on which the compensation is to be determined

or the manner in which it shall be paid. The Select Committee was conscious of this and on page 2 of their report while dealing with clause 39 they say:

"We note that this clause does not specify the principles which should be taken into account in assessing compensation to be paid when an undertaking is acquired under this Act....."

"We, however, feel that the matter is of such importance that the Central Government should take necessary steps to lay down the principles of compensation either by rules under this Act or by separate legislation."

So they have laid down a certain method for prescribing the principles in future either by rules or by separate legislation.

If we have in view these features of this Bill and if we look to article 31 of the Constitution we shall find that this Bill does not fulfil the provisions laid down there for acquisition of property. Article 31 lays down:

"No person shall be deprived of his property save by authority of law."

Clause (2) lays down a very detailed procedure for the acquisition of property. It is laid down there what forms should be fulfilled by legislations which empower bodies to take up properties. It lays down that no property "can be taken possession for any public purpose under any law authorising the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired." This Bill does not fix the compensation. Secondly, it neither fixes the amount of compensation nor specifies the principles nor the manner in which the compensation is to be determined and given. It provides no doubt that compensation will be paid but fails to specify the principles on which or the manner in which the compensation is to be determined and given. From this point of view therefore it does not conform to the principles laid down in our Constitution and to that extent it is defective.

It may be argued that these motor services or lines are not properties because they are controlled and regulated by State Governments by legislation. Unless they get a permit or get their permits renewed the motor operators shall be liable to stop their services.

I would submit that properties are of three kinds—absolute, qualified and

possessory. I submit that these motor transport undertakings come under the category of qualified properties. In legal parlance property means qualified property as well and to that extent I submit this Bill is defective.

It may be argued further that since this Bill provides for compensation to be fixed by rules made under the Act. It fulfils the conditions laid down by the Constitution.

[MR. DEPUTY-SPEAKER in the Chair]

The Mover of the Bill drew a difference between the British Parliament and this House and pointed out that the Constitution prescribes the relationship between the State and the Centre. We are conscious of that. I would like to point out that this Constitution while prescribing a certain relationship between the Centre and the State also prescribes the machinery or certain procedure for the acquisition of property and this Bill does not fulfil those conditions. If it is argued that it is enough to prescribe that compensation shall be fixed by rules made under this Act my submission is that under the Constitution you cannot allow compensation to be fixed by rules made under any Act, because the wording in clause (2) of article 31 of the Constitution is very clear. The fixing of compensation is to be laid down by the law itself and law in this section does not include the rules made under this Act. This matter is clinched if we refer to clause (3) of article 31 of the Constitution which says:

"No such law as is referred to in clause (2) made by the Legislature of a State shall have effect unless such Law, having been reserved for the consideration of the President, has received his assent."

It could never have been the intention of the framers of our Constitution that the word 'law' in clause (3) cover also the rules made under the Act. It was never the practice of this country or any other country to place the rules made under an Act before the highest executive of the land. It is only the main body of the law that is placed before the highest executive for his consideration.

Therefore in clause (3) the word 'law' clearly means the main body of law as passed by Parliament or by any State Legislature, and it excludes the rules made under any Act. According to the accepted rules of construction of statutes I submit that the same word cannot have two interpretations in the same section. It is therefore clear that law in clause (2) means the main body of law and it excludes from



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the purview of law the rules made under any Act. I would therefore submit that if you prescribe the mode of compensation under rules made under this Act, the forms laid down by this clause could not be fulfilled.

I would next come to the provision, where it is laid down that it shall be for the tribunal to fix the compensation. I have already elaborated my point that it is not open to this House or Parliament to delegate its power to any external body. This Parliament is no doubt the supreme legislative organ of this country but it is not supreme in the sense in which the British Parliament is. Its powers are not absolute in the same sense in which the powers of the British Parliament are. This Parliament derives its powers by virtue of a written Constitution. The legal competence of this Parliament is circumscribed and limited by the actual words of the law which confers powers on it. And the Constitution contemplates that the particular piece of legislation which authorises the taking away of any property shall also lay down the principles of compensation. Therefore, it is not sufficient to transfer this power to the tribunals.

I would next come to the question of a separate legislation. The Mover has said that in course of time the State Government or this Parliament would pass a separate legislation for this purpose. I would again take you, Sir, through clause (2) which says that the law which authorises the taking over of such property should also specify the principles of compensation. It is not for two separate laws to do it. It must be done in one piece of legislation. That piece of legislation which authorises any corporation or any body or any Department of Government to take over any property must also specify the principles of compensation and the manner in which the compensation is to be paid. The defect cannot be cured by passing a subsequent legislation. The right of property has held a certain amount of sanctity from times immemorial. In view of the modern trends, the Constitution-making Body of this country realised that they cannot hold the rights of property sacrosanct. It would be fatal to lay down in the Constitution that in no circumstances can property be touched. Therefore, as a matter of compromise it has been suggested that property rights can be tampered with, that property can be taken away, but then certain safeguards have been provided. And one of the safeguards is that the body which determines whether a particular kind or amount of property has to be taken over, shall also determine the amount

of compensation or the principle on which compensation has to be determined and given to the owners of that property. We cannot do it under two pieces of legislation. It is prohibited under article 31 of our Constitution.

I would refer in this connection to the land reform Acts of Bihar and U.P. They are two pieces of legislation, which authorised the State Governments to take over Zamindaris. In view of article 31 (1) to (3) of the Constitution, those Acts have very elaborately and meticulously laid down the principles and norms of compensation and the method in which compensation is to be paid. That precedent is before us. They did not do it just out of caprice. They did it because the words of the Constitution enjoined it. We have something like this in the United Kingdom Transport Act of 1947 also where section 47 prescribes in elaborate detail the norms of compensation. It could have been done very easily here also.

I don't want that this legislation should not pass or that nationalisation of motor transport or of transport undertakings should be delayed. That is never my intention. I am rather of the opinion that the sooner nationalisation comes, the better for us in this country. So, when I bring these points to the notice of the House, my only consideration is that in view of this lacuna this law may not have the same fate which some of the land laws of my State of Bihar had. They pass the law, the people affected take it into the Courts, the law is declared illegal, *ultra vires*, or inoperative. There is another piece of hasty legislation and another piece of litigation, another judgment from the High Court and the Supreme Court. So, what those Governments wanted to achieve, in their haste they nullified it themselves. It is my fear that if we don't prescribe the principles of compensation in this Bill, this legislation may also have the same fate.

So far about the legal aspects of the question. I join my voice with yours in stressing that the question of nationalisation of road transport should brook no delay. It is a very urgent question. I was surprised that such a loud protest has been raised in this country against this proposed step of this Parliament and of this Government. If any undertaking, if any service, if any industry needs to be nationalised and nationalised without any delay, I submit it is the motor transport industry. I have often travelled by these private motor buses. I know the fate of people who travel by them. In a bus meant for twenty people it is not unusual to find fifty people

packed together like sardines in a tin. There are no amenities worth the name. The buses never keep to schedule. It is usual to find people travelling on the roofs of buses and sometimes when there is a protruding branch of a tree in front of the bus people get their heads broken; sometimes they fall down and then they pop off. A very harsh and rough treatment is very often meted out to those who travel in the buses. I don't say all the services are like that, but except in the well-organised companies I must say that that has been my experience. In my State there are very few well-organised companies—not more than three or four. During the petrol control period, it was very usual for people to get a license to run a bus on a certain route. No bus would ever be placed on the route, the people would be drawing the petrol for that route all the same and sell the coupons in the black market. I know there are some very good men in this transport business and I have nothing to say against them. But there are very many people who don't make proper use of trucks. It is very usual to find these trucks carrying smuggled goods and sometimes used for shady purposes at night. We need a State-controlled transport service. We have a State-controlled or State-operated railway service. We have a State-operated waterways service. At least we are going to have it, that is the intention of the Government. We cannot have control and State-operation on two sectors of the transport service while we leave one sector completely uncontrolled. There will be necessity for co-ordination and there is already that necessity. Public memory is short. We probably have forgotten what happened to the Railways in 1931 and 1932 when they had to incur a very heavy loss due to the competition of the road transport services. Just now conditions are bright. The transport services are in great demand to carry men and goods. But we may have to face a bad time and if there is at such a time unrestricted competition, the millions and millions of rupees sunk in the Railways, and the millions that are going to be sunk in the waterways enterprises by the State will go to waste. I would, therefore, suggest that in the interest of better co-ordination all these services and all these undertakings have to be nationalised.

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**Shri Hussain Imam (Bihar):** I should like to associate myself with the remarks made by you, Sir, about the need for nationalisation. But when we want nationalisation, we mean a just and equitable nationalisation and

not following the Communist philosophy of taking over properties, depriving the property-holders of their right to compensation. The State has to decide whether it wishes to follow in the footsteps of Russia or follow in the footsteps of the U. K. You cannot have it both ways. With the industrialists and capitalists, you behave in the manner of U. K., but where small people are concerned, you ride roughshod over them in the Russian manner. In the very Department which my hon. friend Mr. Santhanam is controlling, the G.N.I.T. was taken over, and a very heavy price was paid: not only on the written-down value of the stock but for all the profits expected and other assets. But when they come forward with this Bill, they do not provide for anything.

**Shri Santhanam:** May I inform my hon. friend that the compensation with reference to the G.N.I.T. was fixed by a Tribunal appointed more or less on the same lines as in this Bill. The Central Government did not apply any set formula or principle.

**Shri Hussain Imam:** My friend Mr. Santhanam is very expert in this thing. While referring to your speech, Sir, he pointed out clauses 33 and 34 as a method whereby a control could be exercised. But it was presumed that when the control is to be exercised, it would be exercised from outside, but what does the clause do? It empowers the Government. The organisation is a Government organisation and the Government is given power to direct this Governmental organisation. It is like appealing from Phillip drunkard to Phillip sober.

**Shri Santhanam:** I was referring to clause 39 where the Tribunal is to be presided over by a Chairman appointed by the Chief Justice of the High Court.

**Shri Hussain Imam:** I was referring to the hon. Minister's former statement when the hon. the Deputy-Speaker was on his legs and he had pointed out that there should be outside control.

**Mr. Deputy-Speaker:** Obviously, Mr. Imam has gone to another point.

**Shri Santhanam:** I thought he was complaining about compensation.

**Mr. Deputy-Speaker:** Possibly he was satisfied on that point.

**Shri Hussain Imam:** I am far from satisfied. I would like to mention that as pointed out by the previous speaker who comes from my own province, it is very necessary, according to our Constitution, that the method must be provided for by the act itself or the method by which it is going to be done

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must be mentioned in the Act itself. His analysis was quite correct and I do not wish to elaborate that point. I would rather concentrate on two other points.

I wish to stress that this Parliament is quite competent to lay down rules which would be binding on the State Governments. I find that there is no mention in List II to transport by road. Every residuary power rests with the Centre, and also those in List I or List III. Unless the States have the exclusive power of arranging road transport as they like, they cannot but take dictation from this House. I uphold the dignity and the competence of this House to deal with all matters except those which are specifically mentioned in List II.

**Shri Santhanam:** Items 13 and 26 between them do cover this.

**Shri Hussain Imam:** What about item 35 of List III which specifically mentions mechanically propelled vehicles?

**Shri Santhanam:** The regulation of such vehicles is concurrent.

**Shri Hussain Imam:** Therefore, I hold that under articles 246, 251, 252 and 254 it is within the competence of Parliament to lay down overriding laws which can even abrogate the laws of the States. The States have no power to go against the mandate of the Centre. They cannot frighten us by saying that if such and such a thing is not done, the States will do other things. The States cannot do any other thing. As far as any corporation is concerned, it is in List I. As far as mechanically propelled vehicles are concerned, it is in List III. Both ways, we have the upper hand. The States are only limited under the Constitution to have exclusive jurisdiction in List II. The hon. Minister has mentioned items 13 and 22.

**Shri Santhanam:** Under item 13, it is true that it is said that vehicles other than mechanically propelled vehicles are not subject to State law. But only regulations regarding the construction and safety of such vehicles are mentioned there. Regulation of mechanically propelled vehicles is in the concurrent list, but not trade or business with those vehicles.

**Shri Hussain Imam:** Reference has been made to entry 33 of List III. If you take recourse to this item, even if you had no power—I say that you have power under items 35 of the concurrent list and items 43 and 44 of List I: you have exclusive and overriding

power—but even if you had no power of this type, you have overall power of declaring it to be necessary in the national interest and thereby protecting yourself under item 33. It is not good form, for a State Government to take shelter behind subterfuges. If Governments stoop down to such low level, what sort of morality can we expect the country to have?

**Mr. Deputy-Speaker:** Why is the hon. Member using very strong language?

**Shri Hussain Imam:** I am using strong terms because I am told that under our Act as it exists people are being deprived of permanent permits. They are being given permits for four months, with the result that after four months they do not renew the permit and thereby the man is deprived of his right of compensation. It is subterfuge—pure and simple—and nothing more.

**Mr. Deputy-Speaker:** There are some powers given under the Constitution to the Centre and some to the States. Corporation is entirely in the Union List and therefore it is that the States have to come to the Centre to enable them to have Corporations. Otherwise, as the States themselves are running State Transport Services, they would not have to come to the Centre at all. Until the Centre invokes the extraordinary power of declaring it to be a Central subject and then bringing a Corporation into existence, the Centre and this Parliament would not normally be entitled to go into the details of the working of the Corporations, nor into the regulation of traffic, fares, compensation, etc. It is a Corporation that is going to be installed by a State Government. As to what the amount of fare should be etc. is the subject matter of discussion in the State Legislature. Therefore, behind the back of any State Government, to say that it is perpetrating a fraud is not permissible.

**Shri Hussain Imam:** I wish to be excused; I did not say fraud.

**Mr. Deputy-Speaker:** Subterfuge and so on. It does not redound to the credit of any State Government. In their absence, it is not right that we should make allegations in this House.

**Shri Hussain Imam:** It was for this reason that I never mentioned the name of any State. Even then I did not mention any name. I only said 'some States'.

**Mr. Deputy-Speaker:** Such language is not desirable.

**Shri Hussain Imam:** At any rate, I should like to mention that the days when either the British Government of India or our Swaraj Government could do things according to its desire are no more. By the promulgation of the Constitution that we have given to ourselves, we have safeguarded certain Fundamental Rights and whenever there is any infringement of those Fundamental Rights, it is not the Executive which can decide the matter, but the Judiciary, in spite of the fact that this House may exclude the jurisdiction of the High Courts.

I am told that the Bombay High Court came to the decision that the motor transport corporation of their State was *ultra vires*. I have also been fortified by certain dictums which I just received from our own High Court in regard to a case before it. "It is quite clear that under article 226 it is not merely open to us, but it is our duty to interfere when there has been a flagrant and unjustified evasion of the Fundamental Rights of the citizen." In his concurrent judgment the other Judge stated . . . .

**Mr. Deputy-Speaker:** I am sure the hon. Minister does not dispute the fact that in case of violation of the Fundamental Rights the High Courts or the Supreme Court can interfere. How is this point pertinent here?

**Shri Santhanam:** That is one of the very reasons why the hon. Member should not make any allegations against any State Government, because in case of any unjust interference it is open to him to go to a court of law and get a decision.

**Shri Hussain Imam:** The Provincial Governments are more adept in this matter than the Centre. . . .

**Pandit Thakur Das Bhargava (Punjab):** Will the hon. Member kindly enlighten us as to how the Fundamental Rights have been broken by this provision?

**Shri Hussain Imam:** As my hon. friend Shri B. K. P. Sinha has already pointed out, property does not include only landed properties but other forms of property also. And wherever a Fundamental Right is concerned that right is enforceable today; as the Judiciary is prepared to vindicate the Rights.

Now I come to some of the practical difficulties that face us. While advocating nationalisation, I should at the same time point out that nationalisation should not give an immunity from criticism and establish an auto-

cracy which will be subject to no control at all. In private companies you have the general body of shareholders to watch the interests of those whose money is invested. As you yourself very ably pointed out, Sir, in our statutory corporations there is no method available of exercising any control. The devious and indirect method of censuring a Minister for the actions of a driver or a cleaner will be imposing too great a penalty for a trivial offence. While the Government itself is running the Railways, it is open to our criticism and we are entitled to ask questions here. In a Government undertaking, as you have so well pointed out a man drawing a thousand rupees is subject to the direct control of this Legislature. The same is the case with regard to the States where they have got irrigation and other projects. But when you establish a statutory corporation what you do is that you do not have any representative of the public in there. You appoint certain officials. Whether they are actual officials or created officials from non-officials does not make any difference. There is no forum for criticising the actions taken by them. We have not followed the procedure of the House of Commons whereby all rules and regulations are laid on the table and they are open to debate by initiation of discussion on a Government day. Here we get one Private Members' day in a session and how many things can come in? It is necessary that we must have an innovation, if need be, of associating a number of Members of Parliament and State Assemblies with the administration of each statutory body we create. For instance, if you have a State Road Corporation, it should have an advisory body consisting of five Members of Parliament and ten members from the local legislature. Though they may be acting in an advisory capacity, their advice should not be easily set aside without any rhyme or reason. Unless we provide something of that nature, the result will be that statutory bodies will become more autocratic than even the industrial concerns that we are having. At least, as you said, in the case of industrial concerns gain is the main motive; whereas in the case of State managed enterprises it is not so much the return on the capital as the convenience of the public. We find that a complaint is made that buses are very crowded. But have we forgotten the condition of our own railways? Are they not crowded? Is that a reason why the State should be ousted from managing the Railways and the

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Railways in turn handed over to companies? If you are not prepared to have yourself self-condemned for over-crowding why blame a private operator? The private operator does not crowd his buses intentionally; he does so because he cannot get permits for additional buses. Government is chary in giving permits. If a man can take forty people in two buses, by over-crowding he takes 25 or 30 people. It does not pay him. But the important point that is involved today is, are we wise in allowing the wastage of foreign exchange in purchasing new buses and new chassis, because thousands of buses are being taken out of the roads because the State is coming in. Because of the fact that they are subject to taxation and yield some customs revenue, there is always an attraction in allowing more and more imports to be made. I had pointed out this fact also when the Budget was being discussed. While we need food and capital equipment, should we fritter away our foreign exchange in purchase of new vehicles? The operators are able to work for about five to seven years with a vehicle; while, at least I know of one instance near Delhi where about 50 buses which were about one year old have been immobilised by State monopoly. What I say is that if the State is out to do the thing in a right and proper manner let it compete with private bus owners. But it should not deprive them of their right of plying the buses. We do not want to give monopoly to anybody. Here they want monopoly, and without payment of compensation. This I describe as a devious method. Have a competition. There is no one who will in any way oppose the Government's desire of having motor transport business, provided they do it in competition with private operators. If it is not a paying concern the private operators will themselves evaporate. If it pays then they would carry on.

In the end I should like to say again that it is better to wait and consider everything and bring a comprehensive law, rather than bring laws piece-meal and in the manner in which we have been seeing. Just before this motion was made the hon. Minister of State for Rehabilitation said that if certain things were not done according to his desire he would come forward with another legislation having retrospective effect which would over-ride the powers that had been given. I feel that that is not befitting the dignity of this House.

This House should not be accused by the future generations of having done things in a hurry. We should give full consideration and mature all our plans. There is no hurry that this Bill should be passed today. A motion has been made by my hon. friend that it must be re-committed to the Select Committee for reconsideration of certain parts. If the Government is responsive it can accept that amendment. The present Government is singularly fortunate in having at least 94 or 95 per cent. backing in this House. Could there be a greater backing? The opposition here is nominal. Yet because of the fact that there is no official opposition, from the very members of the Government party we have criticism. There was the complaint from the Treasury Benches that although Government belongs to the Party, yet the Party people do not support Government. It was stated by the hon. the Food Minister. A retort was made "Is the Government responsive to the Party?" That should be considered and acted upon. It is not enough that you are satisfied. As I have said often, in a democracy you have to see that others are also satisfied. If you make hurried legislation the result is, as we have seen, the High Courts declare parts of it to be *ultra vires*. It is better to do things slowly rather than do a thing in hurry and then the whole thing falls through. I make this last appeal to give it full consideration, and I support the amendment of my hon. friend Shri B. K. P. Sinha.

**Shri Deshbandhu Gupta (Delhi):** I am thankful to the hon. Minister for giving an assurance to this House that Government are fully aware of the difficulties which the private operators have been facing and that they contemplate bringing an amending Bill of the Motor Vehicles Act 1939 with a view to meet those difficulties. I am also thankful to him for acknowledging the fact that this Bill is defective in as much as it does not lay down the principles of compensation. The only arguments that he has used in favour of passing this Bill is that it is an enabling Bill and that it is an improvement on the earlier legislation. I readily concede both these points, but I do not agree with my hon. friend when he says that the Central Government is helpless in the matter and cannot lay down mandatory provisions in this Bill with a view to do justice to the private operators.

Let us examine the Bill as it has emerged from the Select Committee. The hon. Minister has himself said, and

claimed credit for it, that a very important provision has been incorporated in the Bill in clause 39 by which an arbitral tribunal has been appointed, one of the nominees of which will be appointed by the Chief Justice, to decide the question of compensation for such undertakings as these Corporations would take over. There is no doubt that this is some consolation to those who were apprehensive that this Bill might not help the process of expropriation without compensation which had been going on in certain States ever since the States started their own transport companies. But I want to ask the hon. Minister whether this particular provision is mandatory or not. If it is mandatory where in lies the difficulty in defining the principles of compensation why not make it quite clear as to what the intention of this Government is in regard to paying the compensation wherever nationalisation takes place. His apprehension seems to be that the States are today empowered to run their own buses departmentally and they need not take advantage of this Bill at all and the Bill, or the Act if it is passed, might become a dead letter. He therefore believes that as something is better than nothing, let us first persuade the States to form Corporations, that would be some advantage in so far as Government want to regulate motor transport. But, I would like to draw your attention to one important recommendation made by the Select Committee with reference to clause 39 of the Bill. The Select Committee says in its note:

"We note that this clause does not specify the principles which should be taken into account in assessing compensation to be paid when an undertaking is acquired under this Act. Such principles have been laid down in section 47 of the U. K. Transport Act, 1947.

We, however, feel that the matter is of such importance that the Central Government should take necessary steps to lay down the principles of compensation either by rules under this Act or by separate legislation."

Having made this recommendation, I do not see how the hon. Minister can plead that it is not open to us to-day to frame rules or lay down the principles which should govern the fixing of compensation.

**Shri Santhanam:** I never said that it is not open to this Legislature. It is one of the items in the Concurrent List. All that I pleaded was that it is not quite expedient or desirable to include it in this Bill.

**Shri Deshbandhu Gupta:** I value his

that the Central Government is so helpless in the matter or that the State Governments would be so unreasonable as to ignore the Act passed by this Parliament, after taking into consideration the provisions of the Constitution relating to fair compensation. I feel that the hon. Minister is unnecessarily feeling helpless in the matter. If he has been able to persuade the Provincial Governments to agree to the appointment of independent tribunal to award compensation, I see no reason,—if he only persists or perseveres,—as to why it should not be possible for him to make the States see reason and go a step further and agree to the principles of compensation. After all, what is it that these people want? The Constitution has provided that you cannot acquire an undertaking without paying compensation. The debate that took place on this particular clause in the Constituent Assembly makes it abundantly clear that the word 'compensation' means fair compensation, equitable compensation or just compensation.

That being so, I see no reason why this Parliament or the Central Government should not define the principles of compensation. What is the use of saying in the note which I have just read out that "the Central Government should take necessary steps to lay down the principles of compensation either by rules under this Act or by separate legislation." If I were he, I would have first come forward with a legislation to define the principles of compensation as contemplated in the note or incorporated the rules in the Act itself to make it abundantly clear to the States as to what the intention of the Central Government in this matter was. Having said that it was for the Central Government to define the rules for compensation, and after recommending the appointment of a Tribunal for the purpose, is it right to fetter the discretion of the Tribunal by subjecting to the rules to be framed by the States? If you will read part (b) of clause 39 it says: Where no such agreement can be reached, the amount shall, "subject to rules made under this Act", be determined by an arbitral tribunal consisting of etc. etc Does it not mean that the tribunal is not free? While the tribunal may be independent in view of the fact that there is a nominee of the Chief Justice and that there is the nominee of the party concerned on the tribunal; the tribunal is not free to take an independent decision. As long as there are rules binding the discretion of the tribunal, people can feel rightly apprehensive that the tribunal may not be able to do justice to them. In clause 39 they refer to 'rules' and when we read clause 44, we find that the rule-making power has been given to the States.

[Shri Deshbandhu Gupta] committee? In the first place they realize that the matter is important enough and that there should be a legislation or rules should be made in this very Act by the Central Government and in the other place they merely provide for the appointment of a tribunal and they leave the rule-making power to the States. If you read clause 44, parts (g) and (h), you will find that it is laid down as follows:

"the procedure for compulsory acquisition by the Corporation of the whole or any part of the undertaking;

"the payment of due compensation to owners of road transport services the operation of which is acquired by the Corporation."

So there is absolutely no doubt left that the Central Government thinks that the rules for compensation should be framed by the States and that the tribunal should be guided by those rules in deciding the quantum of compensation.

I would not have taken exception to that, had the experience of the last few years been a happy one. Unfortunately, I think, and my hon. friend would agree with me, that the States that have taken advantage of the earlier Act and have either floated a corporation as Bombay did or are running transport services departmentally, have not acted fairly towards the private operators.

**The Minister of Works, Mines and Power (Shri Gadgil):** Question.

**Shri Deshbandhu Gupta:** My hon. friend says "question". I know even when you Sir, held the same view which I am expressing now, my friend who has since gone over to the treasury benches, had opposed that idea. So he is incorrigible in that respect.

**Shri Gadgil:** Consistent.

**Shri Deshbandhu Gupta:** May I be consistent, but consistency is of doubtful virtue. May I draw your attention in this connection to what has happened in Bombay? Bombay is the only State which had a corporation; they have replaced private undertakings and have been running their own buses. Now my report is that 80 per cent. of the privately owned buses have been put out of use since this Corporation was formed. No compensation has been paid; their permits have not been renewed and the result is that all those buses have been simply thrown out of use. Do you know the number of these buses? *(Interruption)* I shall be glad if I am wrong but this is my information which has been verified. Probably my friend speaks about Ahmedabad, but I am speaking

of Bombay. It may be that Ahmedabad, the place of Bapu may have been more considerate, but what about other places in the State of Bombay? I would like some Bombay friend to contradict the report and I shall be glad if I am proved wrong. My information is that for the last 18 months many buses have been lying idle and the number of such buses exceeds 1,000 for the whole province for in Bombay itself the number is considerable. Their permits have not been renewed; there have been cases pending in the court and you know that as a result of one of such cases, the Bombay Transport Corporation Act itself has already been declared invalid. In other High Courts also the Corporation Act is being challenged. So the result is that all these buses in which crores of rupees have been invested have been simply thrown out of use. Is that nationalization, may I ask? Who spent the money? It was the country's money. In these days of dollar scarcity, new buses have been purchased by Government; large amount of dollars have been invested and those buses which were purchased by our own people with our own money, have been lying out of use. I cannot give you the exact number of such buses but it is a matter which Government can easily find out; you know that in your own presence in the Motor Union Congress the delegates from Bombay and other States complained bitterly about it. Then, leave aside Bombay; the complaint is not just confined to Bombay alone. If it were a question of just one State being erratic, we may have ignored it. What has happened in Uttar Pradesh? What is happening in Ahmedabad? What is happening in Bihar, Orissa, Bengal and Madhya Pradesh? In every State the same process has been going on with varying degrees of hardship and the result is that in several High Courts today a number of cases are pending in which the action of Government has been challenged. Nobody has spare money to go to the courts without reason unless he feels aggrieved and unless he feels that some injustice has been done to him. If there are no complaints why are so many cases pending in different High Courts?

I am an eye witness to the plight of an undertaking which was called the Mandi Transport Service. A few months back, I happened to go to Himachal Pradesh to preside over their political Conference. Mandi is a small place about 200 miles from Pathankot and the only mode of transport is the bus service. When I reached there, the first complaint I heard against Government was from

the private operators and shareholders of this Transport company. They said, 'Look here, for the last eight or nine months, our buses in which the State itself hold more than thirty per cent. shares, have been lying in the open, exposed to sun and rain.' No compensation has been paid to them. They are neither taken over nor allowed to ply. Since Government took over the undertaking, fares have gone up both for passenger transport and for goods. I saw these buses myself. They were standing in the open and God alone knows how many parts have been pilfered and what damage they had suffered during the past eight or nine months. I may incidentally mention this is a centrally administered area. My hon. friend might say that the complaints are confined to some States and let us hope that these States will now behave better. But what about the Centrally administered areas? This is what is going on in Himachal Pradesh. I am surprised to learn that 75 per cent. of the buses thrown out of use in Uttar Pradesh, Madhya Pradesh, Hyderabad and other places, are of 1948 or 1949 model. Simply to throw out of use these buses on one pretext or the other, by refusing to renew their permits is not justice, is not fairness. It was never the intention of the Constitution to deal with the property of the people in this manner. It is not even in the best interests of the country. Today, we need every penny; we have to purchase food; we have to purchase capital machinery. But, this is what is happening and the result is, just as I have told you, that these poor people are going about from pillar to post, filing objections, running to the High Courts and to the Supreme Court for relief. Having known all this, may I ask my hon. friend, was it or was it not desirable that his attention should have first been diverted towards the necessity of amending the Motor Vehicles Act of 1939, which has been operated so oppressively, and which is being acted upon so oppressively. I ask, was it or was it not the duty of the Government of India to amend that Act, first? Was there any disability attaching to the Government of India? Why has not an amending Bill been brought forward here? What do Government mean by nationalisation? You have been pleased to refer to some newspaper criticism about nationalisation. I do not know which particular article you were referring to and which particular paper you had in view. But, this is a fact that this Parliament has supported the principle of nationalisation of Industries. You were a witness to the fact

the other day when the All India Motor Union Conference met in Delhi and it was made perfectly clear in the presence of the hon. Minister of Transport himself that they were not opposed to the principle of nationalisation. They did not want to contest that principle at all. All that they wanted to say was that if you want to nationalise, do so but, for God's sake tell them clearly how long you will take to nationalise, and what your plans are. Take them into your confidence and tell them the definite programme. If it is going to be nationalised gradually, let them know as to whether it will be after ten, five or three years, and which particular routes will be nationalised first. It is only fair to tell them like that. Then if you take over their undertakings, give them a fair compensation. Is it too much to ask, I want to know? Is it opposing nationalisation? Certainly he would be a very bold man who would accuse them of being opposed to the principle of nationalisation in spite of the clear declaration made by the All India Motor Transport Congress, which is the only representative body of private owners of buses in India, to the contrary only three days back in the capital of India. That is not a point in dispute at all. All that they want is that abide by what the Select Committee has recommended, and what is contained in the note to which I have drawn the attention of the House; and that suitable provision should be made in the Act itself. It may be said that the United Kingdom Act of 1947 is a very bulky legislation, and if we have to incorporate all those provisions here, the Act will become unwieldy. In the first place, I do not agree with that. Secondly, if we pass a legislation, after all, there is some purpose behind it. It should be no consolation to Government to have another Act in its armoury. What is it that we seek by passing this legislation? We want to regularise motor transport and we want that all State Governments should follow some principles in forming Corporations or in buying over these transport services. Let us then give a clear guidance to them on the point. With that object in view I have given notice of certain amendments. I am not opposed to its being passed in this session; I do not want to oppose the consideration of this Bill nor am I in favour of delaying the Act. But these defects which are glaring defects, which would defeat the very purpose of this legislation, should be removed. Clause 39 should be so amended as to state the principles of compensation. Even if we cannot lay down specifically the



[Shri Deshbandhu Gupta]

principles of compensation, we can at least say that the principles to be followed generally by the tribunals would be the principles laid down in the U.K. Act of 1947. This is not a new suggestion of mine. The Select Committee itself has accepted this in the note to which I have drawn your attention. They say, why not lay the principles in the relevant clause. If this is not to be, as the second best thing, I would suggest that the rules should be framed by the Central Government. Let the Central Government at least frame the rules for the guidance of the tribunals. If we do not lay down any procedure and define the principles, what will happen? The tribunal sitting in Delhi will act in one manner; the tribunal sitting in Bombay might act in another manner. There will be more cases; matters will be taken to the High Courts and to the Supreme Court. We are not here to provide work for the High Courts and the Supreme Court. It should be our effort to make the law so definite and unambiguous that there will be the least litigation on any point. Therefore, I say I am strongly opposed to leaving the drafting of the rules to the State Governments. We should at least delete the words "subject to rules" so that we may leave it to the good sense of the tribunals, to interpret the law on this point, keeping in view the provisions of the Constitution, the practice obtaining in other free countries like United Kingdom. I would have preferred if the principles of compensation had been stated and defined in the Act itself. Or the rules had been framed by the Central Government. If however my hon. friend pleads inability to do so and thinks that he will not be able to carry the States with him in this matter, I would not insist on that and would ask that he should at least leave the tribunals free to act as they like. We should not fetter their judgment or discretion. If that is acceptable then clause 44 will also have to be amended, because it specifically gives powers to the States to frame rules regarding compensation. In that case, parts (g) and (h) of clause 44 will also have to go and part (e) will have to be amended. These are consequential amendments.

In view of the overwhelming evidence which we have before us showing that these private companies and operators have been treated unfairly, and that owing to the policy followed by some state, many motor buses have been thrown out of use which means a great national loss,

may I request my hon. friend to give an assurance to the House that Government would bring forward an amending Bill of the Motor Vehicles Act, 1939, if not in this session, in the budget session, so that by the time States take advantage of this Bill, they should know clearly the principles on which they can take over these undertakings?

You have been pleased to refer in your speech to the bus-walas and say that they are so ill-equipped that if a tyre gets punctured they have to wait at the road side till some other bus comes that way to lend a patch box or a pump to help him out of the difficulty. That may be true in some cases, but I do not think it will be fair to generalise from an incident or two. There are private buses to-day which have done yeoman service for the public, after the partition in removing refugees from one part to the other. You might have noticed if you had an occasion to go to Kashmir, that private buses ply from Pindi to Srinagar and between Jammu and Srinagar—a distance of 200 miles and they have been running for years being the only means of carrying passenger traffic and even goods from one place to the other.

**An Hon. Member:** It is state-owned.

**Shri Deshbandhu Gupta:** My friend says that it is state managed. I do not know the latest position. It might have been the case after the passage of this Act, but it is a fact that even the Punjab Government has now in its wisdom decided not to acquire any new undertakings. But for a very long time these buses have been operated on these routes by private companies and by private owners. That is not so in the case of any one province alone. As a matter of fact, all over India many crores worth capital of the country has been invested in these buses and they have been running more or less efficiently. I do not say that all of them have been running their services efficiently. I concede that there must have been lots of complaints from the public and that it was perhaps due to this that the Government thought it fit to bring forward a legislation to control them. But the remedy does not lie in depriving these people of their buses, or arbitrarily ending their permits. That is not the remedy. You have got ample powers to regulate their running. Why not tighten your inspection? Why not frame rules to impose greater check on these people? Is that difficult? Surely not.

You were talking of inefficiency and things happening to privately owned buses. Only the other day to our shame we read in the newspapers that in New Delhi itself, under the very nose of my hon. friend the Transport Minister, in a government-run bus, the conductor and operator took away in the evening a lonely girl passenger to a lonely place and God knows what happened thereafter. Action was taken against them, but.....

**Shri Gadgil:** Was that the result of Government taking over the concern? The hon. Member should not generalise.

**Shri Deshbandhu Gupta:** My argument is that generalisation in such cases should be avoided. If a private owner of a bus has not a pump and has to wait at the road side, in a corporation managed concern also much worse things might happen. I know what happens if a corporation run bus gets punctured. The conductor writes out a report to the manager and leaves the bus on the roadside. That is red-tape. If it is a private owner who has got to earn his living out of the bus, he would take care to see that the passengers are not inconvenienced and he will do his best to set the trouble right as early as possible.

There are two things which I would like to be borne in mind; firstly, that there is nothing essentially wrong in running private owned buses, and secondly, that there is nothing essentially virtuous in running State owned services. Of course our aim is to run State services. Nobody is opposed to that as I have already said, I am in favour of nationalisation. Let us by all means proceed with it. But all I ask is, let us do so according to the principles of compensation that we have laid down in the Constitution, and do justice to the people, this is in the best national interests. We should not allow these buses in which large national funds have been sunk, after all—the country's money to that has been spent is national asset—to rot on the roadside, and thereby adversely affect thousands of families. This is another aspect of the question. Do we realise how many families to-day are living on these buses? I hope my hon. friend who is very sympathetic towards the poor and who can appreciate what it means to a poor man to be thrown out of his job, knows how many families will be adversely affected. Take for instance the province of Bombay. I am told that there are some 2,000 buses thrown out of use. Many more are still plying. Well, if there are three persons serving on each bus that means 6,000 families

affected and 6,000 families means some 25,000 to 30,000 persons in one State alone. That may be the case in other States also. Go to Hyderabad, there also lakhs and lakhs of people to-day are living on these buses. Will it be right to throw them out of employment? Is that desirable in these days of unsettled conditions when we have communism knocking at our door? Do you know what is already happening in Hyderabad? Will it be right, will it be expedient, will it be desirable in the national interests to take over these buses and not pay compensation for them? Should we not realise as to what will happen to these persons and their families? It will not be right to ignore this aspect of the question.

I do not want to take any more time of the House, it is also nearing five. I only want to plead with my hon. friend whose intentions I appreciate, that he should not deprive these people of getting fair compensation. I would ask him to have courage in dealing with State Governments. Let him not feel so helpless. If he could persuade the State Governments to agree to the provision of tribunals he can also persuade them to agree to the principle of compensation. He might say that is a matter for the corporations to decide. That may be technically true. But what about clause 46A—the amending clause which he has himself just handed over to us. In this it is stated:

“(c) all licences and permits granted, all contracts made with, and all instruments executed on behalf of, the existing Corporation or Board shall be deemed to have been granted, made with or executed on behalf of, the new Corporation and shall have effect accordingly.”

Is he not by this clause enabling or providing for the buses which were owned by the Bombay Corporation and whose permits, the High Court said are no longer valid that those permits will become valid? Why can't he think of giving an opportunity to those buses that have been thrown out of use also, to get their permits back? I do hope my hon. friend will look at it dispassionately and try to take a judicious view of things and improve this Bill in such a manner that it may be acceptable to all and may serve the purpose which it has in view.

With these words, I support the motion of my hon. friend.

*The House then adjourned till a Quarter to Eleven of the Clock on Monday the 27th November, 1950.*