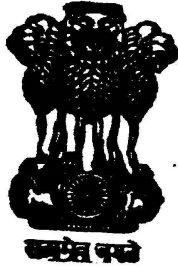


Tuesday, 28th November, 1950

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840



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



THIRD SESSION (FIRST PART)

of the

PARLIAMENT OF INDIA

(1950)

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CONTENTS

Volume V.—15th November to 22nd December, 1950.

	Columns		Columns
Wednesday, 15th November, 1950—			
Members sworn	1		
Oral Answers to Questions	1—28		
Written Answers to Questions	28—50		
Thursday, 16th November, 1950—			
Oral Answers to Questions	51—76		
Written Answers to Questions	76—90		
Friday, 17th November, 1950—			
Oral Answers to Questions	91—120		
Written Answers to Questions	120—30		
Monday, 20th November, 1950—			
Oral Answers to Questions	131—56		
Written Answers to Questions	156—74		
Tuesday, 21st November, 1950—			
Member sworn	175		
Oral Answers to Questions	175—99		
Written Answers to Questions	199—224		
Wednesday, 22nd November, 1950—			
Oral Answers to Questions	225—51		
Written Answers to Questions	252—66		
Thursday, 23rd November, 1950—			
Oral Answers to Questions	267—94		
Written Answers to Questions	294—308		
Saturday, 25th November, 1950—			
Oral Answers to Questions	309—39		
Written Answers to Questions	339—52		
Monday, 27th November, 1950—			
Oral Answers to Questions	353—81		
Written Answers to Questions	381—90		
Tuesday, 28th November, 1950—			
Oral Answers to Questions	391—418		
Written Answers to Questions	418—36		
Wednesday, 29th November, 1950—			
Oral Answers to Questions	437—63		
Written Answers to Questions	463—78		
Thursday, 30th November, 1950—			
Oral Answers to Questions	479—511		
Written Answers to Questions	511—18		
Friday, 1st December, 1950—			
Oral Answers to Questions	519—47		
Written Answers to Questions	547—60		
Monday, 4th December, 1950—			
Oral Answers to Questions	561—98		
Written Answers to Questions	598—610		
Tuesday, 5th December, 1950—			
Oral Answers to Questions	611—45		
Written Answers to Questions	645—52		
Wednesday, 6th December, 1950—			
Oral Answers to Questions	653—81		
Written Answers to Questions	681—702		
Thursday, 7th December, 1950—			
Oral Answers to Questions	703—31		
Written Answers to Questions	731—38		
Friday, 8th December, 1950—			
Oral Answers to Questions	739—67		
Written Answers to Questions	767—72		
Monday, 11th December, 1950—			
Oral Answers to Questions	773—801		
Written Answers to Questions	801—12		
Tuesday, 12th December, 1950—			
Oral Answers to Questions	813—43		
Written Answers to Questions	843—46		

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

391

PARLIAMENT OF INDIA

Tuesday, 28th November, 1950

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

DISPLACED PERSONS FROM ASSAM

*418. **Shri B. K. Das:** (a) Will the Minister of Rehabilitation be pleased to state what is the number of Muslim displaced persons who migrated from Assam to East Bengal during the last disturbances?

(b) What is the number of such persons who have so far returned to Assam?

(c) How many of them have received rehabilitation benefits?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 1,19,108.

(b) The number of displaced Muslims, who have returned to their original homes either from East Pakistan or from other Districts of Assam, where they had taken temporary shelter, is 1,26,269. Separate figures of displaced Muslims returning from East Pakistan to Assam are not available.

(c) 22,800 families have been restored fully or partially to their lands. Out of them, 15,400 families have been given rehabilitation loans.

Shri B. K. Das: Is it a fact that the Relief Minister of Assam made an allegation that the East Bengal Government adopted a policy of inflating the figures of Muslim migrants with the deliberate purpose of facilitating entry into Assam of Muslims who never belonged to that State at all?

Shri A. P. Jain: I have not seen the statement.

392

Shri B. K. Das: Is it a fact that Shri C. C. Biswas also made an allegation that a large number of Muslims who had never been inhabitants of Assam were entering into Assam as returning migrants?

Shri A. P. Jain: I know that Muslims who had gone from Assam have come back to Assam but I do not exactly know to which statement of Mr. Biswas the hon. Member is referring.

Shri B. K. Das: Is it not also a fact that the East Bengal Government in a press note quoted figures of Muslim migrants from Assam as six lakhs?

Shri A. P. Jain: Again I must confess that I cannot just at the moment place the statement to which the hon. Member is referring.

Shri B. K. Das: Will the hon. Minister make enquiries as to whether anything like this has happened, namely that Muslims have entered into Assam who were not really migrants and that they are coming into the State with a sinister motive?

Shri A. P. Jain: I do not know what is their motive, whether it is sinister or otherwise. But as I have already said some persons from East Bengal who had not migrated from Assam have come to Assam.

Shri A. C. Guha: Are the Government taking any steps to find out what can be the number of such Muslims as have come to Assam as new-comers; and are they taking any steps to prevent such entry?

Shri A. P. Jain: I can give the number if the hon. Member so desires. About 1,000 refugees and about 100 newcomers are coming daily from East Bengal to Assam. So far as action is concerned that is not a matter which concerns my Ministry.

Sardar B. S. Man: Does this number of a thousand Muslim refugees who had gone to East Bengal and are now returning back to Assam include any

number of those undesirable immigrants who had been ejected by passing the Act on the expulsion of undesirable immigrants?

Shri A. P. Jain: I have no information on that point.

EXCHANGE OF DIPLOMATIC REPRESENTATIVES WITH SPAIN

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

(a) whether there is any proposal to exchange diplomatic representatives with Spain; and

(b) if not, why not?

The Prime Minister (Shri Jawaharlal Nehru): (a) No.

(b) For a variety of reasons, political and other, many countries have not exchanged diplomatic representatives with Spain. Some years ago, the United Nations General Assembly also resolved that such representatives, where they existed, should be withdrawn. Recently that resolution has been somewhat varied, but the Government of India do not consider it necessary to exchange diplomatic representatives with Spain.

Shri Kamath: Has the Spanish Government approached us in this matter so far?

Shri Jawaharlal Nehru: Not that I am aware of. We have recently concluded an agreement in trade matters with them but there has been no contact with regard to diplomatic representation.

Shri Kamath: Is it a fact that a Spanish Consul has been functioning in Bombay for a number of years?

Shri Jawaharlal Nehru: I believe so.

Shri Kamath: What are his functions here?

Shri Jawaharlal Nehru: Trade.

Shri Kamath: How is our trade and commerce with Spain carried on? Does our Minister in Lisbon visit Madrid at any time for the purpose?

Shri Jawaharlal Nehru: Our commerce with Spain has been very limited. Perhaps it might be a little more now, because of this trade agreement. Thus far no occasion has arisen to send somebody there. If trade necessities require it somebody will visit the place.

Shri Kamath: With regard to the recent resolution on Spain in the United Nations did India oppose, support or abstain from voting on the resolution?

Shri Jawaharlal Nehru: Which one?

Shri Kamath: Lifting the ban on diplomatic relations with Spain.

Shri Jawaharlal Nehru: I believe India abstained from voting.

Shri Kamath: Is it not a fact that so far as India's recognition of foreign Governments is concerned her yardstick has always been whether the Government is an established, stable and *de jure* Government, irrespective of the complexion or form of Government?

Mr. Speaker: Order, order. The hon. Member is entering into an argument: it is a question for debate.

SHRI MANDAL'S STATEMENT

*421. **Shri Deshbandhu Gupta:** (a) Will the Prime Minister be pleased to state whether Government have examined the recent statement issued by Shri J. N. Mandal, Minister for Law, Pakistan, describing the treatment meted out to the minority communities in Pakistan, in the light of the terms of Nehru-Liaquat Agreement?

(b) Has the attention of the Pakistan Government been drawn towards the serious allegations of mal-treatment of minorities contained in the statement and if so, with what result?

The Prime Minister (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) No. The letter in which Shri Mandal made the allegations was itself addressed to the Prime Minister of Pakistan.

Shri Deshbandhu Gupta: Was there any understanding when this Nehru-Liaquat Pact was concluded that the Ministers representing minorities in West Bengal and East Bengal would be drawn from such people as have the backing of the respective minorities?

Shri Jawaharlal Nehru: Hon. Member will remember that the Pact said that minorities should be represented in the cabinets of either government. The presumption is that those who are taken to represent the minorities will actually represent them. There is no other understanding in writing but that is obviously the presumption.

Shri Deshbandhu Gupta: When this appointment was made in East Bengal did the Government of India represent to the Pakistan Government that the minorities should be properly represented in the cabinet?

Shri Jawaharlal Nehru: No, Sir. The Government of India cannot write to

another Government about the appointment of its Ministers.

Shri A. C. Guha: Have the Government of India tried to find out how far the allegations of Mr. Mandal as regards the condition of minorities in East Bengal are true or otherwise?

Shri Jawaharlal Nehru: The Government of India have continually been getting detailed reports from their Deputy High Commissioner there, other officials, from the Minister of State specially charged with this work as well as from private individuals. As I have said previously in this House those conditions have lately considerably improved but of course there are many things that still continue which need a great deal of improvement.

Shri Raj Bahadur: May I know whether as a result of the statement made by Mr. Mandal the Government of India have been in correspondence with the Government of Pakistan with regard to the allegations made in that statement?

Shri Jawaharlal Nehru: I have just answered that.

Sardar Hukam Singh: Has the statement affected in any way the migration of minorities from East Bengal?

Shri Jawaharlal Nehru: I do not know if the statement has had any particular effect but the number of migrants returning from East Bengal has been progressively growing.

Sardar B. S. Man: I want to know whether Mr. Mandal is now a national of Pakistan or India?

Shri Jawaharlal Nehru: No doubt of Pakistan, I suppose.

Shri Rathnaswamy: May I know whether it is a fact that the Muslim League in Pakistan, which is a sister organisation of the Muslim League in India, staged a demonstration called the Kashmir Day and provoked the people of Pakistan to indulge in anti-Indian and communal activities?

Shri Jawaharlal Nehru: When?

Shri Rathnaswamy: Kashmir Day in Pakistan, sometime in April.

Shri Jawaharlal Nehru: Kashmir Day, I believe, was observed in various parts of Pakistan some months ago.

CIGARETTES (IMPORT)

*422. **Shri Tyagi:** (a) Will the Minister of Commerce be pleased to state when the ban on the import of cigarettes was lifted?

(b) On which date did the first shipment of cigarettes arrive on the Indian shores since the lifting of the ban and what was the quantity and price of the shipment?

(c) Was the importer of the first shipment of cigarettes, since the lifting of the ban, an established importer or a new-comer?

(d) Are cigarettes allowed to be imported under O.G.L. or are permits for import issued?

(e) In case permits are issued, how many applications for permits were received since the lifting of the ban and how many of them were rejected?

The Deputy Minister of Commerce (Shri Karmarkar): (a) There was a ban on the issue of import licences for cigarettes upto and including the January/June 1950 licensing period. This ban was lifted for the July/December 1950 licensing period and an announcement to this effect was made on the 15th June 1950 in the Commerce Ministry's Public Notice No. 14-ITC(PN)/50.

(b) The First Commercial shipment of cigarettes to arrive in India was in August 1950. This consignment contained 540 lbs. of cigarettes valued at Rs. 5,901. There were some smaller shipments prior to this, in the shape of imports as luggage or otherwise for personal use.

(c) The importation referred to in (b) above was made by an established importer.

(d) Upto the 22nd July 1950 cigarettes could be imported under O.G.L. VI from certain specified countries in the Persian Gulf Area, Middle East and Africa, provided, the importation was made by country craft and the cigarettes had not previously been imported into any of those territories from Canada, Newfoundland, the Union of South Africa or a place outside the British Empire. O.G.L. VI was superseded by O.G.L. XIX which was issued on 22nd July which also permits importation of cigarettes from the same countries in the Persian Gulf Area, Middle East and Africa, provided, the cigarettes are imported by country craft and that they are manufactured or produced in any of the aforesaid countries. Imports from other areas are subject to special import licences in terms of Public Notice referred to in para. (a) above.

(e) 21 applications for licences to import cigarettes have been received for the July/December 1950 period and so far no applications have been rejected.

Shri Tyagi: May I know the total cost of cigarettes imported since the lifting of the ban?

Shri Karmarkar: It is a very long list, but if the House wants it I could read it.

Mr. Speaker: What will be the approximate total?

Shri Karmarkar: It is not possible to give the approximate cost because, the information that I have at the moment, is given in ounces and pounds. Regarding the quantity of cigarettes imported through Bombay by consulates, etc., it comes to within 20,000 rupees for the period 1st July 1950 to 21st November 1950.

Shri Tyagi: What is the present position? Are cigarette imports now permitted? Is it the policy to permit the import of cigarettes or is it the policy to discourage their import? What is the exact policy?

Shri Karmarkar: May I know whether the hon. Member wants to know the present policy?

Shri Tyagi: I want to know what is the policy of Government with regard to the import of cigarettes now. Are they for discouraging imports or for allowing them freely?

Shri Karmarkar: At the moment limited quantities are permitted.

Shri Sondhi: The hon. Minister said that out of 21 applications none have been rejected. I want to know how many have been granted and how many are still pending. They may not have been rejected, but they may not have been accepted either.

The Minister of Commerce (Shri Sri Prakasa): Eighteen have been granted, three are pending.

Shri Goenka: May I know what is the total ceiling fixed for the importation of cigarettes?

Shri Karmarkar: Sixty per cent. of half of the best year's imports.

Shri Goenka: I want to know in rupees, annas and pies.

Shri Karmarkar: I will be very glad to give that information, but I want notice.

Shri Joachim Alva: May I know whether the cigarettes manufactured by firms in India with foreign interests bear the mark, "Made in India", in view especially of the judgment of the Bombay High Court, jailing two Directors who had not put that mark on their products?

Shri Karmarkar: I have tried to find it out but there was conflicting information. I would try to give better information to the hon. Member later.

BORDER RAIDS

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

(a) the number of raids across the Indo-Pakistan border on the east as well as west, by Pakistan troops, police or other civilian folk during the period July—October, 1950;

(b) the loss of Indian life and property involved in these raids;

(c) how many protests were lodged with the Government of Pakistan and how much compensation claimed during the above period; and

(d) the attitude of Pakistan to such protests and claims for compensation?

The Prime Minister (Shri Jawaharlal Nehru): (a) 81.

(b) 4 persons were killed and 13 persons kidnapped. The loss of property is estimated at Rs. 35,441.

(c) Protests were lodged in 55 cases. No definite claim for compensation has been made, but the restoration of property and cattle taken away has been demanded.

(d) The Pakistan authorities frequently put forward their own versions of the incidents and have lodged counter-protests regarding them.

Shri Kamath: Are figures, Sir, available separately for the Eastern and Western borders?

Shri Jawaharlal Nehru: I suppose they are but I have not got them in front of me just at the present moment.

Shri Kamath: Judged by the figures available, Sir, has the position with regard to these border raids improved or worsened as compared to the first four months after the agreement of the 8th April, 1950, that is April to July? These figures are for July to October; so has the position improved as compared to the first four months of the post-agreement period?

Shri Jawaharlal Nehru: I could not give an exact answer to the hon. Member because I have not got the figures here, but I could tell him this. Most of these raids are in the nature of cattle-lifting operations. People come over—non-officials and others—across the border. It is not a very clearly defined border. They come and lift cattle and sometimes there is a scuffle. Steps were taken later on our side to

add to the police outpost on the border. That has improved the situation.

Shri Kamath: In view of the fact that these raids have been going on for a long time, was this matter broached during the talks leading to the April agreement, and any effective machinery devised during the talks between the two Prime Ministers?

Shri Jawaharlal Nehru: No, Sir. This particular matter was not discussed. I would remind the hon. Member that the normal thieving that goes on within our territory—or, say, Pakistan territory—apart from the border, is—plenty of it—of the same type, that is cattle-lifting. So, the border adds an inducement to it to run away without being caught.

Shri Kamath: Have Government, Sir, considered at any time the proposal of neutralising the border by asking the population to move inland one or two miles and posting the military all along the border?

Mr. Speaker: Order, order. It is a suggestion for action.

Shri T. N. Singh: In the protests made by Pakistan, is there any mention of loss of Pakistani life, and has the Pakistani note also made any claim for compensation for property or loss of life?

Shri Jawaharlal Nehru: I don't know about loss of life for the moment, but similar protests to ours have been made by Pakistan about loss of property or raids from India into Pakistan.

Shri Jainarain Vyas: Is the hon. Prime Minister aware that a number of Pakistan military people entered Jaisalmer territory, arrested one Thakur Mool Singh, killed one man and burnt the Rama-ki-Dhani village?

Shri Jawaharlal Nehru: I have a faint recollection of an incident of that type. I could not give particulars now.

Sardar B. S. Man: Have the Government taken any steps to mark the boundary lines between India and Pakistan in places where there is no natural boundary, for example across fields?

Shri Jawaharlal Nehru: Proposals have been made for doing that, first of all between East and West Bengal. But they involve considerable difficulty and considerable expense, and aerial surveys and a very large expenditure of money. We are proceeding with it, but it will take two or three years to do it.

Shri Kamath: In how many instances, Sir, were these Pakistani raiders pursued and apprehended?

Shri Jawaharlal Nehru: I am sorry I could not give that information.

Shri Tyagi: May I know whether Government have considered the feasibility of issuing gun licences freely to the inhabitants of the border?

Mr. Speaker: Order, order. It is a suggestion for action.

INDIANS IN EAST AFRICA

*426. **Shri D. S. Seth:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that racial discrimination and injustice is meted out to Indians and that they suffer immigration and other difficulties in East Africa; and

(b) whether Government have sent a protest note to the British Minister of Colonies and if so, with what result?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). As far as the Government of India are aware, the only statutory disability to which Indians in East Africa (Kenya) are subject is that they are not allowed to own or lease land in the Kenya Highlands for agricultural purposes. Indians are discriminated against in certain other matters by administrative orders and practice. Government have in the past made suitable representations to the United Kingdom Government in regard to all these matters.

As regards restrictions on immigration into East Africa, I would request the hon. Member to wait for my reply to his next question which is specifically on this subject.

Shri A. C. Guha: Is it a fact that part of East Africa is mandated territory formed after the first World War out of German colonies?

Shri Jawaharlal Nehru: Yes, part of it.

Shri A. C. Guha: Then, is it not a fact that the U.N.O. has directly something to do with that territory?

Shri Jawaharlal Nehru: It is very indirect. A certain report is sent to it, I believe annually or from time to time.

Shri Kamath: Is it a fact that the children of Indians living in East Africa suffer from educational disabilities?

Shri Jawaharlal Nehru: I shall say that all children suffer from disabilities

—most of all, the children of East Africans and next in order, the Indian children—because they have no proper educational facilities there.

Shri Kamath: None at all?

Shri Jawaharlal Nehru: I would not say none at all. There are some schools. Attempts are being made to put up colleges there, but they have not so far succeeded.

EAST AFRICAN IMMIGRATION ORDINANCES

*427. **Shri D. S. Seth:** (a) Will the Prime Minister be pleased to state how the revised Immigration Ordinances affect the mass of Indians in East Africa?

(b) What steps, if any, have so far been taken by Government to protect the interests and safeguard the rights of Indians in East Africa?

The Prime Minister (Shri Jawaharlal Nehru): (a) The revised immigration ordinances which came into force on the 1st August 1948 were intended to control and restrict fresh immigration into East Africa. Some of the provisions in these Ordinances, particularly those requiring large deposits from immigrants intending to set up business or to join a profession, have acted as a deterrent to fresh Indian immigration. Indian business-men are also known to have experienced some difficulty in obtaining replacements of their staff from India. These laws, however, are non-discriminatory in form, and have not, in the main, adversely affected the mass of Indian residents in those territories.

(b) The Government of India made vigorous representations to the United Kingdom Government against the introduction and enactment of the Ordinances. Individual cases of hardship are taken up with the local Governments by the Indian Commissioner in East Africa.

TRADE UNIONS

*428. **Shri V. K. Reddy:** Will the Minister of Labour be pleased to lay on the Table a statement showing:

(a) the total number of registered Trade Unions in India;

(b) what is the number of registered labourers in each of these unions; and

(c) is it a fact that there are some bogus unions without any membership at all?

The Minister of Labour (Shri Jagjivan Ram): (a) 3,150 for the year 1948-49.

(b) Information in respect of all the unions is not available as the annual returns prescribed under the Indian Trade Unions Act, 1926, have been submitted by only 1848 trade unions. Further, compilation of membership of each of these unions has not been undertaken as it involves work out of all proportion to its utility. I would invite the attention of the hon. Member to Appendix VI of the Indian Labour Year Book for 1948-49 which contains a classified list of registered trade unions having a membership of 1,000 or more.

(c) Government have no information.

Shri Harihar Nath Shastri: What agency has Government for the regular inspection of the records and registers of registered trade unions?

Shri Jagjivan Ram: At present we have none, but in the amendment of the Trade Unions Act we are going to provide for an agency for this purpose.

ELECTRIC TRANSFORMER FACTORIES

*431. **Shri S. C. Samanta:** (a) Will the Minister of Industry and Supply be pleased to state how many electric transformer factories there are in India?

(b) Are power transformers of large ratings produced in India?

(c) Which of the raw materials and components for the industry are available in India and which are being imported?

The Minister of Industry and Supply (Shri Mahtab): (a) Five.

(b) No.

(c) A statement giving the information is laid on the Table of the House. [See Appendix III, annexure No. 41.]

Shri S. C. Samanta: May I know what difficulties lie in the way of producing power transformers of large ratings?

Shri Mahtab: As a matter of fact, Government are intending to set up a heavy electrical equipment factory. That has been included in our programme. The main difficulty is that of obtaining the necessary materials for the purpose.

Shri S. C. Samanta: May I know whether efforts are being made to produce bolts, nuts and screws of this size which are at present imported?

Shri Mahtab: As my hon. friend will see from the statement laid on the Table, we are trying our utmost to have these supplies locally, but the imports consist of other things which are not manufactured here.

Shri S. C. Samanta: In the statement, I find that it is stated that bolts, screws and nuts of some size are being imported.

Shri Mahtab: Only bolts and nuts of sizes which are not available in India are being imported.

Shri Kamath: Has Government got any plan worked out by stages and in detail, for electrifying the country and the nation?

Mr. Speaker: Order, order.

STEEL PRODUCTION

*432. **Shri S. C. Samanta:** (a) Will the Minister of Industry and Supply be pleased to state the increase in production of steel in India during the quarter January—March 1950 as compared to the same quarters in the previous three years?

(b) Which are the concerns that are producing steel in India?

(c) What is the estimated production of steel in India in 1950 and how much is to be imported?

(d) What are the facilities that are offered to Indian steel producing concerns in order to produce more?

The Minister of Industry and Supply (Shri Mahtab): (a) A statement is placed on the Table of the House. [See Appendix III, annexure No. 42.]

(b) A statement is placed on the Table of the House. [See Appendix III, annexure No. 43.]

(c) Production: About 950,000 tons. Import: Approximately 300,000 tons.

(d) Government are assisting steel concerns in every way possible viz., giving priority for transport of raw materials and finished goods, affording facilities for import of machinery giving assistance in the settlement of labour problems, etc. Financial assistance in the form of a loan has been sanctioned by Government to Scob. The question of giving loans to Tatas and Mysore Iron and Steel Works is under consideration.

Shri S. C. Samanta: May I know whether the decision of Government to establish steel plants in Orissa and C.P. has affected the steel industry?

Shri Mahtab: The proposal is there. It has not been settled. I cannot therefore understand how it can affect the present steel production.

Shri Rudrappa: Have Government found out if there are sufficient raw materials to produce more iron in India?

Shri Mahtab: As a matter of fact, on that basis it is proposed to set up two steel plants.

Shri M. C. Shah: Is the hon. Minister aware that because of shortage in supply of hopper wagons for bringing iron ore to the industry at Jamshedpur, the production of steel suffers much; if the answer is in the affirmative, may I know what steps have been taken by Government to provide more hopper wagons for bringing iron ore to Jamshedpur?

Shri Mahtab: The difficulty arose some time back. It has been corrected and now there is no difficulty on that score.

Shri A. C. Guha: What is the production capacity of the steel factories in India?

Shri Mahtab: The total capacity is 9 lakh 50 thousand tons.

Shri A. C. Guha: That is the estimated production, but I want to know whether the estimated production would be just up to the production capacity or will be short of it.

Shri Mahtab: That estimate has been calculated on the basis of the present production. Therefore, it is likely that the same amount will be produced.

Shri Gaule: May I know the period which will be taken for India to become self-sufficient in its steel requirements?

Shri Mahtab: As soon as we set up more steel plants.

Shri T. N. Singh: Is it a fact that if even the existing factories were to work to full capacity it will be possible to meet almost the entire demand of steel in India?

Shri Mahtab: That is not possible.

SODA ASH (FREIGHT RATES)

*433. **Dr. M. M. Das:** (a) Will the Minister of Commerce be pleased to state whether it is a fact that the sea freight of Soda Ash from Okha to Calcutta is about Rs. 37-8-0 per ton?

(b) Is it also a fact that the corresponding freight charges on Soda Ash from U.K. to Calcutta is about Rs. 37-9-0?

(c) If so, what are the factors that contribute to this anomaly?

The Minister of Commerce (Shri Sri Prakasa): (a) and (b). Yes, Sir. It is a fact that the freight rates on Soda Ash from Okha to Calcutta and from U.K. to Calcutta are practically the same.

(c) While I am not prepared to say that the soda ash rate from Okha to Calcutta may not be susceptible of some reduction, it should not be forgotten that in fixing freight rates for various commodities in the different trade routes, consideration has to be given to what the traffic can bear and not merely to distances. The nature and quantity of the commodities that generally offer to be carried on any particular route have therefore of necessity a good deal of influence on the rates. The freight structure on any particular route must be viewed as an integrated whole. It is nothing exceptional, for example, that even in the same trade route the freight rate differs from commodity to commodity as it is conditioned by the economic burden which the various commodities can bear. Further, terminal charges payable at ports by all ships are fixed and have no regard to the routes plied by them, and would not, therefore, be proportional to the distances covered. The freights charged on general cargo in the different routes would, therefore, give a more correct comparative idea of the charges made by shipping companies than the comparison of the rates charged on any special commodity. The general cargo rate in the U.K.-Calcutta run is 130 shillings or Rs. 87 per ton while the corresponding rate from Okha to Calcutta is Rs. 44 per ton. The rate structures on the two routes are not therefore prima facie as anomalous as may appear if we merely compare the rates charged for soda ash.

Dr. M. M. Das: Is it not a fact, Sir, that the rates of Indian coastal shipping is far more than the rates charged by ships operating on international routes, especially between U.K. and India?

Shri Sri Prakasa: The freight rates of the Indian coastal shipping is fixed by the Indian Coastal Conference which consists of the British Indian Steam Navigation Company, the Asiatic Steam Navigation Company and the Scindia Steam Navigation Company. The rates from the United Kingdom to Calcutta are fixed by the U.K.-Calcutta Conference consisting of a number of British and Continental lines and Scindia and India Steamship Company. It is possible, Sir, that the rates differ, as the hon. Member suggests, but I have not yet examined the figures.

Dr. M. M. Das: In view of the fact that in regard to some commodities, the rates of freight between India and the U.K. and from one port of India to another is practically the same, do Government think it is advisable to revise and bring down the rates of the Indian coastal shipping with a view to

facilitating trade and industry in this country?

Shri Sri Prakasa: Sir, the Director-General of Shipping tries to even out all anomalies in the coastal freight structure which are brought to his notice. We are bringing this matter to his notice; and any anomaly that the hon. Member has very rightly brought before the House will, I hope, be corrected.

Dr. M. M. Das: May I know, Sir, whether any ships of the Government sponsored Shipping Corporation is employed on the Indian coastal shipping?

Shri Sri Prakasa: We are expecting a very satisfactory state of things when the whole of the coastal trade is in our hands.

ANTI-COMMUNIST CONFERENCE

*434. **Dr. M. M. Das:** (a) Will the Prime Minister be pleased to state whether India was invited to attend the Anti-Communist Conference sponsored by President Quirino of the Philippines?

(b) Did the Conference materialise and did India send any delegate to the Conference?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Delegates of the Government of India did attend a Conference sponsored by President Quirino of the Philippines towards the end of May, 1950. It was not an Anti-Communist Conference, and before accepting the invitation to it Government of India had received an assurance from the Government of Philippines that it would not be directed against any particular group of countries and would not concern itself with military or political pacts.

Dr. M. M. Das: Is it a fact, Sir, that the Government of India first declined the invitation on the ground that it would be inopportune at that time to hold such a Conference?

Shri Jawaharlal Nehru: The question of declining any invitation did not arise. But for about a year before this Conference was held various references were made about the feasibility of holding such a Conference and there were numerous communications exchanged.

Dr. M. M. Das: May I know, Sir, whether the President of the Philippines invited India to join the Conference, or had sought the opinion of the Indian Government whether it will be advisable to hold the Conference or not?

Shri Jawaharlal Nehru: I really do not know in what form the correspondence between us took place, because there were many communications. So far as I know, our advice was not sought. Sometimes our Ambassadors met and discussed the matter. How far their discussions went, I cannot say.

Shri Brajeshwar Prasad: Is the hon. the Prime Minister in a position to state in a nutshell the nature of the work conducted in this Conference?

Mr. Speaker: Order, order.

Shri Kamath: With regard, Sir, to the military or other pacts to which the Prime Minister referred in his answer, is it not a fact that India has made her position clear from time to time that she would not enter into any such pacts unless and until colonialism in the Pacific region has been liquidated?

Shri Jawaharlal Nehru: We have made it clear without that proviso even.

Shri Kamath: Were any decisions of a political or economic nature arrived at in this Conference convened by President Quirino?

Shri Jawaharlal Nehru: They only considered matters economic.

Shri Kamath: But were any decisions reached?

Shri Jawaharlal Nehru: If you call resolutions passed decisions, there were decisions reached.

SHOWROOM IN NEW YORK

*435. **Dr. M. M. Das:** (a) Will the Minister of Commerce be pleased to state whether the proposed showroom in New York for the display of a representative collection of Indian goods has been opened?

(b) If so, what are the main varieties of goods (cottage industry products, textiles, etc.) exhibited there?

(c) What is the capital and recurring expenditure for the showroom?

The Minister of Commerce (Shri Sri Prakasa): (a) The showroom has not been formally opened as yet. Samples, however, are available in the showroom and are being shown through periodical exhibitions and to trade buyers or importers in the U.S.A. as and when required in the course of the commercial publicity work being done by our Consul General's office at New York.

(b) The goods cover a very wide range and comprise mainly different varieties of Brocades, and other silk and cotton textiles, handicrafts, woollen carpets, rugs and druggets, carvings and other goods made of ivory, horn, tortoise shell, and wood, papiermache products, filigree products, bidri work products, metal wares, costume jewellery, coir and jute goods, artistic leather goods, condiments, etc.

(c) The capital expenditure incurred so far is approximately Rs. 21,500. No recurring expenditure has been incurred.

Dr. M. M. Das: May I know, Sir, whether Government has dropped the idea of opening up show-rooms in foreign countries, or they are going to open such show-rooms in some of the countries? If so, at what places?

Shri Sri Prakasa: We had a programme of opening show-room cum emporium at eight centres: New York, San Francisco, Toronto, Rio de Janeiro, Buenos Aires, Brussels, Stockholm and Sydney. But we had to give up the idea owing to financial stringency. Then we thought we might be able to open these at three centres, but at last we had to decide only on one centre, and that is New York.

Dr. M. M. Das: Do Government hope to get adequate response from these centres.

Shri Sri Prakasa: The response is very great, Sir, as can be judged by the fact that though we have been able to send only a hundred thousand worth of goods to New York, we have orders already for \$500,000.

Shri B. K. Das: Will there be Sales Sections attached to these showrooms?

Shri Sri Prakasa: That is our idea.

Shri Kamath: With a view to promoting the sales of these products in America, has Government issued any directive to our Embassy there that the Embassy offices and other attached offices should be furnished and equipped mainly, if not wholly, with Indian products?

Shri Sri Prakasa: I think that the Prime Minister would be in a better position to say with regard to the furnishing of the Embassies, but the hon. Member will certainly be happy to learn that we have a very strong Ladies Committee in Washington which is helped by a Ladies Committee here in the matter of popularising our products.

Shri Kamath: Are ladies more qualified or competent than gentlemen for this work?

Mr. Speaker: Order, order.

Shri Sri Prakasa: Any day, Sir.

An Hon. Member: What do bachelors know about it?

Mr. Speaker: Order, order.

LABOUR IN RURAL AREAS

*440. **Shri Raj Bahadur:** Will the Minister of Labour be pleased to state what steps Government have so far taken for the uplift of agricultural and other labour of rural areas?

The Minister of Labour (Shri Jagjivan Ram): The information is being collected from the State Governments and will be placed on the Table of the House in due course.

IMPORT LICENCES

*441. **Shri Raj Bahadur:** (a) Will the Minister of Commerce be pleased to state whether any special quota of foreign exchange for import licences has been reserved for the "new-comers" for the ensuing six monthly or yearly period?

(b) If so, what is the value of such quota and what percentage does it constitute of the total value of foreign exchange to be used on imports?

The Deputy Minister of Commerce (Shri Karmarkar): (a) Yes, Sir.

(b) Approximately 0.6 (Decimal six) per cent.

Shri Raj Bahadur: In terms of money how much is the ceiling for that?

Shri Karmarkar: In terms of money it would come to one crore and eighty-seven lakhs.

Shri Raj Bahadur: Is it not a fact that the rule is that at least ten per cent. of the foreign exchange is to be reserved for new-comers?

Shri Karmarkar: It is a fact that it was a recommendation of the Standing Committee. But taking all things into consideration ten per cent. could not be reserved.

Shri Raj Bahadur: Apart from the recommendation of the Standing Committee, is it not mentioned in the Rules themselves that ten per cent. will be reserved for the new-comers?

Shri Karmarkar: I am afraid the hon. Member's information is wrong.

Shri Raj Bahadur: How does this amount compare with the amount fixed for the last six-monthly period?

Shri Karmarkar: During the last period because it was felt that there was not sufficient ceiling for established importers, and actual users, there was no adequate reservation for new-comers, the present ceiling is far above the last one.

Shri Raj Bahadur: In view of the reply given by the hon. the Deputy Minister, may I ask him to refer to the rule when he says that my information is wrong?

Mr. Speaker: Order, order. He must accept the information.

Shri Kishorimohan Tripathi: May I know what special facilities are offered to new-comers who are displaced persons?

Shri Karmarkar: This question has come up before us repeatedly. At the present moment the policy is not to distinguish between displaced persons from other applicants.

Shri Gautam: Is it a fact that some old importers also come forward along with new-comers, as new-comers?

Shri Karmarkar: We have heard something like that. If the hon. Member would give us more information on that it would help us.

Shri M. L. Gupta: If people want to import machinery for cottage industries or small-scale industries would the Government provide currency for that?

Shri Karmarkar: I am afraid it does not arise out of the question about new-comers. But the answer to that is 'yes'.

Shri Tyagi: May I know after how many years or months a new-comer becomes an established shipper?

Shri Karmarkar: At the present moment, so far as my information goes readily, the new-comer of the past period becomes an established importer for the succeeding period.

GOVERNMENT AGENTS FOR SUPREME COURT

*442. **Shri Raj Bahadur:** (a) Will the Minister of Law be pleased to state whether any agency or machinery has been set up under the auspices of the Government to act as solicitors or agents for or on behalf of the Central and the State Governments for the Supreme Court of India?

(b) If so, what were the reasons and necessity for creating such agency or machinery?

(c) What is the amount of money to be spent by the Government of India and the State Governments respectively on the creation and maintenance of the said agency or machinery?

(d) How has the creation of such an agency or machinery affected the efficiency or execution of work?

The Minister of Law (Dr. Ambedkar):

(a) Yes.

(b) With the abolition of the jurisdiction of the Privy Council over Indian cases and the establishment of the Supreme Court on the commencement of the new Constitution, the volume of work in connection with cases coming up before the Supreme Court concerning the Central and the State Governments increased enormously. Novel and intricate problems of law arose in such cases by reason of the great constitutional changes that had taken place. It was considered that, in order to achieve best results before the highest tribunal in the land, all matters before the Supreme Court, civil and criminal, in which the Government of India or any of the State Governments were interested, should be handled by a central agency, composed of personnel experienced in Federal Court practice and procedure, conversant with Government administration, and familiar with the new Constitution. When the proposal was put to the Governments of Part A and Part B States, it was accepted by 10 of them.

(c) The approximate expenditure on the Central Agency is estimated to be Rs. 47,600 for the current financial year and Rs. 87,400 for the next financial year. The expenditure is to be shared between the Government of India and the Governments of the participating States in proportion to the number and nature of the cases handled on behalf of each Government. The amounts payable by the participating Governments for the current year can only be estimated at the end of the year.

(d) Before the Central Agency section was created, the Agency work of the Central Government was done by one of the Government Solicitors in addition to his normal advisory work in the Solicitor's Branch, and each Provincial or State Government made its own arrangements. The setting up of a centralised agency will naturally lead to economy and efficiency, particularly from the point of view of the State Governments. It also secures greater co-ordination between the States *inter se* and the Central Government

on various constitutional questions coming up before the Supreme Court.

Shri Raj Bahadur: May I know whether any of the States disapproved or rejected the proposal?

Dr. Ambedkar: Well, I do not know which States expressly disapproved, but, as I said, ten have agreed, Assam, West Bengal, Madras, Punjab and Uttar Pradesh have not joined the scheme. They might join hereafter.

Shri Raj Bahadur: May I know the number of States which have not given specific acceptance of the proposal?

Dr. Ambedkar: As I say, evidently those who have not joined the scheme have either expressly said that they do not want to join or have merely postponed their decision—I am unable to say at this stage.

Shri Raj Bahadur: So far as the financial side is concerned, how does the expenditure which is to be incurred now compare with the expenditure which was being incurred up to now?

Dr. Ambedkar: There is no basis for comparison because such an agency did not exist before.

Shri Raj Bahadur: May I know whether the opinion of local solicitors and agents was taken or not?

Dr. Ambedkar: There is no necessity. We took the opinion of the Governments.

INDUSTRIAL HOUSING

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

(a) whether the scheme for Industrial Housing, initiated by the Ministry of Labour over two years ago, has now been abandoned;

(b) how far the scheme was worked and advanced by the Central and the States Governments;

(c) the reasons for abandoning the scheme;

(d) whether it is a fact that the Government of India provided rupees two crores each for the years 1948 and 1949 to the Bombay Government for working out the scheme but the amount was never drawn by the latter; and

(e) if the answer to part (d) above be in the affirmative, the reasons for the failure of the scheme as also for the failure of Bombay State Government to draw the sums provided by the Government of India?

The Minister of Labour (Shri Jagjivan Ram): (a) No.

(b) The responsibility of the Central Government under the scheme is to provide 2/3rds of the capital required for Industrial Housing as interest-free loan and the remaining 1/3rd has to be found either by State Governments or employers sponsored by the latter. A sum of Rs. one crore has accordingly been advanced by the Central Government to the following State Governments who accepted the Scheme: Government of Bombay—Rs. 60 lakhs and Rs. 10 lakhs each to the Governments of Bihar, Orissa, Madhya Pradesh and Punjab. According to the information available with the Central Government the Government of Bombay have already constructed 526 tenements and 712 tenements are under construction. The other State Governments have also taken necessary steps to implement the scheme.

(c) I would refer my hon. friend to the reply to part (a) of this question.

(d) and (e). A loan of Rs. two crores was sanctioned to Bombay Government in 1948-49 and they were also allowed to utilise the unspent balance in 1949-50. The Government of Bombay, however, could not utilise it in 1948-49. Due to financial stringency, the Central Government had to cancel the loan in 1949-50.

Shri Harihar Nath Shastri: Is it a fact that the Planning Commission has prepared a scheme about housing and submitted it to Government?

Shri Jagjivan Ram: The Planning Commission has also examined this question and a scheme is under the consideration of the Government.

Shri Harihar Nath Shastri: How long will it take for the Government to examine the scheme and to arrive at any decision?

Shri Jagjivan Ram: I think in a fortnight or three weeks.

Shri M. L. Gupta: May I know if the hon. Minister is aware of a scheme for constructing 20,000 houses in Hyderabad with a provision for 2,000 houses annually and whether the Hyderabad Government had approached the Government of India for this purpose?

Shri Jagjivan Ram: We have not as yet heard anything from the Hyderabad Government.

Shri Rathnaswamy: May I know whether the industrial workers in the

Madras State have been benefited by the scheme?

Shri Jagjivan Ram: The reply that I have given is clear that the Madras Government has not approached us for taking advantage of the scheme as yet.

Shri Ghule: May I know what the Madhya Bharat Government have done in implementing the scheme?

Shri Jagjivan Ram: They have not approached us. I think.

Shri Sonavane: May I know how much amount has been contributed by the employers for this scheme of housing industrial labour?

Shri Jagjivan Ram: As I have explained, Sir, two-thirds of the capital expenditure is to be advanced by the Central Government as interest free loan and one-third either by the State Government or by the employer, sponsored by the State Government. So far as my information goes, the one-third portion has been spent by the State Governments concerned.

TARIFF BOARD

*444. **Prof. K. T. Shah:** (a) Will the Minister of Commerce be pleased to state whether Government have considered the recommendation of the Planning Advisory Board of 1948-47 regarding the establishment of the Tariff Board as a permanent organisation, concerned with the adequate and effective protection, encouragement, and safeguard of indigenous industry?

(b) What action has been taken on that recommendation?

The Minister of Commerce (Shri Sri Prakasa): (a) and (b). The recommendation of the Planning Advisory Board relating to the establishment of a permanent Tariff Board was examined by the Government of India in 1947 and it was decided to postpone the question until the future constitutional position became clearer. Meanwhile the question of a long-term tariff policy was engaging the attention of Government and with the appointment of the Fiscal Commission in April 1949, it was decided to leave this question to the Commission for examination. In its Report which has since been submitted to Government the Commission has recommended the establishment of a permanent statutory Tariff Commission with certain well-defined functions and responsibilities. The Fiscal Commission's recommendation is at present under examination by the Government of India and they propose to take appropriate action on it at a very early date.

Prof. K. T. Shah: Could I enquire what is the relationship between the present existing Tariff Board and the Planning Commission, if any?

Shri Sri Prakasa: There is no direct relationship so far as I know, but if any recommendations are made by the Tariff Board, they may go to the Planning Commission and *vice versa* for consideration and advice as necessary.

Prof. K. T. Shah: May I enquire how many cases of industries seeking protection today are before the Tariff Board still awaiting their disposal?

Shri Sri Prakasa: My hon. colleague will answer that question.

The Deputy Minister of Commerce (Shri Karmarkar): About ten, so far as I am aware.

Prof. K. T. Shah: How long is it likely to take to dispose of them.

Shri Karmarkar: I require notice.

Shri Tyagi: May I ask whether both these bodies are parallel to each other in their authority or one is over the other?

Shri Kamath: Does the Hon. Minister still maintain it is *vice versa* or only one way?

Mr. Speaker: Order, order, next question.

LABOUR ORGANISATIONS IN PORTS

*445. **Prof. K. T. Shah:** (a) Will the Minister of Labour be pleased to state what is the total strength in membership and number, of the recognised Labour Organisations operating in the major as well as the minor Ports of India: which of such organisations have not been recognised and why?

(b) Have Government appointed any Labour Welfare Officers or Public Relations Officers in connection with organised or unorganised Port Labour and if so, in what Ports?

The Minister of Labour (Shri Jagjivan Ram): (a) Government have no information regarding minor ports as they are the concern of the State Governments. As regards major ports, a statement giving the required information is placed on the Table of the House. [See Appendix III, annexure No. 44.]

(b) A Labour Welfare Officer has been appointed by the Central Government in the Port of Cochin which is directly administered by them. The other major Ports are administered by

Port Trusts. The Port authorities at Calcutta and Bombay have appointed Labour Welfare Officers.

Prof. K. T. Shah: Is there any standard as regards the total strength of the labour employed in ports or the classification of that labour, according to which such officers are appointed or are they appointed only *ad hoc*?

Shri Jagjivan Ram: At present they are *ad hoc*.

Prof. K. T. Shah: No consideration is given therefore to the strength of the port labour for which the labour officer is appointed, whether they are skilled or unskilled who need such assistance?

Shri Jagjivan Ram: The qualifications of officers are of course taken into consideration, but at present they are not related to the number of workers in the ports.

Prof. K. T. Shah: I am referring to the quality of workers and not to the qualifications of officers. Whether they are skilled workers or unskilled workers, makes all the difference.

Shri Jagjivan Ram: It is covered by the answer I have given. At present it is *ad hoc* and it is not related to the number of workers in the ports.

TRADE AGENTS IN TIBET

*446. **Prof. S. N. Mishra:** Will the Prime Minister be pleased to state:

(a) whether it is a fact that Trade Agents have been appointed in Tibet, and

(b) if so, whether it is a reciprocal arrangement?

The Prime Minister (Shri Jawaharlal Nehru): (a) There are three Indian Trade Agents at Gyantse, Yatung, and Gartok in Tibet.

(b) There are two representatives of the Tibetan Government at Kalimpong to look after trade matters.

Prof. S. N. Mishra: May I know, Sir, whether the Government of India have had any correspondence with the Government of Peking about the retention of these relations in the changed set-up?

Shri Jawaharlal Nehru: No, Sir, not about these posts.

Prof. S. N. Mishra: If the arrangement is reciprocal has the assignment been made by the Government of Tibet in India? I want to know whether the Government of Tibet have also

appointed their trade agents in India on all the posts.

Shri Jawaharlal Nehru: As I have said they have got two agents in Kalimpong. That is all.

Shri Kamath: When India appointed these trade agents, were they accredited to the Tibetan Government or the China Government?

Mr. Speaker: Order, order. I do not think we should go into that question.

Shri A. C. Guha: May I know if the Indian trade agents in Tibet are appointed according to a convention between India and Tibet and how do the China Government come into the picture?

Mr. Speaker: I think the foreign policy is going to be discussed and Members can discuss the question then.

Shri Kamath: Have the China Government recently indicated to the Indian Government any change in their attitude to these trade agents?

Mr. Speaker: Order, order. Next question.

COL. UNNI NAYAR

*447. **Prof. S. N. Mishra:** Will the Prime Minister be pleased to state the facts relating to Col. Unni Nayar's death in Korea?

The Prime Minister (Shri Jawaharlal Nehru): I welcome this opportunity of stating to the House the circumstances in which Colonel Unni Nayar met his death in the service of his country and of the United Nations.

Colonel Unni Nayar was appointed an alternate representative to the Indian Delegation to the Korean Commission early in July this year. He arrived in Korea on the 22nd of July and was acting, at the initiative of the United Nations Secretariat, as a Military Observer and a Liaison Officer between the Commission and the Army Authorities and the Government of South Korea. His duties often took him to the line of battle between the North Korean forces and the United Nations army. At 2 p.m. on 12th August, 1950, he told Mr. Kondapi, another alternate representative of the Indian Delegation, that he was going towards Waegwan—12 miles North West of Taegu, the temporary Headquarters of the South Korean Government—with two press correspondents to find out the details of a disabled tank which the Northern Korean troops were reported to have

left there. According to the information available with the United Nations military authorities, Colonel Nayar left for Waegwan in the afternoon in a jeep with Mr. Morrison and Mr. Buckley, two war correspondents of British papers, and a Korean engineer. Later in the day an American army officer was also asked to proceed along the same road with instructions to investigate the disabled tank. At about 5 p.m. this American officer found that the jeep in which Colonel Nayar and party had left had been blown to pieces by explosion of a land mine and the bodies of Colonel Nayar and his companions were lying in a ditch. He immediately informed the American Korean Military Advisory Group Headquarters in Taegu of the tragedy and an ambulance was despatched to bring the bodies to hospital. According to military authorities, the explosion must have been so severe as to kill Colonel Nayar, Mr. Morrison and the Korean engineer instantaneously. Mr. Buckley died in the hospital soon after his arrival and was not able to make a statement.

From information collected so far it appears that close fighting had taken place in the vicinity of Waegwan and that the South Korean army had retreated along the road which Colonel Nayar subsequently took. In the process of retreat the South Korean army had mined it to prevent advancing forces from coming nearer. The site at which the jeep was blown up is slightly north of Waegwan.

These are the bare details of this tragic death. Colonel Nayar left behind a widow and a child—a girl of two. The Government of India have expressed their deepest sympathy to the family and have publicly recognised the services of Colonel Nayar in an extraordinary gazette notification published on the 13th August, 1950.

WRITTEN ANSWERS TO QUESTIONS LABOUR TRIBUNAL AWARDS

*419. **Shri Kesava Rao:** (a) Will the Minister of Labour be pleased to state what is the number of awards given by the Labour Tribunals in case of industrial disputes concerning "Central Sphere" undertakings under the Central Industrial Disputes Act, 1947?

(b) How many of them have been implemented?

(c) What is the number of individuals, both labour and industrialists punished for not implementing them?

(d) What is the amount of money collected by way of fines for non-implementation of these awards?

The Minister of Labour (Shri Jagjivan Ram): (a) 48 during the period April 1947 to October 1950.

(b) 43. In the remaining cases, complaints have been received that the employers concerned have not fully implemented the awards of Tribunals. Enquiries are being made into these cases of non-implementation.

(c) Nil.

(d) Does not arise.

HOUSES FOR DISPLACED PERSONS AT UDAIPUR

*424. **Shri Sidhva:** Will the Minister of Rehabilitation be pleased to refer to the reply to my starred question No. 191 asked on the 4th August 1950 regarding building of houses at Udaipur for displaced persons, and state:

(a) what is the present position of the Society to which Government had given a loan for constructing houses and whether Government has sustained any loss; and

(b) how many houses have been built, how many occupied and how many are lying vacant?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) The Rajasthan Government have appointed a Commission to inquire into the affairs of the Bhopal Co-operative Society. Present position of the Society and loss to Government will be known when its report becomes available.

(b) No. of houses built.	286
No. occupied.	253
No. vacant.	33

FUTURES TRADING

*425. **Shri Sidhva:** Will the Minister of Commerce be pleased to state:

(a) whether Government have any intention under the new Constitution to control "Futures Trading" in India; and

(b) if so, what the proposals are?

The Deputy Minister of Commerce (Shri Karmarkar): (a) Yes.

(b) A Bill which provides for the regulation of forward trading, prohibition of options and for matters connected therewith is expected to be introduced in the Parliament during the current session.

IMPORT OF BOOKS

*429. **Shri Kesava Rao:** Will the Minister of Commerce be pleased to state what is the maximum limit for the import of books from Dollar Areas?

The Deputy Minister of Commerce (Shri Karmarkar): Imports of books from dollar area during the July-December 1950 licensing period are allowed as follows:

(i) Technical Books and books of reference—100 per cent. of half of best year's imports.

(ii) Other books—20 per cent. of half of best year's imports.

INDIANS IN CEYLON (REPATRIATION)

*430. **Shri Kesava Rao:** (a) Will the Prime Minister be pleased to state if it is a fact that it is becoming increasingly difficult for the Indians who have settled in Ceylon to get employment due to the fact that they have been deprived of their citizenship rights?

(b) Is there any proposal to repatriate these people to India?

The Prime Minister (Shri Jawaharlal Nehru): (a) The Ceylon Government are pursuing a policy of greater employment of Ceylon nationals in private establishments and they have proposed that in matters of employment Ceylon nationals should be given preference over foreigners. As a result, it will be difficult for Indians, who do not acquire Ceylon citizenship, to seek new employment in Ceylon.

(b) No.

EXTRADITION OF BORDER RAIDERS

*436. **Sardar Hukam Singh:** (a) Will the Prime Minister be pleased to state whether the Inspectors-General of Police, Sind (Pakistan), and Rajasthan (India), have recommended to their respective Governments any proposal for the conclusion of an agreement for the extradition of border raiders of their respective countries?

(b) If so, have any agreements been reached?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). At a Conference of the Inspectors-General of Police of Rajasthan and Sind, and Commissioners of Police of Bahawalpur and Khairpur Mirs, held on the 13th October, 1950 at Karachi, it was agreed that the Governments of Pakistan and India be moved to conclude an agreement for the extradition of border raiders of their respective countries. The State Government's recommendations in the matter have not, however, so far been received by the Government of India.

VEGETABLE PRODUCTS (IMPORTS)

*437. **Sardar Hukam Singh:** (a) Will the Minister of Commerce be pleased to state the quantity and value of vegetable products, canned fruits and fruit juice allowed to be imported from soft currency areas for the period July-December 1950?

(b) What was the quantity and value of these products actually imported during the period January-June 1950?

The Deputy Minister of Commerce (Shri Karmarkar): (a) Imports of vegetable products, canned fruits and fruit juices from soft currency areas for the period July-December 1950 are allowed on the basis of a quota of 20 per cent. of half of best year imports. The quota has been fixed on the basis of value and no information is available as to the quantity that will be covered by this quota.

(b) A statement showing currency-wise actual imports of vegetable products and canned fruits during the January-June 1950 period is placed on the Table. [See Appendix III, annexure No. 45.] It is not possible to furnish the required information in respect of fruit juices as these are not recorded separately in the trade statistics.

AUTOMOBILE MANUFACTURE

*438. **Dr. Deshmukh:** (a) Will the Minister of Industry and Supply be pleased to state (i) the number of companies which manufacture motor cars and motor parts and the number which assemble cars, and (ii) the kinds of cars, names and H.P. of products of each factory?

(b) What is the annual production of each?

(c) What is the annual consumption of cars in India?

(d) Is there any proposal to permit any new company to manufacture or assemble parts?

(e) Is there any quantitative restriction on the assembling of cars by any company; if so, which are those companies and what is the number they are permitted to assemble or manufacture?

The Minister of Industry and Supply (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House. [See Appendix III, annexure No. 46.]

(c) 15,000.

(d) No.

(e) Yes. Messrs. Automobile Products of India Ltd., Bombay, have

been permitted to assemble for consumption in India 3,000 motor vehicles (including cars) per annum.

IMPORT AND PRODUCTION OF FERTILIZERS

*439. **Dr. Deshmukh:** Will the Minister of Industry and Supply be pleased to state:

(a) the quantity of various fertilizers produced in India in 1949-50 and from 1st April 1950 to 1st November 1950;

(b) the quantity and value per ton of fertilizers imported in India during the above periods respectively;

(c) the average cost per ton of production of various kinds of fertilizers in India; and

(d) the rates per ton at which they were imported at Ports?

The Minister of Industry and Supply (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House. [See Appendix III, annexure No. 47.]

(c) A statement is laid on the Table of the House. [See Appendix III, annexure No. 48.]

(d) A statement is laid on the Table of the House. [See Appendix III, annexure No. 49.]

MANAGEMENT OF STATE INDUSTRIES

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

(a) whether Government have decided to introduce managerial system for the management of State industries; and

(b) if so, the exact nature of such set-ups?

The Minister of Industry and Supply (Shri Mahtab): (a) and (b). Yes, Sir. It has been decided that State industrial enterprises should be managed by Boards of Directors constituted by Government under the Indian Companies Act, or by duly constituted statutory Corporations, or by Boards of management working directly under Government. The manner in which each industrial enterprise should be managed will be decided according to the requirements of each case.

PIPRADIH COLLIERY LABOURERS

*449. **Shri Jnani Ram:** Will the Minister of Labour be pleased to state:

(a) whether discharge notices have been given to the majority of labourers at Pipladih Colliery; and

(b) if so, the reasons for issuing such notices?

The Minister of Labour (Shri Jagjivan Ram): (a) Yes.

(b) Due to heavy accumulation of stocks and congestion of stacking depots, the Colliery management have decided to stop further raisings of coal.

GLASS FACTORIES

***450. Shri Jnanl Ram:** Will the Minister of Industry and Supply be pleased to state:

(a) the number of glass factories in Chhotanagpur working in the years 1948, 1949 and 1950;

(b) the number of factories closed during the above period; and

(c) the number of new factories started?

The Minister of Industry and Supply (Shri Mahtab): (a) and (b). A statement is laid on the Table of the House.

(c) One, in 1950.

STATEMENT

Number of Glass Factories in Chhotanagpur.

Year	No. of factories working	No. of factories closed
1948	3	3
1949	3	3
1950	4	3

SINDRI FACTORY

***451. Shri Chandrika Ram:** (a) Will the Minister of Industry and Supply be pleased to state what is the total strength of the experts in the factory?

(b) How many of them are Indians and how many of them are foreigners?

The Minister of Industry and Supply (Shri Mahtab): (a) and (b). The number of technical staff above the rank of foreman will be 34. The number now in position is 23; of these two are U.K. nationals and the remaining 21 are Indians.

ATTACK ON DISPLACED PERSONS BY PAKISTAN SOLDIERS IN KASHMIR

***452. Giani G. S. Musafir:** (a) Will the Prime Minister be pleased to state whether it is a fact that a group of displaced persons trying to cross the "cease fire border" in Kashmir was attacked by Pakistan Military, in the end of October 1950?

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

(c) What steps are Government taking to safeguard the lives of displaced persons in the so called "Azad Kashmir" territory?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). It has been reported that about 400 displaced persons, mostly Muslims, belonging to Jammu Province, attempted to cross the cease fire line from a place called Dhanni and were attacked by Pakistan soldiers while doing so. A number of persons are reported to have been killed and wounded. We have no accurate knowledge of the number of casualties.

(c) We have made several representations to the Pakistan Government about displaced persons and have been assured that these persons would be well looked after.

OFFICERS IN IMPORT AND EXPORT DEPARTMENTS

***453. Shri Deogirikar:** (a) Will the Minister of Commerce be pleased to state the number of class I officers in the Export and Import Departments at New Delhi; and

(b) how long each one of them is holding the present post?

The Deputy Minister of Commerce (Shri Karmarkar): (a) and (b). A statement containing the required information is laid on the Table of the House. [See Appendix III, *annexure No. 50.*]

SYNTHETIC PETROL (PRODUCTION)

***454. Shri Deogirikar:** Will the Prime Minister be pleased to state:

(a) whether the Board of Scientific and Industrial Research has sanctioned a scheme for the production of synthetic petrol;

(b) the cost of that scheme;

(c) whether it is being carried out by scientific engineers from abroad; and

(d) whether any Indian scientist has submitted a scheme for the production of such petrol and if so, what is the cost of the same?

The Prime Minister (Shri Jawaharlal Nehru): (a), (b) and (c). The Board of Scientific and Industrial Research has expressed its opinion that the production of synthetic petrol should be undertaken. Various schemes have been examined. The original scheme was estimated to cost Rs. 67 crores. Another scheme

on a smaller scale dealing with only aviation spirit was estimated to cost Rs. 22 crores. The matter is still under examination.

(d) Indian Scientists have been carrying out investigations for some time past but no worked-out full scheme, which can be worked commercially, has been put forward by any of them yet.

MUSLIM EVACUEES FROM ASSAM

*455. **Maulvi Wajed Ali:** Will the Prime Minister be pleased to state:

(a) the total amount of grants-in-aid and monthly dole granted to a Muslim evacuee after his return to Assam; and

(b) the total number of persons killed in Assam, and the number of houses burnt in Assam during the last disturbances?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Exact information has been asked for from the Government of Assam and is laid on the Table of the House as soon as it becomes available.

MIGRANTS IN ASSAM

*456. **Maulvi Wajed Ali:** Will the Prime Minister be pleased to state:

(a) the number of evacuees from East Bengal who came to Assam up till 10th November, 1950; and

(b) the number of evacuees who have since returned to East Bengal from Assam up till 10th November, 1950 in pursuance of the Delhi Pact?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). From the time communal disturbances started in East Bengal in the 1st week of February till November 10, 1950 about 4,30,000 Hindus went to Assam from East Bengal. Very few Hindus returned to East Bengal till the 8th April 1950. Since then up to the 10th November, 79,348 Hindus went back from Assam to East Bengal. It is not possible to say how many of the persons who moved in either direction were evacuees.

OCCUPATIONAL CENSUS OF DISPLACED PERSONS

*457. **Shri A. C. Guha:** Will the Minister of Rehabilitation be pleased to state whether there is any occupational census of the displaced persons from East Bengal?

The Minister of State for Rehabilitation (Shri A. P. Jain): A census of displaced persons from East Bengal was carried out in July, 1949, which

included enumeration of their occupations. Recently an occupational survey of displaced persons in Camps has been held in West Bengal, Bihar and Orissa. A complete census of displaced persons is also being undertaken in West Bengal.

REHABILITATION

*458. **Shri A. C. Guha:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of East Bengal displaced persons rehabilitated through government service, particularly, in the Central Government Offices in West Bengal; and

(b) the number rehabilitated by employment in the E. I. Railway, B.N. Railway, the Chittaranjan Locomotive Factory, the Sindri Fertiliser Factory and in the Ceramic and Glass Institute at Jadavpur?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 3664—2047 in Central Government Offices in West Bengal and 1617 under the West Bengal State Government.

(b) A statement showing the number of displaced persons employed under the E.I. Railway, B. N. Railway, Chittaranjan Locomotive Factory and the Sindri Fertiliser Factory is laid on the Table of the House. [See Appendix III, annexure No. 51]. As regards the Ceramic and Glass Factory at Jadavpur, information is being collected.

ABDUCTED WOMEN

*459. **Giani G. S. Musafir:** Will the Prime Minister be pleased to state:

(a) the number of abducted women recovered in India and sent to Pakistan from 1st July, 1950 up to date; and

(b) the number of abducted women recovered from Pakistan and sent to India during the same period?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) 557 up to the 17th November 1950.

(b) 306.

INSURANCE COMPANIES

*460. **Shri Shiv Charan Lal:** (a) Will the Minister of Commerce be pleased to state how many Insurance Companies are working in the country at present?

(b) Have the Government any scheme in hand to nationalise Insurance work?

The Minister of Commerce (Shri Sri Prakasa): (a) There are 341 Insurance Companies operating in India at present.

(b) No, Sir, not at present.

SALE OF COTTAGE INDUSTRIES PRODUCTS

***461. Shri Shiv Charan Lal:** (a) Will the Minister of Industry and Supply be pleased to state what steps the Government of India have taken in the year 1949 to speed up the sale of products of cottage industries of different States?

(b) Are Government aware that handloom cloth manufactured in Madras is lying unsold in large quantities for want of proper markets?

The Minister of Industry and Supply (Shri Mahtab): (a) A statement is laid on the Table of the House. [See Appendix III, annexure No. 52].

(b) Government have not recently received any such complaints.

COAL GAS PLANTS

***462. Shri M. L. Gupta:** Will the Minister of Industry and Supply be pleased to state:

(a) whether any scheme for installing coal gas plants in urban areas is under the consideration of Government; and

(b) if not, whether Government propose to consider the establishment of coal gas plants in urban areas?

The Minister of Industry and Supply (Shri Mahtab): (a) No, Sir;

(b) No proposal has so far been received by Government for consideration. When any such is received, it will be considered on its merit

निम्नत को जाने वाले दरें

*** 463. श्री बी० ऐस० आर्य:** (क) क्या प्रधान मंत्री यह बतलाने की कृपा करेंगे कि उत्तर प्रदेश के कुमायूँ डिविजन के अल्मोडा, गढ़वाल तथा टिहरी गढ़वाल जिलों से हिमालय पर्वत को पार करके तिब्बत को जाने वाले दरों पर भारत सरकार ने क्या रक्षा प्रवन्ध किये हैं ?

(ख) क्या सरकार ने किसी भी संकट काल में इन दरों तक, विशेषकर नीति

बौर माणा दरों तक, पहुँचने के लिये मोटर यातायात को सुगम बनाने के सम्बन्ध में कोई विनियम किया है ?

(ग) यदि किया है तो इन दरों तक जाने वाली मोटर सड़क के कब तक बन जाने की प्रत्याशा की जा सकती है ?

PASSES LEADING TO TIBET

[***463. Shri B. S. Arya:** (a) Will the Prime Minister be pleased to state what defence measures have been adopted at the passes, that lead to Tibet across the Himalayas, situate in the Almora, Garhwal and Tehri Garhwal Districts of the Kumaun Division of Uttar Pradesh?

(b) Have Government taken any decision to facilitate motor transport to approach these passes and in particular those of Niti and Mana at any time of emergency?

(c) If so, when the completion of motorable roads leading to these passes may be expected?]

The Prime Minister (Shri Jawaharlal Nehru): (a) to (c). The Central Government and the Governments of the States concerned are fully alive to the need of defending these passes. For security reasons it is not possible to give details of the measures they have adopted or intend to adopt.

GLASS FACTORIES

***464. Shri Kannamwar:** Will the Minister of Industry and Supply be pleased to state how many glass factories are in existence in India at present?

The Minister of Industry and Supply (Shri Mahtab): 110.

CENTRAL ADVISORY COUNCIL FOR INDUSTRIES (DECISIONS)

***465. Shri Sivaprakasam:** Will the Minister of Industry and Supply be pleased to lay on the Table of the House the decisions arrived at at the recent meetings of the Central Advisory Council for Industries?

The Minister of Industry and Supply (Shri Mahtab): A Note is laid on the Table of the House. [See Appendix III, annexure No. 53].

INDIANS CAPTURED IN TIBET

***466. Shri Tyagi:** Will the Prime Minister be pleased to state whether the attention of Government has been drawn to the news broadcast by the

P.T.I.—Reuter on the 3rd November 1950, purporting to quote the Russian News Agency, *Tass*, which reported the allegation made by the *New China News Agency* correspondent in the field to the effect that two Indians and two Britons had been captured in a battle at Changtu and that investigations were under way "to find out what these foreigners were doing in the Tibetan Army" and if so, whether the news is correct?

The Prime Minister (Shri Jawaharlal Nehru): Yes, Sir. The press report mentioned Changtu by mistake in place of Chamdo.

Government have recently heard from their Mission that the names of the captured Indians are:

- (1) Wangdak Tsering of Darjeeling.
- (2) Thonyo Shappa of Kalimpong.

They were both employed by the Tibetan Government as Wireless Operators.

LOAN TO SCHEDULED CASTE DISPLACED PERSONS

*467. **Shri Balmiki:** Will the Minister of Rehabilitation be pleased to state the amount given on loan to Scheduled Caste displaced persons of Delhi and New Delhi, in the years 1949 and 1950?

The Minister of State for Rehabilitation (Shri A. P. Jain): Loans amounting to Rs. 36,000/- have been disbursed to 155 families of displaced Harijans in Delhi and New Delhi during 1949-50 through District Harijan Rehabilitation Board. No separate figures of the loans given to displaced Harijans under general scheme are maintained.

SCHEDULED CASTE DISPLACED PERSONS

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

- (a) the number of Scheduled Caste displaced persons who have been settled in newly built townships in the country;
- (b) the number of new tenements built for them up to November 1950; and
- (c) the number of Scheduled Caste displaced persons remaining to be settled?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) 2484 families of displaced Harijans comprising about 12420 persons have so

far been settled in newly built townships in the Country through the Displaced Harijans Rehabilitation Board. The number of displaced Harijan families settled in newly built townships otherwise is not known.

(b) 2561 tenements have been built so far exclusively for displaced Harijans through the Displaced Harijans Rehabilitation Board and sanction for the construction of another 1220 tenements has been given.

(c) Figures are not available.

REGIONAL COMMISSIONER OF LABOUR

*469. **Shri Rathnaswamy:** (a) Will the Minister of Labour be pleased to state how many Regional Commissioners of Labour have so far been appointed?

(b) What are the places where the offices of these officers are functioning?

(c) How many cases of strikes have so far been dealt with by them?

The Minister of Labour (Shri Jagjivan Ram): (a) 5.

- (b) Bombay.
Calcutta.
Dhanbad.
Kanpur.
Madras.

(c) 2,170 cases of strikes, threatened strikes and lockouts were dealt with by the Regional Labour Commissioners with the assistance of the Conciliation Officers serving under them during the period 1st April 1945 to 30th September 1950. Separate figures for strikes and lockouts are not readily available.

PROVIDENT FUND AND PENSION CLAIMS

*141. **Shri Sidhva:** Will the Minister of Rehabilitation be pleased to refer to the answer to unstarred question No 4 asked on the 1st August, 1950 and state what is the present position with regard to the Provident Fund and Pension claims of displaced persons who were formerly servants of Government and Local Bodies in Pakistan and which claims were forwarded to the Government of Pakistan by the Government of India?

The Minister of State for Rehabilitation (Shri A. P. Jain): In answer to this question I would like to take the opportunity of giving the House a brief resume of the Negotiations with the Government of Pakistan on the subject of pensions. General Provident Fund and leave salary etc. of displaced Government servants, servants of Princely States and Local Bodies in Western Pakistan.

As a part of the mass migration several Government servants whose pensions, Provident Fund, pay, leave salary, etc. were the liability of Provincial or State Governments or of Local Bodies in Pakistan, came to India, and as they were not able to obtain the payments due to them in Pakistan, an Agreement was reached with the Government of Pakistan in December 1947 at Secretariat level. This Agreement provided for the transfer of pension papers of Provincial Government servants. Pending such transfer it was agreed that the two Governments should make provisional payments to such Government servants, of pensions on behalf of the other Government on presentation of the Half of the Pension Payment Order and on execution of an Indemnity Bond and production of a certificate of identity from a Magistrate or a Gazetted Officer. The arrangement was extended to Central Government pensioners also. The provisional payment was to continue till 31st March, 1948. In the case of displaced Government servants who had lost their Half of the Pension Payment Order other criteria were laid down for satisfaction of the Accounts Officers so that provisional payment of pensions could be made to them. The concession of provisional payment of pensions was continued from time to time but it was decided later that provisional payments would be made in future only to those displaced Government servants who were in actual receipt thereof on or before 30th September 1948. As some displaced Government pensioners had failed to put in their applications in time a small number were left out of the facilities of provisional payment.

At the Inter-dominion Conference of November 1948 apart from the question of sanctioned payments to displaced Government servants the payment of dues of employees of Princely States and Local Bodies, who had migrated to the other country, was also taken up. Procedure was prescribed generally whereby the two Governments undertook to pay the dues of displaced Government servants and servants of Princely States and Local Bodies on an authorization received from the other Government. Debits were thereafter to be accepted by each Government in respect of payments made on its behalf by the other Government. It was also agreed that the two Dominions should ask their respective Provinces and States to expedite the sanction of pensions for which applications were

still pending. The question of part-earned pensions of Government servants who had migrated without completing their service was touched at this Conference but no definite conclusion was reached. The two Governments undertook to use their good offices with Local Bodies within their areas for early settlement of dues of their employees who had migrated to the other country.

The Inter-dominion Conference of April 1949 reviewed the implementation of the November 1948 Agreement relating to pensions etc. and it was decided that a separate Central Claims Organisation should be set up by each Government to receive and arrange for the speedy disposal of claims. Each Government undertook to verify the claims received from the other Government and issue Payment Authorities after necessary verification of amounts due. It was made clear that the arrangement did not apply to claims arising in the two divided Provinces of Punjab and Bengal and Local Bodies in those Provinces but applied to Princely States in those Provinces. Between April 1949 and March 1950 the Indian Central Claims Organisation has received and transmitted about 17,000 claims to Pakistan. Verification of these claims proceeded very slowly and hence in May this year officials of the Governments of India and Pakistan again met and took certain decisions for speeding up the verification procedure. Apart from issuing instructions to the authorities concerned, machinery was set up in Provinces and States to deal with claims relating to pensions, Provident Funds etc. In addition it was agreed that provisional payment of pensions may be made to Government servants and servants of Princely States and local bodies who had not so far received this benefit. Provisional payment of up to 50 per cent. of the amounts held in the Provident Fund Account could also be made. It was felt that Government Servants who had migrated to the other country, while still in service, should not be treated as absconders or as having been dismissed from service but the Government of Pakistan desired to consult their Provincial Governments on the matter before giving a final reply. The concession relating to provisional payments of pensions of Provident Funds to the new categories of displaced persons was subject to an arrangement being made for concurrent clearance of payments made by either Government on behalf of the other. Unfortunately

this question of concurrent clearance which has, on account of the exchange deadlock between India and Pakistan, proved to be an additional hindrance in the way of settlement of dues of displaced Government servants etc., yet remains to be solved. Thus no tangible benefit of any of the Agreements arrived at on the subject of pensions, Provident Funds etc. has so far been made available to the displaced persons concerned except to the extent of provisional payments sanctioned upto the 30th September 1948.

The Government of India have had, therefore to consider some measures of immediate relief. I am now in a position to announce these measures. In the very nature of things the interim relief has been confined to those who are not already gainfully employed.

(1) Displaced Government servants whose pensions had been sanctioned in West Pakistan but who had been precluded from obtaining benefits under the Provisional Pension Payment Scheme of 1947 will be given relief to the full extent of their monthly pensions provided they are in possession of their pension papers etc. or can adduce proof normally required for payment of their provisional pension.

(2) Displaced servants of States and Local Bodies whose pensions had been sanctioned in West Pakistan but who were not in actual receipt of pensions in India will be given a monthly allowance amounting to 50 per cent of the pension due subject to a maximum of Rs. 150 p.m.

(3) Government servants and servants of States and Local Bodies in West Pakistan whose pensions are due but have not been sanctioned will be paid a monthly allowance amounting to 50 per cent. of the pensions due subject to a maximum of Rs. 150/- p.m.

(4) Government servants and servants of States and Local Bodies from West Pakistan who have not obtained their Provident Funds in respect of services rendered in West Pakistan will be paid monthly allowances according to the circumstances of each case provided that no single allowance exceeds Rs. 100/- p.m.

The Agreements relating to pensions, Provident Funds etc. mentioned earlier, as also the interim relief relating to which decisions have been indicated, are not applicable to claims arising out of the divided Provinces of Punjab and Bengal. The Governments of the two Punjabs have their

own arrangements. I have recently received representations regarding the hardship caused to Government servants who have migrated from East Bengal as a result of the disturbances early this year. I am looking into this question separately and have invited the views of the Government of West Bengal whereafter it might be possible to consider the question fully.

INDIAN DELEGATION TO U. N. GENERAL ASSEMBLY

22. Shri Kamath: Will the Prime Minister be pleased to state: (a) the names of delegates, alternate delegates, assistants, and advisers of the Indian delegation to the current session of the General Assembly of the United Nations; and

(b) the qualifications of each?

The Prime Minister (Shri Jawaharlal Nehru): (a) and (b). Statements containing the information desired by the hon. Member are placed on the Table of the House. [See Appendix III, *annexure No. 54*].

SHIPPING COMPANIES

23. Shri Sivaprakasam: Will the Minister of Commerce be pleased to state the names of shipping companies that are engaged in the Indian coastal trade?

The Minister of Commerce (Shri Sri Prakasa): The names of the shipping companies engaged in the Indian coastal trade are—

(1) The Scindia Steam Navigation Co. Ltd., Bombay.

(2) The Bombay Steam Navigation Co. Ltd., Bombay.

(3) The Bharat Line Ltd., Bombay.

(4) The Bengal Burma Steam Navigation Co. Ltd., Bombay.

(5) The Indian Co-operative Navigation and Trading Co. Ltd., Bombay.

(6) Shri Ambica Steam Navigation Co. Ltd., Bombay.

(7) The Swadeshi Steamship Co. Ltd., Tuticorin.

(8) The Chandbali Steamer Service Co., Ltd., Calcutta.

(9) The Ratnagar Steam Navigation Co. Ltd., Bombay.

(10) The Hindustan Shipping Co. Ltd., Calcutta.

(11) The Malabar Steamship Co. Ltd., Bombay.

(12) The Merchant Steam Navigation Co. Ltd., Bombay.

(13) The Africana Co. Ltd., Bombay.

(14) The South East Asia Shipping Co. Ltd., Bombay.

(15) The Indian National Steamship Co. Ltd., Calcutta.

(16) The New Dholera Steamships Ltd., Bombay.

(17) The National Steamship Co. Bombay.

(18) The Great Eastern Shipping Co., Ltd., Bombay.

(19) Akojee Jadwet & Co Ltd., Port Blair.

(20) The India Steamship Co. Ltd., Calcutta.

(21) The British Indian Steam Navigation Co. Ltd., Calcutta

(22) The Asiatic Steam Navigation Co. Ltd., Calcutta.

(23) Brunton & Co. Engineers Ltd., Cochin.

HANDLOOM DEVELOPMENT FUND

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

(a) whether annual allocations are made from the Handloom Development Fund for different States; and

(b) if so, what are the factors taken into consideration in determining the amount of allocation for a particular State?

The Minister of Industry and Supply (Shri Mahtab): (a) Yes, the grants have been made to different States from the Fund beginning with the current year, and further grants will be given only after these amounts have been fully utilised on the schemes for which they were granted

(b) The amount sanctioned to each State is based on the recommendation made by the Handloom Sub-Committee in this behalf. The factors taken into consideration by the Sub-Committee in determining the amount of the grant on a pro rate basis to each State were:

(1) the consumption of yarn by the handloom industry in a particular State;

(2) the nature of the scheme submitted by the State whether they pertained to the development of handloom industry. The following order of priority was observed in respect of those schemes:

(i) Marketing.

(ii) Finishing, dyeing, calendering.

(iii) Designing.

(iv) Improvements in the methods of production, including improved implements.

(v) Training of handloom weavers.

(vi) Research.

(3) weightage for under-developed areas for which an extra sum was reserved for allotment in addition to the usual grant.

ENTRY OF PAKISTAN NATIONALS INTO INDIA

25. **Prof. S. N. Mishra:** Will the Minister of Rehabilitation be pleased to state:

(a) the number of unauthorised entries made by Pakistan nationals into India in the year 1950; and

(b) whether protests were made to the Pakistan Government and if so, with what result?

The Minister of State for Rehabilitation (Shri A. P. Jain): (a) On 19th July, 1948, the Permit System was introduced between India and Western Pakistan. There is no check on entry from Eastern Pakistan. Nobody is allowed to enter India from West Pakistan without a permit and the question of unauthorised entry does not normally arise. It is conceivable, however, that some people do manage to smuggle themselves into India even from Western Pakistan without a permit. In the very nature of things, it is not possible to discover all such cases.

(b) The question does not arise.

Tuesday, 28th Novemeber, 1950

Volume VI

No. 1 — 19



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Par. B. S. VI. 1. 50.
881

PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part II—Proceedings other than Questions and Answers.

CONTENTS

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

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**THE
PARLIAMENTARY DEBATES**

(Part II—Proceedings other than Questions and Answers.)
OFFICIAL REPORT

761

762

PARLIAMENT OF INDIA

Tuesday, 28th November, 1950

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

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

PAPERS LAID ON THE TABLE

**CORRESPONDENCE BETWEEN THE PRIME
MINISTERS OF INDIA AND PAKISTAN ON
"NO WAR DECLARATION".**

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The House will remember that I promised to lay on the Table of the House the correspondence that had passed between me and the Prime Minister of Pakistan in regard to various matters, notably the "No War Declaration". Subsequently that correspondence enlarged itself and other matters also came within its scope. I am laying on the Table, therefore, a printed pamphlet containing this correspondence. [See Appendix IV]. I need not say much about it, because, I am sure hon. Members would like to read it; and then, perhaps, if they wish to ask anything about it, I would be glad to enlighten them. I would add that this correspondence contains, apart from the "No War Declaration", the proposals we made about the setting up of a Tribunal more especially to consider two disputes, one in regard to canal waters and the other about evacuee property. Hon. Members have been asking me questions about them. This correspondence will enable them to understand what our proposals were and what the response of the Pakistan Government to these proposals has been. I regret to say that after nearly a year's correspondence, we have arrived at no solid result.

Last night I received another communication from Mr. Liaquat Ali Khan in answer to my last letter which is published in this document. It has not been possible for me to include that in this pamphlet because it came too late. I am placing a cyclostyled copy of that also on the Table of the House. [See Appendix IV]. I hope that this document will be available to hon. Members in the course of the day, and each one of them can have a copy.

Naturally, there has not been time since I received Mr. Liaquat Ali Khan's letter to send an answer. We shall do that as soon as possible, and a copy of that answer will also be furnished to Members. Meanwhile I should like to make brief comments on some of the points arising out of the Pakistan Prime Minister's latest communication.

It is rather perhaps not very easy for hon. Members to follow the comments on a letter which they have not read. No doubt, they will read it a little later. As a matter of fact, most of the points raised in Mr. Liaquat Ali Khan's communication have been repeatedly discussed in the course of the correspondence. There is a great deal of repetition, naturally, in our letters to each other. Most of these points have been dealt with fully in my previous correspondence and I shall answer them fully when I send my written reply to Mr. Liaquat Ali Khan. For the present, I will just make some brief comments. What I say now is not said in any spirit of controversy; the importance of good relations between India and Pakistan is too great for any of us to imperil their future by words that excite passion. At the same time, we have to make our position clear.

I may add that I had drawn Mr. Liaquat Ali Khan's attention repeatedly to the kind of Press propaganda as well as statements made by individuals in Pakistan which was a direct incitement to war. I pointed this out to him and said that this kind of thing naturally did not lead to good relations between the two countries. Mr. Liaquat Ali Khan, in the course of his last letter, has referred to something

[Shri Jawaharlal Nehru]

about the Indian Press. What I say is in reply to that. Mr. Liaquat Ali Khan has referred to the tone of the Press throughout India and particularly in West Bengal towards the Delhi Agreement. I have had occasion previously to express my regret over the attitude of certain newspapers towards the Agreement that Mr. Liaquat Ali Khan and I signed last April. It is not fair, however, to accuse the entire Indian Press. On the whole, the leading newspapers of this country have dealt with the Agreement helpfully and in a spirit of responsibility, and even the tone of some that were once hostile improved considerably after a while. If now and then there has been criticism of the Pakistan Government, that has been due to many causes, not a few of which it is in the power of the Pakistan Government to remove.

As for the alleged activities of certain individuals, they are of no consequence and one should not take serious notice of them. May I add that this has reference to instances of one or two individuals who, I believe, proclaimed some time ago, that they have set up a parallel Government or some such thing. I have not been personally aware of it; but I have pointed out that the matter is of no consequence. In any case, what counts is the firm resolve of the Government of India to implement that Agreement in full.

Then, reference has been made by Mr. Liaquat Ali Khan in his last letter to Junagadh. In Junagadh, it was the will of the people that prevailed, not any military effort by India. Mr. Liaquat Ali Khan's reference to large scale military movements of Indian forces towards the borders of Pakistan during the Bengal troubles is a misunderstanding of our action. We had no desire then to attack Pakistan just as we have none to attack her now. Our measures were purely defensive and taken during a period of high tension when we should have failed in our duty if we had not taken all precautions for the security of the country.

I am glad to note that in reply to my declaration made some months ago at a Press Conference that India would not resort to war in Kashmir unless attacked, Mr. Liaquat Ali Khan has stated that Pakistan has no intention of attacking India. As for his other arguments regarding Kashmir, I do not propose to answer them at length since our position has been made clear repeatedly. I would only say that while we sent our forces to Kashmir after the Government of the State had lawfully acceded to India,

with the full approval of its most numerous and representative popular party, Pakistan sent its troops into what had become Indian territory, without any justification. As for the settlement of the Kashmir dispute, we have resiled from none of the assurances that we have given to the people of Jammu and Kashmir or to the United Nations.

I shall not go into the canal waters dispute here, beyond saying that nothing that we have said is inaccurate. There is some argument about what has been said. The statement attributed by the Prime Minister of Pakistan to our representatives was made by our representatives on a sub-committee, whose report, on the subject of canal waters, was not accepted by the Punjab Partition Committee, because of the fundamental differences that existed over the question of the distribution of the waters. I may add also, as the House will remember, in the early days there were numerous committees and sub-committees dealing with partition matters. There was a Punjab Partition Committee, consisting of representatives of the two Punjabs, quite apart from the Central Partition Committee. That Punjab Partition Committee had appointed a sub-committee in the Punjab and in that sub-committee certain statements were made to which Mr. Liaquat Ali Khan now draws our attention. But those statements, when they came up before the Punjab Partition Committee were not agreed to by either party. They did not come to an agreement.

Mr. Liaquat Ali Khan has said that he is convinced that a war between India and Pakistan would be an unmitigated disaster for both countries. He has given the assurance that he will continue to work for peace. I fully share this conviction and have affirmed it on many occasions. India's will to peace is certainly no less than that of Pakistan and I can, here and now, give a common assurance that we shall continue to work for peace with our neighbouring country.

The discussions between Mr. Liaquat Ali Khan and me that preceded the Delhi Agreement brought out fully the value of personal contacts. I fully believe in them. Mr. Liaquat Ali Khan has kindly invited me to pay another visit to Karachi as soon as my duties permit. My duty here in Parliament and other preoccupations make a visit to Karachi difficult for the next few weeks. I welcome, however, Mr.

Liaquat Ali Khan's invitation and shall avail myself of it as soon as circumstances permit.

PRINTED FORMS FOR GIVING NOTICES OF QUESTIONS ETC.

Mr. Speaker: It has been brought to my notice that although clear instructions are given in the Circulars issued before each session, some hon. Members give notices of questions on small bits of paper which are very difficult to handle and sometimes notices are received in incomplete forms and without the necessary particulars.

In order, therefore, to assist hon. Members to conform to the instructions and also to comply with the provisions of the Rules, forms for giving notices of questions and for raising discussions under Rule 46(2) on matters arising out of answers to questions have been standardised and printed on paper of different colours. Hon. Members desiring to ask questions and raise discussions are requested to use these forms for their notices in future. These printed forms will be supplied to hon. Members by the Parliamentary Notice Office on request.

ROAD TRANSPORT CORPORATIONS BILL—contd.

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

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

12 Noon

श्री भट्ट: कल जब सभा बरखास्त हुई उसके पहले मैं इस रसिक या नीरस चर्चा में भाग ले रहा था और अर्ज कर रहा था कि मुआवजे के बारे में क्या किया जाये। मैंने दो मिसालें दी थीं। एक तो यू० के० ऐक्ट (Act of U. K.) की थी और दूसरी हमारे १९४८ के ट्रान्सपोर्ट कॉरपोरेशन (Transport Corporation) के जो नियम हैं उनकी। मैं यह बताना चाहता हूँ कि मुआवजे के बारे में इस बिल में कल बनाने के बारे में हमने खास सुझाव दिया है

और गवर्नमेंट की ओर से माननीय मंत्री महोदय ने भी सेलेक्ट कमेटी (Select Committee) में यह विश्वास दिलाया है कि सारे प्रश्न की छानबीन करने के बाद अच्छे से अच्छे नियम बनाये जायेंगे जिस से आज के बस चलानेवालों को भी असंतोष नहीं होगा और राष्ट्र को भी कोई नुकसान नहीं होगा। मैं यह अर्ज कर रहा था कि यह कम्प्लेन्ट का सवाल है। यह बड़ा पेचीदा है। सिर्फ़ मोटरों का लेना देना ही होता तब तो वह बात बहुत सहूल हो जाती, लेकिन इतना ही नहीं है। उनके मकानात होंगे, उनके वर्कशाप होंगे, उनकी दूसरी चीजें होंगी, इन सब चीजों का मुआवजा देना होगा। इसके साथ ही साथ यह भी चीज आती है कि जैसा मैंने कल बताया था कि दूसरी सड़कों पर जो मोटरें चल रही हैं उसके मुतालिक भी उनको ध्यान देना होगा और उनकी जो वार्षिक आमदनी होती है उसका भी ध्यान रखना पड़ेगा। इसी दृष्टि से यह सवाल पेचीदा है और इस पर उपाय गौर करना चाहिये। सिर्फ़ थोड़े आदमी बैठ कर एक दो दिनों में इसको हल नहीं कर सकते हैं। मैं आपसे कहूँ कि रेल्वे ऐक्ट (Railway Act) में एक आदमी की जिम्दगी चली जाती है तो हम कितना मुआवजा देते हैं? ज्यादा से ज्यादा दस हजार रुपया? क्या आदमी की जिम्दगी की कोमत दस हजार रुपया ही है? लेकिन हमने संयोगों और अपनी परिस्थितियों को सोचने के बाद यह मंजूर किया कि दस हजार रुपया तक हम मुआवजा दे सकते हैं। इसके माने यह नहीं है कि हम उनको पूरा पूरा मुआवजा दे रहे हैं। इसी तरह से कई चीजों में कई अलग अलग परिस्थितियों का विचार करना पड़ता है। अलग अलग प्रांतों में अलग अलग परिस्थितियाँ होती हैं, उसका भी विचार करना पड़ता है इसलिये इस सवाल को

[श्री भट्ट]

बहुत कमजान मान कर दो चार नियम उतारिये बना देने से काम नहीं चलता है।

मैं आपको याद दिलाऊँ कि १८९४ का जो लैंड ऐक्विजिशन ऐक्ट (Land Acquisition Act) है उसमें मुआवजा देने के लिये कुछ नियम और सिद्धांत बनाये गये हैं जैसे सुदस्त्यों की योग्यता और अयोग्यता के बारे में हमारे विधान में कुछ बातें रखी गई हैं उसी तरह उसमें भी मुआवजा का निर्णय करने के पहिले कौन सी चीज ध्यान में रखी जायेगी और कौनसी चीज ध्यान में नहीं रखी जायेगी यह दोनों चीजें बताई गई हैं। अगर एक आदमी जिसकी जमीन ली जाती है वह वेम से अगर इन्कार करता है या देर करता है और उससे राष्ट्र को नुकसान पहुंचता है तो उस आदमी को मुआवजा देने का कोई ध्यान नहीं रखा जाता है। इस तरह से कुछ न कुछ नियम अबश्य हैं जिनको हम पसंद करें या नापसंद करें। कहने का मतलब इतना ही है कि इन सब चीजों के बारे में हमको काफ़ी सोच विचार करना है, और वह ज्यादा सोच विचार का काम जल्दी जल्दी में नहीं हो सकता है। इसीलिये राष्ट्र की ओर से मंत्री महोदय ने यह कहा कि हम इस चीज को बनायेंगे और हमने भी अपनी रिपोर्ट में पेश किया है कि केन्द्रीय सरकार को यह करना है, तो या तो इस के लिये कुछ नियम बनाने चाहियें या विशेष तौर से कोई कम्पेंसेशन ऐक्ट (Compensation Act) बनाना चाहिये जिसमें इन सब चीजों का समावेश हो जाये।

मैं इस समय एलेक्ट्रिसिटी ऐक्ट (Electricity Act) में जो जेनरेटिंग स्टेशन्स (Generating Stations) के खरीदने इत्यादि के बारे में नियम और सिद्धांत रखे गये हैं उसकी ओर ध्यान दिलाता हूँ। लेकिन मैं कहना चाहता हूँ कि इन सब चीजों के

बारे में हम लोगों को जल्दी नहीं करना है और जल्दी करने से कोई फ़ायदा भी नहीं होता है। जिनका सामान हम लेते हैं और जिनको हम नुकसान पहुंचा रहे हैं जिनके पेट पर हम पैर रखने जा रहे हैं उनको भी इस तरह से कोई समोध नहीं होता है और हमारे दिल में होगा कि हमने कुछ नहीं किया। इसी दृष्टि से मैं कहना चाहता था कि इस चीज को आज जिस रीति से आपके सामने रखा जा रहा है उसी रिति से उसको रहने दीजिये इसी में हमारा फ़ायदा है।

मैं एक बात की तरफ़ आपका और ध्यान दिलाऊँगा कि कई कई जगह जब मोटर सर्विस चलाई जाती थी तो चलाने वाले को मोनोपली (Monopoly) दी गई थी, उस में उन लोगों को सड़क बनानी पड़ती है। फिर अगर वहां की सर्विस को आप लें और उस सड़क को लें और राष्ट्र उस सर्विस को चलाने लग जाये, तो आप को यह भी ध्यान रखना पड़ेगा कि उस आदमी ने जो कई मील की सड़क बनाई है उस का मुआवजा देना चाहिये। जितने साल बाक़ी रहे हैं उस का पूरा मुआवजा देना पड़ेगा। तो मुआवजे का सवाल इस दृष्टि से भी पंचीदा है और उस को हल करना मामूली सा काम नहीं है।

आप को मालूम होगा कि हमारी इस विशिष्ट कमेटी के सदर हैं बागडर अम्बेडकर जिन्होंने अपना विधान अच्छा बनाने की कोशिश की है और अब एक हिन्दु संहिता बनाने जा रहे हैं। वैसे वे चतुर आदमी हैं। अगर यह मामला इतना सहल होता तो मैं मानता हूँ कि उनके लिए यह मुश्किल चीज नहीं थी और वह फीरन ही दो चार घंटों में इस चीज को हमारे सामने रख देते। लेकिन उन्होंने भी सोचा कि इस को इस रीति से हल नहीं किया जा

सकता है। तो इन सब दृष्टियों को ख्याल में रखते हुए हमने यह सिफारिस की है और गवर्नमेंट की तरफ से यह आवश्यकता मिस्रा है कि वह इस चीज को अच्छा बनायेंगे और मुकम्मिल बनायेंगे।

दूसरी एक बात के विषय में उन लोगों से कहना चाहता हूँ जिन्होंने कि संशोधन रखें हैं। वह यह है कि इस में जल्दी न करें जल्दी का एक कारण तो यह है जो मैंने बतलाया है और दूसरी बात यह है कि आप जानते हैं कि हाईकोर्ट ने बम्बई में जो एक निर्णय दिया है उस से बम्बई में जो प्रबन्ध चल रहा है उस में एक बहुत बड़ी गड़बड़ी हो सकती है। अगर हम इस को पास नहीं करते तो सम्भव है कि उस में उलझने पैदा हो जायें। वह फ्रैसला उलटा हुआ है और उस उलटाये हुए फ्रैसले को हमें सीधा बनाना है और कामू बनाना चाहिये। तो यह तो नहीं कहा जा सकता कि इस के (लिए ऑर्डिनेंस ordinance) निकाला जा सकता है, क्योंकि यह बिल हमारे सामने है और हमारे पास अवकाश है। इसलिए हमारे मंत्री महोदय ने ४६ (ए) बारा नई सुझाई है और इस में इस चीज की साफ़ करना चाहा है। तो दो कारणों से एक कारण तो यह कि यह मामला इतना मुश्किल है और इस में सब की राय ली जानी चाहिये, बस चलाने वालों की और गवर्नमेंट के जो निपुण आदमी हैं उन की और ठंडे दिल से इस चीज की सौबना चाहिये और दूसरा कारण है बम्बई का सवाल जो हमारे सामने है। तो इन दो कारणों से हम इस को मुत्तवी नहीं कर सकते और इस पर बैठे नहीं रह सकते।

मेरे मित्र सरदार हुकम सिंह जी ने फ़रमाया और उन्होंने रिपोर्ट में भी लिखा है कि जब यह प्रबन्ध की व्यवस्था की जाये

तो उस में जो आज के कल चकाने वाले हैं उन को भी हिस्सेदार रखा जाये, और उन को पसन्दगी दी जाये। मैंने कल ही कहा था कि हम ने इसे मान लिया है कि जो शेअरहोल्डर (shareholder) होंगे उन में यह लीग भी होंगे। उन का कहना है कि शेअरहोल्डर्स में यह होने ही चाहिये और उन को ही पसन्दगी दी जानी चाहिये। यह तो अपनी अपनी राय का सवाल है। लेकिन मैं यह पूछना चाहता हूँ कि जो आज के बस चलाने वाले मालिक हैं वह कहते हैं कि कहीं भी इतिहास अच्छा नहीं है, सब अगह नुकसान ही नुकसान हो रहा है। तो जहाँ ऐसा नुकसान का काम चल रहा है उस में वह आना पसन्द ही क्यों करेंगे? वह उस में आयेंगे ही क्यों? वह तो कहते हैं कि यह सब नुकसान हो रहा है। तो नुकसान में कौन हिस्सा बंटायेगा? वह नहीं जानते उन की खुद की राय क्या है। वह इस नुकसान के काम में आना चाहते हैं या नहीं। अगर वह आना चाहेंगे तो शेअरहोल्डर हो कर आयें और जो प्रबन्ध करने वाले होंगे वह इस का ख्याल रखेंगे और उन को सहूलियत दी जायेगी।

सरदार सुचेत सिंह : वह नुकसान को रोकने के लिए आना चाहते हैं।

श्री भट्ट : बड़ी अच्छी बात है। अगर वह आना चाहते हैं तो मले ही जाये। उन को कोई मुमानियत तो नहीं है।

कल मोटर व्हीकिल्स (Motor Vehicles) के बारे में जिक्र हुआ था। जब एक चीज रखी जाती है तो उस का विरोध किया जाता है और जब वह हटाई जाती है और कहा जाता है कि इस चीज को ज्यादा अच्छा बनाना है और संशोधन करना है और इसलिए इस को हटाया जाता है तो भी विरोध किया जाता

[श्री भट्ट]

है। समझ में नहीं आता कि यह विरोध क्यों किया जाता है और किस उजूल पर किया जाता है।

दूसरी एक बात जो इस में रखी गई है वह यह है कि नेट प्राफ़िट्स (Net profits) का बंटवारा कैसे होगा। इलेक्ट्रिसिटी ऐक्ट (Electricity Act) में यह था कि इस को आधा आधा बांट दिया जाये, आधा हिस्सा जनरल रेवेन्यू (General Revenue) में जाये और आधा हिस्सा मरम्मत और वेलफ़ेअर (welfare) बचौरह में जाये। यहां भी संशोधन होने के पहले जो बिल था उस में इन चीज़ों को रखा गया था कि रास्तों के लिए, मजदूरों के लिए, कर्मचारियों के लिए, यातायात की सुविधा के लिए, और दूसरी सहायताओं के लिए इस में से खर्च किया जायेगा। अब संशोधन कर के हम ने यह रखा है कि प्रान्तों की सरकार जो एक हिस्सा क़बूल करे और निर्णित करे वह हिस्सा इन कामों में खर्च होगा, अमेनिटीज़ आफ़ पैसिजर्स (amenities of the passengers) वगैरह में, मजदूरों की वेलफ़ेअर वगैरह में और दूसरे ऐसे कामों में जिन को प्रान्त सेंट्रल गवर्नमेंट की राय से तै करेगी और बाक़ी का हिस्सा जायेगा रास्ता बनाने में। यह जनरल रेवेन्यू में नहीं जायेगा, पर रास्ते बनाने में जायेगा और यह बहुत ही ठीक बात है। मैं तो इस को ठीक ही कहूंगा क्योंकि यह मेरी रिपोर्ट है, पर अगर जनरल रेवेन्यू में न जा कर जहाँ रास्ते ख़राब हैं या जहाँ रास्ते नहीं हैं उन्न को बनावे में यह धन काम में लाया जाय तो सब से बढ़िया चीज़ है।

यह कारपोरेशन डिपार्टमेंटल (Departmental) नहीं होगा। यह एक अलग

नई व्यवस्था होगी और यह एक बिज़नेसलाइक (Businesslike) चीज़ होने वाली है और इस में नुकसान बहुत कम होगा। आज भले ही उत्तर प्रदेश और मध्य प्रदेश की कोई मिसाल दे, लेकिन मद्रास और बम्बई की मिसाल हमारे सामने है और उन लोगों ने जिस रीति से व्यवहार चलाया है और वह देखते हुए हम को बराबर यक़ीन होता है कि यह प्रबन्ध आगे जा कर बहुत ही अच्छा होगा और जरूर उस से हम को संतोष होने वाला है।

मैं अपने बस वाले मित्रों से कहना चाहता हूँ कि उन्हें धबराना नहीं चाहिये। बाख़िर इस काम को हम मिल कर करेंगे और अच्छी रीति से चलायेंगे और हम जो नेशनलाइज़ेशन (nationalisation) कर रहे हैं वह अहिंसक तरीक़े से कर रहे हैं, धीरे धीरे कर रहे हैं और एक दम मारने की बात नहीं है। थोड़ी थोड़ी चीज़ हम ले कर आगे चल रहे हैं। तो यह हमारा अहिंसक तरीक़ा है और इस से उन को धबराना नहीं चाहिये और परेशान नहीं होना चाहिये। कल मैंने अर्ज़ किया था कि प्रान्तों को और केन्द्र को भी इन लोगों के पेट का ध्यान रखना चाहिये और इस नीरस चर्चा में उन बेचारे बैलगाड़ियों वालों को और तांगे वालों को भी ख़ास तौर से ध्यान में रखना चाहिये। हम को देखना चाहिये उन लोगों को रिहैबिलिटेशन ग्रांट (Rehabilitation Grant) के तौर पर क्या हम कुछ दे सकते हैं और उन के लिए क्या मार्ग निकाल सकते हैं। इस का ध्यान रखना आवश्यक होगा।

कल यह बात भी हुई थी कि जल मार्ग और आकाश मार्ग का भी नेशनलाइज़ेशन क्यों नहीं होता है। आज ही मैंने

एक अखबार में पढ़ा कि हमारी जो एअर ट्रांसपोर्ट इन्क्वायरी कमेटी (Air Transport Enquiry Committee) नियुक्त हुई है उस की सिफारिश के अनुसार कम्यूनिकेशन मिनिसट्री (Ministry of Communications) ने तै किया है कि अमी जो दिल्ली और बम्बई के बीच में नाइट सर्विस (night service) है उस को गवर्नमेंट अपने हाथ में ले ले या उस के लिए कोई कारपोरेशन बनाये। इस प्रकार की कोई बात चल रही है। कल ही इसका यहां जिक्र हुआ और आज ही हम यह चीज अखबार में पढ़ रहे हैं। संतोष की बात है कि इस दिशा में भी हम आगे बढ़ रहे हैं।

अन्त में मैं यह आशा करता हूँ कि हम ऐसा काम करेंगे कि जिस से जनता को फायदा पहुंचेगा और हमारा प्रबन्ध साकूल होगा।

(English translation of the above speech.)

Shri Bhatt (Bombay): Yesterday before the House adjourned, I was taking part in the lively discussion and was speaking as to what should be done about compensation. I gave two examples, one was the U.K. Act, and the other was that of Transport Corporations Act, 1950. I want to submit that in this Bill we have particularly suggested to make rules about compensation. The Hon. Minister in the Select Committee assured us on behalf of the Government that after consideration of all the questions he will enact the best possible rules by which the bus owners will have no resentment and the country will also not suffer in any way. I was just submitting that the question of the compensation is a quite complicated one. This question would have been very easy one, if it was to be limited to the purchase and sale of motor vehicles, but it is not limited to this only. There are houses, workshops and other things, compensation has to be paid for all these. As I submitted yesterday that in addition to that we will have to take into consideration the motors that are plying

on other roads and their annual income as well. This question is a complicated one in this respect and should be given due consideration. Only a few persons cannot solve this question among themselves within a day or so. May I ask you how much do we pay as compensation for the loss of life according to the Railways Act? Ten thousand rupees at the most. Is human life worth ten thousand rupees only? But we accepted this taking into consideration our own circumstances, that we can pay upto ten thousand rupees as compensation. It does not mean that we are compensating in full. Similarly in many questions the different circumstances have to be considered. The circumstances vary in different provinces, they have also to be taken into consideration, therefore, it will be of no use to enact a few Acts, considering the question to be an easy one.

I may remind you that in the Land Acquisition Act of 1894, there are some rules and principles for the award of compensation, and as in our Constitution there are certain provisions of qualifications for the membership, similarly in that too conditions have been laid down as to what shall be taken into consideration before deciding the compensation. If a man whose land is acquired, refuses or delays in giving possession and thereby causes the country to suffer then there will be no consideration of giving compensation to such a man. There are surely certain rules which we may or may not like. What I mean to say is that we have to think over all these matters thoroughly and this considerable thinking cannot be done in a great hurry. The Hon. Minister stated that we would enact the laws, and we also in our report mentioned that if the Central Government contemplates to do something, it should lay down certain rules or specially enact such a Compensation Act so as to include all these matters.

At present I invite attention to the rules and laws laid down in the Electricity Act for the Generating Stations etc. But I wish to submit that we should not make hurry about all these matters as there is no use in making hurry. Those whose properties we acquire, and whom we are putting to loss and proving burden on them, are also not satisfied and we will also think that we have done nothing for them. With that point of view I wanted to say that the subject as it has been brought before you today, would serve our purpose, if we let it remain as it is.

[Shri Bhatt]

I will invite your attention to a point that those Bus owners, who were given monopoly when motor service was started at some places, have to construct the road. If the Government takes over the motor service and the route and the Government itself runs that service, then the Government will have to take into consideration the question of paying compensation to that man who has constructed so many miles of road. He will have to be compensated fully for the remaining years. From this point also the compensation question is a complicated one and to solve that is not an easy task.

You may be knowing it that the President of our Select Committee is Dr. Ambedkar who tried to amend our Constitution and is now piloting the Hindu Code Bill. He is a learned man. Had this matter been so easy, I think it would not have been difficult for him and within a few hours he would have put the solution before us. But he also thought that it could not be solved in that way. Therefore, taking all these points into consideration we have made this recommendation and it has been assured by the Government that they will enact better and comprehensive laws.

I want to say a word to those who have tabled amendments. It is that they should not make haste. One reason for making haste, I have already submitted. Secondly you know that there can be serious trouble in the management due to the decision of the Bombay High Court. If we do not pass that law, it is possible there might arise difficulties. The decision of the High Court has been against us and we have to make the decision suit us and so should pass this Bill. It cannot be suggested that an ordinance may be promulgated as the Bill is before us and we have time to discuss it. Therefore the Minister has suggested a new Section 46(a) and has tried to clarify the above possibility. For two reasons, one being that this matter is so complicated that it requires every one's opinion, the bus-owners, the Government experts, and we should think over it patiently, the other one is the decision of Bombay High Court, which is before us.

My friend Sardar Hukam Singh has submitted and mentioned it in the Report as well that when this new system is introduced there should be provision for the present bus owners to be taken as shareholders. They should be given choice. I had men-

tioned it yesterday that we have accepted in the Bill that these bus owners will be included in the list of shareholders. He is of opinion that these bus owners should be included in the shareholders list and that they should have option for it. It is a matter of one's own opinion. But I want to submit that the present bus owners say that nowhere the administration is smooth and in this scheme there is possibility of total loss. Therefore why would they like to join us when we would run in loss? Why will they join us at all? They say that we are running this at a loss. Then who will share in this loss? They are not sure of their own opinion? They do not know whether they should join this scheme, which is running in loss, or not. If at all they want to join, they can do so as shareholders. Those responsible for the administration, will look for them and provide them with all facilities.

Sardar Sochet Singh (P.E.P.S.U.): They want to join us just to mitigate the loss.

Shri Bhatt: It is good. If they are willing to join us let them do so, there are no restrictions for them.

Yesterday we discussed the Motor Vehicles Act. Whenever something is suggested it is opposed, and when that is withdrawn just to make improvements and amendments, even then this move is opposed. I am unable to understand the reason of this opposition and also the principles on which it is made.

The other point, which has been included in it, is how the net profits will be divided. According to the Electricity Act it was to be divided half and half, the half profit was to go in the General Revenue and the other half was allotted for the repairs and welfare etc. The original Bill, which was moved in this House, also laid down that money shall be spent out of this profit for the repairs of roads, for the labourers and workers, and for the transport and other facilities. Now after making amendments we have proposed that the share of the profit accepted by the State Governments will be spent for the amenities of passengers, for the welfare of the labourers and on such other items which the State will decide in the light of the advice of the Central Government, and the remaining profit will be utilized for the repairs of roads. If will not go in the General Revenue but will be spent for the road repairs and this is a right step. In my opinion it is

right thing because it is my report, but it is the most appropriate step if this profit is spent for repairs and road construction, instead of being credited to the General Revenue.

This Corporation will not be limited to a Department only. It will be a new scheme which will be run on business-like lines with no chances for loss. One can cite the cases of Uttar Pradesh and Madhya Pradesh, but we have before us the example of Bombay and Madras and considering the efficiency of management, we are convinced that in the long run the administration will further improve and we will be satisfied with that scheme.

I will ask the bus-owners not to be perturbed. We will do it together and will run it smoothly. We are nationalizing in a peaceful manner, doing it steadily and we are not trying to harm anyone. We are going ahead itemwise. So ours is a peaceful way and they should not worry and get perturbed because of this scheme. I submitted yesterday that the States and the Central Government must have a consideration of their means of livelihood and we should also give special consideration to the cart owners and tonga owners. We should also see whether we can give them something as Rehabilitation Grant and what ways and means we can find out for their betterment.

Yesterday it was also discussed why the waterways and airways are not nationalized, and only today I read it in the newspapers that the Ministry of Communications on the advice of the Air Transport Enquiry Committee has decided that the Government should take over the Delhi-Bombay Night Service or set up a separate corporation for that. This scheme is in the making. It was discussed here yesterday and today we read this in the newspapers. It is matter of satisfaction that we are progressing towards that end.

In the end I hope we will act in such a way that the public would be benefited and our administration will run smoothly.

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

"That the question be now put."

Mr. Speaker: A motion has been moved that the question be now put. I might observe that 17 members have spoken on this Bill.....

Babu Ramnarayan Singh (Bihar): There are many who want to speak.

Mr. Speaker: The time is limited and I find that the same arguments are repeated in different words. (*An Hon. Member:* It is a new Bill.) The Bill is new but the arguments are old. No new points have been raised and I think it is fit that I should put the motion to the House.

The question is:

"That the question be now put."

The motion was adopted.

The Minister of State for Transport and Railways (Shri Santhanam): I am afraid that the debate has been much longer than was necessary or useful for this comparatively harmless Bill, but still I welcome the debate because we have no intention of hurrying through this House any measure in which such a large number of Members are interested.

My work in replying to the debate has been considerably lightened by many Members who supported the Bill, for instance, the Deputy-Speaker, Mr. Shah from Gujerat, Dr. Subramaniam from Madras, and an hon. colleague from Hyderabad. I have also very little complaint against the critics except in one or two cases. Most of the critics were concerned mainly with the issue of compensation. I have already explained the position in my opening speech and I will briefly touch upon it later.

First of all, it is my duty to deal with the constitutional objection that this Bill should have contained the principles of compensation in accordance with article 31. My reply is very simple. Article 31 applies only to any law which empowers the State, or any authority, to acquire property compulsorily. In this Bill there is no such law. The road transport corporations which are formulated in this Bill have no right whatsoever to issue notice to any motor operator and say that it is going compulsorily to acquire his property or assets or even routes. There are only two courses open to such road transport corporations in acquiring any property or route. It can do so by consent of the existing operators, or it could apply to the State Governments to acquire them for the corporation in accordance with the existing law for acquisition of such property. Therefore, no question of application of article 31 arises in this case. The hon. friend who raised that point may argue that the State laws and the Central Government laws which provide for acquisition of property must now be revised so as to contain the principles of compensation in order to conform to

[Shri Santhanam]

article 31. But so far as this particular Bill is concerned, it has no application.

Sir, with your indulgence, I would like to refer to one or two consequences of the constitutional objection raised by the hon. Member from Bihar, because the result seems to be quite opposite to what he contended. He suggested that according to article 31, the law empowering a State or authority to acquire property should also within itself contain the principles of compensation. That is to say, that the law of acquisition cannot be separate from the law formulating the principles of compensation. It is not my business to lay down the law on the point, but his argument does seem plausible so far as that is concerned. If that is so, I wonder what happens to item 42 in the Concurrent List, which says:

"Principles on which compensation for property acquired or requisitioned for the purposes of the Union or of a State or for any other public purpose is to be determined, and the form and the manner in which such compensation is to be given."

The law of acquisition of property for the purposes of the Union is a Union subject. The law for acquisition of property for purposes other than those of the Union, is a State subject. It is true that in item 36 of the State List it is said:

"Acquisition or requisitioning of property, except for the purposes of the Union, subject to the provisions of entry 42 of List III."

Can this proviso, namely, "subject to the provisions of entry 42 of List III", supersede the specific provisions of article 31 which lays down that the law of acquisition shall also lay down the principles of compensation? Well, that is a rather delicate point for the constitutional lawyers, but to the extent that the contention of the hon. Member is correct, I would have been unconstitutional if I sought to incorporate principles of compensation in this Bill because I am not empowering these corporations with the right of acquiring compulsorily any property. Therefore, there is no scope whatsoever for incorporating the principles of compensation here. Whether, on a strict interpretation of article 31, Parliament itself will have right to lay down the principles of compensation in terms of the item in the Concurrent List for property acquired for State purposes, is I think a difficult constitutional point, which is the only result of my hon. friend's objection.

Shri Alagesan (Madras): What about the wording of clause 39, which says:

"Whenever a Corporation acquires under this Act the whole or any part of any undertaking?"

Shri Santhanam: The meaning is "taking over". The word "acquires" cannot give the right to acquire compulsorily which is not conferred by any specific provision. "Acquire" has got a common meaning as well as a specific meaning. Here it does not mean *acquire compulsorily*. But anyway, in order to clarify it I have tabled an amendment. (Interruption) I don't want any confusion to exist, so I have tabled an amendment.

One point made by Shri Rohini Kumar Chaudhuri hurt me a little. He suggested that in an amendment which I have tabled, I am trying to flout the Bombay High Court. It can never be the intention of the Government of India or of any of its spokesmen to flout the decision of any court whatsoever, least of all of a court of the standing of a High Court. But what has happened is that the Bombay High Court has declared the Bombay Road Transport Corporation illegal because of a defect in a law which we passed in 1948. If something has happened owing to a defect of a law passed in this House, is this not the proper place where the defect should be rectified? I think the main purpose of the Bombay High Court judgment is to point out to Parliament the defect so that we can take the earliest opportunity to rectify the defect. As a matter of fact, we suspected that defect two years ago and we prepared this Bill; we wanted to bring it and pass it earlier, but unfortunately owing to our Parliamentary exigencies this Bill has been delayed. Meanwhile, the case came up and the Bombay High Court had to declare judgment on the law as they found it. Therefore, our attempt to rectify the defect of our own legislation cannot possibly be suggested as any effort to flout or in any way show disrespect to the Bombay High Court.

Leaving the technical point alone, I would like to draw the attention of the House to the consequences of letting the present anomalous position of the Bombay Road Transport Corporation to continue. I find from the report of that Corporation that in July 1950, it had 1291 vehicles, of which 969 were daily on the roads. They were carrying in July 1950 39 lakhs of passengers and the buses operated for 25 lakhs of miles. Can you allow such a vast net-

work of transport to be disrupted? Ultimately, who will suffer? To say that because two or three years ago two hundred or three hundred bus operators were dislodged without adequate compensation, therefore we should allow the entire communications of the State of Bombay to become disrupted, I do not think that any responsible Parliament will even countenance such an idea to the slightest extent.

Further, the amendment which I have tabled is to rectify the defect for which we are responsible, because on the basis of the Act which we passed the Bombay State started the Corporation. In fact, after starting it, they were also, like us, apprehensive. They wanted us to proceed with this measure quickly. We tried to do so and it is not anybody's fault that this Bill did not become law before the case came up before the Bombay High Court.

The question of nationalisation has been debated at some length. I do not propose to go into it, because so far as road transport is concerned the initiative is with the States. In this Bill, we are not asking them to nationalise road transport; we are not asking them to displace the road operators; in fact, we are not asking them to do anything. We are only telling them that if they consider it necessary or desirable to nationalise road transport, it would be beneficial to them, to the people and to the whole country if they run it through a public Corporation. Therefore, that question is irrelevant to this Bill.

At the same time, because the subject has been debated at great length and because many speakers have spoken on the assumption that the Government of India exists merely to support the claims of a few road operators, I must make it clear that our attitude towards nationalisation is one of sympathetic interest. This was made clear by my senior colleague when he addressed the Motor Transporters' Union. In the States take the initiative, we shall try to help them, advise them and guide them in all possible ways.

Some of the speakers suggested that nationalisation was always due to the undesirable anxiety of State Governments to expand their activities and take over a business, which other people are doing fairly efficiently. I wish that that statement was true, but it often happens that the States have to nationalise because of pressure from outside, not because they themselves want to do so. I shall just give two instances. Let us take Delhi itself. As most hon. Members know, it was not

the Government of India who were anxious to take upon themselves the thankless task of running the road transport of Delhi, but complaints against the old G.N.I.T. Company were so loud and so insistent and the pressure from both inside this House and outside so great that the Government of India, in a mood of wooing popularity, took it over. Probably, it may have been wiser if we had hesitated and waited till we could make arrangements for all the workshops, all the covered sheds and the other equipment necessary for running an efficient service in a capital like Delhi, and then taken it over. But after taking it over, hon. Members know our difficulties. We are trying to overcome them and if hon. Members wait for six months or more, I am sure the Delhi Transport Authority will justify the nationalisation. But during the interim period, Government have had to face many unpleasant comments, questions and criticisms in newspapers.

The same is the case in C. P. A Company which was running road transport was going into liquidation. The C. P. Government had either to let the transport in that area to die out or it had to step in and take it over. It took over the shares and came to us and said that it had no capital and that we must give it. We gave a little capital and again recently it asked for more and we had to give it with great reluctance.

[Mr. DEPUTY SPEAKER in the chair]

Therefore, it often happens that nationalisation is forced upon State Governments by the necessities of the situation even though they themselves may not desire it. In fact, this report of the Bombay Road Transport Corporation says that the pressure from the districts where these nationalised transport buses do not run is very great and this Corporation is being stamped into extending its services, because everywhere people find that these nationalised transport buses of Bombay are running more efficiently and are giving better service. Therefore, they want the Corporation to extend its services, while the Corporation is trying to be a little cautious.

Most of the discussion was confined to the question of compensation. Many people suggested that the principles of compensation formulated in the U. K. Act have simply to be referred to and everything will be all right. I think my hon. friend Mr. Gokulbhai Bhatt has exploded that idea. In fact, the U. K. principles were evolved to apply to large incorporated companies which had been established in the U. K. for

[Shri Santhanam]

running these services. There were no individual operators with only one or two buses and one or two routes. They had all accounts in the company form and everything could be found out and estimated. But in India conditions are totally different. The nature of operators, the number of operators, the quality of their assets—these are all so variegated that any system of principles which we formulate will be found difficult to apply. There is the further consideration: this Bill has been evolved after prolonged deliberation in consultation with the States. The right to formulate the principles of compensation accrued to us only on 26th January. We could not then take up the question of formulating an adequate system of principles of compensation, in consultation with the State Governments and evolve something to be put into this Bill. Even if we had put these principles of compensation into the Bill, as I have already pointed out, it would only mean that the State Governments will be more or less disinclined to accept these and would prefer to run it in the form of a departmental enterprise or as tripartite companies or otherwise.

In this connection, I was rather surprised at the remarks of my hon. friend Mr. Alagesan that if the State Governments could accept the other limitations in this Bill they would have gladly accepted the principles of compensation also if we had formulated them. He was so very confident about the justice of all these State Governments that he dare not trust them for evolving equitable principles of compensation. The State Governments have got a variety of methods of running road transport. It is their duty to lay down equitable principles which will apply to all these forms of State undertakings.—We cannot formulate principles in a Bill which applies to only one form. Otherwise, it will only mean that this Bill will be a dead letter and it would be very difficult to persuade State Governments to take up this form because for other reasons they are already prejudiced in favour of departmental enterprise.

In this connection two general principles of compensation were formulated. In one it was said that when a motor enterprise is taken over, the entire assets must be taken over. Let me relate the experience of the G.N.I.T. The Government of India, as usual philanthropic and benevolent, adopted this principle and took over the entire assets of the G.N.I.T. Ultimately they

found that they had taken over a large number of spare parts which had no relevance to the fleet of buses which it took over. Apparently that old company was trading in motor spare parts of various makes and we did not know what to do with those spare parts. Some of them were for makes of motors which had become obsolescent and I shall not be surprised if some of these junks are still lying with the Delhi Transport Authority.

Secondly, it was suggested that a Tribunal of the kind postulated in clause 39 without a set of principles of compensation may not be generous or fair to private operators. Here again, our experience of the G.N.I.T. gives us a warning in the other direction. We appointed a Tribunal of that kind consisting of one independent Chairman, one member of the G.N.I.T. and one representative of the Government of India. That Tribunal gave an award by which both of us previously, in writing, bound ourselves. Still a sub-committee of the Finance Committee of this Parliament is holding up payment under this award, because they suspect that the Government of India have been forced to pay much more than they should do. I think I have to utter a word of caution. In Parliament as well as other State legislatures it is easy for private vested interests to find champions. They have copious tears at their disposals and many generous Members are easily taken in. But so far as public interests and public exchequer is concerned, it is often difficult to find supporters except on the Treasury Benches and whenever they make any plea they tend to be distrusted. I think it is much more essential for Members of Parliament to see that public money is not handed out to private people as compensation, than to see that justice is done to private operators. I do admit that justice should be done to private operators, but there is such a thing as paying at the people's expense and it is a thing which we have to carefully avoid.

With reference to clause 39, I think Mr. Alagesan made a mistake there too. We have not provided for formulation of any principle of compensation in the form of rules. We have only provided for formulation of the procedure for compensation. We have left the Tribunal to decide on merits and that is the procedure we have followed in this Bill also.

Prof. S. N. Mishra (Bihar): Why does the word "principle" occur in clause 39? It says "in accordance with the principles hereinafter set out....".

Shri Santhanam: The principle is either consent or determination by an impartial tribunal. Those are the two principles formulated there.

Prof. S. N. Mishra: They are simply methods; they are not principles.

Shri Santhanam: It is certainly a principle. Consent is a principle. Similarly, where people differ it should be settled by impartial arbitration. Arbitration is also a principle.

In fact, there is a demand that many things should not be allowed to go to court and must be compulsorily sent to arbitration. Therefore arbitration is a principle which we may adopt or may not adopt. Here the two principles formulated are consent and arbitration.

Shri Meeran (Madras): You have tied down the hands of the court also in clause (b) where you say that "the amount shall, subject to rules made under this Act, be determined by an arbitral tribunal."

Shri Santhanam: That is a point which my hon. friend Mr. Deshbandhu Gupta made and if he moves his amendment when the clause is taken up, I shall be glad to accept the deletion of those words. But the implication also you must know, because that means the whole formulation of principles of compensation is left open. We may do it under the Concurrent List, or the State Legislatures may do it under the Concurrent List; or neither may do it and the Tribunal may decide on merits. That will be the legal position.

Pandit Thakur Das Bhargava (Punjab): May I know if there is any law regarding principles of acquisition of movable property in any State?

Shri Santhanam: I am afraid I shall have to consult the Law Ministry before I can give an answer.

Pandit Thakurdas Bhargava: May I further know if there is any law made by the Government of India with regard to acquisition of movable property?

Shri Santhanam: My hon. friend must know it better than myself. If he is particular to have the information I am prepared to get it. At any rate I have not got the information and so I cannot answer it.

Shri Shiv Charan Lal (Uttar Pradesh): Sub-clause (c) of clause 39 says that "an appeal shall lie to the district judge against the decision of the tribunal and the order of the district judge on such appeal shall be final". This will leave the final word with the district court, irrespective of the amount

involved, whether it be Rs. 50,000, or Rs. 20,000. According to the Civil Procedure Code, appeals for amounts exceeding Rs. 5,000 do not go to the District Judge; they go to the High Court direct.

Shri Santhanam: Here again such details should be taken up when we take up the clauses. There is an amendment tabled changing it to the High Court which I am prepared to accept.

The Minister of Transport and Railways (Shri Gopalaswami): You always go to the District Judge whatever may be the amount, in land acquisition cases.

Shri Santhanam: In this particular case it was pointed out to me that the Chairman being a nominee of the Chief Justice of the High Court, an appeal to a District Court may not be consistent with the dignity of the Tribunal. Therefore, I have agreed to accept the amendment.

Much has been said about the Motor Vehicles Act. That is not under discussion and I have already said that we are taking up the revision of the Motor Vehicles Act. Here again, I do not want to mislead members. They should not imagine that we are taking up the revision of the Motor Vehicles Act only from the point of view of the private motor operator. We shall no doubt try to see that justice is done to him. At the same time we want to see that now that nationalisation has become the accredited policy of many of the State Governments, the process of nationalisation is not unduly obstructed by the provisions of the Motor Vehicles Act. We are going to review it from both these standpoints, and therefore Members will have to take the sweet and the bitter together.

From the general run of criticism it was a little refreshing to hear from my friend Shri Sivan Pillay that this Bill amounts to an undue interference with State autonomy. He is entitled to ask why when road transport is a State subject we should try to bring in the Central Government. This is a policy which has been evolved with the consent of the State Governments for a long period. If he will look at the previous Act of 1948 he will find the same provisions and year after year this policy has been accepted. Of course, Travancore-Cochin is a newcomer into the Indian Union and therefore it may not know all that has happened. But there is also a very substantial reason why we have put in the Central Government. It may be remembered that when we constituted

[Shri Santhanam]

the Delhi Road Transport Authority, though it was a Central function, in constituting that authority we gave representation to the district board, we gave representation to the municipality, and we also provided for other representation so that the Authority may be a broad-based one. Here, in view of the large number of States involved and the variety of conditions we could not lay down a particular composition for the Corporation. If we had merely said that all the members of the Corporation shall be State nominees, it may happen that there is no outsider, no impartial member who can take an objective view of the situation. There is also the further reason that it is the intention of the Central Government to contribute to the capital, and therefore it has taken representation. If it is asked why it should contribute to capital and then ask for representation, it is with a view to bring about some co-ordination between road and railway transport. My friends from Travancore and Cochin are very anxious that we should build the Quilon-Ernakulam railway as soon as possible, and we have already received the request with sympathy and ordered a survey. It is going to be a big undertaking. Do my friends want that we should divert crores and crores of rupees of the people of India to Travancore and yet permit that State Government to kill that enterprise by unlimited bus service? I am afraid that even today it is between Quilon and Trivandrum that the railway is suffering most from unrestricted bus competition. The Central Government cannot on the one hand undertake big railway enterprise and open up communication and at the same time tell the States "You are free to run your buses exactly as you like and we have nothing to do with it. You can take away all our custom and all our revenue".

Shri R. Velayudhan (Travancore-Cochin): Even now there is restriction about buses being plied between Quilon and Trivandrum because of the existence of the railway.

Shri Santhanam: After prolonged discussion we came to the conclusion that mere statutory restriction will not do. There should be a representative of the Railway in all these Corporations who will keep a sort of watching-brief who incidentally, as he will be an experienced person, will give technical advice so that the Corporation may also function efficiently. It was evolved with that view and no more I may say that though our business is the

facilitating of a new alternative method of running road transport, that does not mean that the function has been entrusted to Parliament to be exercised blindly without due safeguards for national interests as a whole, and I think what has been done...

Shri Sivan Pillay (Travancore-Cochin): It is more than a mere safeguard.

Shri Santhanam: If the hon. Member will read the Bill carefully he will find that in all the functions and in all matters the State is the centre of the picture and the Railways and the Central Government come occasionally for consultation or advice and of course for giving some capital. He will find that all the fundamental powers, the net profit and everything go to the State.

Mr. Sivan Pillay also argued that we should not have given a portion of the net profits to the roads but that it must have accrued to the general revenues of the State. We put in this to emphasize the need for more roads and better roads. But there is nothing to prevent any State from reducing its road budget from the general revenues in view of this receipt. I hope they will not do so. Every State has to spend lakhs and lakhs of rupees for construction of new roads. Therefore whatever comes for the purpose of road development is not more than what is needed for the purpose. Though the objective is pointed out in a prominent way, it substantially becomes part of the funds of the State.

I do not think I need go further into details and I wish to conclude with only one point which may not be relevant to this particular Bill but which is certainly important in the interests of the country. My friend Shri Gokulbhai Bhatt referred to the bullock carts and the need to preserve and improve them. The Transport Ministry has already undertaken the question of improving the bullock cart, without disturbing its main structure, suited to the conditions of India. At the next Road Congress this is going to be the principal topic to be discussed by all the road engineers of India. Meanwhile we are fully aware of the importance of the bullock cart. It is estimated that annually the quantum of goods traffic lifted by bullock carts is roughly 100 million tons, which is also the amount of traffic moved by the railways. The capital invested in the bullock carts is estimated to be of the order of Rs. 261 crores. We are interested in preserving and developing this traffic. It is going to be a difficult job because on

the one hand there is this easy form of motor transport in which the capital accounts and everything can be managed as in an office, whereas the bullock carts are scattered from village to village in the possession of poor peasants who have hardly any voice. But so far as the Government of India is concerned I can assure the House that we shall keep them in prominent view and we shall take every measure to develop the *kucha* roads used by the bullock carts, to improve the make-up of these carts, and to see what we can do to help the breeding of good bullocks, though it is in the jurisdiction of the Agriculture Ministry.

I hope the House will pass this Bill without major amendments because if it is structurally altered in a serious manner it will become useless. The measure itself is the result of consultation and consent, as I emphasized before. In these matters we want to work with the consent of the State Governments and this evolution of consent has taken a long time. I would suggest that hon. Members should keep this in mind when pressing their amendments.

Mr. Deputy-Speaker: There is an amendment in the name of Shri Braja Kishore Prasad Sinha for recommitment of the Bill to the Select Committee. Does the hon. Member press his amendment?

Shri B. K. P. Sinha (Bihar): I do not press it and I beg leave to withdraw it, Sir.

The amendment was, by leave withdrawn.

Mr. Deputy-Speaker: The question is:

"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 motion was adopted.

Clause 2—(Definitions)

Shri Sivan Pillay: I beg to move:

In part (1) of sub-clause (1) of clause 2, at the end, add:

"including canal and back-water boat service".

This amendment occurred to me because I am familiar with the conditions of our State where the transport system has been taken up for the last 12 years. The transport system there

cannot be complete without the back-water and canal transport and they should also be taken up by such a corporation which is being set up. Hon. Members may be aware that the State has a substantial area of back-water and canals and so road transport would involve ferry-boat service, as an ancillary service. In fact, the ferry boat service forms a substantial part of the transport system in our State. I therefore suggest that the definition of "ancillary service" should include the ferry-boat service at least, and if possible, canal and back-water transport also. I hope that the hon. Minister will consider whether that can also be included in the definition of that part.

Mr. Deputy-Speaker: What is the reaction of the hon. Minister?

Shri Santhanam: I am afraid I cannot accept the amendment. First of all, we have not investigated the implications. A very large number of individual boatmen there are in these canals and they are plying their traffic. We do not know what the result would be if we simply include those words. Just as if we include "bullock carts" also in the scope of the Bill, it may create a havoc over the entire country and therefore, it is not possible for me to do so. But if the Travancore-Cochin State forms a Corporation under this Act and finds it necessary to include any such service in some limited way, we are prepared to discuss it, and if ultimately it is found necessary, we can bring in an amending Bill.

Shri Sivan Pillay: I do not want the "country-craft" to be included; I want only the "motor boat service" to be included.

Mr. Deputy-Speaker: Does the hon. Member want to press his amendment?

Shri Sivan Pillay: I do not wish to press the amendment.

Shri Santhanam: I beg to move:

After part (7) of sub-clause (1) of clause 2, add:

"(8) any reference to an enactment not in force in a Part B State shall, in relation to that State be construed as a reference to the corresponding law, if any, in force in that State."

This clause has been introduced in many other Bills in order to bring Part B States in line with Part A States, and so, I need not explain further.

Mr. Deputy-Speaker: The question is:

After part (7) of sub-clause (1) of clause 2, add:

"(8) any reference to an enactment not in force in a Part B State shall, in relation to that State be construed as a reference to the corresponding law, if any, in force in that State."

The motion was adopted.

Shri Santhanam: I beg to move: In clause 2, omit:

- (i) "(1)" in line one; and
- (ii) sub-clause (2).

Owing to the previous amendment, sub-clause (2) is not necessary.

Mr. Deputy-Speaker: The question is:

In clause 2, omit:

- (i) "(1)" in line one; and
- (ii) sub-clause (2).

The motion was adopted.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Clause 2, as amended, was added to the Bill.

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

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

[MR. SPEAKER in the Chair].

Clause 3—(Establishment of Road Transport Corporations etc.)

Shri Shiv Charan Lal: I have an amendment in supplementary list No. 2.

Mr. Speaker: Before the hon. Member moves his amendment, I think there are other amendments. I shall call the amendments one by one. **Mr. M. L. Gupta.**

Shri Santhanam: Perhaps, it may shorten discussion if I say that I propose to accept amendment No. 8 in list No. 1.

Mr. Speaker: Does Mr. Gupta propose to move his amendment?

Shri M. L. Gupta (Hyderabad): Yes, Sir. I beg to move:

In part (c) of clause 3, for "an efficient" substitute "cheap and efficient".

I am glad that Transport is being nationalised. Much has already been said generally about this, and I do not propose to go into the question again in detail. I do feel that the hon. Minister of State for Transport will agree with me that providing a nationalised transport will also mean that we should provide a cheaper transport to the people. By nationalising we should not unnecessarily add to the burden on the people. As such, I have said, when we nationalise, we should, while running the service more efficiently, also try to make it as cheap as possible to the people, who may make more use of it. I hope the hon. Minister will agree with me, and will not think that by running the service efficiently or by nationalising it, we want to make it costlier to the people.

Shri Santhanam: I am not accepting the amendment.

Mr. Speaker: The question is:

In part (c) of clause 3, for "an efficient" substitute "cheap and efficient".

The motion was negatived.

Pandit Thakur Das Bhargava: I beg to move:

In part (c) of clause 3, after "an efficient" insert "and economical".

Mr. Speaker: The hon. Minister has said that he is accepting it.

Shri Santhanam: I want to say just one word as to why it was omitted in the Select Committee and why I have agreed to accept the amendment. The reason why this word was dropped in the Select Committee is that this word 'economical' might be misleading. We want this Road Transport Corporation to open up new areas, even though in the earlier stages they may be faced with a deficit. That may not be considered strictly economical. Also in the cities, we want that comforts of the passengers should be given as much importance as financial considerations. It is for this reason that this word was dropped. But, the word 'economical' does not conflict with either of these two considerations. I want to say that by accepting this amendment, I do not yield on the other point.

Pandit Thakur Das Bhargava: I should say that I absolutely agree with the hon. Minister that the word 'economical' does not mean cheaper. What I want to point out by my amendment is that it should be efficient and economical in the sense that if it is truly economical, it will certainly, in the long run, be as cheap as possible. Therefore, I think that the real interests of the country demand that when Government is forming this Corporation, it should be considered from this point of view that it should be both efficient and economical.

Shri Alagesan: The word 'economical' is there in clause 17 and as such there is no objection to the hon. Minister accepting it.

Mr. Speaker: He has accepted it.

The question is:

In part (c) of clause 3, after "an efficient" insert "and economical".

The motion was adopted.

Shri Jnani Ram (Bihar): I beg to move:

To clause 3, add the proviso:

"Provided that the State Government has got no other scheme for nationalisation of road transport."

My intention is this. The State Governments in many of the States have made legislation for the nationalisation of motor transport. Yesterday, while speaking, Sardar Hukam Singh was saying that Bihar has not taken any steps. So far as my information goes, Bihar Government have passed legislation for the nationalisation of motor transport. Some of the proprietors have applied for a writ of *mandamus* in the High Court and the matter is perhaps pending in the Supreme Court. My contention is that if the States have already legislated in the matter, this Act may not be enforced in those States. There is the further question as to what will happen to the legislation that they have already passed in the States. Will they be repealed? If I am satisfied on this point, I would not press my amendment.

Shri Santhanam: I am afraid I cannot accept the amendment. It does not, in fact, cohere with the clause as it is. I do not know what legislation Bihar Government have passed. But, one thing is clear. The State could not pass a legislation making a Corporation, or a legislation having anything to do with a Corporation. That

is the exclusive jurisdiction of the Central Government. Whatever legislation they have passed cannot possibly conflict with this Act. So, I regret I cannot accept this amendment.

Shri Jnani Ram: I do not press my amendment.

Shri R. K. Chaudhuri (Assam): May I know why my name was not called, Sir? I have an amendment, No. 10.

Mr. Speaker: I called out the name of Sardar Hukam Singh. Was the hon. Member present?

Shri R. K. Chaudhuri: Yes, Sir.

Mr. Speaker: Then, why did he not invite my attention? I called one of the Members in whose joint names notice of amendment has been given.

Shri R. K. Chaudhuri: In the ordinary course, I thought you will be calling my name also.

Mr. Speaker: I need not repeat all the names. When amendments are tabled in the names of three or four or five Members, I do not think I need call all of them. The Members are expected to be alert.

Shri R. K. Chaudhuri: May I know why my name has been omitted when Sardar Hukam Singh was called?

Mr. Speaker: His name stands first; that is why I called him.

Shri Himatsingka (West Bengal): Anyhow, he may be given a chance now.

Mr. Speaker: I am sorry I did not call him. I did not notice him here. We now go to the next amendment.

Shri Shiv Charan Lal: I beg to move:

To clause 3, add the proviso:

"Provided that no such Corporation shall be formed on routes where buses are run by Bus Co-operative Societies framed for the purpose and they are run efficiently".

My point is this. The very purpose of forming these Corporations is to give better transport arrangements to the public. I do agree that some of the buses run by private owners are not efficient, nor comfortable to the public. But I want to state that all these defects could be removed if co-operative societies are formed for those routes and those co-operative societies run these services efficiently. Therefore I have deliberately put in the words "and they are run efficiently". What I mean is, if the co-operative society does not run the buses efficiently, then certainly that route could be

[Shri Shiv Charan Lal]

taken up by the Corporation. But if the co-operative society of the operators manage to run them efficiently, then certainly it is for Government to give all sorts of help to those societies. After all it is the policy of Government to encourage the formation of co-operative societies; that being the policy of Government, both of the Centre and of the States, I submit the Corporation should not take over those services which are run efficiently by these co-operative societies. I do hope the hon. Minister will have no objection to accepting my amendment.

Shri Santhanam: I regret I cannot do so, for the simple reason that no Corporation is formed to operate any particular route. Secondly, in modern conditions, when a proper bus costs as much as Rs. 50,000 it is hardly likely that there will be a large number of operators in one route or two routes to form co-operative societies. I can imagine people resident in certain areas forming such societies and running bus services, but not motor operators. In any case, after all, the State Governments are solicitous in the promotion of co-operative societies and they will see to it that these Corporations do not conflict with the co-operative societies.

Shri Shiv Charan Lal: With this assurance, I do not press my amendment.

Mr. Speaker: I am not placing it before the House. The question is:

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

The motion was adopted.

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

Clause 4 was added to the Bill.

Clause 5—(Constitution of Road Transport Corporations).

Shri Alexander (Travancore-Cochin): I beg to move:

In sub-clause (3) of clause 5, after “Central Government” insert:

“(only when the Central Government has contributed towards the capital of Corporation)”.

My reason for moving this amendment is this. Even now there is a feeling in State Governments that the effort of the Centre is more and more towards centralisation. And I do not feel that when Central Government

have not contributed anything, they have a right for any representation. The hon. Minister was explaining that this representation was given in order to see that there is no conflict of interests between the Roads and the Railways. For that purpose, he could have specifically stated that the representative of the Railways should be there, and I do not know why he should insist that if the Government is not making any contribution, the Central Government should have a member. I hope my amendment will be acceptable to the hon. Minister.

Shri Santhanam: I explained in the course of my reply why we have to provide for this representation. First of all, in the interest of the Corporation itself, it is necessary that a representative of the Railways should be there to help—a technical man who will be able to advise the Corporation. Secondly, we want close partnership in the matter of rail-road co-ordination and in any case the State will have the major share, the major representation and the final decision. But we want a representative of the Central Government because Railways as such are not an independent legal entity, it is only the Central Government that is such an entity and that is why such a provision has been made in the clause. It was there in the old Act and not a single State Government has objected to this. Therefore, I oppose the amendment.

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

Shri Alexander: No. Sir. I do not press the amendment.

Prof. S. N. Mishra: I beg to move:

In sub-clause (3) of clause 5, after “shareholders in the Corporation” insert “in the proportion of the capital subscribed by them”.

I want that the Corporation's form and the representation on it should be determined. To avoid vagueness or confusion that may arise subsequently, the representation of shareholders on it should be determined clearly now. Otherwise there might be certain grievances and difficulties afterwards. We shall not be justified in depriving them of their legitimate right if they subscribe a certain amount of capital. If they subscribe certain amount of capital and are not given representation proportionally, that will be against all principles of justice. I know it is not the intention of the hon. Minister to

debar them. But what I want is that their representation on the Corporation should be determined according to some principle and I think that should be in accordance with the capital subscribed by the shareholders. That is my point of view, and I hope the hon. Minister will agree to it.

Shri Senthanaam: This is not a company, but a public corporation and a public utility corporation formed mainly by the State. It may be expected that in order to attract capital, the States will offer such inducements. But there may be circumstances in which it is not practicable to do so. For instance, if a Corporation consists of ten members and only five per cent. is private capital, then private capital will be without representation altogether. We have provided that there shall be some representation even though according to the shares they will not be entitled to be represented. For instance, they may have 51 per cent. capital in a public utility corporation, still we cannot allow private operators to be represented to the extent of 51 per cent. It will then cease to be a public utility corporation. Therefore, we have made this provision, that there should be some representation to the private shareholders, and that should be elected. If they do not get adequate representation, then private people will not bring capital. If the State Government wants private capital, then they will have to give adequate representation. So I want to leave the position at that.

Mr. Speaker: Does the hon. Member want it to be put to the House?

Prof. S. N. Mishra: No, Sir. I do not press the amendment.

श्री एस० ऐन० दास : मेरा संशोधन इस प्रकार है :

To sub-clause (3) of clause 5, add the proviso:

"Provided that provision shall also be made for representation of the recognised union of workers and the manner in which the representative shall be elected by the union."

इस सम्बन्ध में मुझे कहना यह है कि कारपोरेशन (corporation) में सरकार के भी प्रतिनिधि होंगे और हिस्सेदारों के भी प्रतिनिधि होंगे। इस में केन्द्रीय सरकार के भी प्रतिनिधि रहेंगे और प्रांतीय सरकार के भी प्रतिनिधि रहेंगे। लेकिन इस कारपोरेशन के काम चलाने वाले जो बहुत से कार्यकर्ता

होंगे उन का प्रतिनिधित्व इस में नहीं है। उन के हितों की रक्षा के लिए यह जरूरी है कि जो श्रम करने वाले हों उन की यूनियन का प्रतिनिधित्व भी इस में होना चाहिये। जब मैं कल बोल रहा था उस समय भी मैंने माननीय मंत्री जी से इस बारे में अनुरोध किया था और मैं समझता हूँ कि न्याय की दृष्टि से और किसी भी दृष्टि से देखा जाय तो कारपोरेशन के संगठन में वर्कर्स (workers) का प्रतिनिधित्व रहना बहुत जरूरी है। न मालूम क्यों इस बात पर उतना ध्यान नहीं दिया जा रहा है जितना कि दिया जाना चाहिये था। मैं समझता हूँ कि कारपोरेशन को चलाने में सरकार का और पूंजी का जितना हाथ होगा उस से श्रमिकों का बहुत ज्यादा हाथ होगा। इसलिए उन के हितों की रक्षा के लिए यदि उन के प्रतिनिधि रहेंगे तो उन के हितों की रक्षा बहुत अच्छी तरह से हो सकेगी। इसी दृष्टिकोण से मैंने यह संशोधन पेश किया है। उम्मीद है कि माननीय मंत्री जी इस को मान लेंगे।

(English translation of the above speech.)

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

To sub-clause (3) of clause 5, add the proviso:

"Provided that provision shall also be made for representation of the recognised union of workers and the manner in which the representative shall be elected by the union."

Sir, what I have to submit in this connection is that whereas provision has been made for representatives of the Government, Central and Provincial, and the shareholders in the Corporation there is no mention about the representation of labour, which I think is necessary so as to be sure of their interests being safeguarded. While speaking yesterday I had referred it to the hon. Minister. I believe that the representation of labour in the organisation of the Corporation is much needed not only for sake of justice and equity but also from every other

[Shri S. N. Das]

point of view. It is not known why such attention is not being paid to this issue as it ought to have been done. I personally feel that labour will have much more share in the working of the Corporation than the Government and the capital. Their interests therefore, can be best safeguarded only if they too are given representation. With this consideration I have moved this amendment and am hopeful that it will be agreed to by the hon. Minister.

Shri Harihar Nath Shastri (Uttar Pradesh): I beg to move:

To sub-clause (3) of clause 5, add the proviso :

“Provided that provision shall be made for the suitable representation of labour and travelling public on the Corporation.”

I am really grateful to the Government and to the Select Committee for not having lost sight of the interests of the workers while framing this measure. But I regret to have to say that the interests of labour and their role in this national undertaking has not been properly appreciated. As you will see the success of this industry which is sought to be regularised by the process of nationalisation can be achieved only through securing fully the co-operation of all the elements which constitute this industry. In this industry I personally feel that there are three important elements, namely, the Government and the shareholders in the first place, secondly labour and thirdly, the travelling public. If this industry is to be a success it is necessary that the co-operation of all the three elements should be attained. Whereas provision has been made for representatives of the Government and the shareholders on the Corporation there is no mention about the representation of labour or the travelling public, which I think is necessary so as to be sure of their co-operation and to assure themselves that the service is run efficiently. Just now the point was made by the hon. Minister, and I do admit it also, that in ordinary companies and corporations it has been found that labour or the consuming public has been represented but that a corporation of this nature stands on a different footing from ordinary companies or corporations, because it is a public utility concern. As such it adds more weight to my argument, when I say that on a corporation of this nature adequate representation of labour and the travelling public should be secured. With this end in view I moved this amendment.

Shri Santhanam: I am afraid it is not practicable. There is a clear distinction between the amendment of Mr. Shastri and the amendment of Mr. S. N. Das. Mr. S. N. Das wants a representative of the workers in a registered union. First of all there should be a registered union. Even if there is one the worker will be put to great difficulties, because one day he will have to sit in the Corporation and the next day he will have to work under one of the subordinate officers of the Corporation. I need not go into all the complications that such a situation will create.

But Mr. Shastri's amendment is general. It merely talks about representation of labour. If he means that persons of his standing and association with labour should be appointed I entirely agree but that I think must be left to the good sense of the State Governments, who will no doubt be very anxious to secure the help of labour leaders. As for the travelling public I expect that almost all the members of the Corporation will also be members of the travelling public. The entire population is travelling public and I do not see how we can elect representatives of the travelling public. But I can, however, offer one consolation, as I did in the Delhi Transport Authority Bill. We have made a provision for Advisory Councils. There I said that we shall see that passengers' associations as well as labour unions get representation in the Advisory Council where schemes and other things relating to the Road Transport Authority will be brought. Similarly I am prepared to suggest to the State Governments that they should make specific provision for representation of these sections in the Advisory Councils which may be started in the regions under the Road Transport Authority.

Shri Harihar Nath Shastri: While I stand unconvinced by the argument of the hon. Minister I do not desire to press my amendment.

श्री एस० एन० दास : मैं संशोधन वापस नहीं लेना चाहता ।

[Shri S. N. Das: I do not want to withdraw the amendment.]

Mr. Speaker: I did not hear what the hon. Member said.

श्री एस० एन० दास ; मैं ने कहा कि मैं इसे जरूरी समझता हूँ इसलिए मैं इसे वापस नहीं लेना चाहता ।

[**Shri S. N. Das:** I said that I consider it necessary and therefore I do not want to withdraw it.]

Mr. Speaker: So the hon. Member does not want to press his amendment? I shall put the clause to the House...

Shri Jaipal Singh (Bihar): Sir, on a point of order. The hon. Member has not withdrawn his amendment.

Mr. Speaker: It is not a question of withdrawing, for I have not placed it before the House.

Shri Jaipal Singh: He said that he did not want to withdraw it.

Mr. Speaker: That is why I said I did not hear the hon. Member. Does he wish to press his amendment?

Shri S. N. Das: I do not want to withdraw it.

Mr. Speaker: I shall then put it to the House.

The question is:

To sub-clause (3) of clause 5, add the proviso:

"Provided that provision shall also be made for representation of the recognised union of workers and the manner in which the representative shall be elected by the union."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 5 stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7—(Registration of office etc.)

Prof. S. N. Mishra: I beg to move:

In clause 7, after "that Government" insert "with the concurrence of the Central Government".

Clause 8 which follows the original Bill has been modified to include that every dismissal or the removal of Chairman or members from office shall be done with the concurrence of the Central Government. My submission is that in clause 7 also some such provision should be made. Ordinarily a matter of resignation, if it is to be accepted by the State Government, does not seem to be a very complicated matter. Generally it would be very simple. But there might arise some such occasions on which a resignation should not be advisedly accepted outright in a straightforward manner. The resignation might also involve certain other things which may be fit subjects for the consideration of the Central Government. It should not, therefore, be

left to the option of the State Government to accept that resignation. There might be certain encumbrances for which a person might try to vacate his office, and it may not be congenial for the Central Government that that person should go away with his resignation having been accepted by the State Government. What provision has been made in regard to clause 8 also holds good in regard to clause 7. As such here also it should be enjoined that the resignation should be accepted only with the concurrence of the Central Government. That is my submission and I hope the hon. Minister will accept it.

3 P.M.

Shri Santhanam: I am afraid the hon. Member has misunderstood the scope of the proviso in clause 8. It refers only to a member nominated by the Central Government—not every member. Secondly, to cut the thing short, I am going to accept an amendment seeking to delete part (d) of clause 8, which I think is not necessary. But so far as clause 7 is concerned, it is altogether impossible that the Central Government should be burdened with the resignation of every member of every State corporation all over India. It will make the whole thing unworkable. I cannot accept the amendment.

Mr. Speaker: Shall I place it before the House?

Prof. S. N. Mishra: No, Sir.

Mr. Speaker: Very well.

The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Removal of Chairman etc.)

Shri Sivan Pillay: I beg to move:

Omit part (b) of clause 8 and re-letter subsequent parts accordingly.

Clause 8 reads thus:

"The State Government may remove from office the Chairman or any other member of the Corporation who—

- (a) is or becomes subject to any of the disqualifications mentioned in section 6; or
- (b) is convicted of an offence involving moral turpitude; or"

[Shri Sivan Pillay]

My submission is that part (a) of clause 8 really includes (b) of that clause also, because clause 8(c)—covered under clause 8(a)—also covers the disqualification mentioned at clause 8(b). Therefore part (b) of clause 8 is redundant. My submission is that part (b) may be removed and the following parts re-lettered accordingly.

Shri Santhanam: There is of course some plausibility in his argument, but here clause 8 refers to the procedure. A man may become disqualified, but unless we say who will remove him he will continue. There should be some procedure for getting rid of him. That is why this has been put in.

Shri B. K. P. Sinha: That is covered by part (a).

Shri Santhanam: No, so far as part (a) is concerned, it refers to a disqualification just at the time of election. But he may become subject to this disqualification under (b) later. Sir, on reconsideration I have no objection to accepting it.

Mr. Speaker: I was also thinking so. The question is:

Omit part (b) of clause 8 and re-letter subsequent parts accordingly.

The motion was adopted.

Further amendment made:

Omit part (d) of clause 8.

—[*Pandit Thakur Das Bhargava.*]

Mr. Speaker: The question is:

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

The motion was adopted.

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

Clause 9 was added to the Bill.

Clause 10—(*Temporary association of persons etc.*)

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

In sub-clause (2) of clause 10, omit: “and shall not be a member for any other purpose”.

This again is a very simple amendment designed to improve the draft of the Bill. My submission is that these words, “and shall not be a member for any other purpose” are unnecessary because clause (1) says that a particular person may be associated for any particular purpose. Originally, he shall be associated for one single purpose.

Shri Santhanam: I accept the amendment.

Mr. Speaker: The question is:

In sub-clause (2) of clause 10, omit: “and shall not be a member for any other purpose”.

The motion was adopted.

Mr. Speaker: The question is:

“That clause 10, as amended, stand part of the Bill.”

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11 was added to the Bill.

New clause

Shri Santhanam: I beg to move:

After clause 11, insert:

“11A. *Power to appoint committees and delegate functions.*—A Corporation may, from time to time, by resolution passed at a meeting—

- (a) appoint committees of its members for performing such functions as may be specified in the resolution;
- (b) delegate to any such committee or to the Chairman or Vice-Chairman, subject to such conditions and limitations, if any, as may be specified in the resolution, such of its powers and duties as it may think fit;
- (c) authorise the Chief Executive Officer or General Manager, subject to such conditions and limitations, if any, as may be specified in the resolution to exercise such powers and perform such duties as it may deem necessary for the efficient day to day administration of its business.”

In clause 14 the Select Committee provided for delegation of power to the Chief Executive Officer or the General Manager, but on consideration and on representation from the Bombay Government, we came to the conclusion that it is necessary, especially where a Corporation is a big Corporation and has got jurisdiction over vast territory, to appoint committees for particular functions—finance committee, public accounts committee, or committee for purchase. Unless we do it, every time the whole Corporation will have to meet. Therefore, this is a necessary and useful delegation.

Mr. Speaker: The question is:

After clause 11, insert:

"11A. Power to appoint committees and delegate functions.—A Corporation may, from time to time, by resolution passed at a meeting—

- (a) appoint committees of its members for performing such functions as may be specified in the resolution;
- (b) delegate to any such committee or to the Chairman or Vice-Chairman, subject to such conditions and limitations, if any, as may be specified in the resolution, such of its powers and duties as it may think fit;
- (c) authorise the Chief Executive Officer or General Manager, subject to such conditions and limitations, if any, as may be specified in the resolution to exercise such powers and perform such duties as it may deem necessary for the efficient day to day administration of its business."

The motion was adopted.

New clause 11A was added to the Bill.

Shri Alagesam: I should like the hon. Minister to enlighten the House as to the necessity for having both the designations 'Chief Executive Officer' and 'General Manager'. Will not one of them do?

Shri Santhanam: It depends on the particular case. Sometimes, they are called Chief Executive Officers and sometimes they are called General Managers. Therefore, the Select Committee thought that there was no reason why alternative terms should not be permitted to be used.

Clauses 12 to 14 were added to the Bill.

Clause 15—(General disqualification etc.)

Shri Alexander: I beg to move:

In clause 15, after "transport undertaking" insert "in that State".

I want to make the clause clear. I think the intention of the hon. Minister is that any person who has got interest in a road transport undertaking in a particular State should not be a member of such a road transport corporation in that State. I do not think that a person who has got interest in a road

transport undertaking in any other State is sought to be excluded from being a member of the Corporation. I have suggested this amendment to make this point clear.

Shri Santhanam: I do not think the hon. Member has considered it fully. For instance, if an officer of the Road Transport Corporation of Travancore-Cochin becomes a partner in a motor transport undertaking in Tinnevely, he may be in a different State but the stores and other parts may be passing over to his partnership. Therefore, I do not think that a man who is serving a Road Transport Corporation anywhere should have a place in a Road Transport Corporation anywhere else.

Shri Alexander: I do not press my amendment.

Mr. Speaker: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—(Appointment of Advisory Council).

Shri Alexander: I beg to move:

In clause 16, omit "after ascertaining the views of the Corporation".

This clause is for the appointment of advisory councils. I do not think it is necessary to consult the Corporation in the matter of appointment of advisory councils. The State Government, if it thinks fit, should appoint advisory councils. I do not see why the Corporation should be consulted.

Shri Santhanam: Here again, I think the hon. Member will, on reconsideration, not press his amendment. The State Government cannot off-hand decide how many advisory councils there should be. It is the Corporation which is running the service who can advise and it may want two or three advisory councils. Besides, the Corporation is likely to know much more about the individuals among the public who are taking interest, about the workers and also other representatives who may be included. After all, the power is given to the State Government. Only, the Corporation is consulted so that it may have the views of people running the business from day to day. I do not see what objection Mr. Alexander can have to this provision.

Shri Alexander: I do not press my amendment.

Prof. S. N. Mishra: I beg to move:

In clause 16, after "persons" insert "including representatives of labour".

I think that one of the main functions of the advisory councils will be to safeguard the interests of the parties concerned. These Corporations taken as a whole are likely to be big, involving probably 60,000 miles of all weather motorable roads and two lakhs and 50 thousand automobiles. In this enterprise, therefore, there must be a very large number of labourers and so my submission is that one of the dominant interests to be safeguarded by the advisory councils is labour. I urge that the representation of labour should be explicitly mentioned in clause 16 in order to obviate all anxieties on this score. In the fitness of things there should be a representative of labour on the advisory councils.

Shri Santhanam: I have already accepted the principle of the amendment, but the difficulty of putting it in will be this. We must decide whether the representative should be a nominated representative or a representative elected by the labour union. Secondly, if we only mention labour, the travelling public, the commercial public and others will have to be duly represented. I can give the assurance that we shall circularise the debate to the State Governments and suggest to them that they should make specific provision for the representation of labour, as far as possible through their recognised trade unions, on these advisory councils.

Prof. S. N. Mishra: I do not press my amendment.

Shri B. K. P. Sinha (Bihar): I beg to move:

To clause 16, add the proviso:

"Provided that no person disqualified under section 6 for being chosen as a member of a corporation shall be nominated member of an Advisory Council."

In this Bill, elaborate provisions have been made for keeping out persons who are in any way connected with motor transport from the Corporations. There is no reason why the same salutary provision should not be extended to the advisory councils. These advisory councils shall not serve as mere ornaments. They shall have some important functions to perform. It is my fear that in the absence of this proviso, people who are interested in contracts given by the Corporations

or who are interested in any other road transport undertaking will somehow or other manage to get into these advisory councils, and to that extent their advice will be prejudiced advice. There is a very good provision in certain Local Bodies Acts that people who have some interest in contracts given out by Local Bodies shall not be taken in there, but I know that in spite of it, people manage to get in. There they get in, as exceptions. In the absence of this proviso here it will become the rule. If this proviso is not put in people who are interested will somehow or other get into the Advisory Councils. Therefore the same qualifications which we have insisted in the case of members of Corporations should be put in here as well.

Shri Santhanam: The purpose of clause 6 is to debar interested people from getting into the Corporation which decides all matters. In the Advisory Council a man's expert advice may be desirable, even though he may have contracts or may be otherwise interested. Similarly, if I accept the amendment, the representation of labour employed in the corporation will be ruled out. Certainly, I do not think the hon. Member wants it. In the same way the advice of a representative of the travelling public will be desirable; but if you put in this proviso, you may not be able to have it. After all how the Corporation will deal with the advice is a different matter. The Members of the Corporation who have no interest whatsoever will be able to judge whether a particular advice is interested or disinterested and they will act accordingly.

Shri B. K. P. Sinha: In view of the hon. Minister of State's clarification, I do not wish my amendment to be placed before the House.

Mr. Speaker: The question is:

"That clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17—(General duty of Corporation)

Sardar Hukam Singh: I beg to move:

In clause 17, before "It shall be" insert "Subject to the provisions of any law for the time being in force in a State".

My only object is to restore these words which have been deleted by the Select Committee on the ground that they are unnecessary. I am afraid that if we do not specifically provide

the State Governments will not provide any amenities for the passengers like lavatories, urinals, waiting halls, etc. From what I have seen of the Punjab Road Transport which has been introduced between Karnal and Ambala and Ambala to Simla, they have provided no amenities for passengers. The State buses stand on the road and people have to keep on waiting on the roads for the buses to arrive. So my fear is that if we give exemption, the State Governments will not provide any amenities for passengers. With these words, I commend my amendment to the House.

Shri Santhanam: I do not think the argument of the hon. Member is correct. Unless we give specific exemption, the laws which are in force operate. The only question that arose was whether if a law which is contrary to any specific provision of this Act exists, that law will prevail or this law will prevail. So far as the powers and functions of the Road Transport Corporation are concerned, it is essential that this law should prevail, whatever the other law may be. To the extent that any other law does not conflict with any provisions of this Act, that law will continue to prevail. It is because of our anxiety to avoid such confusion that we have chosen to omit those words. But I should like to make it clear that we have not given any exemption from any law, Provincial or Central, to these State Corporations. We had given these corporations a lot of exemptions from the Motor Vehicles Act. All those provisions have been deleted. Therefore, as the Bill stands, these Road Transport Corporations will be subject to all laws which prevail, except in those specific matters where they are regulated by this Act.

Sardar Hukam Singh: I accept the hon. Minister's assurance, but I am not satisfied with the explanation. Anyway I do not wish my amendment to be placed before the House.

Shri Alagesan: Is it because of the fact that sub-clause (4) of clause 18 contains a similar provision, that the hon. Minister considers it fit to omit those words here?

Shri Santhanam: The hon. Member is only making my argument doubly strong. Because we have already provided it in sub-clause (4) of clause 18, there is no point in repeating it here.

Mr. Speaker: The question is:

“That clause 17 stand part of the Bill.”

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18—(Powers of Corporation)

Shri Harihar Nath Shastri: I beg to move:

In part (c) of sub-clause (1) of clause 18, after “including” insert “fair wages” and a comma.

This sub-clause says: Subject to the provisions of this Act, a Corporation shall have power—

“(c) to provide for its employees suitable conditions of service including establishment of provident fund, living accommodation, places for rest and recreation and other amenities.”

While I do feel that all these matters are important from the point of view of labour.....

Shri Santhanam: To cut it short, I am prepared to accept his amendment.

Mr. Speaker: The question is:

In part (c) of sub-clause (1) of clause 18, after “including” insert “fair wages” and a comma.

The motion was adopted.

[MR. DEPUTY-SPEAKER in the Chair]

Pandit Thakur Das Bhargava: I beg to move:

To part (c) of sub-clause (2) of clause 18, add the proviso:

“Provided that in the event of an undertaking having been required to be acquired in part only it shall be obligatory on the Corporation to acquire the entire part with all its accessories and appurtenances in case such part can be separated from the main undertaking. If the part is so inseparably integrated with the rest that acquisition of part will cause loss to the rest of the undertaking, it shall be obligatory on the Corporation to acquire the whole undertaking if the owner of the undertaking insists on the acquisition of the whole.”

While the motion for consideration was on, many hon. Members raised the point of compensation as well as the principles of compensation. The hon. Minister in charge of the Bill was pleased to say in reply that no powers have been given to these Corporations to acquire any undertaking or any motor vehicle. I, however, find that in part (c) the words are:

“to prepare schemes for the acquisition of, and to acquire, either

[Pandit Thakur Das Bhargava]

by agreement or compulsorily in accordance with the law of acquisition for the time being in force in the State concerned, etc., etc."

From that I conclude that, perhaps, it may only be open to the Corporation to apply and not to acquire to itself. That might be the difference. I beg to submit that in so far as clause 39, to which attention has already been invited in this House, goes two things must be predicated so far as compensation is concerned. In the first place, that it is only on the authority of law that any property, movable or immovable, can be acquired. Secondly, that the law must say that compensation will be given, as also that it either fixes the amount of compensation or specifies the principles on which and the manner in which the compensation is to be determined and given. I respectfully asked the hon. Member in charge of the Bill if he could tell me if there was any such law in any of the States existing at present or if any such law existed, so far as movable property was concerned, which is enacted by the Central Government. I got the reply that the hon. Member in charge did not know of it. My humble submission is even if the Corporation makes an application, if there is no law in existence in the State or the Centre by virtue of which any movable property can be taken compulsorily, how will the Corporation succeed in acquiring anything?

Shri Santhanam: By consent.

Pandit Thakur Das Bhargava: If the words "by consent" were not there I would have very gladly accepted the argument of my friend. But the clause says "to prepare schemes for the acquisition of, and to acquire, either by agreement"—from which I understand by consent; agreement or consent it is the same thing—"or compulsorily in accordance with the law of acquisition.....etc."

Shri Santhanam: The law can be made hereafter if it is not in existence.

Pandit Thakur Das Bhargava: I am just submitting that. The reply is quite clear and I understand that the hon. Minister in charge has been pleased to say in this House that he really proposes to have a measure like this on the Statute Book. I welcome the idea and I wish that a law were first enacted before this provision was enacted. There is no law at present. We do not know what we are passing. We do not know what the principles are. Unless we know the principle, how can we be a party to passing this

thing unless we know the principles? Then it is a useless provision. When there is no law, nothing can be acquired. You can just amend the law then, that is when you have framed the principles. I would therefore like to submit that so far as compulsory acquisition is concerned it is a dream which cannot be realized. There will be no compulsory acquisition unless the laws according to article 31 of the Constitution are enacted. If the law can be made subsequently by my friend I do not see any objection why we sitting in this House cannot define some of the principles which should apply to a case of this nature. The principle I am submitting for the consideration of the House is a very wholesome principle, it is a recognized principle, it does not place any very great burden on the Corporation or the State. After all, if we define some of the principles as they arise, there is no harm. But we give the power of acquisition and we refrain from defining some of the principles of that acquisition. I do not think it is logic. What I have submitted by virtue of this amendment is simply this. When the Corporation wants to apply for taking an undertaking it should not be allowed to pick and choose. It may be made obligatory for the Corporation to see that it acquires a complete something, something whole in its nature. If it is a part, it must be all its appurtenants and accessories. I have heard the hon. Minister say in regard to the G.N.I.T. that Government had been burdened with certain parts which really should not have been taken over by Government. I quite see the difficulty. I am not in favour of your accepting the entire principles of section 47 of the U.K. Act; I am not in favour of your accepting those things which are neither appurtenants nor accessories. If they were dealing in spare parts of other companies you are under no obligation to acquire them because they were not accessories or appurtenants, they were absolutely extra. But the whole principle of all acquisition is that when you undertake to buy or take a thing you take the whole thing. And it is in the national interest. After all I have not been able to follow the reason behind the arguments when my friend lectured to us today that so far as private things are concerned we should adopt a different principle and so far as State things are concerned we should adopt a different principle. The State and the public are made of individuals and if we cannot do justice to the individual we cannot certainly do justice to the State. I would rather beg of my friend kindly to consider the Preamble to the Constitution of India where the individual is as much pro-

ected as the public. Those principles which are of universal application must be accepted as much in the case of the individual as in the case of the public. Therefore I humbly submit that this is an innocent amendment and this must be accepted as one of the principles of acquisition.

Shri Santhanam: I am afraid I am not able to accept the amendment. For one thing, as I have already explained, this Corporation itself has no power or right to acquire anything. So any limitations on acquisition will have to be placed on the authority which has got the power. If the State has either a law for acquisition of movable property or if it makes any law, then this limitation should be introduced there. For instance, if the State cannot compulsorily acquire movable property it may acquire immovable property belonging to an undertaking—it may have workshops and other things—and say “So far as movable property is concerned we can negotiate, let us take the immovable property by acquisition proceedings”.

Pandit Thakur Das Bhargava: Will it be fair or in the national interest?

Shri Santhanam: I am only indicating the possibilities. I am not saying anything which may or may not be done. I have already explained that it will be very difficult, with numerous minor and small undertakings, to find out whether something is separable or inseparable, and to say that it shall be obligatory to take the whole may often prejudice the interests of the operator himself. Suppose he operates on two routes. There may be a negotiation that he may keep one and that the other route may be taken over. This clause will say “Take the whole thing”. And for deciding the question as to which is separable and which is not separable we will have to provide for arbitration machinery or go to court. There will be so many complications that it is not possible.

Shri Deshbandhu Gupta (Delhi): The amendment gives the option to the borrower.

Shri Santhanam: The State will have no option in the matter. It is the small operator who will dictate to the State. That is not a position which we can contemplate. Suppose he is not willing, the State can never nationalise. Do you want that position?

I do not think that we can accept this amendment. When we come with a Bill stating the principles of compensation regarding compulsory acquisition of such undertakings, then all this will have to be gone into, and each of

these clauses will have so many other limitations. For instance, suppose a man uses only a Ford bus and he is a dealer in spare parts. Who is to decide to what extent the spare parts in his shop belong to that concern or are separable. There are so many other difficult problems which will arise. Suppose he has also got a petrol pump. The petrol pump may be mainly used for his bus. The State Corporation may argue that the whole thing is one and take the petrol pump also. The poor man might be benefited by being left with the pump. All these things will have to be specifically provided. You cannot put in a clause and leave the lawyers to fight it out in the courts, and the Corporation will be in the court all the time. I do not want such a provision to be put in here.

Pandit Thakur Das Bhargava: I would ask my hon. friend whether he has read the last lines where the option is given to the private motor-owner.

Shri Santhanam: It makes it worse in my view.

Shri Deshbandhu Gupta: The question does not arise. The whole argument falls.

Mr. Deputy-Speaker: The question is:

To part (c) of sub-clause (2) of clause 18, add the proviso:

“Provided that in the event of an undertaking having been required to be acquired in part only it shall be obligatory on the Corporation to acquire the entire part with all its accessories and appurtenants in case such part can be separated from the main undertaking. If the part is so inseparably integrated with the rest that acquisition of part will cause loss to the rest of the undertaking, it shall be obligatory on the Corporation to acquire the whole undertaking if the owner of the undertaking insists on the acquisition of the whole.”

The motion was negatived.

Shri Sivan Pillay: I beg to move:

Omit part (iv) of sub-clause (3) of clause 18.

Sub-clause (3) of clause 18 reads:

“Nothing in this section shall be construed as authorising a Corporation, except with the previous approval of the State Government—

(iv) to let vehicles on hire for the carriage of passengers or goods except as expressly provided by or under this Act.”

[Shri Sivan Pillay]

My submission is that it is common knowledge that all the transport systems in States have got provisions for hiring of buses for private purposes such as marriage parties and students' excursions. These concessions are offered at concessional rates for educational excursions and are very popular. But part (iv) of sub-clause (3) seems to expressly prohibit such hiring of a transport vehicle and in my view, it would be advisable to delete that part from the Bill. If for any special purpose a bus has to be taken, the previous approval of the State Government has to be got and that means red tapism to the core. You cannot get buses for your purposes if a person who wants it has to go and obtain the approval of the State Government. Therefore, my submission is that part (iv) may be deleted from sub-clause (3).

Shri Santhanam: I am afraid my hon. friend is under a misapprehension. Sub-clause (4) says: "Except as otherwise provided by this Act nothing in the foregoing provisions shall be construed etc." and part (iv) of sub-clause (3) says: "to let vehicles on hire for the carriage of passengers or goods except as expressly provided by or under this Act". If the Corporation is allowed to carry passengers either regularly or for any other purpose by or under this Act, it will be free to do so. It cannot do anything which is not provided under this Act. Suppose there is an emergency and it goes beyond the provisions, then we have given it the power to act with the approval of the State Government. Normally all things provided under this Act, it is free to do. Therefore, there is no question of red-tape at all here.

Shri Sivan Pillay: Throughout this Act, I have not been able to find that any provision has been provided for such purposes and therefore the words "as expressly provided by or under this Act" becomes meaningless as far as this clause is concerned. Therefore, I press this amendment.

Mr. Deputy-Speaker: Are there any express provisions in this Act directing as to how the passengers have to be carried?

Shri Santhanam: Clause 18 gives all the powers to operate a road transport service in the State and in any extended area and to provide for any ancillary service etc. to manufacture, purchase, prepare schemes etc. In fact the whole of clause 18

defines the purposes for which the Corporation can function and beyond the purposes mentioned in clause 18, if there are any other services, it can do that only with the approval of the State Government.

Mr. Deputy-Speaker: Do the rules provide for a similar extension?

Shri Santhanam: Yes; the rules also.

Shri Alagesan: Clause 18(1)(a) covers this.

Mr. Deputy-Speaker: Ordinarily it comes in (1) (a) of clause 18.

Shri Santhanam: Say in the case of conducting a technical school, if it is allowed to the Corporation to do it, it is intended to cover all activities not expressly sanctioned, but it may be approved by the State Government.

Mr. Deputy-Speaker: Instead of the words "expressly provided" I think "not inconsistent with" may be better. This may give greater latitude. I however leave it to the hon. Minister. When a rich corporation takes up the service, it will prevent others from coming in and it itself may not care to cater to certain needs.

Shri Santhanam: In order to avoid accidents a vehicle which goes through a particular route comes into a route which it is not permitted to take. Certainly under this Act it has to follow the existing laws and in this case it may be breaking the existing law and in such cases we give the State Government power to ratify the action of this Corporation.

Mr. Deputy-Speaker: The hon. Minister is not willing to accept.

The question is:

Omit part (iv) of sub-clause (3) of clause 18.

The motion was negatived.

Pandit Thakur Das Bhargava: I beg to move:

In sub-clause (5) of clause 18, for "take into consideration the claims of employees employed in that undertaking" substitute:

"give suitable employment to the employees and operators of the undertaking and in case the Corporation is unable to do so the Corporation shall pay fair compensation for loss of employment to the employees and the operators affected by the acquisition."

Since the question of compensation has been tabooed by the hon. Minister in charge of the Bill, it would appear that this relates to compensation to employees. The compensation with regard to vehicles is covered by another section but the compensation to employees is not covered by any other section. I would submit that in all such matters our view-point must be quite clear. There will be many roads in which private operators have been working for a very long time and these private persons who are plying these vehicles for a very long time are quite incapable of doing any other thing.

It is but fair that when you want to deprive him of his means of living, you must either employ him or if you are not able to employ him, for reasons best known to yourself, you must be able to give him a fair compensation so that he may be recompensed in that way. The argument has been trotted out in this House that public interest requires that the Motor Transport Corporation should not be burdened with burdens like this. My humble submission is that when a public Corporation of this nature comes into existence, it should abide by clause 21 and good business principles require honesty of purpose and consideration for public interests. I consider that in taking over these private buses, and undertakings run by private people, the ordinary principle of compensation should not be lost sight of. In our zeal to make the Corporation more wealthy or more easily workable, we should not lose sight of the fact that the barest justice requires that such persons who have been in the trade for a very long time or who are not capable of eking out their livelihood in any other way, should be compensated. It might be that my hon. friend is not willing to put all these principles in the Bill. I am urging all these to see that when he brings out that measure which he has practically promised to us about compensation, etc., he will remember that this aspect of the case is not ignored.

Mr. Deputy-Speaker: Does he press this amendment now?

Pandit Thakur Das Bhargava: I only want that the hon. Minister may be pleased to make a statement that when he brings out that measure, he will consider this.

Shri Santhanam: I will certainly keep in mind all the considerations relevant to that measure.

Pandit Thakur Das Bhargava: Not all; but this one thing.

Shri Santhanam: This also.

Mr. Deputy-Speaker: The hon. Member is evidently satisfied with the assurance. Therefore, I need not put this amendment to the House.

Pandit Thakur Das Bhargava: Not necessary.

Sardar Hukam Singh: I beg to move:

In sub-clause (5) of clause 18, for "take into consideration" substitute "give first preference to".

The reasons for this amendment have been advanced already. It is not a case where these people have earned anything out of the service. It is a case of the employees who have been thrown out of employment. There is no reason why the State should not give full consideration to them. The Select Committee has added this new clause because they have also thought that it is only fit and proper that they should be provided for. But the words, that are here, "take into consideration" are not sufficient. If really we want to help them, there should be something more than taking into consideration. My humble submission is that they should be given first preference because they have been running the services, they are already there, and it is the duty of the State to see, when they are thrown out of employment, that they should be given some employment. They should have the first preference as my amendment desires. I therefore commend this amendment to the House.

Mr. Deputy-Speaker: Amendment moved:

In sub-clause (5) of clause 18, for "take into consideration" substitute "give first preference to".

Shri Santhanam: The words 'due preference' will be justiciable. Any employee, even if he is not taken on consideration of merits, will be entitled to go to a court of law and the whole thing will result in endless litigation. I oppose this amendment.

Shri Hussain Imam (Bihar): May I say a few words? I think my hon. friend Sardar Hukam Singh wants the words 'first preference'. If the hon. Minister does not accept 'first preference' would the wording 'due preference' be acceptable to him? This is contained in another amendment, of which notice had been given, but which has not been moved. I think it is necessary that we should regard it as the duty of Government to see that when a thing is nationalised, those

[Shri Hussain Imam]

who were eking out their livelihood from that concern, are not thrown on the street. It is a well known thing that there is ample unemployment in the country. Is it necessary that we should add to it? You have to have employees. The question is whether you will keep the men who were there or you will have new men. As far as qualifications are concerned, you are perfectly justified in discharging those who are disqualified, and who do not possess the requisite qualifications. When I use the word 'qualification' I do not mean academic qualification only. Practical experience is of greater value than theoretical knowledge. As a matter of principle, I am attaching some importance to this question. As we have schemes of nationalisation in very wide fields and I want this House to give some lead even to the Provinces and States as to the guiding principles. I think it would be a moderate thing if we give due preference. That wording may perhaps be more acceptable to the hon. Minister.

Shri Santhanam: I have already explained the position. Suppose they take over four small concerns, each concern having three buses. Each concern may have had one Inspector. Now, all the 12 buses together may run with one Inspector. It will also be very difficult for the Corporation to be saddled with the duty of giving 'due preference' which has not been defined. We will have to define what is 'preference' and what is 'due' in such circumstances. This matter was exhaustively considered by the Select Committee and they inserted this new sub-clause that in appointing its officers and servants, the Corporation shall take into consideration the claims of employees employed in that undertaking. No undertaking, either Government or private, can do more than that. After all, what guarantee is there that the present employees will not be dismissed by the present employer? If it is taken over by the Corporation, the very next day or after a month's notice, the Corporation may get rid of them. What happened in the case of the Delhi Transport Authority? We took over all the staff of the G.N.I.T. So long as it was with us, we were saying that it would be difficult for us to retrench any one. But, as soon as it went to the Delhi Transport Authority, they appointed a committee for job analysis and they found that 100 and odd people were superfluous. They had to dispense with them after giving due notice. That is what every public corporation which wants to be a

public utility corporation will have to do. We cannot dictate by saying that they must be given due preference. These people will go to a court of law. You will have to define what is meant by 'preference'. You must say, 'qualifications being equal'. Then, what is the meaning of 'due'? Should it depend upon the necessity for his service? All these questions will come in. These public utility corporations will be entangled in endless litigation. I am sure these public utility corporations will be much more careful of the interests of the workers than private employers. We know how the workers are being dealt with by private employers. They simply give 24 hours' notice; conductors are sent away, drivers are sent away. There is none to voice their grievance. It is only when it comes to a public utility corporation, this undue solicitude for the workers comes into play. We do want that all the existing workers should be taken in so far as they could be absorbed. So far as I know, every public utility undertaking in every State has been doing it. In Bombay, they have taken over every one of the old workers. In fact, they have extended the service to such an extent that there is difficulty in finding new workers. Not only have the old workers been employed, but they have found employment for a number of new people. Instead of creating unemployment, they have found jobs for many. Similarly, we expect that every public utility corporation would extend the services so that employment will be found not only for the old workers, but also for new workers who may be trained. Provision has been made for establishing training classes. Therefore, I think we should be content with the provision as it has been made by the Select Committee.

Mr. Deputy-Speaker: The question is:

In sub-clause (5) of clause 18, for "take into consideration" substitute "give first preference to".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 18, as amended, stand part of the Bill".

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19—(Extension of the operation etc.)

Shri Jnani Ram: I beg to move:

To sub-clause (2) of clause 19, add the proviso:

“Provided that in case of any essential service the terms of which are not being agreed upon by the participating State Governments, the Central Government of its own accord or on reference by any State Government decide the terms and conditions under which one of the State Governments will extend the operation of the road transport”.

Shri Santhanam: This is beyond the scope of this Bill. This Bill is confined to Corporations acting within the frontiers of one State, and this amendment refers to inter-State affairs, and so I don't think it is relevant to this Bill.

4 P.M.

Mr. Deputy-Speaker: But clause 19 does refer to extension of services into other States.

Shri Santhanam: Oh, I am sorry, Sir.

Shri Jnani Ram: Clause 19 lays down certain principles for the extension of services of the Corporation within the jurisdiction of one State into another State. The different States in India, we know, are autonomous. At present all the States are being governed by one party. But in a democratic system of government the existence of parties is inevitable and so it may happen that one State may be governed in the future by one party and the other State by another party, and there may be basic differences between these two States. In such a case if an essential service Corporation in one State wants to extend its operations into the other State—may be for a mile or two only—still the other State might object and disputes might arise and, in the interest of the general public, it is all the same, found that this extension of the service is essential. In such a case, the very purpose of forming these Corporations would be defeated. Therefore I have suggested that a clause in the form I have read out should be there in the Bill so as to avoid any disputes in the future. Therefore I would like to press my amendment.

Shri Santhanam: I think this is wholly impracticable, because without the cooperation of the State authorities it is impossible to run any such service. It is impossible by

a Central order to extend the activities of a Corporation within another State. For instance police protection will be needed. The roads will have to be kept in proper repair, there is the question of granting the motor vehicles licenses and so on and so forth. Therefore it is not possible to manage without the cooperation of the States concerned. All that the Centre can do is—and that is what we have been doing in many cases—to bring the two States together and negotiate for an agreement. This matter is essentially a State subject and we do not want, simply for the sake of extending the service by a few miles, to use any kind of coercive power. But we shall certainly try to facilitate inter-State movements by negotiations and by persuasion.

Shri Jnani Ram: But the proviso gives power to the Central Government to do so and I do not think there can be any harm if this proviso exists in this clause.

Mr. Deputy-Speaker: Well, I will put the amendment to the House.

The question is:

To sub-clause (2) of clause 19, add the proviso:

“Provided that in case of any essential service the terms of which are not being agreed upon by the participating State Governments, the Central Government of its own accord or on reference by any State Government decide the terms and conditions under which one of the State Governments will extend the operation of the road transport”.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clause 19 stand part of the Bill”.

The motion was adopted.

Clause 19 was added to the Bill. Clauses 20 and 21 were added to the Bill.

Clause 22.—(Capital of the Corporation)

Sardar Hukam Singh: I beg to move:

In sub-clause (3) of clause 22, for “and other parties (including persons whose undertakings have been acquired by the Corporation”, substitute “and persons whose undertakings have been acquired by the Corporation”.

I want to point out that the Bill visualises the taking of shares by other

[Sardar Hukam Singh]

persons besides the State Government and the Central Government. The sub-clause as it now stands reads thus:

"The authorised capital of the Corporation shall be divided into such number of shares as the State Government may determine; and the number of shares which shall be subscribed by the State Government, the Central Government and other parties, etc. etc."

I am referring specially to the words "other parties". When you admit other parties I submit those persons who are in the business should be given some preference over newcomers. Besides the State Governments and the Central Government, other parties will be invited to subscribe capital to these Corporations, and when that is the case, there is no reason why those who are being thrown out of these concerns should not be given the first chance, if they want to subscribe to the capital. I submit that it is not enough if we put the words "other parties (including persons whose undertakings have been acquired by the Corporation)". That would only show that they have not been specifically excluded, but their claims as being in the business already and as suffering on account of this Corporation being formed, are not being taken into consideration. When they are prepared to remain in the business and when they are prepared to subscribe capital, why should they not be given preference over others? And the policy of Government so far as that White Paper distributed in 1948 shows, is to form those tri-partite parties, the State Governments, the Railways and the Operators who are already there. Therefore, there is no reason why we should deviate now. When we require other persons also to subscribe to the capital, why should not those who are in the business be given a preference? Therefore, I request the hon. Minister of State to give this latitude to those operators that they must, whenever the State Governments or the Central Government want to throw open the subscriptions to outsiders as well, give the first chance to these persons who are already in the business.

Shri Santhanam: I don't think there is any meaning or purpose in this amendment. We have not provided that any portion of the capital shall be given to non-government subscribers. It is open to the State Government to give part of the share capital to outsiders. And among outsiders we have specifically provided shall be included

those motor operators. It is only when we say that a portion of the capital shall be subscribed by non-governmental sources that this question of preference will come into play. It is likely, as I said, no capital or share at all will be given to any private party whatsoever, and so as I said, this question has no meaning.

Generally no motor operator wants simply to invest his money into this and earn probably the three per cent. dividend that the Corporation might pay. The balance might go to the reserve fund or to the road fund of the State. And so I do not think any motor operator who has been functioning for profit, for turnover, and for employment for himself and his people will care to put all his money into a public undertaking and get three per cent. interest. I do not think they themselves would welcome it. Therefore, there is no purpose served by this amendment. As soon as an undertaking is taken over and the compensation is paid, they all become members of the public and if they are interested, their capital also will be coming in. If they are not interested, they will not put their capital. So I do not think in this Bill this has got any value.

Mr. Deputy-Speaker: I am putting the amendment to the House.

The question is:

In sub-clause (3) of clause 22, for "and other parties (including persons whose undertakings have been acquired by the Corporation)", substitute "and persons whose undertakings have been acquired by the Corporation".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clauses 23 to 27 were added to the Bill.

Clause 28.—(Provision for depreciation etc.)

Shri Jnani Ram: I beg to move:

After the existing proviso to sub-clause (2) of clause 28, add the new proviso:

"Provided further that the maximum amount provided for this fund shall not exceed thirty per

cent. and minimum less than ten per cent. in any one year."

The clause provides for transferring a certain amount from the Corporation fund to the reserve fund for depreciation, etc. It may happen that the Corporation may transfer large amounts to this fund. I think that some limit should be put on their power of transferring such sums.

Mr. Deputy-Speaker: Amendment moved:

After the existing proviso to sub-clause (2) of clause 28, add the new proviso:

"Provided further that the maximum amount provided for this fund shall not exceed thirty per cent. and minimum less than ten per cent. in any one year."

Shri Santhanam: As the amendment stands it does not say what fund, what should have 30 per cent. and what should have ten per cent. The whole thing depends on the profits. Naturally depreciation will be a part of the working expenses and it will have to be provided. Only after providing for depreciation you can find out whether there is any profit or not. Afterwards the State Governments will have to find out what will be available for the reserve fund and what will go to the road fund. It is not possible to give a percentage without knowing the sums involved. I do not think this amendment can do any good whatsoever.

Shri Hussain Imam: Again a matter of principle is involved. When you are asking for provision for the depreciation fund we should give them direction that it should not be less than the incometax allowance. It so happens that the management may show large profits by eating into the depreciation fund or some people may be too cautious and make too large a provision for depreciation and thereby refuse to pay the incometax due to the Central Government. The middle course to follow is the universal system, which is that depreciation should be charged at the rate applicable under the Incometax Act. If there is any additional depreciation it is not called depreciation but is provided as a replacement fund or some other fund. Depreciation means that you are providing for the acquisition of new assets in place of the wasting assets. Here a very big question arises which the Finance Minister should also take into consideration. The question is whether the depreciation should be on the purchase price or on the replacement cost.

210PSD

I personally am inclined to lay down that depreciation should be the income-tax percentage of replacement cost, because the provision for depreciation fund is made in order to safeguard the capital and assets of a company. It is not a revenue income or a revenue reserve, which you are making for a rainy day. It is really a replacement of the wasting asset and in that connection it has been argued that it should be on the basis of the replacement cost rather than book value. The question is not of very great importance in this Bill, because most of our buses will be purchased at a high cost. Therefore the question will not be of immediate interest but as a matter of general principle what I would ask the Minister to keep in view is that under the rules that he is going to make provision should be made that depreciation must at least be on the incometax allowance basis on the replacement cost. It is for this purpose that I intervened.

Shri Shiv Charan Lal: Income-tax Act provides a maximum. Nobody can put above it. Therefore there is no need to put in any maximum.

Shri Santhanam: If any Corporation wishes to put in any excessive amount so far as depreciation is concerned, the incometax officers will allow only that which they are entitled to allow. Even after paying the incometax if for any reason whatsoever the Corporation wants to put anything in the depreciation fund, the State Government must permit it. If the State Government at the expense of its own revenue permits it and the Corporation wants it for any reason, I do not see why we should here object to it. When we took over the G.N.I.T., a large number of vehicles had to be scrapped. The Corporation might have to provide for five or ten years special increased depreciation. All that we cannot regulate. Therefore we can leave it to the good sense as well as the mutual self-interest of the Corporation and the State Government to arrange it.

[**SHRI HIMATSingka** in the Chair.]

Mr. Chairman: The question is:

After the existing proviso to sub-clause (2) of clause 28, add the new proviso:

"Provided further that the maximum amount provided for this fund shall not exceed thirty per cent. and minimum less than ten per cent. in any one year."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29.—(Disposal of net profits)

Shri Sivan Pillay: I beg to move both my amendments:

(i) In clause 29, in line 8, before "State Government" insert "revenues of the".

(ii) In clause 29, at the end, omit "for the purpose of road development".

Clause 28 deals with certain funds and in that clause it is said that the Corporation shall make such provision for depreciation and for reserve and other funds. My submission is that for road development also a separate fund may be organised under clause 28 and a percentage of the net profits may be allotted to that and any profits that may be left over may go to the general revenues of the State. Otherwise it will mean that all the net profits of the Corporation will be expended for depreciation and other things in the first instance and then all the remaining portion will go completely earmarked for road development. I am not one who believes that since road development is also a part of the function of a State Government, they are going to neglect it, if such a fund is not provided. Therefore it need not be made compulsory for the State Government to devote all the balance of the net profits for road development only. If that principle is accepted in all the departments of the Government where profits may be received, it will mean that they cannot be used for general revenues for the welfare activities of the State. So on a matter of principle "for the purpose of road development" may be deleted and it may be added that it should go over to the general revenues of the State.

Mr. Chairman: Amendments moved:

(i) In clause 29, in line 8, before "State Government" insert "revenues of the".

(ii) In clause 29, at the end, omit "for the purpose of road development".

Shri Santhanam: I have already explained that here it does not go to any special road development fund but is handed over to the State with the

request that it may be used as far as possible for road development.

Shri Sivan Pillay: On a point of information, Sir. If it is provided in this Bill that it should be for road development, is it competent for Government to divert that fund for any other purpose?

Shri Santhanam: No. But I cannot conceive of any circumstances in which the profits from any of these Corporations will be more than a fraction of the amount which any State has to devote to its road development. The intention is to persuade the States to add this to the normal road development expenditure. That is why it is brought into special prominence. Where a State is in financial need, there is nothing to prevent its reducing its normal allotment and showing this as an addition to that so as to bring it to the normal level. Therefore, it really forms part of the general revenues. Only it is intended to bring into special prominence this need for road development.

There is also another indirect reason for putting it this way. If you put it for road development, the Corporations will be particularly anxious to save as much as possible and hand it over. Otherwise, if it is put down as general revenues, the Corporations may not be so very anxious to part with a large amount, and they may spend more on the amenities and on other funds. Therefore, I don't think any State is going to suffer by this provision. If this amount is added to the normal road development grant, that will be all the better, particularly if these funds are devoted to the development of those roads on which the Corporation plies its buses. For instance, they may suggest that a particular road may be made of concrete. The State Government would say, "If you give us money we will convert it into a concrete road". Then the Corporation may try many methods of economy, etc., in order to collect that fund. So, it is more as an inducement than as a regulative principle that this clause has been put in. This was done at the express desire of the Select Committee. It was not I who took the initiative in this matter. It was the hon. Minister of Law and the other members of the Select Committee who went out of the way to bring it in.

Shri Ramalingam Chettiar (Madras): There is one difficulty with reference to this. There are some Corporations which run a service, for instance, in the capital of the State, where all the

responsibility for the upkeep of the roads is imposed on the Municipal Corporation. As such the profit of the Transport Corporation will go into the general revenues out of which Government will make a grant to the Municipal Corporation. So, that will not be covered by the wording of this clause because it is not earmarked for road development.

Shri Santhanam: This goes to the general revenues allotted for road development and from that it may go to the city concerned. Of course, it is open to the State to use it for road development in other parts also. It is not earmarked for that particular town. I don't see why a town should not give something to the development of other roads also.

Shri Hussain Imam: May I submit that there is some misunderstanding on this issue. The camouflage has now been removed. What my hon. friend Mr. Pillay wants is the same thing as what the hon. Minister is offering. If you add something to the general revenues of a State, what happens? It means some more money at its disposal. It is exactly what is being done. There is an expenditure charge on the State Finances for the development and repair of roads. Suppose now they are making an allocation of Rs. four crores. If the State Government is in difficulty then it might allot Rs. 3½ crores out of the general revenues and the remaining fifty lakhs from the road fund. And a State which is prosperous, like Bombay, which has got enough money can add some more to the grant. So, there is no difference in it at all and the cause of the States would not be advanced by bringing in this amendment. This amendment seems to me to be superfluous.

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

Shri Sivan Pillay: Yes, Sir.

Mr. Chairman: The question is:

(I) In clause 29, in line 8, before "State Government" insert "revenues of the".

(II) In clause 29, at the end, omit "for the purpose of road development".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 29 stand part of the Bill."

The motion was adopted.

Clause 29 was added to the Bill. Clauses 30 and 31 were added to the Bill.

Clause 32.—(Accounts and Audit)

Shri Deshbandhu Gupta: I beg to move:

In sub-clause (3) of clause 32, at the end, add:

"as well as shareholders".

This amendment is of a formal nature. In clause 22 (3) there is a provision for other parties being included in the Corporation. Naturally, if there are other parties than the Central and the State Governments, then the statement of accounts must go to the shareholders as well. Therefore, this amendment only seeks to get that thing done, that when the accounts are sent they may be sent to the shareholders too. I hope the hon. Minister will accept it.

Shri Santhanam: We have provided for elected representatives of the shareholders in the Corporation. Naturally the elected representative will get copies of accounts and it will be very convenient to all. On the other hand, if in a State there are a large number of shareholders—say, a thousand or two thousand—then it may become difficult to print and supply so many copies of the statement of accounts. If there are only one or two or even five shareholders, then the Corporation will naturally supply them copies for the asking. So long as their representatives are there in the Corporation and those representatives automatically get copies as members of the Corporation, I don't see any necessity for adding to it according to this amendment. After all, we are not supplying copies of accounts to the other members of the Corporation even. We are only supplying them to the State Government which is the supervisor and the Central Government which has to keep in touch with information as to how these Corporations are working. Therefore, I don't see any purpose in bringing the shareholders in at this place.

Mr. Chairman: Does the hon. Member press his amendment?

Shri Deshbandhu Gupta: No, Sir.

Shri M. L. Gupta: I beg to move:

In sub-clause (3) of clause 32, at the end, add:

"which shall be published in the Official Gazettes of the Central and the State Governments".

My friend Mr. Deshbandhu Gupta wanted the same thing as I desire. The

[Shri M. L. Gupta]

only difference is that he wanted copies of the statement of accounts printed and distributed to the shareholders, whereas I think that a Corporation which will have other parties as shareholders as well, must publish its accounts, that its accounts must be accessible to the people. Their representatives may be there on the Corporation, but they cannot maintain a direct contact with all the shareholders. It is conceivable that those representatives will be able to have full contact with the shareholders all over. Therefore, I want that there should be some way in which the accounts are available to the public. If the hon. Minister thinks that he cannot get so many copies printed and cannot incur that cost, I believe it will be quite convenient for him to accept my amendment. Many things are published in the Official Gazettes. The Corporation accounts also could be published there so that people who want to see them can buy a copy of the Gazette or get it otherwise and go through the accounts. I don't think the hon. Minister will have any objection to this unless he wants that the accounts should not be seen by the shareholders.

Mr. Chairman: Amendment moved:

In sub-clause (3) of clause 32, at the end, add:

"which shall be published in the Official Gazettes of the Central and the State Governments".

Shri Santhanam: My hon. friend's proposal is, in fact, what will be done because whenever such a report goes to the State Government that Government goes through the report and publishes a resolution which, along with the report, is published in the Official Gazette. That is the usual procedure and we will draw the attention of the States asking them that they should follow this procedure. This is a normal, routine business. I don't think it necessary to put in this amendment because the difficulty is that we must enjoin the State Government to publish these accounts and not the Corporation. It is the business of the State Government to do so. Anyhow, we will make provision for this in the rules.

Shri M. L. Gupta: In view of the hon. Minister's statement, I beg leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

"That clause 32 stand part of the Bill."

The motion was adopted.

Clause 32 was added to the Bill.

Clauses 33 and 34 were added to the Bill.

Clause 35.—(Power to order inquiries)
Amendment made:

In sub-clause (1) of clause 35, omit:

"with the previous approval of the Central Government".

—[Shri Alexander]

Mr. Chairman: The question is:

"That clause 35, as amended, stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clause 36.—(Power to control etc.)

Amendment made:

In sub-clause (1) of clause 36, omit:

"with the previous approval of the Central Government".

—[Shri Alexander]

Mr. Chairman: The question is:

"That clause 36, as amended, stand part of the Bill."

The motion was adopted.

Clause 36, as amended, was added to the Bill.

Clauses 37 and 38 were added to the Bill.

Clause 39.—(Compensation for acquisition etc.)

Shri Deshbandhu Gupta: I beg to move:

In part (b) of clause 39, omit:

"subject to rules made under this Act".

Shri Santhanam: I am accepting the amendment.

Shri Deshbandhu Gupta: I am very thankful to the hon. Minister for accepting my amendment, but I want one point to be made clear. This morning, he said that the implication of this amendment would be that under the Concurrent List it would be open both to the Centre and to the Provinces to frame rules.

Shri Santhanam: No. To bring legislation, not rules.

Shri Deshbandhu Gupta: So long as it is legislation, I have no objection.

Mr. Chairman: Amendment moved:

In part (b) of clause 39, omit:

"subject to rules made under this Act".

Shri Alagesan: I was surprised at the somersault of the hon. Minister this morning. In the opening speech, he began to defend why he did not elaborate the principles of compensation and how he wanted States to accept the provision as it is. But when this was attacked from all sides, he began saying that there was no question of paying compensation, as the Corporation is not expected to 'acquire' any undertaking or part of undertaking. There was a lot of confusion in his thinking. Now, he proposes to remove the words "acquires under this Act" and substitute them by "takes over". I do not know how it will be possible for him to do it in view of the fact that in clause 18, sub-clause (2), part (c), we have used the word "acquire". Again, in sub-clause (5) of clause 18, we have definitely used the word "acquire". I do not know how my hon. friend will be able to get over the difficulty. Why does he want to substitute the words? Is it because he wants to get out of the consequences of acquisition that he wants to substitute the words "takes over"? I would ask him not to be hasty and accept this amendment, which will put him into difficulty.

Again, in the Delhi Road Transport Authority Act, we find the words "subject to rules made under this Act". Now, he is going to accept the amendment of my hon. friend Mr. Deshbandhu Gupta. I put a definite question to him whether these rules have been made under that Act. He has not chosen to reply to that question. In the morning, I understood him to say that the rules can prescribe only the procedure and not lay down any principles. If that is so, I do not know how he permits the retention of those words in the other Act and what difference does it make when he proposes to omit those words in this Bill? It will be good if he would explain how he proposes to lay down the principles of compensation over which the tribunal that he proposes will sit in judgment; also, I would request him to explain the position obtaining under his present proposal.

Shri Santhanam: It is very simple. For the benefit of the House, I shall read section 46 of the Delhi Road

Transport Authority Act. It reads as follows:

"Whenever the Authority acquires under this Act the whole or any part of any undertaking, there shall be paid by the Authority compensation the amount of which shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say—

(a) where the amount of compensation is fixed by agreement and is approved by the Central Government, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached or the amount agreed is not approved by the Central Government, the amount shall, subject to rules made under this Act, be determined by an arbitral tribunal consisting of one nominee of the Authority, one nominee of the person to be compensated and a Chairman to be nominated by the Chief Justice of the High Court exercising jurisdiction in relation to the State of Delhi;

(c) an appeal shall lie to the district judge against the decision of the tribunal and the order of the district judge on such appeal shall be final."

So Section 46 of the Delhi Road Transport Authority Act only lays down the procedure to be followed in determination of compensation by an arbitral tribunal. The rule-making power is limited to this extent; even there it is not intended to fetter the discretion of the arbitral tribunal. All that was intended was how they should sit, how the hearings should be conducted, etc. It was intended to cover only procedure. It was not intended to lay down any principles. In regard to the words "in accordance with the principles hereinafter set out", the two principles are agreement or arbitration. Therefore, there is no question of laying any further principles. Whether one likes it or not that is the position. Therefore, my hon. friend is not correct in saying that we are doing something different. Again, the Delhi Road Transport Authority has not after the Act taken over any new concern. So the question of making new rules, even if necessary, has not arisen so far.

With reference to my amendment, it is true that the word "acquire" occurs in other places. The word "acquire" does not mean acquire compulsorily. "Acquire" only means "take over, take possession, or get possession of the existing concern" either by agreement or through the State authorities. When

[Shri Santhanam]

a corporation wants a piece of land or premises, it cannot take it over; it has to apply to the State authorities. Suppose we want land for laying of railway we have to apply to the State Government and they will acquire the land for us. That is the procedure to be adopted here as well.

Shri Deshbandhu Gupta: My hon. friend the Minister of State has read out section 46 of the Delhi Road Transport Authority Act. I want to invite his attention to the Report of the Select Committee to which he is a signatory. In its report on clause 39 the Committee says:

"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."

Certainly, the Select Committee had something else in view so far as the question of principles of compensation are concerned.

Shri Santhanam: I do not deny that. The Select Committee had under contemplation a set of detailed rules such as they have in the U.K. I have been explaining both in my opening speech as well as in my reply, that it is not possible to incorporate them in the Bill. It should be done by separate legislation. But so far as the Delhi Road Transport Authority is concerned, it has treated these as the principles. Whether they are adequate, it is not for me to interpret; it is a matter for the courts to interpret.

Pandit Thakur Das Bhargava: I am rather surprised to hear that these two modes, that is arbitration and agreement, can be called principles on which compensation is to be determined or paid.

Shri Santhanam: The hon. Member is a party to the passing of this piece of legislation. I do not want to enter into an argument as to whether they should be called principles or anything else. I am only stating what actually has been passed by this House. I only read it for the benefit of my hon. friend Mr. Alagesan who was trying to pick some holes in the Delhi Road Transport Authority Act.

Pandit Thakur Das Bhargava: So far as the Delhi Road Transport Authority Act is concerned, it was probably passed by this House before the Constitution came into force. Now the Constitution requires that.....

Shri Santhanam: No, Sir, It was passed some time in February after our Constitution came into force.

Pandit Thakur Das Bhargava: Even if we made a mistake then, I don't know how we in this House are justified in perpetuating it. The principles of compensation are for instance laid in the Land Acquisition Act. For instance I have been submitting that if a part of an undertaking is taken, the rest of it must also be taken. Some hon. Members have been reiterating that employees should be compensated.

Shri Santhanam: May I suggest to the hon. Member that this point is not particularly relevant to the amendment before us. When the matter comes before the House the hon. Member will have plenty of opportunity to put forward his view.

Pandit Thakur Das Bhargava: How does the hon. Minister then propound new principles?

Mr. Chairman: I understood the hon. Minister to say that he intends to bring in separate legislation which will decide that question and till then there cannot be an acquisition by compulsion.

Prof. S. N. Mishra: I want to draw the attention of the hon. Minister of State to the words "in accordance with the principles" occurring in clause 39. I would like to know whether he considers that "principles" and "manner" have the same concept. If the principles of compensation are not to be specifically mentioned here by the very nature of the Bill and if the hon. Minister of State intends bringing another Bill for the specification of those principles, I would plead with him, that it would be more appropriate to mention those principles in that piece of legislation. Otherwise, it may be argued with a great deal of justification—whatever the conception of the hon. Minister may be about these principles—that the principles mentioned here are not adequate. I would, therefore, urge that if these words are meaningless and this clause does not mention anything about principles except about manner, why should there be so much of insistence on the word "principles".

Shri Santhanam: If the hon. Member will be satisfied with the word "procedure" I am quite willing to accept it.

Prof. S. N. Mishra: It would be better.

Shri Santhanam: If you will permit me, I shall move a verbal amendment for the substitution of the word "pro-

cedure" for the word "principle". I beg to move:

In clause 39, in line 4, for "principles" substitute "procedure"....

Mr Chairman: The question is:

In clause 39, in line 4, for "principles" substitute "procedure".

The motion was adopted.

Mr. Chairman: The question is:

In part (b) of clause 39, omit:

"subject to rules made under this Act".

The motion was adopted.

Further amendment made:

In part (c) of clause 39, for "district judge", wherever they occur, substitute "High Court".

—[*Shri Deshbandhu Gupta*]

Mr Chairman: The question is:

"That clause 39, as amended, stand part of the Bill."

The motion was adopted.

Clause 39, as amended, was added to the Bill.

New Clause

Shri Deshbandhu Gupta: I beg to move:

After clause 39, insert.....

Shri Santhanam: On a point of order, Sir. This is not germane to the scope of the Bill. It is outside its scope. This seeks to amend some other Bill which is not before the House.

Shri Deshbandhu Gupta: I have not followed my hon. friend.

Shri Hussain Imam: Let him move the amendment.

Shri Santhanam: This is about the refusal of permit, etc., which is germane to an amendment of the Motor Vehicles Act. But this Bill does not authorize the Corporation to get any permit or have anything to do with any permit. It has to go to the transport authority and get permits like any other motor operator. Therefore I think this is outside the scope of this Bill altogether.

Shri Deshbandhu Gupta: I would like to draw the attention of my hon. friend to his own amendment regarding clause 46A.

An Hon. Member: But the king can do no wrong!

Shri Deshbandhu Gupta: If clause 46A can be moved which seeks to

validate certain action taken under the Motor Vehicles Act.....

Shri Santhanam: No, Sir. It was taken under the Road Transport Corporation Act to remove the defects of which this has been brought in. It does not intend to affect the Motor Vehicles Act or any other legislation. It is connected with this Road Transport Corporation which has been brought in.

Shri Deshbandhu Gupta: I would like to draw his attention to part (c) of his amendment wherein he says:

"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."

I want to know whether these permits were granted under the Motor Vehicles Act, 1939 or not. If they were granted under the Motor Vehicles Act, 1939, surely it is open to me to refer to the Motor Vehicles Act, 1939 and say in case a permit is refused what relief should be given to the operator. If the objection which my hon. friend takes to my amendment is valid, surely, that will equally apply to his own amendment regarding clause 46A.

Pandit Thakur Das Bhargava: There is another point to which I would respectfully call the attention of the Chair. We have already discussed certain amendments relating to the question of compensation. This amendment relates to the principle of compensation, the principle being that whenever there is any refusal for the renewal of a permit or any other thing enumerated in (a), (b) and (c) arises, then in that contingency it is made obligatory on the Corporation to behave in a certain manner. We have discussed all these amendments before and no point of order was raised. This is an amendment on the very same lines that we have been discussing. As a matter of fact this constitutes one of the principles on which we have been fighting.

Shri Santhanam: The word "principle" has been taken out of this Bill altogether.

Shri T. Husain (Bihar): As regards the point of order, may I say that when a Member comes forward with an amendment it is for the Chair to admit or not to admit it. If it does not admit it, it does not find a place on the agenda. Now the hon. Member has

[Shri T. Husain]

moved his amendment and it is for the House to accept it or not. Therefore I should think the point of order does not arise.

Mr. Chairman: The mere inclusion does not mean that it has been accepted.

Sardar Hukam Singh: The amendment no doubt talks of the refusal to renew any permit given under that Act, but if we read the lower portion of the amendment we come to the conclusion that when the renewal of the permit is refused, the effect of the refusal will involve interference with the carrying on by the permit holder of some activity which was being carried on by him before. It is not the pure refusal that is being discussed or amended here but the effect of the refusal in taking over of a business by the Corporation. Therefore it is relevant to the present Bill and the provision must be amended here.

Shri Hussain Imam: May I submit a point for consideration? The hon. Minister has stated that it is not germane to the discussion. If it had been an amendment to ask that certain things should be done under the Motor Vehicles Act, 1939, it would have been out of the purview of this clause. What it proposes to do is this. Actions have been taken under the Motor Vehicles Act which were not really for the purpose of the Motor Vehicles Act but in furtherance of the establishment of a Corporation. It was a step in aid of the formation of the Corporation. Therefore they wish to bring in this amendment whereby certain duties are imposed on the Corporation which is going to be formed. What it really amounts to is this. The charge has been universally made in the House that some State Governments have cancelled the permits or given temporary permits as a preparation for the establishment of a Road Transport Corporation. Now, what we want is that we must make the principle liable for the actions of the agent. The regional authorities were acting under the directions of the Province. The State gave certain directions that this route is going to be nationalised, and as there was a time lag between the establishment of the Road Transport Corporation and the time the operators were working, therefore it has been brought in that this Road Transport Corporation should be liable for the payment of compensation even in cases where *prima facie* there is no liability, because that method which was adopted to get out of the payment of the compensation was not quite a proper method. I

therefore submit that we postpone the further consideration of the matter till tomorrow.

Shri Deshbandhu Gupta: Before you give your ruling on the point.....

Mr. Chairman: I just wanted to understand this. Some permits can be refused under the Motor Vehicles Act and there may be no Corporation in that area. How is it going to be worked? There may be no Corporation at a particular place and still for certain other reasons a permit may be refused. How will the Corporation come in?

Shri Deshbandhu Gupta: This presumes that if there is a Corporation then and then only it will apply. I would draw your attention to part (c).

Mr. Chairman: Part (c) may be admissible, but what about parts (a) and (b)?

5 P.M.

Pandit Thakur Das Bhargava: May I submit two or three words? There are these three points and further it says "and the effect of the refusal, the effect of the imposition of the limitation or condition will involve interference with the carrying on by the permit holder of some activity which was being carried out by him hitherto or by his predecessors in or any part of the undertaking, and has, up to the time of refusal, the imposition of limitation or condition as the case may be, he may within the prescribed time serve on the Corporation a notice, etc." These three conditions must pre-exist, and on account of any of these conditions coming on that man is asked to put in a notice to the Corporation and the Corporation is then asked to behave in a particular way. These conditions may not be acceptable. Supposing he is armed with a sort of power to give notice and ask the Corporation to act in a particular way. As long as he is going to ask the Corporation which is set up by this Bill to act in a particular way, this amendment is perfectly in order.

Mr. Chairman: It is now five o'clock. We will consider this further tomorrow.

PAPER LAID ON THE TABLE

REPORT ON THE COLOMBO PLAN FOR CO-OPERATIVE ECONOMIC DEVELOPMENT IN SOUTH AND SOUTH-EAST ASIA.

The Minister of Finance (Shri C. D. Deshmukh): I beg to lay on the Table a copy of the Report on the Colombo

Plan for Co-operative Economic Development in South and South-East Asia. [Placed in Library. See No. IV S.O.(111).]

I should like to inform the House that copies of the document will be circulated to all of them individually. I should also like to take this opportunity to state that the Government of India attach considerable importance to facilitating the establishment of conditions favourable to the execution of this plan for economic development of the whole of South and South-East Asia. The Government of India, themselves will make every endeavour to augment the country's capacity to undertake the execution of such portions of the plan as are within the country's means. They believe that the best support that they can give to the execution of the plan at this moment is by husbanding their own resources towards the advancement of their own plan for development. They have, however, promised and will contribute over the next three years a sum up to Rs. one crore equivalent to £7,50,000 towards the technical co-operation scheme envisaged in the plan.

The plan contains the seeds of international economic co-operation. As such co-operation bears fruit, India, herself strengthened, would find it possible not only to take an increasing part in schemes for the pooling and widening of technical knowledge but also in schemes of investment of capital

resources in areas deficient in such resources, thereby aiding in their development and prosperity.

Shri Ramalingam Chettiar (Madras): May I ask a question?

Shri Hussain Imam (Bihar): May I ask whether you propose to give us a day or half a day to discuss this matter?

Mr. Chairman: Is Mr. Chettiar going to ask any question?

Shri Ramalingam Chettiar: It is only a clarification.

Mr. Chairman: No question will be allowed.

Shri Ramalingam Chettiar: I will not put any question. I want a clarification of the statement.

Shri Kamath (Madhya Pradesh): Will Government allot half a day for discussing this matter?

The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha): Government will consider this suggestion.

The House then adjourned till a Quarter to Eleven of the Clock, on Wednesday the 29th November 1950.