

Monday, 4th December, 1950

Par B. II. V. 50 (1)

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# PARLIAMENTARY DEBATES

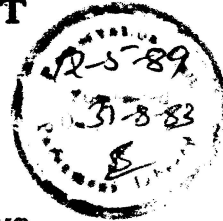
(Part I—Questions and Answers)

OFFICIAL REPORT

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*Volume V, 1950*

*(15th November to 22nd December, 1950)*



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**THIRD SESSION (FIRST PART)**

of the

**PARLIAMENT OF INDIA**

(1950)

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

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**PARLIAMENT OF INDIA**

*Monday, 4th December, 1950*

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

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**RESIDENTIAL ACCOMMODATION (ALLOT-  
MENT)**

\*588. **Shri Kesava Rao:** (a) Will the Minister of Works, Mines and Power be pleased to state what is the number of out-of-turn allotments made to (i) officers; and (ii) other staff, during the current year?

(b) What are the reasons for which out-of-turn allotment of quarters are usually granted?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) The figures of out-of-turn allotments made between April and September of the current year (1950-51), are as follows:

(1) Officers drawing Rs. 600 p.m. and over—71.

(2) Officers drawing less than Rs. 600 p.m.—290.

(b) Regular accommodation is never given out of turn except to officials of high status, like Supreme Court Judges. Out of turn allotments, are as a rule confined to unpopular categories of 'special' accommodation and made in "hard" cases, which cannot wait until their turn for allotment under the rules, come, which would be after several years of waiting. Types of cases, in which out-of-turn allotments have so far been sanctioned, are indicated in the statement placed on the Table of the House. [See Appendix VI, *annexure No. 1.*]

**Shri Kesava Rao:** May I know the categories of officers given out-of-turn allotments?

**Shri Gadgil:** So far as allotment of regular accommodation is concerned, that category includes hon. Ministers, Ministers of State, Deputy Ministers, hon. Judges of the Supreme Court, Members of the Planning Commission, and the Food Production Commissioner who were given regular bungalows out-of-turn.

**Shri Kesava Rao:** May I know whether there are any cases of out-of-turn allotment made to officers other than the officers mentioned?

**Shri Gadgil:** No, Sir.

**Shri Kesava Rao:** Who determines these out of turn allotments?

**Shri Gadgil:** The Minister presiding over the W.M.P. Ministry.

**Shri Kamath:** What, Sir, are the unpopular categories referred to in the answer?

**Shri Gadgil:** There are certain requisitioned buildings and flats. Some of them are not very popular on account of their situation or on account of want of certain amenities. There are many refusals when they are allotted according to the rules. Therefore, those units are given under the category out-of-turn allotments.

**LABORATORY FOR C.P.W.D.**

\*589. **Shri Tyagi:** Will the Minister of Works, Mines and Power be pleased to state whether Government have planned to construct a laboratory for the use of the C.P.W.D. and if so where, at what cost and for what purpose?

**The Minister of Works, Mines and Power (Shri Gadgil):** There is a proposal to construct a laboratory for the Central Public Works Department in New Delhi near the junction of Mahadeo Road and Queen Mary's Avenue, at a cost of Rs. 1,00,000. The purpose of the laboratory is to enable the Central Public Works Department to test the strength of mortar concrete



and other building materials. The scheme awaits fuller examination and sanction.

**Shri Tyagi:** Will all the mortar etc., which will be used in the Public Works Department be tested in this laboratory?

**Shri Gadgil:** Samples are always looked into: not the whole quantity.

**Shri Tyagi:** Has the scheme been approved by the Finance Committee?

**Shri Gadgil:** Not yet. I have already stated in my reply that the scheme awaits further examination and sanction.

**Shri Hanumanthaiya:** In regard to the location of this laboratory, would it not be advantageous to place it somewhere else than Delhi?

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

**Dr. Deshmukh:** Is the scheme for the establishment of this laboratory due to the fact that a lot of faults have been found with the contractors building for the Government of India? Is it due to the experience that they have had?

**Shri Gadgil:** That is one of the reasons, though not the main reason.

#### TOBACCO

\*592. **Shri S. C. Samanta:** Will the Minister of Agriculture be pleased to state:

(a) whether tobacco intended for consumption in India is graded;

(b) how much tobacco was produced in India in the year 1949-50 (i) how much was exported (ii) how much was kept for internal consumption; and

(c) the names and varieties of tobacco grown in India?

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

(b) 614,284,000 lbs.

(i) 75,620,064 lbs.

(ii) 538,663,936 lbs.

(c) The main species of indigenous tobacco cultivated in India are *Nicotiana rustica* and *Nicotiana tabacum*. The principal varieties of *Nicotiana rustica* are "Calcatiya" (grown in U.P. and Punjab), "Gobbi" (grown in Punjab), "Motihari" (grown in Bengal mainly, and also in Bihar and Assam), and "Vilayati" (grown in Bihar). *Nicotiana tabacum* is commonly referred to as "Desi" (local), or as

"Jati" in Bengal, or "Natu" (country) tobacco in Madras.

Virginia tobacco (*Nicotiana tabacum*) is an exotic type, cultivated in India extensively. The chief varieties of this tobacco are Adcock and Harrison Special. White Burley, which is also *Nicotiana tabacum* is an exotic variety grown to a small extent.

**Shri S. C. Samanta:** May I know whether the yield of tobacco in India is on the increase or on the decrease?

**Shri Thirumala Rao:** It is slightly increasing.

**Shri Barman:** Is it a fact that there is a great dearth of wrapper tobacco in India, and if so what are the steps taken by the Government to increase the production of wrapper tobacco?

**Shri Thirumala Rao:** It is a high grade tobacco and it is sought to be cultivated through the help of the many research stations.

**Shri S. C. Samanta:** May I know the amount and value of tobacco which is imported from Pakistan, or which is exported from India to Pakistan?

**Shri Thirumala Rao:** I have not got the figures with me.

**Shri Brajeshwar Prasad:** Are cigars imported from Belgium?

**Mr. Speaker:** Next question.

#### BLACKMARKETING IN FOOD GRAINS

\*593. **Shri Kamath:** Will the Minister of Food be pleased to state:

(a) the number of cases of black-marketing, hoarding and profiteering in food grains that have been reported during the last four months from each of the Part C States;

(b) what action has been taken in each of these cases; and

(c) whether it is a fact that Government have issued instructions to all the States to deal drastically with such offenders?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) and (b). A statement giving the necessary information is laid on the Table of the House. [See Appendix VI, annexure No. 2.]

(c) Yes.

**Shri Kamath:** With regard to the cases reported from Delhi, which the Statement gives as 230, what were the circumstances under which one of the cases was withdrawn? The remarks column shows that one case was withdrawn. Why was it withdrawn?

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

**Shri Kamath:** With regard to the convictions reported from Delhi, numbering 101, have the licences of those defaulters, who were convicted, been cancelled or suspended as has happened in Vindhya Pradesh?

**Shri Thirumala Rao:** I would like to investigate into the matter. We asked only for a Statement from the States and we have not got all these details.

**Shri Kamath:** With regard to the thousands of ghost ration cards which were discovered during the last six months, or more, what action has been taken against those persons who had secreted those ghost ration cards?

**Shri Thirumala Rao:** Suitable action must have been taken by the States. All these details have not been provided by the States.

**Shri Kamath:** What about Delhi State?

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

**Shri Gautam:** Is it the policy of Government to allow these traders to continue after they are convicted for black-marketing?

**Shri Thirumala Rao:** No, Sir.

**Sardar B. S. Man:** Has it been brought to the notice of Government that the U.P. Government while giving seeds to farmers is giving at black market rates?

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

**Shri Kamath:** On a point of order, Sir, my question was specific and explicit: "What action has been taken in each of these cases". In spite of that, the answer is incomplete and unsatisfactory. Will you please.....

**Mr. Speaker:** I am afraid questions are put in, calling for too much of details many times. I do not wish to encourage details being asked for in this manner.

**Shri Kamath:** May I submit, Sir, that in the Statement laid on the Table of the House, as regards Vindhya Pradesh, it is mentioned that licences were cancelled and suspended in many cases. In the case of Delhi, nothing is mentioned. Why this incomplete answer.....

**Mr. Speaker:** They may not have been cancelled; they may be under consideration. The hon. Member may table another question. I am calling the next question.

#### BHAKRA-NANGAL PROJECT

\*594. **Shri Kamath:** Will the Minister of Works, Mines and Power be pleased to state:

(a) whether it is a fact that a Central Control Board has been recently set up for the execution of the Bhakra-Nangal Project;

(b) if so, the reasons for the same; and

(c) the progress up to date of the Project in question?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) Yes. A Bhakra Control Board and a Bhakra Advisory Board have been set up by agreement amongst the participating Governments including Punjab (India), Patiala and East Punjab States Union and Rajasthan.

(b) These Boards have been set up to ensure efficient, economical and early execution of the Bhakra-Nangal Project, including all connected works in the territories of the States concerned. A copy of the Government of India's Resolution No. DW.(II)-22(3), dated the 25th September 1950 setting up these Boards is laid on the Table. [See Appendix VI, annexure No. 3.]

(c) A copy of the progress report showing the up-to-date progress on the project is enclosed. [See Appendix I, annexure No. 21.]

**Shri Kamath:** Sir, the Statement laid on the Table shows that Shri Chandulal Trivedi has been appointed Chairman of the Bhakra Control Board. Am I to understand that the Governor of East Punjab has been appointed Chairman of the Board or has he been appointed in his personal capacity?

**Shri Gadgil:** It will be clear to the hon. Member from the Statement that Shri Chandulal Trivedi has been appointed in his personal capacity, and that fact that he is the Governor is not mentioned there.

**Shri Kamath:** Sir, is there any precedent for a Governor of a Province being thus appointed Chairman of such a board?

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

گھاتی جی- ایس، مسافر : سہیل دل  
بوڈ کے کون کون سے ممبر ہیں -

[Giani G. S. Musafir: Who are the Members of the Central Board?]

श्री गाडगिल : इसी में लिखा हुआ है, एक हैं श्री चंदूलाल त्रिवेदी, दूसरे कंसल्टिंग इंजीनियर, गवर्नमेंट आफ इंडिया फार वाटर पावर, इरिगेशन एंड नेविगेशन, तीसरे ज्वायंट सेक्रेटरी, फाइनेन्स मिनिस्ट्री, गबन-

मेंट आफ इंडिया, चौथे हैं चीफ इंजीनियर  
 एंड सेक्रेटरी, भाकरा डाम पांचवें सेक्रेटरी  
 फाइनेंस पंजाब, छठवां एक रिप्रेजेंटेटिव  
 आफ पेंसु एक साल और दूसरे साल  
 रिप्रेजेंटेटिव, राजस्थान।

[Shri Gadgil: It is given therein. One is Shri Chandulal Trivedi, second, the Consulting Engineer, Government of India, for Water Power, Irrigation and Navigation, third, the Joint Secretary, Finance Ministry, Government of India, fourth, the Chief Engineer and Secretary, Bhakra Dam, fifth, the Finance Secretary, Punjab, sixth, a representative from P.E.P.S.U. for one year and one from Rajasthan for the next year.]

**Dr. Parmar:** Sir, may I know who represents Himachal Pradesh on this Board?

**Shri Gadgil:** Himachal Pradesh is represented by the Government of India on this Board.

**Shri Kamath:** Sir, may I know if the execution of the Bhakra-Nangal Project has now been worked out, I mean have the details of all the various stages of it been worked out?

**Shri Gadgil:** Sir, it is too large a question to be answered as a supplementary question.

**Pandit Thakur Das Bhargava:** Sir, by what time will this project be completed and also, may I know if the formation of this Board has accelerated the completion of the project?

**Shri Gadgil:** The project will be completed by 1955-56. The constitution of this Board as is shown in the Government Resolution itself is to have the whole thing done more expeditiously and with greater efficiency.

**Sardar B. S. Man:** Sir, may I know, if apart from the Control Board, an Advisory Board also has been constituted, and if so, what will be the functions of this Advisory Board as opposed to those of the Control Board?

**Shri Gadgil:** The functions are detailed in the Resolution, and I do not think it will be quite right to read the whole thing here.

**Shri Sondhi:** Is it because the three different States concerned in this project were quarrelling about their own interests that this Central Board has been brought into existence?

**Shri Gadgil:** Not exactly so, they were not agreeing, more or less.

**श्री बलबन्त सिन्हा मेहता :** मैं माननीय मंत्री से यह पूछना चाहता हूँ कि जब सब स्थानों से प्रतिनिधि लिए जाते हैं तो राजस्थान से क्यों नहीं लिए जाते हैं ?

[Shri Balwant Sinha Mehta: May I ask the hon. Minister why no representative is taken from Rajasthan when they are taken from all other places?]

**श्री गडगिल :** राजस्थान से प्रतिनिधि अल्टरनेट साल लिया जाता है ।

[Shri Gadgil: A representative is taken from Rajasthan every alternate year.]

**श्री बलबन्त सिन्हा मेहता :** राजस्थान के साथ ऐसा व्यवहार क्यों करता गया ?

[Shri Balwant Sinha Mehta: Why has this treatment been meted out to Rajasthan?]

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

**Shri Kamath:** How much financial aid has been allocated to this project under the Colombo Six Year Plan?

**Shri Gadgil:** I cannot answer that question immediately. I require notice.

#### MUSTARD AND RAPESEED

\*595. **Dr. M. M. Das:** (a) Will the Minister of Agriculture be pleased to state the total production, export and import (if any) of mustard and rapeseed in India during the year 1949-50?

(b) Are the restrictions upon the export of mustard and rapeseed imposed during 1941-43 to meet the increasing demand in India, still in force?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) The total production of mustard and rapeseed in India during the year 1949-50 was 774,000 tons. Only one ton was exported and there were no imports. I might add that 263 tons of mustard oil were exported during the same year.

(b) The exports of both mustard and rapeseed have been kept at a minimum since March, 1946; but Government sometimes allow the export of small quantities to hard currency countries.

**Dr. M. M. Das:** Sir, in view of the fact that the price of mustard oil to-day is more than double that in 1941-42,

may I know, Sir, whether Government contemplates to impose stricter control on its distribution and altogether ban the export of mustard seed or oil?

**Shri Thirumala Rao:** Government are not encouraging the export of the oil or the seed except in very small quantities where hard currency countries require it.

**Dr. M. M. Das:** Sir, what percentage of the total produce of our country is thus exported?

**Shri Thirumala Rao:** Sir, I would require notice of the question.

**Dr. M. M. Das:** May I know the amount of foreign exchange earned by this export of mustard oil and seed?

**Shri Thirumala Rao:** I want notice, Sir.

**Dr. M. M. Das:** May I know, Sir, whether the high price of mustard oil is not a contributory factor to the increased cost of living index?

**Shri Thirumala Rao:** I don't know, an expert in economics must know it, Sir.

#### INTERNATIONAL CIVIL AVIATION ORGANISATION

\*596. **Dr. M. M. Das:** (a) Will the Minister of Communications be pleased to state what is the total number of Indians who have been granted licence by the I.C.A.O. so far?

(b) Is it a fact that licence by the I.C.A.O. is necessary for international flying?

(c) Is any additional training necessary for pilots who take to international flights?

(d) Is there any existing arrangement under our Civil Aviation Department for giving training to the pilots who intend to appear in I.C.A.O. examinations?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) and (b). International Civil Aviation Organisation is not empowered to issue air crew licences, nor does it hold any examination.

(c) No, Sir. The position is that International Civil Aviation Organisation prescribes certain standards of qualification, experience and physical fitness for categories of air crew personnel for international flights. If the licences for air crews issued by any State, Member of International Civil Aviation Organisation, e.g., India, are based on standards not lower than those prescribed by International Civil Aviation Organisation, then such

licences are recognized by other States, Members of International Civil Aviation Organisation, for flights over their territories.

(d) India has accepted the International Civil Aviation Organisation standards and her licences are based, and are being made to conform to, those standards from time to time. No additional training is required by Indian licence holders for international flights.

**Dr. M. M. Das:** Sir, may I know whether the International Civil Aviation Organisation holds any tests to test the knowledge and experience of the crew?

**Shri Khurshed Lal:** I have just said that they do not hold any examination.

**Dr. M. M. Das:** May I know, Sir, whether we have to contribute something to this organisation in money for its maintenance?

**Shri Khurshed Lal:** Sir, this question does not arise out of this question, I will require notice.

**Shri Jaipal Singh:** May I know, Sir, if this year, it is India's turn to be President or Vice-President of the I.C.A.O.?

**Shri Khurshed Lal:** Sir, this does not arise from this question regarding the issue of licences.

**Dr. M. M. Das:** Sir, may I know whether the Indians holding the I.C.A.O. licences are sufficient to meet all the demand for them?

**Shri Khurshed Lal:** Sir, there is some misapprehension in the mind of the hon. Member. There are no I.C.A.O. licences.

#### TRACTOR MECHANICS AND DRIVERS

\*597. **Dr. M. M. Das:** (a) Will the Minister of Agriculture be pleased to state whether there is any existing arrangement in the Central Tractor Organisation for the training of tractor mechanics and drivers?

(b) If so, what is the total number of tractor mechanics and drivers that have been trained in C.T.O. so far?

(c) Is it a fact that Government are receiving large number of requests from private parties to give training to the men sent by those parties?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) Yes. A refresher course of training for the mechanics and drivers of the Central Tractor Organisation and State Governments has been inaugurated at Bhopal recently.

(b) A total of about 3,000 persons have received various types of technical training in the Central Tractor Organisation, under the old scheme. Under the present scheme an additional 120 operators will be trained before 31st December 1950.

(c) It is a fact that the Central Tractor Organisation receives now and then requests from private parties for giving training to their men, but on account of the limited training facilities, it has not so far been possible to entertain any such request. Besides employees of the Central Tractor Organisation itself, the only others who receive training in the Organisation are the employees of State Governments. There is, however, a proposal to start a school for giving training to private operators also, as an adjunct of the Central Tractor Organisation.

**Dr. M. M. Das:** Sir, may I know what is the duration of the training at this Centre, and whether the training is free of charge or are the candidates charged any fees?

**Shri Thirumala Rao:** The duration is about a month, and a small fee is charged. The nominees from the State Governments have their expenses borne by the State Governments themselves.

**Dr. M. M. Das:** Sir, how many trainees are being taken at one time?

**Shri Thirumala Rao:** The number of nominees of the State Governments so far received are—Tractor Operators 13, Mechanics 9 and Assistant Engineers 3.

**Dr. M. M. Das:** Sir, I wanted to know the capacity of the Centre as to how many candidates can be trained at one time.

**Shri Thirumala Rao:** The Central Tractor Organisation located at Delhi and the one at Bhopal can train about fifty persons at one time.

**Shri Rathnaswamy:** May I know if the services of foreign experts are being employed in the matter of training these tractor mechanics and drivers?

**Shri Thirumala Rao:** There is one foreign expert employed in Bhopal for a period and he will train other people of our own.

**Shri Kesava Rao:** Is the Central Tractor Organisation in a position to lend the services of drivers and mechanics to private cultivators?

**Shri Thirumala Rao:** They do not keep extra drivers to be lent out but they can train up private drivers.

**Sardar B. S. Man:** May I know whether any arrangements exist to train drivers and mechanics on the spot where the Central Tractor Organisation units are now working in the different States?

**Shri Thirumala Rao:** Small workshop units are also sent along with these units. Wherever they are sent there the necessary training can be received.

**Shri T. N. Singh:** In reply to the question the Minister stated that there is a proposal to start training of tractor operators at the Centre. May I know whether there is also any scheme under the consideration of the Government for similar organisation, being set up in the Provinces and whether, where there are already some nuclei of such training centres in the Provinces, there is any proposal to co-ordinate the whole scheme?

**Shri Thirumala Rao:** The Central Tractor Organisation is concentrating on a particular type of work. To our knowledge there are certain States which have got their own mechanical training workshops and assistance is being given to such States as require it from the Centre.

#### HOTELS IN DELHI

**\*599. Dr. Deshmukh:** Will the Minister of Works, Mines and Power be pleased to state if the rates of hotel accommodation in Delhi are controlled and, if so, what they are and on what basis they are fixed?

**The Minister of Works, Mines and Power (Shri Gadgil):** Yes. A statement showing the controlled rates, is laid on the Table of the House. [See Appendix VI, annexure No. 4.]

The rates have been fixed by totaling up all items of expenditure per day, dividing this amount by the floor area to arrive at the rate per sq. yard per day and adding to it As. -/1/- per sq. yard per day for profit.

**Dr. Deshmukh:** When were these rates fixed last time?

**Shri Gadgil:** I think they were fixed about four or five months ago and some of the hotels have appealed against that decision.

**Dr. Deshmukh:** Is it a fact that a ten per cent. rise has been allowed to them recently?

**Shri Gadgil:** I require notice of that.

**Shri Sondhi:** Are Government aware that in one of the big hotels in New

Delhi the charge for a double room suite, air conditioned, is Rs. 200 a day?

**Shri Gadgil:** I have received complaints to that effect.

**Dr. Deshmukh:** Has the hon. Minister compared the rates obtaining in Delhi with those obtaining in places like Bombay and Madras?

**Shri Gadgil:** Because Bombay and Madras differ widely from Delhi, there cannot be any comparison.

#### AIR TRANSPORT SERVICES

\*600. **Shri S. C. Samanta:** (a) Will the Minister of Communications be pleased to state what are the non-scheduled Air Transport Services that were engaged for mass movement of displaced persons between India and Eastern Pakistan?

(b) What is the number of evacuees and the amount of goods they carried and what is the total mileage they covered?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) No non-scheduled air transport services were operated for the mass movement of displaced persons between East Pakistan and India, but the frequencies of the scheduled services between Calcutta and Dacca and Calcutta and Chittagong were increased to meet the requirements of such traffic.

(b) A statement showing the number of such Indian scheduled services and the persons and goods carried is placed on the Table. [See Appendix VI, annexure No. 5.]

**Shri S. C. Samanta:** What is the amount of loss of goods and lives during the transport?

**Shri Khurshed Lal:** No loss to my knowledge.

**Shri S. C. Samanta:** Any loss of goods?

**Shri Khurshed Lal:** No loss.

**Shri S. C. Samanta:** May I know whether the fares and freights were charged and received from the passengers or were the payments made by someone else?

**Shri Khurshed Lal:** The company has charged the fares and freights; whether the passengers paid them or somebody else I do not know.

#### PROCUREMENT AND SELLING PRICES OF RICE

\*601. **Shri Kshudiram Mahata:** (a) Will the Minister of Food be pleased

to lay on the Table of the House a statement showing (i) the procurement prices of different varieties of rice (with names of varieties) in various States in 1950; and (ii) the selling prices of different varieties of procured rice to consumers during the same period?

(b) How is the difference between procurement rate and selling rate accounted for?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) (i) and (ii). A statement showing the procurement and issue prices of rice during the 1949-50 season is placed on the Table of the House. [See Appendix VI, annexure No. 6.]

(b) The difference between the procurement prices and the issue prices represents the incidental expenses incurred by the State Governments. The items of expenditure generally are procurement agents' commission, handling at purchasing and other points, storage cost, shortage in storage and transit, interest, sales and other local tax, if any, and in some cases establishment charges, cost of gunny or depreciation etc.

**Shri Kshudiram Mahata:** The statement does not show any rates for the State of Bihar. Am I to understand that there was no procurement in Bihar in 1950?

**Shri Thirumala Rao:** There was very little procurement in Bihar. The total was about 40,000 tons of foodgrains.

**Shri Sondhi:** There must be some rate for it.

**Shri Kshudiram Mahata:** Are Government aware of the fact that in one district of Bihar, Manbhum, after the target of procurement was reported by the local authorities to have been achieved, the procurement rates were increased by Rs. 4 per maund and the already procured stocks was assessed at increased rates for paying the agents?

**Shri Thirumala Rao:** That is asking for too much of a detail regarding one district in Bihar.

**Shri Jhunjhunwala:** What is the proportion of these charges as compared with Government prices?

**Shri Thirumala Rao:** They vary from place to place with respect to conditions prevailing there. I cannot give any definite proportion.

**Mr. Speaker:** He wants to know the percentage.

**Shri Thirumala Rao:** The percentage varies from place to place. They are higher in out of the way places because the cost of procurement is higher and they are lower in places where there are means of communication.

**Shri Jhunjhunwala:** What is the highest percentage and the lowest percentage?

**Shri Thirumala Rao:** I have not got the calculations here.

**Dr. R. S. Singh:** Is it a fact that rice is procured in Bihar at Rs. 13 or 14 per maund and sold at Rs. 27 or 28 per maund?

**Shri Thirumala Rao:** I do not think there is so much disparity between the procurement and issue prices.

**Shri T. N. Singh:** Is it a fact that in Bombay the selling price of rationed grains varies considerably from one district to another within a small area?

**Shri Thirumala Rao:** I cannot exactly answer the question put by my hon. friend but there is some disparity due to local conditions.

**Shri Kamath:** May I know if cases have been reported to Government where peasants have resisted procurement?

**Shri Thirumala Rao:** Here and there there has been some resistance to procurement.

**Shri Kamath:** What is meant by here and there?

**Shri Thirumala Rao:** Considering the area and the quantity procured the quantum of resistance is very little.

**Shri M. L. Gupta:** Is it true that in Hyderabad the handling charges come to nearly the same price which we pay to the cultivator for procurement?

**Shri Thirumala Rao:** I cannot exactly vouch for the proportion but Hyderabad has got a big corporation with a large staff.

**Shri S. N. Sinha:** Have Government received any representations from States to raise the procurement price?

**Shri Thirumala Rao:** Some Governments have suggested that it might be increased.

#### SUGAR QUOTA

**\*602. Shri D. S. Seth:** Will the Minister of Agriculture be pleased to state:

(a) the monthly quota of sugar ration per head in Delhi and in Rajasthan capital, Jaipur, and in the mofussil; and

(b) the reasons for difference in quotas of sugar per head in different places?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) The ration scales for sugar in Delhi and Jaipur are 4 chattaks per week and 8 chattaks per month respectively. In the Mofussil the scales are 1½ chattaks per head per week in the case of Delhi and 2 to 5 chattaks per head per month in Rajasthan.

(b) The difference in quotas is due to the difference in the normal per capita consumption of sugar in the two States. Sugar habits vary from area to area.

**Shri Ghule:** May I know why the quantity of sugar allotted to different Provinces is not based on a population basis?

**Mr. Speaker:** Order, order. The hon. Member is arguing.

#### LOCUST INVASION

**\*604. Prof. K. T. Shah:** (a) Will the Minister of Agriculture be pleased to state whether the attention of the Government has been drawn to the recent invasion by locusts of the Western States of Gujerat, Saurashtra, and Cutch?

(b) What steps have been taken to guard against and minimise the damage that is being done in those areas by such pests?

(c) Have any estimates been made of the loss caused to crops in those areas by the ravages of locusts and other such pests, as also by floods in the current year?

(d) If so, what is the approximate loss suffered in each of the areas mentioned above?

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

(b) Adequate anti-locust organisations have been set up by the Centre, as well as by the States concerned, for fighting the locust menace. They have been provided with insecticides, dusting machinery and other equipment. The Central Organisation is in charge of control operations in desert breeding areas, and keeps a continuous watch over the locust situation in India as a whole; assists the State Governments who are responsible for the cultivated areas, in their respective territories.

with technical advice and equipment when necessary.

(c) Yes, except for the areas in the Western Districts of Gujerat.

(d) No estimates have been prepared by the Government of Bombay for the damage caused to crops by locusts and floods in the Western Districts of Gujerat:

The losses on these two counts in Saurashtra and Kutch, as estimated by the respective State Governments, are as follows:

	Saurashtra	Kutch
	(Tons)	(Tons)
(i) Due to locusts and other pests	26,000	5,070
(ii) Due to floods	2,500	3,880
<b>TOTAL</b>	<b>28,500</b>	<b>8,950</b>

**Prof. K. T. Shah:** May I recall the statement of the hon. Food Minister while replying to the debate on food the other day, that the locust menace was not possible to be dealt with because the people were unwilling to get these insects killed, that no steps were taken because no complaints were made by the people? May I know whether that remark was borne in mind by the hon. Deputy Minister when he answered the question and said that Government have taken action?

**Shri Thirumala Rao:** There is some feeling of compassion for these creatures, on the part of some people. I would like to draw the attention of the hon. Member to the news item that a bridge was built by some people to enable the locusts go across and feed themselves.

**Prof. K. T. Shah:** In spite of that complaint's were made about locusts and relief was sought?

**Shri Thirumala Rao:** Government are not influenced by the attitude of some people, they are proceeding with the organisation of anti-locust measures.

**Mr. Speaker:** His point is whether the people had made complaints about the locusts and had wanted Government to destroy them.

**Shri Thirumala Rao:** Sir, the State Governments are responsible for these things; we are dealing with the problem as a result of complaints from the people.

**Shri Hathi:** May I know from what State comes that story of building a bridge for the locusts?

**Shri Thirumala Rao:** My recollection is that it was somewhere in North of Bombay State.

#### TOURISTS TRAFFIC

\*605. **Prof. K. T. Shah:** (a) Will the Minister of Transport be pleased to state what additional measures have been adopted to encourage tourists traffic in India?

(b) What have been the results as regards the growth, or otherwise, in that traffic during the last three years?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Among the important steps taken by Government for encouraging tourist traffic in India, are the following:

(1) A Tourist Traffic Organisation has been set up, consisting of a Tourist Traffic Branch in the Ministry of Transport and Regional Tourist Information Centres at Delhi, Bombay, Calcutta and Madras. It is the function of this Organisation to coordinate all arrangements for improvement of amenities for the tourists and for the distribution of publicity material.

(2) Steps are being taken with the assistance of hoteliers, State Governments and air, rail and road transport authorities to provide good food, satisfactory accommodation, quick and comfortable transport to all foreign tourists and to ensure that they receive courteous treatment everywhere.

(3) Informative tourist literature is being produced. An information booklet and a Kashmir Guide have already been released. A Handbook of India, A Hotel Guide and Regional Guide books are under print. Folders and posters on important places are being printed and distributed widely.

(b) The Tourist Traffic Organisation was set up in 1949. The number of foreigners excluding nationals of British Commonwealth countries, who were issued visas to India during 1949 and from January to September this year, was 9,815 out of whom 1,311 were tourists. India is now being included in important round-the-world cruises organised from America. It is expected that one of these cruises will bring about 600 top-ranking Americans this winter and another will bring 150 Americans. Thanks to the efforts of the Government, about 5,000 tourists visited Kashmir in 1949 and, during 1950 upto September, the number of such tourists was 6,000. Government have been assured of cooperation by a number of Indian and foreign Travel



Agencies and leading international air and shipping companies. Substantial results may be expected if the tourist traffic campaign is kept up on an intensive scale and all concerned play their part in making the tourists happy and comfortable.

**Prof. K. T. Shah:** May I ask whether any guide on the lines of Whitaker's, to places of historical interest or commercial importance has been prepared and issued by the Government?

**Shri Santhanam:** I have already stated that a guide book is being prepared and will be shortly released.

**Prof. K. T. Shah:** I wanted to know on what lines. Is it a guide to places of historical or aesthetic interest or of commercial importance, or to both, or just a mere itinerary?

**Shri Santhanam:** Generally, it will be such as to interest the tourists who are inclined to come to India.

**Shrimati Renuka Ray:** Is the hon. Minister aware of the fact that there are very serious complaints from many of the tourists who have come here even recently, and would he take more effective steps to see that in regard to transport and, more particularly, hotel facilities, some improvements are made because this is one of our . . .

**Mr. Speaker:** Order, order. She is putting a very vague question.

**Shrimati Renuka Ray:** May I re-ask the question?

**Mr. Speaker:** What information does she want?

**Shrimati Renuka Ray:** I want to know whether any effective steps are being taken to reduce the number of complaints, regarding transport and hotel facilities, from tourists who have come recently.

**Shri Santhanam:** Not only have such steps been taken, but I may say that we have actually received letters from tourists on the great help rendered by our tourist organisations in all these various places.

**Prof. K. T. Shah:** The hon. Minister mentioned about the co-operation from travel agencies. May I enquire whether any commission is allowed to these agencies, and, if so, how much for booking for foreign travel and how much for travel in India?

**Shri Santhanam:** I have no actual figures, but I think a certain percentage of the railway ticket fares and of the air fares are given to these travel agencies.

**Prof. K. T. Shah:** Is this commission also allowed to the travel agencies for booking the citizens of the country for inland travel?

**Shri Santhanam:** Yes, Sir.

#### SITAMARHI-SONBERSA LINE

**\*606. Prof. S. N. Mishra:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the construction of proposed Sitamarhi-Sonbersa line has been abandoned; and

(b) if so, the reasons therefor and the expenditure so far incurred thereon?

**The Minister of Transport and Railways (Shri Gopalaswami):** (a) No. The project is still under consideration.

(b) The expenditure incurred on the survey investigation of this project so far is Rs. 5,500.

**Prof. S. N. Mishra:** May I know whether the work has not yet commenced?

**Shri Gopalaswami:** The work of construction has not commenced yet, —we have not yet got the decision of the Board—but the survey has been completed.

**Prof. S. N. Mishra:** When is the construction proposed to be taken up?

**Shri Gopalaswami:** Well, the survey has been completed, but the survey report has not been received. When that is received, it will be placed before the Central Board of Transport and after it is approved there then we can take action, the decision being in the hands of the Central Board of Transport.

**Prof. S. N. Mishra:** What is the estimated expenditure likely to be incurred on this line?

**Shri Gopalaswami:** The estimate is about Rs. 44.37 lakhs.

#### PRICE CONTROL OF Gur

**\*608. Pandit Thakur Das Bhargava:** Will the Minister of Agriculture be pleased to state:

(a) whether in the matter of fixation of price of Gur any difference has been prescribed in regard to various qualities of Gur;

(b) whether any differentiation in price has been made in the retail sales by shopkeepers or sales by agriculturists to the shopkeepers or stockists; and

(c) whether any account has been taken in the fixation of price of Gur,

of the price of bags, commission charges or profits of intermediaries?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) to (c). The prices fixed are the absolute maximum inclusive of quality differentials, merchandizing, packing or incidental charges and trade margins. For deficit areas, the prices also include the cost of transport from the supplying areas.

**Shri Jhunjunwala:** Is there any difference between the price paid by the dealer to the cultivator and the price at which he himself sells?

**Shri Thirumala Rao:** All this is included in the ceiling price.

**Shri Jhunjunwala:** I want to know whether there is any difference—whether the agriculturist will get this price or the dealer who sells to the consumer will get this price.

**Shri Thirumala Rao:** It is the issue price that is fixed as the ceiling price. Within that rate, the matter has to be adjusted between the primary producer and the dealer.

**Shri Jhunjunwala:** May I know whether the dealer can purchase from the producer at the rate of Rs. 12, and will he be allowed by Government to do so?

**Shri Thirumala Rao:** I should make it clear that it is not intended to enforce any rigid control over the price at all stages—from the stage of production to the stage of retail sale.

**Shri Jhunjunwala:** What is the basis on which the price of *gur* is fixed as compared with sugar?

**Shri Thirumala Rao:** Expert advice is that the production of *gur* is near about Rs. 13.

#### Box Boys ON RAILWAYS

\*609. **Shri Joachim Alva:** (a) Will the Minister of Railways be pleased to state what are the rules in the different railways in regard to the Box Boys who carry the Guard's Boxes containing equipment from the station into the trains?

(b) Is guard's boxes equipment carried by other railways at their headquarters except G.I.P. and why is it done so?

(c) How are the Box Boys who carry the guards boxes authorised?

**The Minister of Transport and Railways (Shri Gopalaswami):** Information is available only in respect of the nine former Indian Government Railways, namely the Assam, B. N., B. B.

and C. I., E. I., E. P., G. I. P., M. and S. M., O. T. and S. I. Railways and is as follows:

(a) and (b). No rules, as such, have been laid down in regard to Box Boys. Box Boys are provided to carry Guards boxes to and from the Box Rooms, or Running Rooms etc., and the trains, at the Headquarters stations of the Guards as well as the out-stations, except that at some stations on the Broad Gauge section of the B. B. and C. I. Railway, and on the G. I. P. and the M. and S. M. Railways, Box Boys are not provided at the headquarters stations of the Guards. The arrangement is based on the practice followed on each railway, but the question of providing Box Boys at the headquarters stations of the Guards, where the provision does not exist at present, is under the consideration of Government.

(c) Box Boys are regular Railway servants and it is their duty to carry the boxes between the Box Rooms or the Running Rooms etc. and the trains. The question of authorising them to do their duty does not arise.

**Shri Joachim Alva:** What is the average weight of these boxes and is any allowance paid to the Guards in the G.I.P. when the boxes are carried by other people than the Box Boys themselves?

**Shri Gopalaswami:** I am afraid I have no information as to the weight of the boxes. It must naturally vary at different places. I do not think any allowance of the kind mentioned by the hon. Member is paid.

#### DAM ON RIVER SEWANE

\*610. **Shri Jnani Ram:** Will the Minister of Works, Mines and Power be pleased to state:

(a) whether there is a proposal for constructing a dam on the River Sewane;

(b) if so, the probable cost of the same; and

(c) when will the work be started?

**The Deputy Minister of Works, Mines and Power (Shri Buragohain):**

(a) The answer is in the affirmative.

(b) Rs. 24.4 lakhs.

(c) The project is still under examination.

**Shri Jnani Ram:** What is the purpose of the dam?

**Shri Buragohain:** The Corporation proposes to construct this dam for providing, in the first instance, cooling

water to Bokaro thermal plant, until the completion of the Konar dam. Thereafter, Sewane dam will be utilised for irrigation and drinking water to Hazaribagh.

**Shri Jaani Ram:** What area will be submerged under the dam?

**Shri Buragohain:** I require notice.

**Shri Jaipal Singh:** May I know why this project was not included in the original plan and how a new plan has been permitted to be introduced at this stage?

**Shri Buragohain:** Owing to the conflicting advice obtained from the Consultants, this proposal had to be taken up.

**Shri A. C. Guha:** Will this dam be under the administration of the D.V.C.?

**Shri Buragohain:** Yes.

**Ch. Ranbir Singh:** Will the hon. Minister assure the House that this scheme will not be given up for want of finances later on?

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

#### IMPORT OF FERTILIZERS

\*611. **Shri A. C. Guha:** Will the Minister of Agriculture be pleased to state:

(a) whether it is a fact that the Government of India have been importing fertilizers on their own account;

(b) if so, what is the C.I.F. price per ton; and

(c) whether any private party has offered to supply fertilizer at a cheaper price?

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

(b) A statement showing the average Clearing and Forwarding price per long ton of fertilisers imported on Government account between July 1943 and November 1950 is placed on the Table of the House. [See Appendix VI, annexure No. 7.]

(c) Between 1943 and 1949, nitrogenous fertilisers were under the control of the International Emergency Food Council of the Food and Agriculture Organisation and allocations made by them were normally procured through Indian Missions abroad. International allocations ceased with effect from 1st July 1949 and India's requirements are obtained through the Ministry of Industry and Supply who invite offers for same. The most competitive prices were accepted after taking into

account the standing of the parties concerned and the prevailing price at the time of the indent.

**Shri A. C. Guha:** Was there no offer from a private party?

**Shri Thirumala Rao:** I want notice. As I said,

"the most competitive prices were accepted after taking into account the standing of the parties concerned and the prevailing price at the time of the indent."

Even if there was some offer from private parties, we have to judge . . .

**Mr. Speaker:** He wants to know whether private parties had offered or not.

**Shri Thirumala Rao:** There must have been offers from private parties also.

**Dr. Deshmukh:** May I know what is the world price of fertilizers at the present moment and what is the price at which it is given to the cultivators? Is it not a fact that the difference is about Rs. 50 a ton?

**Shri Thirumala Rao:** I am not aware of it. For some time, State Governments were subsidising distribution of fertilizers, but now they feel that there is no need for subsidy.

**Shri B. Das:** May I enquire whether fertilizers ordered by private companies and by Government were received in scheduled time and came to the help of the agriculturists in 1950-51?

**Shri Thirumala Rao:** Yes, Sir. We have got a large quantity of fertilizers still.

**Dr. Deshmukh:** I wanted to know the price at which fertilizers are being offered to the cultivators and the world price of fertilizers today. No reply has been given to it.

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

**Shri B. Das:** May I know whether the fertilizers were distributed according to schedule?

**Shri Thirumala Rao:** There is a slight surplus of these fertilizers.

**Shri Syammandan Sahaya:** Will Government be pleased to state if it is not a fact that the Central Government are subsidising the distribution of super-phosphate.

**Shri Thirumala Rao:** Yes, Sir. Central Government have subsidised super-phosphate to some extent.

**Shri Biswanath Das:** May I know why Government purchased fertilizers

in excess of the actual demand of the country for the year?

**Shri Thirumala Rao:** Generally, an estimate is prepared in consultation with State Governments, and there are certain State Governments which are not able to absorb all the quantity.

**जी जांगड़े :** क्या रशिया से यह खाद मंगाई गई है ?

**[Shri Jangde:** Have these fertilizers been obtained from Russia?]

**Shri Thirumala Rao:** Russia also supplied some quantity of fertilizers.

#### JANATA EXPRESS TRAINS

\*612. **Shri Deogirikar:** Will the Minister of Railways be pleased to state:

(a) whether there are any Janata Express trains on the metre gauge lines of the M. & S. M. Railway; and

(b) is there any proposal to start such trains, if there are none, between Poona and Hubli?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) No.

(b) The power and coaching stock position would not permit the consideration of introducing an additional train on this section.

**Shri Deogirikar:** Was there any representation made in this respect?

**Shri Santhanam:** There are representations from all over the country to increase the trains.

#### SEIZURE OF FOOD GRAINS

\*613. **Dr. R. S. Singh:** Will the Minister of Food be pleased to state:

(a) the quantity of Food grains (in tons) seized in various Golas of the State of Bihar since August 1950; and

(b) how many tons of those seized grains have been released so far for sale?

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** (a) and (b). Necessary data is being collected by the Bihar Government and will be placed on the Table of the House when received.

**Dr. R. S. Singh:** In view of the fact that the people in Bihar are in urgent need of foodgrains, may I know how long it would take for the Government to collect that data?

**Mr. Speaker:** It is a matter for the Bihar Government.

**Shri Thirumala Rao:** We shall ask the Bihar Government to send a reply immediately.

#### ALL INDIA WOMEN'S FOOD COUNCIL

\*614. **Shri Jagannath Mishra:** (a) Will the Minister of Food be pleased to state whether an All-India Women's Food Council has been formed?

(b) Who are the members and executives of this Council and what are its functions?

(c) What is the estimated expenditure for this Council for the year 1950-51?

(d) Was there any scheme for it before the starting of this Council and if so, what is it?

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

(a) Yes.

(b) A list showing the names of the members and executives of the Council is laid on the Table of the House. [See Appendix VI, annexure No. 8.]

The main functions of the Council are:

(i) To popularise the use of foods including all supplementary foods like tubers, vegetables, seasonal fruits etc.

(ii) To hold exhibitions, open canteens and cafeterias and conduct intensive propaganda for this purpose;

(iii) To induce establishments e.g. hotels, cafeterias, etc., to serve supplementary foods for at least one day in the week so that there may be a saving in the consumption of cereals; and

(iv) To evolve recipes of supplementary foods.

(c) About Rs. 98,000.

(d) Yes; a Subsidiary Food Production Committee was set up by the Government of India in May 1949 to undertake on an experimental basis the production and utilisation of subsidiary foods like sweet-potatoes, bananas, tapioca, papaya, etc., and to study a number of technical and other problems regarding storage, keeping quality, palatability, dehydration costs etc. of these foods with a view to recommend to the Government by the end of January 1950 the feasibility of the scheme, the extent and the form in which it should be expanded and the likely cost involved. The Committee had done pioneering work in focusing attention on the importance of subsidiary foods and the necessity for encouraging production and consumption of these foods. As it was considered that the Committee had served its original purpose and the

work initiated by it should be placed on a more popular basis, it was decided to wind up the Subsidiary Food Production Committee and to replace it by an All-India Women's Food Council to organise a vigorous popular drive to encourage the consumption of subsidiary foods through propaganda, publicity, demonstrations, exhibitions, canteens, and organised cafeterias.

I may in this connection draw the attention of this House to the three-day Exhibition which ended yesterday evening and which attracted thousands of visitors of all classes.

**Shri Jagannath Mishra:** May I know whether this Council has branches in the country?

**Shri Thirumala Rao:** The Council has branches all over the States and the State Governments are taking active interest in it.

**Shri Jagannath Mishra:** Where are the branches located?

**Shri Thirumala Rao:** They are in Bombay, Madras, West Bengal, Uttar Pradesh, Punjab, Bihar and several other States.

**Shri Jagannath Mishra:** Does the Central Government meet the expenses of all these branches?

**Shri Thirumala Rao:** We will impress on the States the utility of this Council and we have every hope that the States will come forward with grants.

**Shri Rudrappa:** Are the functions of this organisation restricted only to towns, or do they extend to rural areas as well?

**Shri Thirumala Rao:** Their activities extend to rural areas as well.

**Shri Rathnaswamy:** In view of the opinion widely held by our women that men have apparently failed to solve the food problem, will Government consider the advisability of giving more moral and material support to this organisation in tackling this problem?

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

**Shri Sondhi:** May I know, Sir, what is the amount sanctioned for Delhi?

**Shri Thirumala Rao:** No specific sum has been earmarked for Delhi; but the money can be granted from the Central funds.

**Shri B. Das:** Do I understand that the All-India Women's Council have resolved that women should take all the subsidiary foods and the men will take the staple foods.

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

#### DISPLACED TEACHERS' PROVIDENT FUNDS

\*615. **Giani G. S. Musafir:** (a) Will the Minister of Communications be pleased to state whether it is a fact that the Provident Funds of displaced teachers from Pakistan are still lying in the Savings Banks of Pakistan Post Offices?

(b) If so, what are the hindrances in getting these funds transferred to India?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) Yes.

(b) The Pakistan Government have put a ban on the transfer of Post Office Savings Bank Accounts due to devaluation of Indian Currency and non-settlement of an exchange ratio between the two countries. An agreement was arrived at between the two countries in June, 1950, for the resumption of verification of Savings Bank Accounts and postal certificates, but orders for implementing the Agreement in full have not yet been issued in Pakistan.

گہانی جی - ایس - مسافر : کیا  
گورنمنٹ اس بات پر غور کر سکتی ہے  
کہ ایسے ڈیپوسٹس جن کو سخت ضرورت  
ہے اور روپیہ نہ ملنے کی وجہ سے وہ  
بیکار ہیں - ان کو جب تک یہ فیصلہ  
نہیں ہوتا سرکار ان کو اپنی طرف سے  
کچھ مدد کرے -

[Giani G. S. Musafir: Pending a settlement, is the Government prepared to consider the question of giving some interim relief, on its own account, to those teachers who are hard-pressed and idle for want of money?]

**श्री सुबोध लाल :** इस में जो दिक्कत पड़ रही है वह यह कि जब तक वहां से ऐकाउन्ट्स वेरीफाई हो कर न आयें, हम को यह पता नहीं है कि किस को कितना रुपया देना है।

[Shri Khurshed Lal: Our difficulty is that unless accounts, duly verified, are received from there we are not in a position to ascertain what amount is to be paid to whom.]

گہانی جی - ایس - مسافر : کیا اس  
کے متعلق کچھ ڈیپوسٹس نے آپ کے پاس  
ریپریزنٹیشن بھیجا ہے -

[Giani G. S. Musafir: Has a representation been submitted to you by some teachers in that connection?]

श्री खुर्रेश लाल : रिप्रेजेंटेशन तो सब एकाउन्ट्स के बारे में मुस्तलिफ़ लोगों की तरफ़ से माये हैं।

[Shri Khurshed Lal: Representations about all kinds of accounts have been received from all sorts of people.]

#### ARTIFICIAL INSEMINATION CENTRES

\*618. Shri Dwivedi: Will the Minister of Agriculture be pleased to state:

(a) whether the Artificial Insemination Centres as sponsored by the Indian Council of Agricultural Research are being maintained; and

(b) if so, what is the progress made?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) and (b). The Indian Council of Agricultural Research is temporarily financing one Artificial Insemination Centre at Bangalore. It has under consideration a scheme to establish four regional centres in the country. They have not, however, received final sanction of the Council.

Shri Dwivedi: What has happened to the other Centres?

Shri Thirumala Rao: They are receiving consideration and a final decision will be arrived at shortly.

Shri Syamnandan Sahaya: Are Government aware of the fact that the results of artificial insemination in foreign countries are not found to be satisfactory?

Shri Thirumala Rao: We are not aware of any such thing.

Shri Syamnandan Sahaya: Have any experiments been made by the Government of India here and have they found it to be satisfactory?

Shri Thirumala Rao: Our reports from the experimental centres are that they are satisfactory.

#### PRODUCTION OF MILK

\*622. Shri Balwant Sinha Mehta: Will the Minister of Agriculture be pleased to state:

(a) the total production of milk in our country at present; and

(b) what steps are being taken to increase the production?

The Deputy Minister of Food and Agriculture (Shri Thirumala Rao): (a) The latest information available is derived from the livestock census conducted in 1945. In that year the total

production of milk in the country was estimated at 4815.5 lakh maunds.

(b) The hon. Member's attention is invited to the reply given to similar question in answer to part (b) of the Starred Question No. 1028 on 22nd March, 1950, in this House.

Shri Balwant Sinha Mehta: May I know the per capita consumption of milk in our country?

Shri Thirumala Rao: I want notice of that question.

Shri Balwant Sinha Mehta: May I know how much milk is imported in our country?

Shri Thirumala Rao: Milk powder is imported. I have not got the figures.

Shri Rudrappa: May I know what is the basis for calculating the total yield of milk in the country?

Shri Thirumala Rao: It is based on the cattle census figures.

श्री जगड़े : क्या मैं यह जान सकता हूँ कि हमारे यहाँ कम से कम और अधिक से अधिक कितना दूध माये देती हैं ?

[Shri Jangde: May I know what is the maximum and the minimum quantity of milk yielded by our cows?]

Shri Thirumala Rao: The maximum yield is regarded as about 40 lbs. a day and the minimum, as we know from experience, can be put at any quantity.

#### DELHI TRANSPORT SERVICE

\*623. Giani G. S. Musafir: Will the Minister of Transport be pleased to state:

(a) the number of buses run on different routes by the Delhi Transport Service in Delhi;

(b) the gross earnings of the Delhi Transport Service from 1st January 1950 to the end of October 1950;

(c) the net income for the said period; and

(d) the rate of fare per mile?

The Minister of State for Transport and Railways (Shri Santhanam): (a) 138 buses, spread over 28 routes, are being run daily by the Delhi Transport Service.

(b) The gross earnings of the Delhi Transport Service from 1st January 1950 to the end of October 1950 amounted to Rs. 54,57,052.

(c) The net income for the period is not ascertainable at present as the period includes a portion of the current financial year for which the

balance sheet can be worked out only after the 31st March 1951.

(d) The fare structure is based on a rate of 1 anna for the first mile, nine pies each for succeeding miles upto the fifth mile, and six pies for every subsequent mile. The actual fares calculated on this basis are rounded to the nearest half anna to avoid the inconvenience of paying in denominations of quarter anna.

گیانی جی - ایس - مسافر : چلے  
والی بسوں میں کتنی گنتی ایسی  
بسوں کی ہے جو اس وقت ورنشپ  
میں پڑی ہیں -

[Giani G. S. Musafir: How many buses, out of those in use, are at this time lying in the workshop?]

**Shri Santhanam:** Between thirty and forty buses at a time.

#### SHORT NOTICE QUESTIONS AND ANSWERS

##### SHOOTING INCIDENT NEAR INDO-NEPAL BORDER

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

(a) whether it is a fact that Shri Shibban Lal Saksena, M.P., was recently shot at by Nepal State troops near Indo-Nepal border;

(b) if so, when, where and the circumstances in which the shooting incident took place;

(c) the nature of injuries sustained by him;

(d) his present condition; and

(e) the various measures, military and other taken by Government to guard and protect the Indo-Nepal border?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) to (d). Yes, Sir. On 22nd November, Shri Shibban Lal Saksena attended a meeting in Nepalese territory across the Gorakhpur border. This meeting was forcibly dispersed by Nepalese Government Forces. Shri Saksena and party returned on a truck towards the Indian border. This truck ran into an ambush of Nepalese Government Forces near the Danda river bridge and was fired upon. Shri Saksena received bullet injuries in his leg. His present condition is reported to be satisfactory.

(e) Adequate steps have been taken to protect the Indo-Nepal border. It

would not be in the national interest to disclose the details of the steps taken.

**Shri Kamath:** Was, Sir, Mr. Shibban Lal Saksena shot at while he was in that truck or after he had got out of the truck and come to Indian territory?

**Shri Jawaharlal Nehru:** The firing apparently took place on the truck and I think the first person hit was the driver of the truck, in the leg or somewhere. Thereupon it appears that the passengers of the truck got down and were walking towards the Indian border when further firing took place, and Mr. Saksena was hit. The hon. Member asked about the territory. It is very difficult to be absolutely precise, but our information is, in so far as it goes, that it was probably in Nepalese territory that the second incident also took place.

**Shri Kamath:** Was there any ban on the movement of persons across the border at that time?

**Shri Jawaharlal Nehru:** Ban on the part of the Government of India or the Government of Nepal?

**Shri Kamath:** Mutual or one way.

**Shri Jawaharlal Nehru:** I am not aware of any ban, but right across the border fighting was taking place all the time. A small town there was being, in a sense, attacked and continuous firing was taking place. The place where Mr. Shibban Lal Saksena went was right near the fighting zone.

**Shri Kamath:** Is the statement of Mr. Shibban Lal Saksena himself that he was shot at on Indian territory incorrect?

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

**Shri Kamath:** Have reports reached Government that Nepal State troops fired right into Indian villages and destroyed also standing crops in the fields?

**Shri Jawaharlal Nehru:** We have had no independent report. Mr. Shibban Lal Saksena stated that. But we have had no independent report.

**Shri Kamath:** Is it a fact that several villagers of Pharendi in that area have been admitted in Nautanwa Hospital with bullet injuries received by them on Indian soil?

**Shri Jawaharlal Nehru:** The hon. Member is referring to some other incident, not the incident of this firing? I am not aware of any other incident in which some people were wounded.

**Shri Kamath:** Have any enquiries been made from the Nepal Government especially the authorities on the border about this particular incident?

**Shri Jawaharlal Nehru:** Yes, Sir.

**Shri Kamath:** In view of the discrepancy that has arisen between the statement made by the Prime Minister and by Mr. Shibban Lal Saksena, is Government prepared to hold an impartial enquiry into the matter?

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

**Shri Syamnandan Sahaya:** Are Government aware that the State troops of Nepal are playing havoc with Indian citizens who have also their property on the other side of the border in the Nepal territory?

**Shri Jawaharlal Nehru:** Government have received certain complaints of that nature and have immediately communicated them to our Ambassador in Nepal to enquire into the matter.

**Shri Joachim Alva:** Will the hon. the Prime Minister as Leader of the House take steps to see that the hon. Member Shri Shibban Lal Saksena instead of being involved in hunger strikes or shooting incidents comes and takes his honoured place in this House?

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

**Shri Kamath:** Has any protest been lodged by Government with the Nepal Government about this incident, Sir?

**Shri Jawaharlal Nehru:** The matter was immediately referred to the Nepal Government whose reply was received. It was difficult to say exactly where or on what spot he was wounded, and as the matter was not clear one could not proceed much further about it. May I add, as hon. Members will be interested, that Mr. Shibban Lal Saksena is in Delhi at the present moment. He has come here. He is not well enough to walk about too much, because he has been wounded somewhere below the shin. It is all plastered up. But he has been discharged from hospital yesterday.

**Shri Kamath:** The Prime Minister stated that the matter was not clear. In view of the fact that the matter is not very clear, does he propose to take steps to have the matter enquired into fully and cleared up?

**Shri Jawaharlal Nehru:** It is very difficult to hold an enquiry on a spot where fighting has taken place actually—some kind of a small-scale warfare. If a person goes there it is rather a risky venture that bullets may come and hit him. One can hardly blame the Government if a stray bullet goes this way or that.

**Shri Kamath:** But will he have enquiries made to ascertain whether it was on Indian territory or on Nepal territory?

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

**Mr. Speaker:** The hon. Member is reading some other question. Will he read the question as admitted?

**Shri Joachim Alva:** I shall do so, but I was not given a copy of it at all.

#### FOOD SITUATION IN BOMBAY

**Shri Joachim Alva:** (a) Will the Minister of Food be pleased to state whether the attention of Government has been drawn to the statement made by the hon. Shri Dinkerrao Desai, Civil Supplies Minister, Bombay State, at his Press Conference on November 27th at Bombay that the food position in Bombay is 'very difficult' and that the rationing system was almost on the point of 'breakdown'?

(b) If so, what are the reasons for the breakdown of the rationing system in Bombay?

(c) What are the steps taken by the Union Government to prevent the breakdown in the rationing system in Bombay?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) Yes, Sir.

(b) It cannot be said that there has been a breakdown in the rationing system in Bombay; but the system in the rural areas of Bombay has not been running smoothly for the last few weeks. The reasons for this position are:

(i) low stocks with Bombay Government;

(ii) delayed South West Monsoon which has resulted in a postponement of the harvest. As a result of the delayed harvest, it has not been possible for the State Government to procure the normal quantities during October and November;

(iii) the delayed harvest has also meant higher offtakes from Government stocks than are usual at this time of the year; and

(iv) the inelastic system of distribution.

(c) The original ceiling quota for Bombay for the year 1950 is 5 lakh tons. This has been raised to 7.38 lakh tons. This figure is one-third of total imports during the year and is the highest allotment to any State. 43,600



tons was allotted to Bombay in November and another 60,000 tons of food-grains have been allotted for supply during December. In December, Bombay will have 75,000 tons of carry-over, 10,000 tons of over-flow from November allotment and 60,000 tons allotted for December; in all 145,000 tons for December 1950, not counting their procurement. Bombay's procurement in December may reach a figure of about 40,000 tons. Thus, it is expected that during the month of December, Bombay will have 175,000 to 185,000 tons against their consumption of 95,000 tons. Most of the allotments to Bombay are from overseas arrival and are received at the Bombay Port. The delay, if at all, is only due to the arrival of ships. In November, there was difficulty in the arrival of ships to all the ports in India and special arrangements were made to divert 4,220 tons from an earlier ship. Another 1,500 tons were given from the meagre reserves of the Centre from the depot.

It must be realised that several States are in difficulties on account of general food scarcity. The rationing systems in some States have been undergoing strain for months and it is no wonder that Bombay is not able to maintain the pattern of rationing which it has built up under existing scarcity conditions.

**Shri Joachim Alva:** Is it true that the Government of Bombay conveyed their views against de-control?

**Shri K. M. Munshi:** There was no proposal for de-control at any time.

**Shri Joachim Alva:** When the opinion was sought for was their opinion against de-control?

**Shri K. M. Munshi:** No such opinion was sought.

**Shri Joachim Alva:** They have always stated that they need 14 to 16 ounces per head in the City of Bombay.

**Shri K. M. Munshi:** Every State wants 14 to 16 ounces, but there are no such ounces to go round.

**Shri Rudrappa:** May I know whether the Central Government or the State Government is responsible for the supply of sufficient foodgrains?

**Mr. Speaker:** That will be a matter of opinion.

**Shri M. C. Shah:** Will the hon. Minister please state whether the quota allotted, namely 7.38 lakh tons, was for the period up to the 1st October 1950 and may I know further what

was the quantity given to the Province of Bombay up to the end of October?

**Shri K. M. Munshi:** As regards the quota, the quota allotted was only 5 lakh tons. In fact, as I pointed out, it has been raised and it now aggregates to 7.38 lakh tons up to December. In November the quantity which was allotted was 43,600 tons and in December 60,000 tons.

**Mr. Speaker:** I believe the hon. Member wanted to know the total quota allotted up to end of October 1950 and the quantity supplied up to that time.

**Shri K. M. Munshi:** The allotment to the end of October was 6,96,400 tons.

**Shri M. C. Shah:** May I ask if it is not a fact that the Bombay Government as early as in February when the Conference for the basic plan was held, asked for the allotment of 7.5 lakh tons?

**Shri K. M. Munshi:** So far as I am informed, the basic plan was fixed in January or February, and a certain quota for the whole year was fixed. Bombay's quota was 5 lakh tons. It was fixed on the basis that they must bring it down to 1,85,000 tons during the whole year.

**Shri M. C. Shah:** May I know whether the hon. Minister is aware of the fact that in the Province of Bombay there is monopoly purchase system, and therefore no produce is allowed to be sold to anybody else except to the Government, and as a consequence an obligation is cast upon the State to feed the non-producing rural population?

**Mr. Speaker:** Order, order. It becomes a part of the argument.

**Shri M. C. Shah:** In view of the fact that the opening balance will be 75,000 tons on 1st December 1950, and in view of the commitment of the Bombay Province because of the monopoly purchase system, will it be possible to have sufficient quantity of food to be distributed at all the ration shops in the Province of Bombay?

**Shri K. M. Munshi:** As I already mentioned, on account of the internal food scarcity in the Province of Bombay and the difficulty of getting the foodgrains from foreign countries in time there has been, not only in Bombay but in several States, complete inability to maintain the monopoly procurement and the rationing commitment which it implies.

**Dr. M. M. Das:** May I ask whether the Grow More Food Campaign in Bombay has produced satisfactory

results, and if so, what was the target for the current year?

**Shri K. M. Munshi:** In my speech, Sir, I dealt with all the figures. I do not think that arises out of this question. My hon. friend can ask any other question.

**Shri Satish Chandra:** In view of the fact that rural rationing has not worked smoothly in Bombay, as the hon. Minister has stated, and in other States also, is Government considering to abolish the system of rural rationing?

**Shri K. M. Munshi:** Government is considering the matter, but for the moment the rural rationing in several parts of India is not working smoothly.

**Pandit Kunzru:** Is it intended to revert to the old system of provisioning in these rural areas and leave the villagers to their fate?

**Shri K. M. Munshi:** As a matter of fact, the whole question is under consideration because the new basic plan for 1951 is being prepared and some adjustment will have to be made on the basis of complete rationing commitments.

**Pandit Kunzru:** May I know in which districts of Bombay is it contemplated to do away with the system of rationing in rural areas?

**Shri K. M. Munshi:** I do not know whether the Bombay Government intends to do it but that is a matter to be taken up with them and discussed.

**Pandit Kunzru:** I wanted to know whether the Government of India propose to withhold help from the Government of Bombay in order to introduce provisioning in those areas where there is rationing now.

**Shri K. M. Munshi:** For the moment without a discussion with the Government of Bombay, it is impossible to indicate the districts. What the Government of India have already done a month ago is to tell the Government of Bombay that the situation can only be eased by reducing commitments in self-sufficient areas.

**Pandit Kunzru:** Has any attempt been made to reduce the rationing in urban areas before doing away with rationing in rural areas?

**Shri K. M. Munshi:** So far as urban areas are concerned, it is not possible at the present moment to reduce the rationing commitments at all. If at all it can be done in the rural areas, that will largely depend upon discussions with the Bombay Government. It is too premature for me to say.

**Pandit Kunzru:** When are these discussions to take place?

**Shri K. M. Munshi:** The discussions are to take place on the 11th and 12th of this month in Bombay.

**Mr. Speaker:** I think we have had enough questions on this Short Notice Question.

## WRITTEN ANSWERS TO QUESTIONS

### HIRAKUD PROJECT

**\*590. Prof. Banga:** Will the Minister of Works, Mines and Power be pleased to state:

(a) the progress so far made on the Hirakud Project; and

(b) how soon the power distribution and irrigation facilities by the project will be made available to the public?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) The latest progress report on the Hirakud Dam Project is laid on the Table of the House. [See Appendix VI, annexure No. 11.]

(b) It is hoped to supply power by 1952-53 and irrigation by 1953-54, provided adequate funds are available to execute the works according to programme.

### AIRCRAFT ACCIDENT

**\*591. Shri Sidhva:** (a) Will the Minister of Communications be pleased to state whether an aircraft of the Night Air Mail Service of Air India which arrived at Bombay on the 8th July, 1950, from Delhi met with an accident whilst landing at Santa Cruz?

(b) If so, what was the cause and whether it was due to runway being defective?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) Yes, Sir.

(b) The accident is attributed to an error of judgment on the part of the pilot at the time of landing and not to any condition of the runway.

### RUNNING OF BUSES BY RAILWAYS

**\*592. Prof. Banga:** Will the Minister of Railways be pleased to state:

(a) how many railways have financial interest in the State Bus Services on feeder roads and what is the total mileage of such roads;

(b) have such bus-services resulted in greater revenues from passenger and goods traffic to the railways;

(c) whether such services are being run especially on those routes where the feeder branch railway lines have been dismantled;

(d) whether there is co-ordination between the railway and private companies in fixing the bus-routes through the provincial Traffic Boards; and

(e) whether Railways contemplate the establishment of separate motor-assembling and repairing workshops on the feeder roads?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) Three Railways—B.B. and C.I., G.I.P. and M. and S. M.—have financial interest in the Bombay State Road Transport Nationalisation Scheme which will ultimately extend to all routes in the State, competitive, feeder and other categories. The total mileage of feeder roads at present involved is 6,312. In addition, two Railways—G.I.P. and B.N.—have financial interest in the two Co-ordinated Tripartite Joint Stock Companies initiated by the Madhya Pradesh Government involving 1,066 miles of feeder roads.

(b) Co-ordinated road services have been found to bring additional passengers and revenue to the Railways. No co-ordinated goods-lorry service yet exists.

(c) Not at present.

(d) It is the policy of Government to encourage such co-ordination and this is being gradually fostered.

(e) No. This is the responsibility of the associated road undertakings.

#### कपास का उत्पादन

\*603. डा० देवी सिंह: क्या कृषि मंत्री समस्त भारत में इस वर्ष उत्पन्न होने वाली कपास का अनुमित परिमाण बतलाने की कृपा करेंगे ?

#### PRODUCTION OF COTTON

[\*603. Dr. Devi Singh: Will the Minister of Agriculture be pleased to state the estimated quantity of cotton that would be produced in the whole of India this year?]

**The Minister of Food and Agriculture (Shri K. M. Munshi):** A firm estimate cannot be made at this stage, but the indications are that the production will be of the order of 35 lakh bales.

#### INTRODUCTION OF 2ND CLASS COMPARTMENTS IN SUBURBAN TRAINS

\*607. Shri Sidhva: (a) Will the Minister of Railways be pleased to state whether it is a fact that the

Advisory Committees of the G.I.P. and B.B.&C.I. Railways have resolved that 2nd class should be introduced in the suburban trains?

(b) If so, what steps have been taken in this connection?

**The Minister of State for Transport and Railways (Shri Santhanam):** (a) The Local Advisory Committee of the G.I.P. Railway have recommended the introduction of second class accommodation on the Bombay suburban trains, but the B.B. and C.I. Railway Local Advisory Committee have so far opposed the proposal.

(b) First class accommodation in Bombay suburban trains is fully occupied as is third class. Additional accommodation cannot be provided and it is not therefore proposed to make any change.

#### SUPPLY OF RICE AND WHEAT

\*616. Shri Shiv Charan Lal: Will the Minister of Food be pleased to state:

(a) whether it is a fact that in the rice-eating districts of Madras wheat is supplied to the people in place of rice; and

(b) whether it is a fact that in Punjab and Western Uttar Pradesh rice is compulsorily supplied in the rationed towns?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) At present in Madras the rice eaters are given 6 oz. of rice per head per day, mixed eaters 3 oz. and millet eaters 1 oz. The rest of the ration upto 12 oz. per head per day is made up of other grains.

(b) No, Sir.

#### INDIAN AIR SERVICES (PROFITS AND LOSSES)

\*617. Shri T. N. Singh: (a) Will the Minister of Communications be pleased to make a statement on the losses incurred by the various subsidized Air Services operating in India and between India and foreign destinations?

(b) Have Government under consideration any rationalisation scheme with a view to avoiding competition, duplication and loss?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) Out of nine airlines at present operating scheduled services, four have shown a loss and three others a profit in their latest published accounts. Accounts have not been received from the remaining two companies. Subsidy is being paid also to airlines operating only non-scheduled services but such

airlines do not furnish accounts to Government. I lay on the Table a statement showing the amounts of losses reported. [See Appendix VI, annexure No. 9.]

(b) The Air Transport Inquiry Committee have suggested a scheme of rationalisation of air services which is at the moment under examination by Government.

#### BUNGALOWS OF M. Ps.

\*619. **Shri Hussain Imam:** Will the Minister of Works, Mines and Power be pleased to give the following information about Bungalows allotted to Members of Parliament:

(a) the total number for allotment on yearly basis on 1st January 1950;

(b) the number vacated between 1st January 1950 and 31st March 1950;

(c) the number allotted on yearly basis;

(d) the reason for allotting on yearly basis and otherwise;

(e) the number of Bungalows which were available for allotment at the beginning of last Session and this Session; and

(f) the number of changes in allotment in the last Session and this Session?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) 73.

(b) 16.

(c) 75. as on 23rd November 1950.

(d) As a rule Members of Parliament are required to pay rent under F.R. 45A for the period of the Parliament session and for a week before and after the session, and also for any period when they are otherwise on duty; for other periods, they are required to pay rent under F.R. 45-B. On a proposal made by the House Committee of Parliament (then the Constituent Assembly), Government decided on the 10th October 1947, to allot 75 out of 108 bungalows on annual basis at an *ad hoc* rate of rent of Rs. 100/- p.m. to such of the Members who were recommended by the House Committee.

(e) 3 each time, for allotment on sessional basis.

(f) Nil.

#### FOODGRAINS FOR MADHYA PRADESH

\*620. **Shri Kannamwar:** (a) Will the Minister of Food be pleased to state what is the food situation existing in Madhya Pradesh?

(b) Whether it is a fact that the Madhya Pradesh Government have urged the Government of India to allot three lakh tons of foodgrains for 1950-51?

(c) Is it a fact that the Madhya Pradesh Government have also pressed for immediate allocation of 25,000 tons of wheat and milo?

(d) If so, how many tons of wheat and milo have been supplied up till now?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) Owing to the damage caused to the Kharif crops by the failure of rains, the jowar position in the State has become difficult.

(b) Madhya Pradesh Government have asked that a provision for 3,45,000 tons of foodgrains may be made for the State in the Basic Plan of the Central Government for 1951.

(c) Yes.

(d) 18,000 tons of foodgrains, wheat and millets, has recently been allotted to the State and the supplies against this quota are now going to the State.

#### INDIAN PEOPLE'S FAMINE TRUST (ALLOTMENT)

\*621. **Shri Kannamwar:** (a) Will the Minister of Agriculture be pleased to state as to what amount has been allotted to Madhya Pradesh out of 'The Indian People's Famine Trust' for the famine-stricken landless labourers?

(b) What nature of relief works are to be undertaken to feed these landless labourers?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) No application for financial assistance from the Indian People's Famine Trust Fund has been received from the Madhya Pradesh Government and no allotment from the Fund has been made.

(b) This is essentially a matter for the State Government and the Government of India have no information on the relief works, if any, already undertaken or contemplated by the State Government.

#### COW DUNG-FUEL GAS PLANT

\*624. **Prof. Ranga:** Will the Minister of Agriculture be pleased to state:

(a) whether any progress has been made with Government's experiments in the utilisation of the cow dung-fuel gas plant; and

(b) when do Government expect to develop a plant for general use?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) As large-scale experiments by the Indian Agricultural Research Institute have been found necessary, a bigger plant has been designed for the purpose, which, it is hoped, would be fabricated and installed next year.

(b) It is expected that the Indian Agricultural Research Institute would be able to collect requisite data within a year after setting up the bigger plant. The information would enable the Institute to determine the smallest economic unit for general use. Attention is invited in this connection to the answer given by my predecessor to Starred Question No. 1749 on 17th April 1950.

**उत्तर प्रदेश के जिलों के लिए टेलीफोन**

**\*625. श्री बी० एम० आर्थ :** क्या संचरण मंत्री यह बतलाने की कृपा करेंगे कि १९४९, ५० के आर्थिक वर्ष में उत्तर प्रदेश के कितने जिलों में सार्वजनिक टेलीफोन लगाये गये थे तथा कितने जिलों में चालू वर्ष में इस प्रकार के टेलीफोन लगाने का विचार है ?

**TELEPHONES FOR U.P. DISTRICTS**

[\*625. **Shri B. S. Arya:** Will the Minister of Communications be pleased to state how many districts of Uttar Pradesh were fitted with public telephones in the financial year 1949-50 and how many districts are proposed to be fitted with public telephones in the current year?]

**The Deputy Minister of Communications (Shri Khurshed Lal):** Ten district headquarters were connected with telephones. This comprises the opening of 5 new exchanges and 5 new public call offices connected to trunks. It is proposed to connect one district headquarters by telephone during the current year. Four Exchanges have already been opened during the current year.

**RICE per capita IN HYDERABAD**

**\*626. Shri M. L. Gupta:** (a) Will the Minister of Food be pleased to state whether it is a fact that in the State of Hyderabad the supply of rice is limited to 2 oz. per person?

(b) What is the prevailing rate in the neighbouring States of Madras, Bombay and Mysore?

(c) What is the reason for the discrepancy, if any?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) Yes.

(b) The rate varies from 1 to 6 ozs. in Madras, from 1.5 to 6 ozs. in Bombay and from 2.4 to 5.5 ozs. in Mysore.

(c) The composition of the ration varies from State to State according to the availability of foodgrains.

**बगड़ चावल**

**\*627. श्री जांगडे :** (क) क्या खाद्य मंत्री ८ अप्रैल १९५० को पूछे गये तारांकित प्रश्न संख्या १५०७ के सम्बन्ध में दिए गये उत्तर को निरिद्विष्ट कर के उन राज्यों के नाम बतलाने की कृपा करेंगे जहाँ सरकारी गोदामों में बगड़ चावल संग्रह करने तथा खुले बाजार में बेचने के आदेश जारी किये गये हैं ?

(ख) इस प्रकार बचाये गये चावल की परिमात्रा क्या है ;

(ग) क्या बगड़ चावल में तुलनात्मक अधिक विटामिन अर्ह होती है ?

**UNPOLISHED RICE**

[\*627. **Shri Jangde:** (a) Will the Minister of Food be pleased to refer to the reply given to starred question No. 1507 on the 8th April, 1950 and state the names of the States where orders have been issued to store unpolished rice in Government godowns and also to sell it in open market?

(b) What is the quantity of rice thus saved?

(c) Has unpolished rice more vitamin value?]

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) and (b). A statement is laid on the Table of the House. [See Appendix VI, annexure No. 10.]

(c) Yes.

**धान तथा चारे पर अनुसंधान**

**\*628. श्री जांगडे :** क्या कृषि मंत्री यह बतलाने की कृपा करेंगे कि :

(क) विभिन्न प्रकार के धानों तथा चारे के सम्बन्ध में कटक में किए गये अनुसंधान का प्रयोग किन राज्यों में किया जा रहा है ;

(ख) क्या साधारण जनता को इस अनुसंधान के परिणामों से परिचित कराया गया है ?

RESEARCH ON RICE AND FODDER

[\*628. Shri Jangde: Will the Minister of Agriculture be pleased to state:

(a) the names of States where the results of the research regarding various kinds of rice and fodder conducted at Cuttack are being put into practice; and

(b) whether the results of these researches have been brought to the notice of the common people?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) So far as research on rice is concerned, the results are being put into practice at about twenty intensive cultivation centres in Orissa. Small quantities of seeds of new varieties have also been sent for trial purposes to other States also and very favourable reports about their performance have already been received from Madhya Pradesh and Bihar.

No research on fodder is being conducted at the Central Rice Research Institute, Cuttack.

(b) Yes, in so far as they are of immediate practical value to the ordinary growers, e.g., use of improved varieties of seed, and application of manure as top-dressing.

अखिल भारतीय पशु प्रदर्शनी

\* 629. श्री जांगडे : क्या कृषि मंत्री यह बतलाने की कृपा करेंगे कि :-

(क) गत वर्ष लखनऊ में होने वाली पशु प्रदर्शनी का आयोजन करने में कितना धन व्यय किया गया है ;

(ख) उस प्रदर्शनी में अच्छी जाति के पशु लाने वालों को पारितोषिक देने में कितना धन व्यय किया गया ;

(ग) आगामी प्रदर्शनी कहाँ होगी ; तथा

(घ) क्या प्रदर्शनी के कार्यालय के दिल्ली से किसी ग्राम्य क्षेत्र में हटाये जाने की प्रस्तावना है ?

ALL-INDIA CATTLE EXHIBITION

[\*629. Shri Jangde: Will the Minister of Agriculture be pleased to state:

(a) the amount of money spent in organising the All India Cattle Exhibition held at Lucknow last year;

(b) the amount of money spent on rewards to those who brought cattle of good breed in the exhibition;

(c) where the next exhibition is going to be held; and

(d) whether there is any proposal for shifting the office of the Exhibition from Delhi to some rural area?]

The Minister of Food and Agriculture (Shri K. M. Munshi): (a) Rs. 1,07,604/-.

(b) Rs. 9,040/- exclusive of the cost of challenge cups, certificates and rosettes etc.

(c) The next All India Cattle Show will be held at Hissar from 26th February, to 3rd March, 1951.

(d) No. The proposal under consideration of Government is to shift it outside Delhi not necessarily to a rural area.

SUITS AGAINST INDIAN RAILWAYS

\*630. Shri Kazmi: Will the Minister of Railways be pleased to state:

(a) the number of Civil Suits against the Union of India on Eastern Punjab Railway and on Bombay, Baroda and Central India Railway instituted since 15th August 1947 by the employed persons on those Railways;

(b) the numbers of the applications under the Payment of Wages Act since 15th August 1947 by employed persons on those Railways;

(c) the amount of Costs paid for or against those Railways; and

(d) whether the cost awarded to those Railways is credited to the Revenues of those Railways and if so, when and under which Head of Account of the Budget, and if not, the reasons therefor?

The Minister of Transport and Railways (Shri Gopaldaswami): (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

'GROW MORE FOOD' SCHEME (MYSORE)

\*631. Shri Rudrappa: Will the Minister of Agriculture be pleased to state:

(a) whether it is a fact that the Government of Mysore have submitted a proposal to the Government of India for any financial help in connection with the 'Grow More Food' Scheme;

(b) if so, what action has been taken thereon; and

(c) what is the anticipated increase in food production according to the proposal?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) to (c). The Government of Mysore had asked for a loan of Rs. 68,20,000 and a grant of Rs. 42,76,927 for their 'Grow More Food' schemes. On examination this demand was reduced, and a loan of Rs. 40 lakhs and a grant of Rs. 20,96,576 have been sanctioned. The anticipated increase of food production from these schemes is 25,650 tons.

#### MINERAL RESOURCES IN ORISSA (SURVEY)

**\*632. Shri Nandkishore Das:** Will the Minister of Works, Mines and Power be pleased to state:

(a) whether, after the merger of Orissa States with the State of Orissa, any survey was undertaken by the Government of India to find out the mineral resources of the entire State;

(b) if the answer to part (a) above be in the affirmative, whether any report of such survey is ready or if the answer to part (a) above be in the negative, whether Government propose to undertake such a survey; and

(c) whether any mines were being worked or were ready to be worked in any of the merged States prior to the merger?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) to (c). The answer to all three parts of the question is in the affirmative.

#### DAIRIES

**\*633. Shri Deogirikar:** Will the Minister of Agriculture be pleased to state:

(a) the number of Government dairies of improved modern standard in the country where there are more than two hundred milch cattle; and

(b) what attempts are made to increase the number?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) Four.

(b) The attention of the hon. Member is invited to the reply given to parts (a) and (b) of the question No 1170 asked by Shri Moturi Satyanarayana on the 18th March, 1949 in the Constituent Assembly of India (Legislative).

#### SUGAR (PRODUCTION AND CONSUMPTION)

**\*634. Shri Shiv Charan Lal:** (a) Will the Minister of Agriculture be pleased

to state how much sugar was produced in the year 1949-50 season?

(b) What is the average consumption of sugar in the country per year?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) Production of sugar during 1949-50 was 9.83 lakh tons.

(b) The average annual consumption of sugar during the last 5 years is 9.18 lakh tons.

#### AIR INDIA CONSTELLATION AIR CRASH

**\*635. Shri T. N. Singh:** (a) Will the Minister of Communications be pleased to make a statement on the circumstances of the Air India Constellation air crash at Mont Blanc?

(b) What are the findings of the investigations held into the cause of the crash?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) The Constellation, Malabar Princess, with a crew of 8 and 40 passengers on board took off from Santa Cruz on a charter flight to London at 11.31 hrs. G.M.T. on the 2nd November, 1950. The aircraft being overdue at Geneva, searches were organised and it was subsequently discovered crashed near the summit of Mont Blanc at a height of about 14,000 feet on the French side of the mountain. All the members of the crew and the passengers perished as a result of the crash.

(b) The circumstances leading to the accident are at present under investigation by a French Commission of Inquiry of which a representative of India is a member.

#### AMMONIUM SULPHATE

**\*636. Shri Sivaprakasam:** Will the Minister of Agriculture be pleased to state:

(a) the quantity of ammonium sulphate imported so far after August 1950; and

(b) the quantity of ammonium sulphate produced in India during the same period?

**The Minister of Food and Agriculture (Shri K. M. Munshi):** (a) Nil.

(b) 16,070 tons.

#### DELHI RENT CONTROL ACT (CASES)

**33. Shri Deshbandhu Gupta:** (a) Will the Minister of Works, Mines and Power be pleased to state the number of cases filed under the Delhi Rent Control Act each year during the last three years?

(b) How many of these cases have been decided and how many of them are still pending?

**The Minister of Works, Mines and Power (Shri Gadgil):** (a) 240 cases between October 1947 and September 1948.

360 cases between October 1948 and September 1949.

309 cases between October 1949 and September 1950.

The figures represent the number of houses in respect of which applications were received by the Rent Controller.

(b) (i) 674. (ii) 235.

#### TICKETLESS TRAVELLING

**34. Sardar Hukam Singh:** Will the Minister of Railways be pleased to state:

(a) the number of ticketless travellers caught during May, June, July, August, September and October, 1950 on various Railways;

(b) the amount of fine collected from them during this period; and

(c) the number of persons convicted and sentenced?

**The Minister of State for Transport and Railways (Shri Santbanam):** (a) 41,93,457.

(b) Fines collected by Magistrates under Section 112 of the Indian Railways Act. \*Rs. 1,66,340/- and penalty charges collected by Railways. Rs. 9,67,462/-.

(c) 41,873.

\*These figures relate only to the major Indian Railways and are in respect of the period May-August 1950. Figures for September and October 1950 are not yet available.

#### 'OWN YOUR TELEPHONE' SCHEME

**35. Shri Kaxmi:** Will the Minister of Communications be pleased to state:

(a) the number of Telephones in Delhi Telephone District installed since the Scheme "Own your Telephone" was introduced, showing the amount received:

(i) under Rs. 2,000/- Scheme.

(ii) under monthly Scheme.

respectively against the number of Telephones installed;

(b) the number of applications received under that Scheme;

(c) particulars together with the reasons of those applications which have been rejected up to date under Monthly Scheme; and

(d) whether any provision of appeal against such rejection is provided for in the Scheme and, if not, the reasons therefor?

**The Deputy Minister of Communications (Shri Khurshed Lal):** (a) (i) The number of telephones installed in Delhi up to 29th November, 1950 under the "Own your Telephone" Scheme is 719.

The amount collected from deposits is Rs. 14,94,000/-.

(ii) Number of telephones installed at monthly rates of payment, for exempted categories is 217. Information about the amount collected from subscribers who have been given connections at the old rates cannot be easily calculated as the monthly bills include charges for the calls made in addition to the monthly rental.

(b) (i) Number of applications received under "Own your Telephone" payment scheme.....747.

(ii) Number of applications received under monthly rates of rentals, for exempted categories.....1,235.  
Total number of applications received. 1,982.

(c) Applications for telephone connections at the monthly rates of rentals, are sanctioned only for exempted categories, on the recommendations of the Telephone Advisory Committee, which is empowered to allot priority for those whose requirement, on account of their business or vocation, deserve special consideration. No applications for telephone connections under exempted categories are rejected, but all pending applications are considered at each meeting of the Telephone Advisory Committee and allotments of telephones are made on the availability of exchange equipment and cable conductors, and in accordance with the priority allotted by the Telephone Advisory Committee. Owing to shortage of cables and exchange equipment in the old Delhi area, telephone connections for exempted categories, on monthly rates of rentals, can be given only gradually, as and when more exchange equipment and cable conductors become available.

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



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सत्यमेव जयते

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# PARLIAMENTARY DEBATES

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**PARLIAMENT OF INDIA**

**OFFICIAL REPORT**

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**Part II—Proceedings other than Questions and Answers.**

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**PARLIAMENT OF INDIA**  
*Monday, 4th December, 1950*

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

[MR. SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**  
(See Part I)

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12.05 P.M.

**PROHIBITION OF MANUFACTURE  
AND IMPORT OF HYDROGENATED  
VEGETABLE OILS BILL.**

**Mr. Speaker:** The Secretary will now report on the petitions received relating to the Bill to provide for the prohibition of manufacture and import of hydrogenated vegetable oils.

**Secretary:** I lay on the Table a Statement on the Petitions that have been received. [See Appendix VI, annexure No. 12.]

**Shri Syamnandan Sahaya:** (Bihar): What is the number?

**Secretary:** Their number is 2,992.

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**PROCEDURE REGARDING SUPPLY  
OF COPIES OF AMENDMENTS**

**Mr. Speaker:** According to the present practice, copies of Bills after introduction, and Reports of Select Committees on Bills after presentation, are supplied to Members at their residences, and they are requested to preserve those copies and to bring them for use in the Chamber when the Bills are subsequently taken up in the House. Copies of Bills are not included in the daily sets of papers to Members in the House, but a few copies are made available in the Lobby and the Parliamentary Notice Office in order to meet the demands of Members who fail to bring their copies. This system has worked well for all these years and has been economical.

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The practice has, however, been different as regards notices of amendments to Bills. While copies of notices of amendments to Bills are supplied in advance to Members at their residences, copies are also included in the Members' sets of papers in the House.

As hon. Members are aware, several Bills are put down in the List of Business and it is not always possible to make an accurate estimate as to which Bills will actually be taken up in the House. Parliament Secretariat has to proceed on a conservative estimate with the result that hundreds of papers containing notices of amendments are placed in the Members' sets from day to day in connection with the Bills that might not actually be taken up. Apart from that, as a Bill is in progress for several days, fresh copies of lists of amendments continue to be placed in the Members' sets from day to day resulting in the consumption of innumerable sheets of paper.

According to the practice in the House of Commons in regard to this matter, such papers are not placed on the Members' Benches, but are kept in the Vote Office in the Lobby and any Member who has failed to bring his papers can take copies of the necessary papers from that office. In the interests of economy, therefore, I propose to adopt the same procedure in regard to the supply of copies of notices of amendments, which is also the procedure in the case of Bills.

Notice lists of amendments to Bills will continue to be circulated to Members in advance as heretofore, but will not be placed in their places in the House in future. Hon. Members are requested to preserve those copies and bring them for use in the Chamber when the Bills are taken up in the House. Some sets of amendments will also be placed in the Lobby and Parliamentary Notice office. In case any Member forgets to bring his papers, a set will be supplied to him on request.

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**ELECTION TO COMMITTEES**

- I. STANDING COMMITTEE FOR THE MINISTRY OF HOME AFFAIRS.
- II. CENTRAL SILK BOARD.
- III. CENTRAL COMMITTEE OF THE TUBERCULOSIS ASSOCIATION OF INDIA.
- IV. STANDING FINANCE COMMITTEE FOR RAILWAYS.
- V. STANDING COMMITTEE FOR THE MINISTRY OF LAW.

**Mr. Speaker:** I have to inform the House that upto the time fixed for receiving nominations for the Standing Committee for the Ministry of Home Affairs, the Central Silk Board, the Central Committee of the Tuberculosis Association of India, the Standing Finance Committee for Railways and the Standing Committee for the Ministry of Law, two nominations in the case of each of the first, third and fourth, and one nomination in the case of each of the second and fifth were received. As the number of candidates is equal to the number of vacancies in each of these Committees, I declare the following Members to be duly elected:

I. *Standing Committee for the Ministry of Home Affairs.*—Shri Shridhar Vaman Naik and Shri Radhelal Vyas.

II. *The Central Silk Board.*—Shri N. Shankaraiya.

III. *The Central Committee of the Tuberculosis Association of India.*—Dr. K. V. Thakkar and Dr. M. Channa Reddy.

IV. *The Standing Finance Committee for Railways.*—Shri Gokulbhai Daulatram Bhatt and Shri Kala Venkatarao.

V. *Standing Committee for the Ministry of Law.*—Shri Kashinathrao Vaidya.

**BUSINESS OF THE HOUSE**

**Mr. Speaker:** There is one more announcement which I have to make and that is that the Debate on Foreign Policy would take place day after tomorrow, Wednesday the 6th instant.

**Shri Kamath (Madhya Pradesh):** One day or two days?

**Mr. Speaker:** It is one day for the present.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** For the present, it is one day.

**INDIAN TARIFF (FOURTH AMENDMENT) BILL.—contd.**

**Mr. Speaker:** The House will now proceed with the Bill further to amend the Indian Tariff Act, 1934. The hon. Shri Sri Prakasa will continue his speech.

**Shri Tyagi (Uttar Pradesh):** On a point of order, Sir, . . .

**Mr. Speaker:** Let that point of order be taken up after the hon. Minister of Commerce has finished his speech. That has been settled on the last day. Instead of taking it in the middle, let him finish and then the point may be raised. I will give him an opportunity to raise the point.

**The Minister of Commerce (Shri Sri Prakasa):** When, at the end of a particularly harassing and taxing day, the House rose on Friday last, I had just started relating my simple story of jute. At that time, my hon. friend Mr. Himatsingka was in the Chair. I am happy not to find him in his place. Though he might have been put out of harm, I know I have still to face my hon. friends the omniscient Pandit Thakur Das Bhargava, the omnipotent Mr. Tyagi, and the omnipresent Mr. Kamath and Mr. Goenka.

As I said that day, I have come to the House under cover of this Bill, to understand the complexity of the problem before the House; and I do hope that the House will help me in the task. I know that there are many experts in the House who may find my story a little boring because they already know all about it. But there must be many a layman like myself in the House who would like to understand the full implications of the subject under discussion.

I was saying on Friday evening that so far as we know, the world requirements of raw jute are about 90 lakhs of bales, each bale being equal to five maunds; and that the whole lot of this was being produced by United India. When the division came, we found that seventy lakhs of bales were produced by what went to Pakistan, and India produced less than 20 lakhs of bales. For our 84 mills with their 72,161 spindles working for a normal period of 48 hours a week, we should require about 65 lakhs of bales. But, as the House is aware, we have had to curtail the hours of work and bring them down from 48 to 42½ hrs. Even that requires 53 lakhs of bales. Undivided India exported from about 25 to 30 lakhs bales to U.K., France, Italy and other countries that needed our raw jute. We expect this year to produce 41 lakhs of bales which means that even at the restricted rate we shall have to meet our shortage of 12 lakhs.

This is the position even when the mills are working only for 42½ hours a week. The need for meeting the balance will be felt towards the end of the year; and we are hoping that the International Monetary Fund will decide the question of the Pakistani rupee, and we should really not have to be faced with any shortage. In any

case, price control continues to be necessary because the amount of jute available is still less than the amount required. As the House is aware, the price of raw jute has been fixed at Rs. 35 per maund and the price of 100 yards of hessian has been fixed at Rs. 55. One yard of hessian weighs 10 oz. and is 40" wide. Under your instructions, Sir, and in response to the desire of many hon. Members, the Ministry has supplied full figures and I have no doubt that hon. Members are already familiar with much of what I am saying.

I shall deal in detail with the problem of hessian, because that is most exciting and that is what has been exercising the minds of hon. Members here and friends outside. The price of hessian per yard averaged 19 cents in America, against the landed cost of 15.85 up to July last. One rupee is equal to 21 cents. In August and September 1950, the prices rose. Government watched developments and found that in October the price had gone up to 32 cents. These are what are called "spot" and "afloat" prices. "Spot" means the spot in America itself where the hessian is available, and "afloat" means the hessian that is on the high seas on its way to America from India. I should like to add that we had also taken powers of directioning these exports; and our representative in Calcutta took the greatest amount of care to see that hessian was sent to the important consumers abroad. But still, though 90 per cent. of the exported goods went to the persons to whom they were directioned, about ten per cent. went to the open market.

**Shri Biswanath Das (Orissa):** May I know who are our representatives at Calcutta? Who is the person that represents us there, so far as the Government of India is concerned, at Calcutta, regarding jute and hessian?

**Mr. Speaker:** I think it is better to allow the Commerce Minister to go on, and then put any question that any hon. Member may desire to put for getting any information, instead of breaking his line of the argument. That will be better.

**Shri Sri Prakasa:** I may add, for the information of the hon. Member that the person I was referring to is our Jute Controller—Mr. Walker.

Because the sun is kinder in America than in India, what we know as "black market" here is known there only as "grey"; and about ten per cent. of this jute, went to this market.

**Pandit Balkrishna Sharma (Uttar Pradesh):** In connection with this very point, may I . . . .

**Mr. Speaker:** As I said, the best course would be not to interrupt the speech. Hon. Members may jot down the points on which they want to ask for information and get the information later, at the end of the speech.

**Pandit Balkrishna Sharma:** Yes, Sir.

**Shri Jhunjunwala (Bihar):** Did the hon. Minister say ten per cent. went into the other market?

**Shri Sri Prakasa:** Yes.

I am thankful to you, Sir. However, I propose to be most patient with the House and I am sure I shall carry the whole House with me at the end. Subject to your orders, Sir, I shall give in to any hon. Member who wants to intervene in the middle of my speech.

I was saying that this fact has to be borne in mind, namely that 90 per cent. of the jute actually was directioned and only ten per cent. went to the free market. The difficulty that has arisen so far, as I can make out, is due to the fact that persons up here have computed price paid for the ten per cent. in the free or grey market to be the price that was actually paid for the whole amount of jute including what was directioned. That is obviously not right and that is why these very exaggerated estimates have been made of the losses suffered by our country in dollars. The reason why they pay more in this free market is quite clear. The amount that was in demand being less than the amount in supply, under the economic laws, the prices went up high. But we were not indifferent to this trend in prices; and in October, 1950, we raised the export duty from Rs. 350 which the House had accepted in the last Budget session, to Rs. 750 and we also abandoned our powers of directioning. Immediately the spot and afloat prices came down to 29 cents; and the forward price of goods to be shipped from Calcutta came to 24 cents.

I now propose, for simplicity of understanding, of myself, if not of the House, to take just one yard of hessian—40" wide and 10 oz. in weight. Its control price works out to 11.5 cents, that is eight annas nine pies. If this were sent to America without any duty, the landed cost there would be 13.75 cents, or ten annas six pies. With a duty of Rs. 350 the landed cost is 15.85 cents or twelve annas one pie. With Rs. 750 as duty, the landed cost is 18.25 cents, or 13 annas 11 pies. Now with Rs. 1,500 as duty, the landed cost is 22.75 cents, or Rs. 1-1-4. The spot price that had jumped up in the U.S.A. to 31 or 32 cents (or Rs. 1/8 to Rs. 1/8/6) per yard is reported now to have come down to Rs. 1/5/4. I do not know the forward price today in Calcutta.

The question may be asked why we did not raise the duty immediately from Rs. 350 to 1,500 instead of stopping half

way at Rs. 750. As I have already said not much hessian was sold in the free market, and so the price in the free market of U.S.A. was not a true index of the current level of normal American prices. And we also feared, rightly or wrongly, that too heavy a duty would upset our domestic structure of trade and industry.

The House will doubtless appreciate the fact that it is always difficult to anticipate the effect of events and it is the path of wisdom to watch price trends. Above all no Government can raise the export duties at a moment's notice at every sudden rise in prices. As days passed, experience showed that the level of the duty could be much higher and that there was danger of large scale black-marketing in our own country. Since we gave up directioning of supplies, the price of hessian was publicly quoted in Calcutta at much higher than the controlled price. This situation was clearly undesirable and we had to examine the position most carefully. When we did that we found that three courses were open to us. Firstly, we could raise the export duty so high as to absorb the entire difference between the American price and the Indian price. Secondly, we could decontrol; and lastly, we could embark on state trading.

To take the last first, the House will appreciate that a whole economic structure cannot be changed overnight. It would take considerable time before we could have wholesale state trading. Then it was also felt, as circumstances were, that it would be cumbersome and a very large organisation would be necessary. Thousands of people are engaged in the jute trade and there would have been a great deal of economic disturbance and displacement of these persons, which would certainly have added to our headache. We have so many headaches already and no normally reasonable person would want to add to the number.

I know that hon. Members of the House may want state trading, if for no other purpose than that they would have one more subject for questions in Parliament and something on which they could attack Government. So long as trading is in private hands, apart from vague allegations of black-marketing, nothing specific is said here; and as soon as Government comes into the picture then a great number of critical questions can easily be put. But I want to assure the House that that is not exactly why I want to avoid State trading. I might inform the House and the outside world, which may be interested in the matter, that we have by no means given up the idea of State trading in jute. The report of the

Committee on State trading is under the closest examination of the Ministry with particular reference to the application of the principle of state trading to jute.

Then we have the other course, namely, decontrol. As a matter of fact that would be the best thing to do, if we want to mop up all the possible difference between the various prices by allowing these to find their normal level through the working of the usual economic laws. But this means decontrol all along the line and I want to warn the House against that, for I know that the industry would like manufactured jute goods to be decontrolled but not raw jute. That is obviously not possible to do. Then we must also know that the increase in jute prices which would result immediately we decontrol, would react most unfavourably on the price of rice and raise the general price level in the country, which is high enough and any rise in which would rightly be resisted by the House and would be most unwelcome to the country. May I also add that every rupee of increase in the price of raw jute would mean Rs. 35 lakhs of extra cost to Government, because Government are large purchasers of sacking for internal consumption and for barter purposes.

I know that it is unusual to fix the price of goods that are to be exported, for naturally every country wants to get whatever it can from other countries, and therefore no country thinks of resorting to price control of exported goods. But, if I may say so, we are temperamentally different. Here I should like to pay a tribute to my predecessor who thought so generously and planned so nobly in this behalf. He studied the whole problem. He found out what it costs the producer of raw jute and fixed a price there. He studied what it costs the manufacturer to produce his goods, gave him a sufficient margin of profit, and fixed the price of jute goods there. He also found out what the requirements of different countries were and allotted quotas to them, so that no country should be starved of a product of which we had the monopoly. Though the Great Manu has said, *Satyanitam tu vanijayam*—in commerce we have to admixture truth with falsehood—I must say that my predecessor weighed even an apparently commercial matter in the scales of truth.

I should like, if I may, also to pay a tribute of admiration to my noble and hon. colleague, the Finance Minister. When I went to him with the offer of these extra dollars, he looked at me and said, "I simply do not care." I do not think any Finance Minister will be found so indifferent to dollars.

unless they came in the proper way. He offered to help me to find out the exact amount at which the duty should be levied, but he did also tell me that this for him could at best only be a wind-fall and he was not very much interested.

I feel that we have done the best we could in this direction. If I may use a strong expression, wild guesses have been made as regards the crores and crores of dollars that we have lost. They have estimated that the loss has been to the extent of Rs. 40 to 50 crores. As I said before, that is all due to the fact that they thought that cent per cent of our jute goods sent abroad fetched the price that the ten per cent. in the grey market in America, fetched. Our own estimate is that we have lost about Rs. 12 crores in all—about a crore a month. For the first six months it must have been much less; and for the latter part of the year it was a little more. So, our estimate is that we have at the most lost about twelve crores; and I think despite our beleaguered finances it was well worth losing this because behind that came the overall picture of our attempt to supply goods at what we thought was a fair price to the world, and to distribute those goods throughout the world and take no unfair advantage simply because we had the monopoly.

**Shrimati Renuka Ray** (West Bengal): Is twelve crores the figure for the whole period?

**Shri Sri Prakasa:** Yes, Sir.

Then, there was the third course, and that was the orthodox course of raising the export duty. We regarded this as the best method so that as much difference as possible could be appropriated between the American and the Indian prices. (*An Hon. Member:* Why this ethics?) Even commerce can have its ethics.

I should now like the House to consider carefully the three courses that I have placed before it; and I should like the House to give a lead to me and to Government in this matter. If it likes de-control let there be no mistake, and it must be prepared to face all the consequences. We are already trying to step up our jute production as far as possible. Already complaints are being heard that rice fields are being converted into jute fields because jute pays more. Would the House like more and more of rice fields to go under jute? Would the House like to go without food for the sake of jute? Then there is the problem of the Pakistan rupee before the International Monetary Fund. Would the House like to anticipate its decision? Would it like to endanger the

whole of the Rs. 100 crores of trade between Pakistan and ourselves by some hasty action? I am sure the House will be wary as it walks along these rather dangerous precipices. If the House likes State trading, I have only to say, as I have already said, that the matter is under examination. But nothing can be done in too great a hurry.

**Shrimati Renuka Ray:** How long will it be under examination?

**Shri Sri Prakasa:** I cannot exactly say how long it will take to finish the examination; but I do hope that it will not be too long.

**Shri Kamath** (Madhya Pradesh): Meanwhile, business as usual.

**Shri Sri Prakasa:** The business will be carried on as usual as my hon. friend rightly says; and the hon. friend will make his interruptions and ask his questions, as usual again.

The Bill that I have brought before the House raises the export duty on hessian to Rs. 1,500 per ton making the landed cost in America approximately equal to the present prices in the American market. We are also raising the export duty on sacking from Rs. 50 to Rs. 150 because our information is that the present sacking price is not in tune with the world prices.

Lastly, I come to the question of taking power to increase export duties as circumstances may warrant. This, I recognise, is rather an unusual procedure; but before abnormal economic developments the world over, we might be compelled to make changes at very short notice. I may assure the House that I shall keep a perpetual watch and never raise the duty more than is absolutely necessary. And even if I wanted to, I am sure my hon. colleague the Finance Minister will check me whenever I should be too greedy.

I may say that I am not very happy that I should be asking this power for the executive; but as the House will see, an official amendment to the Bill gives sufficient authority to Parliament to interfere as early as possible if anything wrong be done.

The vexed problem of the satisfactory solution of the par value of the Pakistan rupee is before us; and as I have said before, we are eagerly hoping that the International Monetary Fund will give a satisfactory solution acceptable to all before long. When that is done, normal conditions will return and trade will flow freely and all will be well. We await that day with eager hopefulness; and in the meantime I ask the House to pass the Bill and enable Government to carry on as best they can.

**Shri Tyagi rose.**

**Mr. Speaker:** I shall put the motion first—or, does he want to argue first?

**Shri Tyagi:** I want to argue first. I don't want you to commit the error of putting the motion before the House.

**Mr. Speaker:** Even if I do it, the House will not take it as an error, because, so far as the House is concerned, I am the final authority. However, he may raise his point first.

**Shri Tyagi:** The other day, when this question came up before the House, I raised a point of order. I suggested that this Bill was *ultra vires* of the Constitution and therefore it should be ruled out of order. My reasons for this were these. This is a money Bill duly certified by the President. Such Bills deserve a special treatment by this House. This Bill, if it is amended or if any of its clauses are declared out of order, will go as a whole, because it is not only one clause or two clauses, but the whole Bill. This is a bundle of so many ideas put together and so this Bill goes as a whole and not any part. If one part of the Bill is *ultra vires* or is out of order, then the whole Bill goes, because then it has to take the sanction or the recommendation of the President once again with the corrected part of it. Therefore, I do not agree with one of my friends who suggested that if only one clause was out of order, the whole Bill will not go and that I might bring up the matter when clause by clause consideration is taken up. That I won't do, because in my opinion if one clause is declared out of order then the whole Bill goes; this Bill cannot be broken into separate clauses.

**Mr. Speaker:** May I put a question at this stage? Supposing the House chooses to say that instead of the various clauses such and such a clause be negatived, what will be its effect?

**Shri Tyagi:** My submission is that a Bill, unless it is completely within the Constitution, cannot be allowed to be discussed in this House.

**Mr. Speaker:** I am putting that question with reference to the argument of the hon. Member that if one clause is *ultra vires* the whole Bill must fall through. To that, I am putting this question just to understand the hon. Member's point of view. Assuming that the House decides to negative clause 3, or clause 4 or any other clause—that is to say, one particular clause—how will the Bill stand then?

**Shri Tyagi:** In that case, I submit that the Bill is to be withdrawn, because the House cannot reject the particular clause unless and until the Bill is taken into detailed consideration.

The House may reject a clause of the Bill only when the second reading comes. At this stage, the House either accepts the whole Bill for consideration or rejects it. It only takes possession of the Bill now, and unless it takes the Bill up for consideration by passing the consideration motion, the House cannot reject one clause. I am objecting at the very point of consideration. Therefore, the House cannot at this stage decide to give up one clause. I am objecting to the consideration of the Bill.

**Mr. Speaker:** It seems that there is some confusion either in my understanding or that of the hon. Member. He is making two points. The first point is that the Bill is *ultra vires*,—the whole of it. The other alternative point is, as I understood, that even if one clause of it is *ultra vires* the whole Bill is *ultra vires*.

**Shri Tyagi:** Rightly, Sir.

**Mr. Speaker:** Therefore, with reference to the other alternative point, I am asking the question: is it contended by him that the House must accept all the clauses or it must reject the Bill. Is it not open to the House to negative a particular clause and accept the others? As regards the initial consideration of it, the point of the whole Bill being *ultra vires* stands differently, of course.

**Shri Tyagi:** As regards the second point also, the House may reject a clause. It is the privilege of the House to amend every clause or any one of the clauses. I do not, therefore, stand on the plea that if a clause is deleted by the House the Bill will be *ultra vires* or it should then be rejected as a whole. That is not my point. My only submission is that the rejection of a clause by the House is one case, but rejection from the Chair on account of a clause being unconstitutional or irregular—that is quite a different case. So, I am talking of the position in which it is not the House, but it is the Chair itself, in its own powers, which after looking into the Bill, may rule that such and such a Bill cannot be considered because it abrogates the whole power of Parliament. Then, the Chair will reject not one clause only, but the Bill as a whole. The Chair has no right to choose one of the clauses and say that that particular clause is out of order and the rest of the Bill is in order. It is finally for you to decide.

My second point is that this Bill is against the Constitution. The objects of the Bill are itself *ultra vires*. The clauses of the Bill can be changed, but not be Object and Reasons of the Bill, they being one apply to all clauses. I submit that it is clear from the State-

ment of Objects and Reasons that the object is based on one motive. If that motive is against the Constitution, then the whole Bill is out of order. In paragraph 2 (ii) and (iii) of the Objects and Reasons it is said—

“(ii) to enhance further the duty on hessian as subsequent experience has shown it to be not high enough and to increase the existing duty on sacking; and

(iii) to arm Government with powers to impose similar duties in the case of commodities not already subject to export duties and to enhance them where such duties are already in existence in case emergent circumstances necessitate such a course.”

I do not want to enter into the clauses, because I am objecting at the very point of consideration. From this, I conclude that the Bill means to deprive Parliament of its inherent powers of legislation.

Now, according to the Constitution, item 83 of List I of the 7th Schedule, says: “duties on customs including export duties”.

Article 246 lays down:

“Notwithstanding anything contained in clauses (2) and (3) Parliament has exclusive powers to make laws with respect to any of the matters enumerated in List I.”

**Mr. Speaker:** To which article is the hon. Member referring?

**Shri Tyagi:** I am referring to article 246 which is in Part XI dealing with Relations between the Union and the States—Legislative Relations—Distribution of Legislative Powers. This is the only one article I could come across which lays down that all that pertains to List I in the Seventh Schedule is the “exclusive” power of Parliament itself. This “exclusive” power cannot be shared with any other authority.

Now my hon. friend Dr. Ambedkar or any other hon. Member of the Treasury Benches might quote article 53 which says:

“(1) The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(2) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of the Union shall be vested in the President and the exercise thereof shall be regulated by law.

(3) Nothing in this article shall—

(a) be deemed to transfer to the President any functions conferred by any existing law on the Government of any State or other authority; or

(b) prevent Parliament from conferring by law functions on authorities other than the President.”

I am particularly referring to part (3) (b). It may be argued that nothing will prevent Parliament from conferring by law functions on authorities other than the President. The President has all the executive powers vested in him. Here the right is given to Parliament to vest powers by law on some other authority than the President. But my reply to it is that this refers only to executive powers and not to legislative powers. It is only executive powers which Parliament may vest either in the President or some other authority. Legislative powers are the “exclusive” privilege of Parliament itself. It is over the question of the right of taxation that Parliaments and democracies came into being in this world. It is, therefore, one of the basic and fundamental rights of Parliament which under no circumstances can be transferred to any other authority. And if it can be so easily transferred, there may come a time when a majority in a Parliament might be asked to pass a law to the effect that all taxes will be levied and varied by Government as and when they choose to do so, and also another law that whenever any law is to be made Government can make the law on behalf of Parliament. If such freelance power were to go into the hands of a Government they will become virtual dictators and may also ask Parliament to agree to decide that all the powers of Parliament shall remain vested in such and such a person. That will be the logical corollary of this.

I, therefore, submit that it is for you, Sir, to draw the line as to what powers and to what extent they can be conferred on the executive authority. I should say that the power we hold has been delegated to us by the people through the Constitution and cannot be redelegated to any other authority. That is the basic and fundamental law. As far as that part of the power which pertains to legislative functions is concerned, well, even if this Parliament chooses to delegate it to any other authority unanimously, they cannot do it. Here, in this case a power is being conferred on Government.

**Mr. Speaker:** The hon. Member can pursue his point after lunch.

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



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

[MR. SPEAKER in the Chair]

**Shri Tyagi:** Before the House adjourned for Lunch I was saying that if under article 53(3) (b) of the Constitution powers are being now delegated to Government, my difficulty is this that I deem the power of deciding as to what should be the incidence of tax to be a legislative power. And legislative powers cannot be delegated. That is the point on which I am basing my argument. My main argument is that if at all we delegate or confer some power it cannot be power of legislation.

In a matter of taxation there are two powers involved. The first is the manner in which the tax is to be realised. Of course the levy of the quantum or the incidence of taxation is also an executive power. "Incidence" in action is always executive in its very nature. But to define the quantum and incidence is a legislative power, namely, to define as to how much should be the incidence of taxation. This thing is the exclusive privilege of Parliament itself. If in this Bill the upper limit of the incidence was defined, that is to say, that the tax will be to such and such extent—so much per cent *ad valorem*, or whatever it may be—and within that limit if you were to delegate powers to Government to vary the incidence towards the lower figure, I could understand it. It will then be duly "authorised by law." If the upper limit is fixed at, say, 20 per cent. or 30 per cent. and within that percentage Government were to vary the incidence of taxation according to the needs, I can understand the delegation of that power because that discretion I deem to be an executive function. It is just trying to interpret the legislation into action. But here Government are sought to be given the power of deciding how much will be the incidence of the duty.

**Shri B. Das (Orissa):** You are speaking of . . .

**Mr. Speaker:** The hon. Member should not address the other hon. Member.

**Shri B. Das:** May I, Sir, on a point of order submit that the Legislature has the power to delegate some power or give no power. That is not a matter or point for the ruling of the Chair. The Legislature has powers to amend any clause of this Bill.

**Mr. Speaker:** I may clear the position as I have been following from the hon. Member. The matter is not so easy as it appears at first sight. His real point is that Parliament is vested with certain power of legislation which includes the power of taxation. Now,

is it competent for this House to so legislate that a blank cheque is given to the Executive Government to levy such tax as it likes and to such extent as it likes? That is his point. And his contention is that you cannot delegate power in that manner. It is for this House to lay down limits, the highest and the lowest, giving the executive, such power as the House may like, for the exercise of the power given or realisation of the tax within the limits specified. His point is that in the present Bill the power to increase export duties or to levy duties is a blank cheque. Have I understood the point correctly?

**Shri Tyagi:** Sir, I am very grateful to you. In fact you have put me to shame . . .

**Shri Biswanath Das:** Sir, as I have understood my hon. friend he means a little more than what you were good enough to say, namely, that the maximum could be fixed by Parliament and no power could be given to the executive to enhance the maximum at its own will.

**Mr. Speaker:** It comes to the same thing.

**Shri Tyagi:** Sir, as I was saying, I am very grateful to you and in fact you have put me to shame because my labour is lost. Already it seems you were quite posted up with what I actually meant. I could not clarify it better. Now I do not think I need take the time of the House further in pursuing the argument. As you have interpreted my view that is exactly what I meant. I only want to give one more instance. In the British Parliament the situation arose . . .

**Mr. Speaker:** I can say one thing, as I see the point is of great importance. I do not want to stifle any discussion on this question. Of course the question of *ultra vires* will stand on a different footing altogether and can be disposed of in a short time.

**Shri Tyagi:** About taxation this is what the most authentic and celebrated writer, Campion—he is always quoted as an authority on Parliament—says:

"The House of Commons deals annually with a comparatively small portion of taxation. The greater part of the taxes is permanent, having been imposed by legislation in the past. A smaller portion is imposed for a limited period, and only comes before the House when that period is about to expire. Two taxes, the Income Tax and the Tea Duty, used to be imposed, and came up for review annually. Recently the Tea Duty has ceased to be annually imposed.

"These and any other taxes dictated by the needs of the revenue are initiated in Committee of Ways and Means, and upon the resolutions of the Committee, when agreed to by the House, the Finance Bill is founded. The principle that taxation requires the sanction of the Crown applies not only to the imposition but also to the increase of taxation, and to any variation in its incidence. All such proposals can only be initiated in Committee of Ways and Means"—that means ultimately the Parliament itself—"and by a Minister acting on behalf of the Crown. The proposals which must be so initiated include proposals:—

- (1) to impose a new tax;
- (2) to continue an expiring tax;
- (3) to increase a permanent tax;
- (4) to continue a temporary (and expiring) addition to a permanent tax; and
- (5) to pay any sums into the Exchequer (if such payments are incidental to a scheme imposing expenditure they may be included in the resolution by which the scheme is initiated in a Committee of the Whole House)."

This is the procedure. I can understand the delegation of powers within this framework of ceiling limit only on the lines which are adopted in the British practice. The British Parliament also variates its duties; it gives the powers to Government. But then Government does it always after getting itself armed by a resolution of the Committee of Ways and Means, which means the whole House. Armed with the resolution of the whole House Government does it.

It is further laid down that in case Government takes this liberty and does it, it ultimately brings the action before the House for its sanction. Here in this Bill, as it is envisaged, Government will have the blind power of levying tax to any amount and on any article they choose, whether it is in the Tariff list or not and it will never come before Parliament for approval.

**Mr. Speaker:** Has the hon. Member seen the proposed amendment?

**Shri Tyagi:** Yes, I have seen it. It only suggests laying on the Table. On this analogy, Government can as well levy and publish the levy in the Gazette. They do not take on themselves the onus of getting it approved

by the House. "Laying on the table" means lay down on the Table and if the Members have any objection, they can raise it.

**Mr. Speaker:** It goes a little further. If before the expiry of that period, Parliament makes any modification in the Notification or directs that the Notification should cease to have effect, the Notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity . . . .

**Shri Tyagi:** That means little. Even if it had not been laid on the Table, then also members of Parliament could take notice of it, and table amendment. In fact it is not for any non-official Member to come forward with any proposal, but the onus is on the Treasury Benches who must come forward with proposals for approval. This is what I wanted, Sir. Parliament has always the right to amend as they choose. This is not the proper manner of seeking approval of Parliament. It will not be "approval" at all. It is not correct to say that as Parliament did not raise any objection, therefore this tax has been approved by Parliament.

My friends say that it is not for the House to decide whether it is *ultra vires* of the Constitution or not but I submit that it is one thing to declare a law or a proposal *ultra vires* of the Supreme Court or of the Constitution but it is another thing to declare it *ultra vires* of the inherent rights of Parliament and on this, I want your ruling.

My next objection is to the words "that Government will decide". In the past, Government of India always meant the Governor-General presiding over his Executive Council. Now, the Constitution gave powers to the President in so many ways, and stated that "all the executive powers of the Union shall be vested in the President, etc.," This Government has so divested the President of all his powers that I fear that in practice, our President has lesser powers than even the King of England. Under these circumstances, I ask: what is "the Government"? Does it mean the advisers of the President sitting together in conspiracy without the President? I withdraw the word "conspiracy", but I called it a conspiracy because they avoid the President. I have never heard of our President sitting with his advisers. In this way, the Constitution is in actual practice being flouted. I am one of the makers of the Constitution and I must state that when I passed the Constitution, I had a feeling that the President who comes to be elected by the majority vote of the whole country by the indirect method, shall have quite a lot to say in the matter of running the

[Shri Tyagi]

administration of the country, but now it seems to me that Government alone has powers. Still no one knows what "Government of India" means. Government of India is composed of A, B, C or D, and enjoys whatever power is given to it. When there comes a question of delegating my own powers to Government, I would like that the words "Government of India" be defined. Will it also mean the sole executive head the President? Will it only mean the Prime Minister, the Deputy Prime Minister and all the rest of them? Will it mean the whole council of the advisers of the President or only a part of the Council of Advisers? What is the Government of India? As I see the Government of India may ultimately come to include Secretaries because there is also a Committee of the Secretaries of the Ministries; they also sit and decide policies. They will finally legislate in our place and decide the incidence of and the quantum of tax. What is going to be the shape of this country? I therefore, submit that in the political history of India for the first time a responsibility has been cast on you. You have to finally decide whether in future, even the legislative functions of this Parliament will be taken over by a Government, which in its very nature shall represent one party? Will only one party decide for the whole country? I know that this is the first occasion when a discussion has arisen on this subject and I hope you will see to it that Parliament itself is not allowed to go wrong. You are not only guided by Parliament, but you have also to see that even if Parliament chooses to go wrong, you will stop it. You are the custodian of the rights and privileges of Parliament. Therefore, it is up to you to maintain the dignity of the House. If the House is forced by the will of one party which decides to go wrong and go against the spirit of the Constitution, it is up to you to save the House. In you are vested all the votes of all the parties together. It is not only a question of my seeking a ruling whether this piece of legislation is *ultra vires* or not but from the point of view of the existence of Parliament it is for you to decide this matter. I therefore submit that you may kindly take other Members also into consultation and give a final ruling in the matter one way or the other. I am sure your decision will be of very great value and this is one of the most important rulings that you will be delivering today in your regime.

**The Minister of Law (Dr. Ambedkar):** I am very much surprised that a point like this should have been raised by my hon. friend, Mr. Tyagi, who always in the House has said that he represents the most ignorant class in this country.

It is a point which I think baffled many lawyers and I should have thought it was worth while for my friend to have left this matter in other hands. Now that the point is raised and you have expressed your own opinion that a point like this is important and must be decided, I propose to offer a few remarks on the subject. While I was listening to Mr. Tyagi's remarks, I thought he was confusing two different issues which must be kept quite separate. One is whether Parliament can delegate its authority. The second is whether Parliament should. The two are, in my judgment, quite different questions. We must apply very different considerations in coming to a conclusion on either one of them.

I will take the first question whether Parliament can delegate.

**Shri J. R. Kapoor (Uttar Pradesh):** That is the only question.

**Shri Tyagi:** No.

**Dr. Ambedkar:** No. On that subject, so far as I am concerned, I have not the least doubt that Parliament can delegate its authority to other agencies subject to one condition and that condition is this that Parliament does not by such delegation completely divest itself of the authority to resume back the powers which it has delegated. A delegation for a purpose, a delegation for a time, and a delegation which permits Parliament to resume back their authority is really no delegation at all, and therefore, Parliament is quite competent to enact a measure which conforms to this particular test. I think I cannot do better than read from a judgment of the High Court of Australia which deals with this matter. I will, of course, later on specifically cite an authority on this very point raised by the Bill. The case is *Meakes Vs. Dignan*, 46 Commonwealth Law Reports, page 117. This is what Mr. Justice Evatt says:

"The statesmen and Lawyers concerned in the framing of the Australian Constitution, when they treated of 'legislative power' in relation to the self-governing colonies, had in view an authority which over a limited area or subject-matter, resembled that of the British Parliament. Such authority always extended beyond the issue by Parliament itself of binding commands. Parliament could also authorise the issue of such commands by any person or authority which it chose to select or create. "Legislative power" connoted the power to deposit or delegate legislative power because this was implied in the idea of parliamentary sovereignty itself. It was of course always understood that the power of the delegate or

depository could be withdrawn by the Parliament that had created it, and in this sense Parliament had to preserve 'its own capacity intact'."

I can read many passages; but I do not wish to trouble the House. In deciding the question whether Parliament can lawfully delegate, the test to be applied is this: whether Parliament has kept its capacity intact to withdraw the authority which it has deposed in somebody else. Therefore, the question that has to be considered so far as the first question is concerned, whether Parliament can delegate, is to examine the clauses in order to find out whether the test that has been laid down is fulfilled or not, whether there is anything in this Bill which prevents Parliament from resuming that authority. That is one point.

Now, on this very question I am glad to say that there is a ruling of the Privy Council reported in House of Lords, Appeal Cases, Volume 10, on page 282. The case is exactly on a par with the present one. There, the legislature of one of the Commonwealth countries passed a law permitting the Governor, which of course means the Executive, to levy a customs duty on certain articles which were not mentioned in the schedule attached to the Customs Act, some new article or similar article.

**Shri Sondhi (Punjab):** Was it a fixed rate or a varying one? That is the only point.

**Mr. Speaker:** Let him proceed.

**Dr. Ambedkar:** No, that is not the point. Here, by this law, we are empowering the Executive to levy a customs duty on an article,—I am not concerned with the amount or its variability: an article which is not found in the schedule. That is the position. Here, the case is exactly on all fours. The Supreme Court of that country held that the law was *ultra vires* because it was a delegation. The Privy Council reversed the decision, and I shall read only one small passage from the judgment of the Privy Council on page 291. This is what the Privy Council said:

"It is argued that the tax in question has been imposed by the Governor and not by the legislature, who alone had the power to impose it. But the duties levied under the Order in Council are really levied by the authority of the Act under which the Order is issued. The Legislature has not parted with its perfect control over the Governor and has power at any moment to withdraw or alternate the power which they have entrusted to him. Under these cir-

cumstances, their Lordships are of opinion that the judgment of the Supreme Court was wrong in declaring section 133 of the Customs Regulation Act of 1879 to be beyond the power of the legislature."

**Pandit Balkrishna Sharma:** May I submit, Sir, . . . . .

**Mr. Speaker:** Let us hear him patiently. If there is anything to say, I shall hear the hon. Member.

**Dr. S. P. Mookerjee (West Bengal):** Which country is that?

**Dr. Ambedkar:** Some colony in Australia. If my hon. friend is anxious, I shall give it.

**Shri Tyagi:** It may be too small a country.

**Dr. Ambedkar:** The law is never small or big. Law is law. It is New South Wales.

Thus, so far as the first question is concerned, whether Parliament can delegate, my submission is this. So far as this condition is observed, namely that Parliament has kept within its hands the power to withdraw any such delegation, there can be no legal objection.

Before I proceed to the other point, I should like to say that I cannot see how this House is competent to decide that question. Surely, this is not a point of order. A point of order relates to rules of business. We are dealing here with the competency of the House. Supposing, Sir, this House or you decide that this was *ultra vires*, and notwithstanding that, Parliament proceeded to make the law, and the matter went to the Supreme Court, and the Supreme Court decided that the Act was *intra vires*, what a difficult situation would arise? Or supposing we proceed to deal with the point on the belief that it was *intra vires*, the matter went to the Supreme Court and the Supreme Court decided that it was *ultra vires*, we would be creating a great difficulty for ourselves. What I would like to say is this. All this attempt to raise questions regarding competency is really an attempt to convert this Parliament into a court. It is not a court. It is much better that justiciable matters had better be left to the Supreme Court to decide and we proceed on our understanding that whatever we are doing is within the competence of Parliament. Therefore, my submission is that this is not a point of order at all and should not be treated as such.

Then, I come to the other question: whether Parliament should delegate.

[Dr. Ambedkar]

That is a matter which is entirely within the competence of this House: entirely. I make no reservation whatsoever. If in certain circumstances Parliament thinks that it should not delegate, well, Parliament should insist that it will not delegate, and that the matter shall be dealt with by Parliament itself. In certain circumstances, such as an emergency

and so on, when Parliament cannot meet, and when executive action must be speedy, Parliament will, no doubt, consider it, and it may be that circumstances are such that a certain amount of delegation may be permitted. Therefore, this Bill has to be considered from this point of view. The second question is whether we should or we should not delegate. My friend Mr. Tyagi referred to Campion and referred to the opinion given by Mr. Campion on the question of taxation. I have no doubt in my mind that that is the correct attitude which Parliament should adopt in the matter of taxation. The power to tax is a very important power. It is really the one and only power which Parliament possesses to control the Government and to order the Government; and if Parliament were to give its permanent power of raising revenue to the Executive, the Executive would not care two hoots for Parliament. It is, therefore, very desirable that Parliament should keep within its own hands this power. The British Parliament keeps the Executive under control, if I have understood it correctly, in two ways. They have certain important Acts which are only annual Acts, for which they never have permanent Acts. For instance the Army Act in England is an Annual Act. Every year, the Executive has to come before Parliament in order to get that Act renewed; and if they do not renew it, the whole army will have to be disbanded, because there will be no law governing it. The other measure by which the British Parliament controls the Executive is by reserving for annual levy, certain taxes, for instance, income-tax which forms a very large part of the resources of the British Government, and also of our government. Therefore, there can be no quarrel on the question that Parliament should be very chary, very tardy, of handing over powers of taxation to the Executive. It is perfectly open to Mr. Tyagi to say that in this matter delegation should not be made, or some other view may be taken. But so far as competency is concerned, I am afraid, he is out of court. After this matter was brought to our notice, I also came to the conclusion that, probably, from the point of view of financial propriety, from the point of view of maintaining the supremacy of Parliament, it was desirable to make some amendments in

the clauses as they stood in the original Bill. I do not know whether I have got the thing with me now; but I am satisfied that there are two new provisions in the new amendments. One is this that the power to levy customs duty on articles not specified is only for a short period, up to the Budget session, not indefinitely, for all times. Whenever the Budget session comes, any customs duty levied by the Executive under this Bill will automatically lapse, and the matter will then be dealt with by Parliament, as Parliament deals with any other financial measure. I should have thought that that was a great improvement in the Bill as it stands, and Parliament should not have any quarrel about proposing a legislation of this sort.

**Pandit Thakur Das Bhargava** (Punjab): To my mind, the question which has been raised by Mr. Tyagi is really of exceptional importance as well as of difficulty. Even if the question were divided into two parts, one of competency of the House to delegate the power, and the other about the propriety of delegating the power to the Ministry, this question viewed from the two different standpoints really resolves itself into one, and that is, whether it is good for us, whether it is discreet for us to give this power to the Ministry. Before I come to the point of competency, I would first address myself to the question whether it should be delegated.

**Mr. Speaker:** I might make the position clear. Whatever may be the importance of the second part, whether Parliament should or should not delegate, that discussion at this stage, would be irrelevant to the question. The question now to be decided is whether Parliament can or cannot delegate. That is the only point now.

**Pandit Thakur Das Bhargava:** Two rulings have been cited by my hon. friend Dr. Ambedkar, one of the Privy Council and the other of some other authority, probably the Australian High Court. With regard to them, I have to submit that as a matter of fact, these rulings are of academic value only to us. Now, our Constitution is an independent one, and in interpreting any point connected with this Bill, we have to go by the canons and the relevant sections or articles of our Constitution. It may be that in other countries they may have orders in council or some other things to be guided by. But here we have to go by our Constitution and not by anything else, we have to see whether competency to delegate is competent within the four corners of the Constitution that we have made.

But before I come to that, let me refer to page 745 of May's Parliamentary Practice. Under the heading

"Matters initiated by Ways and Means Resolutions", we have the following:

"The following are examples of matters which require to be initiated in the form of a resolution moved in Committee of Ways and Means by a Minister of the Crown.

A ways and means resolution is a necessary preliminary to the imposition of a new tax, the continuation of an expiring tax, an increase in the rate of an existing tax, or an extension of the incidence of a tax so as to include persons not already payers. According to present practice it is immaterial whether the tax is solely intended to provide revenue for the service of the year, or whether its primary purpose is to regulate imports.

**New Taxation:**—Out of the numerous possible cases mention may be made of the new import duties of 1932.

New taxes and duties receive special treatment in two respects: (i) They do not come into force under the Provisional Collection of Taxes Act, 1913 immediately on being voted in Committee of Ways and Means; (ii) New duties on separate commodities cannot be included in the same ways and means resolution".

And regarding delegation of taxing powers . . . . .

**The Minister of State for Transport and Railways (Shri Santhanam):** Is my hon. friend discussing the point whether Parliament has the power to establish conventions or to make laws? So far as the British Parliament is concerned, it is absolutely free to have its own conventions and . . . .

**Mr. Speaker:** Let him proceed. Let me hear him.

**Pandit Thakur Das Bhargava:** I am not speaking about any conventions. I might as well meet the point raised by my hon. friend. As has been pointed out by Mr. Tyagi, this power to tax has arisen out of long past history in England. In 1215, as you all know, the people were summoned by the King and they were asked to impose taxes, and from that time they have had this rule of "no representation, no taxation". At the same time the House of Commons has taken upon itself to tax the people and there is no other authority to tax the people. People are represented there and they tax the people and no other authority. Therefore it is no question of any convention, or of any practice. As far as we are concerned, we are bound by the Constitution. I was just referring to the English law because that is the source from which we have taken ours, and

though of academic value only, still it has great value. On page 746 of May's Parliamentary Practice, we have:

"Delegation of Taxing Powers within the United Kingdom.—

A proposal in an amendment to the Finance Bill to delegate powers of taxation to an authority other than the Committee of Ways and Means has been ruled out of order. But such delegation has been effected in several recent cases by proposals in bills founded on ways and means resolution."

I do not want to lay before the House only those points which go to support one side or the other. I have to put the whole thing, the entire question. I do not want to cite only those authorities that go to support Mr. Tyagi's contention. I want to present all the authorities. I would like to draw your attention to volume 122 of House of Commons Debate, 1919, C. 213, and volume 259 of House of Commons Debate, 1931-32, C. 719. In regard to one of these the question was whether the power could be delegated by the House of Commons to another body and it was held by the Speaker (122—C. 2-19) that it could be so delegated. As a matter of fact the right to impose tax was inherent in the House of Commons. It was the case of a tax which was supposed to vary from month to month. They granted similar power to another authority but the nature of the tax was very different from what we are considering. These authorities support the view that this power could be delegated.

After all this we must revert to our own Constitution to decide the point. As far as our Constitution is concerned this House is not competent to delegate any such authority to the Ministers.

**Dr. Ambedkar:** There is no bar: we have plenary powers.

**Shri Santhanam:** Will the hon. Member read article 286?

**Mr. Speaker:** Matters would be shortened if the hon. Member is allowed to proceed with his argument in his own way. Let us hear him first.

**Pandit Thakur Das Bhargava:** At this moment we need not be wedded to any theory. I am not wedded to any theory. I only place these facts for your consideration, so that you may consider them before coming to a final decision.

Reading our own Constitution I am inclined to believe that as a matter of fact we are not competent to delegate the power to the Minister or the Gov-

[Pandit Thakur Das Bhargava]

ernment. After all these Ministers are appointed by the President and under article 74 they have to aid and advise the President in the exercise of his executive functions. The article reads:

"There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions."

The functions of the President are in article 53. The President has executive functions and the Ministers aid and assist him in the discharge of these executive functions. The House has given different kinds of functions and authority to different bodies. The President, the legislature, the Comptroller General, the Election Officer, all these have different duties and each cannot exercise jurisdiction in other matters which have been specifically provided to be discharged by another authority.

The duties of Parliament have also been defined in article 110, where the words are: "the imposition, abolition, remission, alteration or regulation of any tax." I do not think it will be disputed that a Money Bill is the only way in which this House is competent to impose taxation: there is no other way.

**Shri T. T. Krishnamachari (Madras):** Article 265 is the operating article.

**Pandit Thakur Das Bhargava:** I am coming to that but if you want I shall deal with it just now. It says:

"No tax shall be levied or collected except by authority of law."

What is the authority of law?

**An Hon. Member:** This Bill.

**Pandit Thakur Das Bhargava:** Law is defined in article 13, for purposes of that article. It has not been defined anywhere else. Law means legislation which has been passed by Parliament and assented to by the President. In article 13, law has been defined for purposes of that article. It says: "In this article, unless the context otherwise requires." Law has not been defined anywhere else. My hon. friend is treading upon very slippery ground if he thinks that law means any notification or regulation or a resolution passed by a municipality or local authority.

**Shri Santhanam:** Authority of law: not by law.

**Pandit Thakur Das Bhargava:** Authority of law. Supposing you pass this Bill. The question before you is whether the provisions of this Bill are justified or not, whether we can delegate that authority. As to whether it

is legal or not the Supreme Court will decide it. But the question is whether we are competent to pass this provision. The Bill is not yet law. Authority of law takes us nowhere, unless we define what law is. Therefore article 265 does not solve the matter at issue. What we shall have to decide is under article 110, read with articles 109 and 117, whether we are justified in assuming that there was some other authority which could impose tax except the Parliament. I would humbly refer to article 110 which governs imposition, abolition, remission, alteration or regulation of any tax. The correct position is under the law the law prescribes that a certain matter is to be done in a particular way and in that way alone that matter can be dealt with and no other way. I would quote a Privy Council ruling in which it was held that any confession by an accused not recorded in the manner prescribed by law would not be allowed to be read in a court of law. The law provides that a certain thing can be done only in a particular way and it can be done only in that way. Our Constitution may be different from the Constitution of other countries but there it is provided that so far as taxation is concerned, its imposition, abolition, remission, alteration, etc. will be only through a Money Bill and under article 107 the Money Bill will originate in the House of the People. Therefore it is only in Parliament that any taxation proposal can be brought. So far as article 117 is concerned the provisions have been satisfied. Therefore we shall have to decide whether even if the Money Bill comes here this power can be delegated. The words are "imposition of any tax". What this Bill wants is that any number of taxes could be levied by the Minister or Government. It is not one tax but the levy is in respect of all commodities at any time where he thinks it should be done. He could increase them. My submission is that it is a general assumption of power, so that they may not refer to Parliament. I submit that a power of this sort which is sought by the Minister under this Bill is certainly too general and Parliament is not competent to delegate that power.

A similar question arose in this House in 1946 when a Bill was brought by Sir Azizul Huq. A matter was referred to the Tariff Board at that time and they made a recommendation for protection. The House was not sitting then and therefore Mr. Azizul Huq wanted temporary powers for the Minister of Commerce, so that in the intervening period, if circumstances justified it or exigencies demanded it, he could be in a position to give that protection or impose a duty. On that occasion I moved an amendment to the Bill which appears on p. 3096 of the

Debates. Even on that occasion only temporary powers were sought. The temporary powers are with the Ministers even today. After all there was an Ordinance which is now sought to be changed into an Act. The Ordinance gives that power which they want. And that Ordinance can be utilised very easily for doing all that they wish to do in the interests of the country. They want further powers. They want them so that they may not have any reference to Parliament and they may be able to do what they like. Now, when Parliament is sitting, I must submit that the exercise of that power which is the inherent right of Parliament could not be delegated. As a matter of fact, according to the Constitution we are not even competent to delegate those powers when there is a session going on. In between the sessions, whenever the need arises Government have got the power to act. So, there is no question of difficulty. It is only a question of principle: whether in the period when Parliament is sitting they should be allowed to have their own way. This is the only point at issue, and considering the whole scheme of the Constitution, my submission is that Parliament is not competent to delegate authority, and also that it should not.

**Mr. Speaker:** I just want to clarify one thing. If I understood the hon. Member aright, the position according to him comes to this, that Parliament has decidedly the power to delegate, but his objection seems to be that, instead of delegating the authority by law, limited to a certain specific tax, to a certain specific extent or specific incidence, the present clause proposes to delegate the power very widely and very generally without being specific. Would that not amount to an improper exercise of the power of delegation? But can it be said that because you exercise the power improperly, therefore, you have not got the power?

**Pandit Thakur Das Bhargava:** Recently the Supreme Court held like that in one case where the delegation was complete. For instance, we passed a law that a certain Act could be extended for another year by Government. The case went to the Supreme Court and they were pleased to say that in that way, when the power has been given in that manner to the Ministry, then the entire powers of the Legislature have practically been abdicated in favour of the Ministry and instead of the whole House sitting in judgment and considering whether a particular situation justified that an Act should continue the position was that they have mortgaged their powers to the Ministry to decide it for the legislature. Dr. Ambedkar was pleased to remark that if it was a case of total delegation

then Parliament cannot do it. I am of the view that Parliament cannot delegate, but when the entire authority is to be delegated, my submission is that we are absolutely unable to delegate the entire power.

As regards your question, Sir, I maintain that so far as this Bill is concerned, Parliament cannot delegate its powers even in a restrictive manner; much more so when general and complete power is asked at one time in regard to all commodities. I have read out to you from these rulings. The Ways and Means Committee could not, by one resolution, give power in respect of several articles. In one resolution only one thing could be given at one time. Otherwise it would become like the question of general warrants in the famous Wilkes' case. All those abuses that arose from that case are likely to arise in this case.

Therefore, in conclusion, my submission is that the House is not competent to give a restricted power of delegation and it cannot authorise the executive, but in the case of total delegation or delegation in respect of taxation of commodities in general, it is absolutely without power to do that.

**Pandit Kunzru (Uttar Pradesh):** I could not hear Pandit Thakur Das Bhargava distinctly, but what I heard made me think that his main point was that as the Bill before us was a money Bill, under article 110 of the Constitution this House had no authority to pass it in its present form.

Article 110 defines a money Bill simply because the previous article prescribes a particular procedure for the passings of money Bills. Article 109 lays down that the authority of the House of the People in respect of money Bills shall be supreme. A money Bill, after being received by the Council of States, shall be returned within a period of fourteen days with its recommendation to the House of the People. Even if the House of the People is unable to accept those recommendations, the Bill would still, in its original form, become law. There can be no deadlock in respect of measures that are to be regarded as money Bills. The importance of a money Bill being so great, it had to be defined, and article 110 defines the Bills that must be regarded as money Bills. Among other things, if a Bill deals with the imposition, abolition, revision or alteration or regulation of any tax, it is a money Bill. But this definition does not by itself enable us to say whether the Bill before us can be passed or not by Parliament in accordance with the powers conferred on it by the Constitution. What I mean is that even if this Bill is a money Bill, it is not necessary that it should be considered by Parlia



[Pandit Kunzru]

ment only at budget time or that it should deal with one tax alone. I see no reason why a Bill should not deal with a number of taxes. Indeed, when we consider Bills at budget time, we don't necessarily pass a law with every item of taxation covered separately. There is no reason, therefore, why, if duties have to be reduced or enhanced on a number of articles, there should be a Bill to deal with each commodity.

Apart from this we have to scrutinise carefully the language of clause (1) (a) of article 110. A money Bill is defined as a Bill dealing with all or any of these matters, namely, the imposition, abolition, revision, alteration or regulation of any tax. Now, if really the Constitution conferred on Parliament the power to impose a specific tax, what would the word 'regulation' mean? The word 'regulation' means, I suppose, that it has to be changed from time to time.

**Pandit Balkrishna Sharma:** But within the ceiling period given in the Bill.

**Pandit Kunzru:** The word 'regulation' does not mean that. Regulation may be in accordance with a specific object. During the thirties, when Japanese cotton textiles imported into India became so cheap as to endanger the stability of the textile industry, Government exercised the power, when Parliament was not sitting, of altering the customs duty so as to ensure that the Japanese goods did not sell cheaper in the Indian market than goods made by the Indian cotton mills.

**Pandit Balkrishna Sharma:** But at that time this Constitution was not in force.

**Pandit Kunzru:** Of course, not. The Central Legislature was not a sovereign body and if a body that was not sovereign could do it, I see no reason why a body that is sovereign, whose powers are under no limitations except such as it chooses to impose upon itself, should not be able to do what a legislature with strictly limited powers could do a few years ago.

If it were a question with regard to the propriety of passing this legislation, then all that would require consideration would be the insertion of safeguards to enable Parliament to control the action of the executive.

**Mr. Speaker:** We need not go into that part of it.

**Pandit Kunzru:** We can deal with that matter while considering amendments. If we like, we can limit the life of the Bill to a year, thus compelling Government to come before us annually in order to have the Bill renewed. But the question that we are

dealing with relates only to the power of Parliament. Can Parliament, in accordance with the Constitution, delegate authority to alter the excise duties of commodities not specified in the Second Schedule of the Tariff Act or not? There is nothing in the Constitution that debars this House from acting in such a manner. In any case, it seems clear to me, after hearing Dr. Ambedkar, that this is not a point of order. If anything, it is a legal question, and now, should this House decide by its own authority—or is it competent to decide by its own authority what the limits of its powers under the Constitution are? I do not refer to your inherent powers, but even if this House decided as a whole, as Dr. Ambedkar said, that it had no power to do a certain thing, this position would be of no avail against a contrary decision of the Supreme Court. I think, therefore, that if absolute certainty on this point is required, then the only way in which it can be secured is by referring the matter to the Supreme Court.

**Dr. Ambedkar:** Every Bill to be referred to the Supreme Court?

**Pandit Kunzru:** We can ask for opinion, and we can enable the Supreme Court to decide the matter only after the Bill is passed. If the Bill is one which cannot be passed by Parliament, its authority will be challenged by business interests and the Supreme Court will then undoubtedly have an opportunity of pronouncing finally on the matter. I submit, therefore, that Parliament has the authority, as Dr. Ambedkar has made clear, to delegate power to impose duties to the executive. Besides, the articles of the Constitution referred to also make it clear that there is nothing in the Bill before us that exceeds the power of Parliament. I submit, therefore, that we should be allowed to proceed with the consideration of the matter and that, if there is any doubt in the mind of any hon. Member regarding the legality of the measure, it should be allowed to be considered by the Supreme Court when the authority of this House to pass such a measure is challenged subsequently.

**Shri Santhanam:** I have just one or two new points to urge. I would like to draw your attention, Sir, to articles 286, 287 and 288. There the words are:

"No law of a State which imposes or authorises the imposition of a tax on the sale or purchase of goods . . . ."

Therefore, the scheme of the Constitution contemplates the authorisation by State Legislatures of some authority to impose taxes. Without saying what the taxes shall be, the limits, the time or anything else, it contemplates the authorisation of the imposition of taxes.

Is it to be argued that the Constitution intended to invest the State Legislatures with far greater powers than it conferred on Parliament? Therefore, if the construction of articles 286, 287 and 288 cannot but mean that the State Legislatures can authorise the imposition of such taxes—'authorisation' comes in at two or three places in all the three clauses—then I submit that the delegation was deliberately contemplated by the Constitution-makers.

**Shri Sondhi:** But what are their powers?

**Shri Santhanam:** They have got their own taxes.

**Shri Tyagi:** But these powers have been given in so many words.

**Mr. Speaker:** No interruptions. Let him proceed.

**Shri Santhanam:** Article 265 says:

"No tax shall be levied or collected except by authority of law".

If the Constitution did not want delegation, it simply could have said:

"No tax shall be levied or collected except by law".

"Except by law" will make it clear that only Parliament can make law.

**Pandit Balkrishna Sharma:** But Parliament cannot make lawless laws.

**Shri Santhanam:** "By authority of law" meant that before any authorities impose taxes they must derive that authority direct from law. Then, again, article 117 says:

"Bill or amendment making provision for any of the matters..."

It does not definitely define all the things. It only says "make provision for the matters" mentioned in article 110. This word "provision" may either mean enactment of a law of taxation or the authorisation of the imposition of the tax. Therefore, I do not think we need go to the Supreme Court, as was suggested by my hon. friend Pandit Kunzru. Parliament has, according to my view, got the power under the Constitution.

Further, the point of order means that either by your ruling or otherwise the power of Parliament should be restricted, and not enhanced. This I consider to be rather a strange request. Thirdly, my contention is that this is not a point of order: it is really a motion of privilege. I can understand a Member saying that a particular Bill proposes to infringe upon the privileges of this House and therefore it should be treated as a matter of privilege. But to say in a point of order that a particular Bill is out of order is not proper. I, therefore, would suggest that you should rule it out as it is.

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**The Deputy Minister of Commerce (Shri Karmarkar):** May I make a submission, Sir. It appears from the Rules of Procedure of this House that the whole of this discussion has been *ultra vires*.

**Mr. Speaker:** The hon. Member will appreciate that the Chair is giving latitude to all Members to express their views so that it may have an opportunity of going through all pros and cons and then come to a decision. I am aware of that particular rule; there are also other rulings of which I am aware.

I was just thinking of inviting the attention of hon. Members to what has been oft said by my predecessors and by myself. This is a matter which has also been several times considered by the Presiding Officers' Conferences right from 1921. I propose merely to read the following from the *Decisions of the Chair*: "Bills: Whether *ultra vires*; not for Chair to decide." This is my own ruling, which I have given as a result of consideration of all the previous rulings and discussions from time to time, as I have said, at the Conferences of Presiding Officers right from 1921.

"On 9th December 1947, during the discussion of a certain Bill, a point was raised whether the Bill was *ultra vires*. Mr. Speaker observed that the usual practice of the Chair was not to take upon itself the responsibility of deciding whether any particular Bill was *ultra vires* and not to kill any Bill on that ground."

I was just going to invite the attention of hon. Members to this aspect of the matter, but as I said in the beginning, this matter may be important from the other point of view to which the hon. Dr. Ambedkar referred. Hon. Members may have an opportunity of discussing all aspects of the question so that, Government may consider what their action in future should be, when such Bills come before the House.

Apart from this ruling, I have yet to be convinced that the Constitution really prevents this House from passing such laws as it thinks fit. So far as the jurisdiction to pronounce upon their *ultra vires* character goes, as has been rightly pointed out by the hon. the Law Minister, it is neither the function of the Speaker nor of this House, but it is the function of the Supreme Court which will interpret the Constitution. That is the view which I am taking. I was trying to see whether this view could be shaken by any of the arguments; so far, I do not feel it has been shaken.

**Shri T. T. Krishnamachari:** The only thing I would like to mention with all deference to the Chair is this: we are all functioning under a new Constitution. The set-up of the Constitution is that all powers are concentrated in Parliament. Of course, we have not defined law elsewhere than in article 13 as has been pointed out by my hon. friend Pandit Thakur Das Bhargava.

Be that as it may, the framers of this Constitution intended at that time that Parliament would be more or less in continuous session and that it will have full control over the business of Government of this country. That is the background of this Constitution. But it happens that circumstances are such that Parliament is not able to be in continuous session. In these rather difficult circumstances, while I perfectly agree with you that we should not even indirectly force the Chair to give a ruling or what might appear to be a ruling—which would normally be the duty and sphere of the Supreme Court—we can appeal to you as one of the upholders of the Constitution—or rather one of the most important upholders of the Constitution—to help the House to assert its rights.

I feel on a perusal of the various articles quoted that so far as the strict letter of the law is concerned, article 265 makes Government completely competent to propose a legislation of the nature they have done today. In fact, if Parliament can tax only by law, it also means all the incidental and ancillary functions that go with making of laws and it is impossible for Parliament to make laws without providing for rules and regulations and to a very large extent they must be left to the Executive.

It is also true that we have in some measure delegated authority to the President under article 123. We have also delegated authority to the Executive under the Provisional Collection of Taxes Act, which if my hon. friend peruses he will find it a little more extensive than its British counterpart. In that we do not have the limitation of the Ways and Means Committee sitting all the time or at any rate for the major portion of the year. Therefore, the Act as it was passed during the time the British were in control gives a larger amount of latitude and discretion to the Executive. I think my hon. friend would have made his case stronger if he had taken up his objection when the particular clause came up for consideration or in general consideration of the Bill, instead of side-tracking the issue on a point of order. At the same time, since this discussion has taken place, I think it is only fair that I should say, while I agree with

Dr. Ambedkar that so far as what Parliament could do, it could allow a Bill of this nature to become law, that the proprieties of the situation call for a completely different angle on this whole question. I would respectfully submit that though you would not normally interfere by reason of the ruling that you have given on a former occasion, there is a slight difference in the method of approach, namely, that your rulings in those days were given because this House was functioning under the Government of India Act. Now, some extra caution has got to be shown by the Members of this House and some vigilance should also be exercised by you by reason of the plenary powers which you possess to put Government in its proper place. Therefore I would humbly suggest, as a consequence of the point raised by my hon. friend Mr. Karmarkar, that you would not in future interpret that ruling of yours absolutely, almost to the letter, but interpret it more widely, so that the House may feel that even if Members of the House are not as vigilant as they ought to be, the Chair will look after the Constitution which wants Parliament to sit practically in continuous session and be in complete control over all actions of Government.

So far as this particular matter is concerned, I entirely agree with Dr. Ambedkar that the proprieties ought to be considered at a later stage and we should not side-track the issue by raising a point of order.

**Mr. Speaker:** The changed circumstances perhaps make the ruling much stronger rather than weaken it.

**Shri Tyagi:** I wanted to read another section.

**Mr. Speaker:** Not now. Under the guise of point of order he wants to have a second chance.

**Shri Tyagi:** Yes, Sir, on a point of order . . . .

**Mr. Speaker:** Now there is no point of order.

**Shri M. A. Ayyangar (Madras):** I entirely agree with your ruling that situated as you are, to regulate the proceedings of this House, it will be a very serious responsibility if you undertake to decide as to whether it is competent for this House to pass any piece of legislation or not. It is this House that has to decide for itself. It is this House that has to decide whether it is competent to pass a piece of legislation under the Constitution or not.

**An Hon. Member:** No.

**Shri M. A. Ayyangar:** Of course. Wait, wait. I am not so impotent as my hon. friend.

**Shri Tyagi:** It is only a difference of age!

**Shri M. A. Ayyangar:** We cannot be halting and hesitating at every step. We have to decide whether it comes within our purview or goes to the Provinces, whether we are encroaching or are trying to take such powers as are not conferred under our written Constitution—we are forgetting that it is a written Constitution. Of course, over and above what we do, the powers of the Supreme Court are always there to interpret the law. We may commit a mistake, they may rectify it. Subject to that we cannot be hesitating and think that the Supreme Court may not agree with us and at every step invoke the aid of the Supreme Court. Therefore, so far as you have read your original ruling, I think you ought not to undertake the responsibility of deciding whether a thing is *intra vires* or *ultra vires*.

I would like to say a few words to state that it is not competent for this legislature to pass this Bill in the form in which it has been brought.

**Mr. Speaker:** I think that will be on merits.

**Shri M. A. Ayyangar:** It is not on the merits. It consists of two parts: first, whether we have a legal right to do so; secondly whether it is just or not.

**Mr. Speaker:** The second part will be on the merits.

**Shri M. A. Ayyangar:** I will not speak on the second part. I am taking away the burden from your shoulders and putting them on to the House. I am appealing to the House that it is not open to the House, and it is not legal under the Constitution, to pass a legislation in the form in which the Government wants the House to pass this Bill. We are shirking the responsibility. It is not a moral one, it is a legal one. There is no good quoting the British parliamentary practice here. In Great Britain it is the Parliament and the King who are sovereign, not the people. And there is no written Constitution there. But here, we the people assembled here gave unto ourselves a Constitution. We gave certain Fundamental Rights which even this Parliament cannot go behind. Therefore it is not supreme to that extent. And with respect to some other powers we have distributed them over to Provinces. We are not supreme. Our supremacy is within the limited field conferred upon us. Let us not again and again invoke those rulings of the British Parliament where, as I said, the Parliament and the King are supreme. The people are not sovereign. There is no written Consti-

tution there. Here the people are sovereign. We have got only delegated authority. The people at large have sent three hundred and odd Members at the rate of one representative per million of population. What we are trying to do is to abjure the legislative functions. Is it open to the Supreme Court to delegate its functions on any matter to a subordinate judge of the court at Chittoor? Can they afford to do so? Here you are trying to do the same thing. The people have sent us as their representatives to discuss each and every one of the taxation measures which come before the House. We will have to decide on the policy, the quantum, the period and various other matters. You are now trying to entrust to somebody else what has been entrusted to you. I ask you, Sir, you have been at the bar a number of years, is it open for an agent to delegate his powers? We are only an agent of the people at large. The sovereignty is of the people. It is not as if we are sovereign and we can delegate our functions. If we have been delegating them, it is *ultra vires*. It is wrong. There is no good quoting any precedents. My friend Mr. T. T. Krishnamachari did much in the shaping of the Constitution—all of us together.

**Pandit Kunzru:** At this stage are you going to decide whether this measure is legal or not—is that the point that you are going to put to the House?

**Shri M. A. Ayyangar:** Exactly.

**Mr. Speaker:** I do not propose to.

**Pandit Kunzru:** Then what is the discussion about?

**Mr. Speaker:** It is about a point of order, real or so called, which has been raised and which asks me to hold that this Bill being *ultra vires*, the consideration motion that is moved by the hon. the Commerce Minister should not be placed by me before the House. That is the only point for consideration before the House.

**Pandit Kunzru:** But you have already decided that you will not intervene.

**Mr. Speaker:** I have not 'already decided'. I gave an indication as to how my mind is working and as to what precedents there have been, when the hon. Member Mr. Karmarkar wanted to refer to a rule and certain rulings. I say that my mind is still open. I am hearing arguments and I am trying to see whether it can be changed, though as yet, I must admit, that there has not been much progress in that direction, so far as I am concerned. But that does not mean that I have come to any definite conclusion over the whole matter. It is still open.

**Shri M. A. Ayyangar:** I am suggesting a remedy. My friend Pandit Kunzru is a little hasty.

**Mr. Speaker:** I can appreciate the point. All the other arguments as to the propriety or otherwise are really irrelevant at this stage. The issue is limited and that is whether the Chair should come to the conclusion that this consideration motion should not be placed before the House on the ground that the piece of legislation is *ultra vires*. That is the only limited issue. As regards what the House should do, whether it should accept or reject it, it is entirely a different matter and in the hands of the House. The issue before us is very limited so far as the point of order is concerned. We are not now discussing the Bill.

**Shri Tyagi:** When I raised this point I said both the things—that it was *ultra vires* as well as out of order. I had also quoted that according to the practice of the British Parliament this thing should not come.

**Mr. Speaker:** The hon. Member will not repeat his arguments. I have got those arguments in mind—I have taken notes of those arguments. But really, his other point comes to this. The British House of Commons has a procedure for bringing such Bills before the House of Commons. The procedural part of it will be apart from the point of order. But his first point is more important and if the hon. Member succeeds on that point, the other question does not survive. But as regards the other point, well, I do not yet see as to how, in the absence of setting up a particular procedure in our House, it can be said that the measure is *ultra vires*. The British House of Commons has a procedure set by it for its own guidance.

**Shri Tyagi:** Under article 105 of our Constitution it is mentioned clearly that so long as Parliament does not by an Act decide about its own procedure, etc.—the words are:

“In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution”.

My submission is that it is a general clause which refers to powers, privileges and immunities of Parliament and its Members.

**Mr. Speaker:** I think it is no use entering into an argument. I do not agree with the hon. Member's reading of this. There is some misunderstanding about the amendment to that clause. However, as I said, I am prepared to hear and then come to my own conclusions.

4 P.M.

**Shri M. A. Ayyangar:** I am going to suggest a middle course. It is not as if you cannot put the proposition to the House in two forms. The first is that if the House is agreeable, we can go on with the Bill quite apart from the point of order that has been raised that this piece of legislation is *ultra vires*. Instead of yourself deciding it, we can ask the opinion of the House. I am canvassing this position. My second point is that we are working under the written Constitution which gives us powers which are absolutely inviolable. These powers have been set out in the Fundamental Rights in the Constitution. As regards the distribution, some powers have been given to the Union and some others have been given to the Provinces. We are working under a Constitution which has been given to us by the people who are sovereign. We are only agents of that sovereign. We cannot delegate any powers, following any precedents which may apply to the British Parliament. No agent is entitled to delegate his rights to another. With respect to finance Bills and some other Bills, the sanction of the President is asked for. He is an independent authority and he has to find out whether it is in the best interests of the Union to give sanction to a particular tax. It is a power that is vested in the President to scrutinize from time to time and then say whether a tax is good or bad. Now the sanction of the President has been obtained for this Bill. This Bill empowers Government to impose taxes as and when it thinks necessary, not only on articles which already bear a particular tax but also on new articles; this Bill may increase or decrease the tax. I submit to you, Sir, and through you to the House that this is absolutely without jurisdiction. If the President gives a sanction of that kind, he has to apply his mind to each individual case and then find out whether this tax adds to the sanctions or not. My hon. friend, Pandit Kunzru asked whether it was not open to the House to pass in the same schedule a number of taxes.

**Mr. Speaker:** I am afraid the hon. Member is going into the merits. The only point for us to consider is whether this Bill should be dealt with, at this moment, on the question of its being *ultra vires*.

**Shri M. A. Ayyangar:** We are encroaching upon the powers of the President.

**Mr. Speaker:** If it is encroachment, the House should take the other course. There is the Supreme Court which will take care of itself. At the present moment, the only consideration is whether I should put the motion before the House or not. If I am convinced that it is *ultra vires* and that it should be killed here and now, I shall refuse to place it. If I am convinced by any arguments of this kind, then, of course, I must place the Bill before the House and the proper stage for argument will come in when the consideration motion is placed before the House; and then of course hon. Members may say whatever they have to say on the consideration motion. It is not within the scope of the point of order which is being discussed now. Otherwise this discussion will be an endless one.

**Shri M. A. Ayyangar:** Then my friend, Mr. Santhanam, referred to articles 286, 287 and 288. In another article namely article 265 the word "imposition" is there. Does he mean to say that the Union Government is not entitled to impose any tax? Therefore if those words have to be literally understood, it does not mean that the Union Government is not entitled to impose taxes. All that it means by the words "authorized by law" is that no man can go and collect unless there is a law authorizing Government to impose, collect or levy that particular duty. Therefore the authority of law only means you must go so far as the legislature permits and it is the legislature that has to apply its mind and it is not for Government to decide whether it is proper or improper. Authority of law means that we have to exercise that authority. Authorized by law means, after having considered whether a particular tax is proper or improper, what ought to be the incidence of that tax. All this the law must indicate and then

give the authority to the Executive whose authority is co-extensive with the legislative authority. On these grounds, I submit that it is *ultra vires* of this Parliament and we ought not to proceed with it.

**Mr. Speaker:** I believe Government may consider this position. There are only about 55 minutes left and instead of carrying on the debate on this point of order any further, they have got sufficient material now before them to gauge the opinions and feelings of the Members of the House, and if they are agreeable—of course it is only a suggestion which I make—that we may just postpone the further consideration of this now. In the meanwhile, hon. Members who wish to raise points and the hon. Minister may have discussions across the table and see if any formula agreeable to most of them, if not all, is possible. Otherwise, I have no objection to sit up to five o'clock. But it will take us nowhere. I am only asking if this suggestion is agreeable.

**Pandit Balkrishna Sharma:** We accept that suggestion.

**Mr. Speaker:** Then the question is whether we go to the next business.

**Shri Tyagi:** I propose that the Speaker leave the Chair.

**Shrimati Renuka Ray:** We shall proceed to the next Bill.

**Mr. Speaker:** Order, order. Shall we proceed to the next Bill or shall we adjourn at this stage now?

**Hon. Members:** Adjourn.

**Mr. Speaker:** The House stands adjourned till 10-45 A.M. tomorrow.

*The House then adjourned till a Quarter to Eleven of the Clock on Tuesday the 5th December 1950.*