

Monday, 27th November, 1950

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

840



PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



THIRD SESSION (FIRST PART)

of the

PARLIAMENT OF INDIA

(1950)

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CONTENTS

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

	Columns
Wednesday, 15th November, 1950—	
Members sworn	1
Oral Answers to Questions	1—28
Written Answers to Questions	28—50
Thursday, 16th November, 1950—	
Oral Answers to Questions	51—76
Written Answers to Questions	76—90
Friday, 17th November, 1950—	
Oral Answers to Questions	91—120
Written Answers to Questions	120—30
Monday, 20th November, 1950—	
Oral Answers to Questions	131—56
Written Answers to Questions	156—74
Tuesday, 21st November, 1950—	
Member sworn	175
Oral Answers to Questions	175—99
Written Answers to Questions	199—224
Wednesday, 22nd November, 1950—	
Oral Answers to Questions	225—51
Written Answers to Questions	252—66
Thursday, 23rd November, 1950—	
Oral Answers to Questions	267—94
Written Answers to Questions	294—308
Saturday, 25th November, 1950—	
Oral Answers to Questions	309—39
Written Answers to Questions	339—52
Monday, 27th November, 1950—	
Oral Answers to Questions	353—81
Written Answers to Questions	381—90
Tuesday, 28th November, 1950—	
Oral Answers to Questions	391—418
Written Answers to Questions	418—36

	Columns
Wednesday, 29th November, 1950—	
Oral Answers to Questions	437—63
Written Answers to Questions	463—78
Thursday, 30th November, 1950—	
Oral Answers to Questions	479—511
Written Answers to Questions	511—18
Friday, 1st December, 1950—	
Oral Answers to Questions	519—47
Written Answers to Questions	547—60
Monday, 4th December, 1950—	
Oral Answers to Questions	561—98
Written Answers to Questions	598—610
Tuesday, 5th December, 1950—	
Oral Answers to Questions	611—45
Written Answers to Questions	645—52
Wednesday, 6th December, 1950—	
Oral Answers to Questions	653—81
Written Answers to Questions	681—702
Thursday, 7th December, 1950—	
Oral Answers to Questions	703—31
Written Answers to Questions	731—38
Friday, 8th December, 1950—	
Oral Answers to Questions	739—67
Written Answers to Questions	767—72
Monday, 11th December, 1950—	
Oral Answers to Questions	773—801
Written Answers to Questions	801—12
Tuesday, 12th December, 1950—	
Oral Answers to Questions	813—43
Written Answers to Questions	843—46

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

353

PARLIAMENT OF INDIA

Monday, 27th November, 1950

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

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

DOCUMENTARY AND NEWS REELS.

*378. **Shri B. K. Das:** Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of documentary and newsreels produced during the current year;

(b) the arrangements for their exhibition; and

(c) the total income derived during this year from their distribution?

The Minister of State for Information and Broadcasting (Shri Diwakar): (a) The number of documentaries and newsreels produced by the Films Division up to the end of October during the current calendar year is 32 and 59 respectively.

(b) The films are supplied to cinemas under contracts against payment of certain rentals. They are also supplied to State Governments, to schools and colleges and other non-commercial exhibitors. Selected documentaries and a monthly edition of the newsreels are supplied to our Embassies for non-commercial exhibition; in addition, arrangements for distribution of these films in foreign countries through commercial channels have been made in certain cases and are under way in others.

(c) The total income derived up to the end of October from the distribution of the films is Rs. 15,61,600 excluding income from foreign distribution for which figures are not yet available.

Shri B. K. Das: May I know, Sir, what is the principle followed in

354

selecting subjects for documentaries and in preparing newsreels?

Shri Diwakar: The principle followed is: different Ministries approach us with important subjects which they want to put through films. There is also a Film Advisory Committee which the Government has set up. They sometimes suggest to us subjects and these subjects are taken up.

Shri B. K. Das: Is there any special stress laid on subjects that may give an impetus to food production and the like?

Shri Diwakar: Just at present there are some suggestions from the Ministry of Agriculture and they are being considered.

Shri B. K. Das: Is there any arrangement for exhibiting the films free in rural areas?

Shri Diwakar: The State Governments which take these films show them through their publicity vans in the rural areas.

Sardar B. S. Man: Is the income of Rs. 15,61,600 that we derive from these films less than the expenses incurred on them?

Shri Diwakar: Certainly, it is less.

Sardar B. S. Man: How much is the loss that we incur every year?

Shri Diwakar: The figures given here are up to October. Therefore, unless we look into the budget figures we cannot compare these figures.

Shri Deshbandhu Gupta: May I know, Sir, whether some of our documentaries have been televised in U.S.A. through our Embassy?

Shri Diwakar: Yes, they have been televised in U.S.A.

Shri Munavall: What is the amount that has been spent in producing these documentaries and newsreels?

Shri Diwakar: As I said, the figures given here are up to October. This

year the estimated expenditure is Rs. 34 lakhs and the estimated income is Rs. 20 lakhs.

Shri Tyagi: May I know, Sir, as to whether any Parliamentary Committee has been appointed by the hon. Minister to look into the subjects on which these films are made?

Shri Diwakar: There is no Parliamentary Committee; but there is, what is called, a Standing Advisory Committee of the Legislature and it is they who look into these matters whenever matters of policy are concerned.

Shri Kamath: As regards, news reels, Sir, has any proportion been laid down about the production of newsreels relating to the activities of Ministers?

Shri Diwakar: There is no such thing as publicity for Ministers.

Shri Kamath: No publicity at all? There is plenty of it.

ECONOMY

*379. **Shri B. K. Das:** (a) Will the Minister of Finance be pleased to state what is the plan of effecting economy in expenditure during the current financial year?

(b) Has any part of it been executed, and if so, what are the details thereof?

(c) If not, what are the reasons for the delay?

The Minister of Finance (Shri C. D. Deshmukh): (a) to (c). Attention of the hon. Member is invited to the replies given to the Starred Questions Nos. 99 and 107 on the 17th November, 1950, by Shri Kamath, and Shri T. N. Singh.

In the meanwhile Ministries have requested to give effect to the economies they have themselves proposed.

Shri B. K. Das: Is it a fact, Sir, that some Ministries have informed that no further economy is possible within this year than what was effected last year?

Shri C. D. Deshmukh: I would prefer to give the details at a later stage, in view of the fact that Government has yet to take a decision on further economies, some of which could be effected within the current financial year.

PUNJAB HIGH COURT. (APPEALS)

*380. **Shri Deshbandhu Gupta:** (a) Will the Minister of Home Affairs be pleased to state the number of civil and criminal appeals from Delhi filed in the Punjab High Court respectively during the period 15th August, 1947 to 30th September, 1950?

(b) What was the amount involved in the civil appeals filed from Delhi?

(c) What is the number of cases from Delhi tried by the Punjab High Court on the original side during this period?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Civil appeals—533.

Criminal appeals—159.

(b) Rs. 78,31,659/1/4.

(c) 142 cases from Delhi.

Shri Deshbandhu Gupta: May I know what proportion this bears to the entire number of cases decided by the High Court?

Shri Rajagopalachari: Civil appeals: The cases filed from Delhi would be less than one-sixth of the total filed from Punjab.

The amount involved would be half the total amount in Delhi compared to that filed from Punjab.

Criminal appeals: would be one-tenth the number of cases filed from Punjab. The original cases from Delhi would be one-sixth the total number from Punjab.

JUDGES OF PUNJAB HIGH COURT

*381. **Shri Deshbandhu Gupta:** (a) Will the Minister of Home Affairs be pleased to state the number of judges serving on the Punjab High Court?

(b) How many vacancies occurred and how many were filled up after the partition?

(c) Are members of the Delhi Bar eligible for appointment as Judges of the Punjab High Court?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Seven including the Chief Justice.

(b) There were five permanent vacancies, all of which were filled up. One temporary post of Additional Judge was subsequently converted into a permanent judgeship and its incumbent confirmed with effect from the 24th January, 1950.

(c) Yes.

Shri Deshbandhu Gupta: May I know whether any of these vacancies were filled up from amongst the members of the bar of Delhi?

Shri Rajagopalachari: Sir, although members of the Delhi bar are eligible according to the formal requirements, namely, citizenship in India and ten years at the bar or in any judicial

appointment, the actual requirements necessarily involved in the case of appointments to High Court Judgeship would be higher, and, barring Mr. Justice Abdur Rahman who was taken from the Delhi bar, no one else has been taken hitherto.

Shri Deshbandhu Gupta: Is it not a fact that Mr. Justice Abdur Rahman was taken to the Madras High Court and not to the Punjab High Court?

Shri Rajagopalachari: He was taken to the Madras High Court and thence to the Lahore High Court.

Shri Deshbandhu Gupta: May I take it that as matters stand, the members of the Delhi bar are practically not eligible for High Court Judgeship of the Punjab?

Shri Rajagopalachari: Eligibility is one thing; it is laid down in the Constitution. The actual requirement involved in the actual appointment is another.

Shri Deshbandhu Gupta: What is the particular actual requirement which these people lack?

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

Shri Rajagopalachari: One has to be a practitioner at the bar to.....

Shri Sondhi: Is it not a fact that fifty per cent. of the members of the Delhi bar are from the Punjab?

Shri Rajagopalachari: Is the question, whether they are not natives of the Punjab? It is likely, Sir.

PUNJAB PUBLIC SAFETY ACT (APPEALS)

*382. **Shri Deshbandhu Gupta:** Will the Minister of Home Affairs be pleased to state :

(a) the number of appeals filed in the Punjab High Court and the Supreme Court of India against the orders of the Chief Commissioner, Delhi, for action taken by him against newspapers and individuals under the provisions of the Punjab Public Safety Act during the last three years and how many of them were accepted; and

(b) whether it is a fact that no meeting of the Central Press Advisory Committee has been called by the Chief Commissioner during the last three months or more?

The Minister Without Portfolio (Shri Rajagopalachari): (a) I lay on the Table of the House a statement showing the number of appeals filed in the Punjab High Court and the Supreme

Court of India against the orders of the Chief Commissioner, Delhi. [See Appendix III, annexure No. 35.]

(b) Yes, because no occasion for calling any meeting has arisen.

Shri Deshbandhu Gupta: May I know how many appeals were decided against the findings of the Local Government?

Shri Rajagopalachari: In regard to newspapers there was no appeal filed in the Punjab High Court during the last three years. The number of petitions filed in the Supreme Court of India is one, and that was accepted. In regard to individuals, 130 was the total number of appeals filed during the last three years in the Punjab High Court, of which seven were accepted and 123 were dismissed. In the Supreme Court six petitions were filed by individuals. None of them was accepted—all the six were dismissed.

Shri Deshbandhu Gupta: With regard to the reply to part (b) of the question, may I take it that the Government is satisfied that nothing has been written in the press to which exception could be taken?

Shri Rajagopalachari: I take it that the reference is to there being no occasion for calling a meeting. With regard to that I have to explain that the judgments given by the High Courts made it appear that any restraint on the expression of opinion on newspapers would be *ultra vires* of article 19 of the Constitution of India. In view of this my hon. colleague felt there was no object to be attained by convening a meeting of the Committee referred to. Further, my hon. colleague has been feeling that experience in the past shows that the members of the Committee have seldom taken the unpleasant responsibility of exercising a moderating influence, and in a few cases in which they did, it had no effect.

Shri Deshbandhu Gupta: May I know whether it is a fact that in view of these judgments Government has taken a decision to revise the Constitution and that steps are being taken in that direction?

Shri Rajagopalachari: A premature report has appeared in the press, but the considerations of the Government will have to be kept to themselves till they reach a conclusion.

Shri Deshbandhu Gupta: May I know whether in view of these judgments the Chief Commissioner of Delhi has moved that unless the article regarding the expression of opinion is modified it is no use carrying on the advisory system?

Shri Rajagopalachari: It is unfair to ask a question about the recommendation made by an officer of the Government.

Shri Deshbandhu Gupta: But he is the head of the Local Government.

SCHEDULED AND NON-SCHEDULED BANKS

*384. **Shri Raj Kanwar:** Will the Minister of Finance be pleased to state:

(a) the names of scheduled and non-scheduled banks inspected by the Reserve Bank of India since it was authorised to do so with the dates of their inspection; and

(b) the names of scheduled and non-scheduled banks proposed to be inspected during the current year in addition to those already inspected?

The Minister of Finance (Shri C. D. Deshmukh): (a) During the period from the 16th March, 1949, i.e., the date on which the Banking Companies Act came into force, to the 30th September, 1950, the Reserve Bank has inspected 60 banks. A statement giving the names of banks and the dates of commencement of inspection in each case has been laid on the Table of the House. [See Appendix III, annexure No. 36.]

(b) It is not possible to give this information as actual inspections are conducted according to the degree of urgency of each case and according to the Reserve Bank's convenience.

Shri Raj Kanwar: What is the total number of scheduled and non-scheduled banks in the country.

Shri C. D. Deshmukh: About 100 scheduled banks and about 650 non-scheduled banks.

Shri Raj Kanwar: Considering the large number of scheduled and non-scheduled banks, at the present rate of inspection how many years will it take the Reserve Bank to complete the inspection of all the banks even once?

Mr. Speaker: I think it is a matter of calculation.

Shri Raj Kanwar: What are the difficulties in the way of the Reserve Bank holding inspections of a larger number of banks, and if these difficulties relate to paucity of staff, is it not possible for the Reserve Bank to engage more trained staff?

Shri C. D. Deshmukh: The Reserve Bank is making every attempt to expand its inspecting staff and organisation.

Shri Kishorimohan Tripathi: During the course of the inspections already

made, did the Reserve Bank come across instances of bad and unsound investments made by banks?

Shri C. D. Deshmukh: It is very possible.

Shri B. R. Bhagat: May I know whether, pending the final report that will be published after the entire inspection has taken place, the Reserve Bank intends to publish some interim report after these inspections?

Shri C. D. Deshmukh: The Reserve Bank does not publish its inspection reports. The reports are made by the Inspection Officer to the Reserve Bank, and then the Reserve Bank takes appropriate action.

MEDICAL HELP TO GOVERNMENT SERVANTS

*385. **Shri Raj Kanwar:** Will the Minister of Health be pleased to state.

(a) whether the attention of Government has been drawn to a news item published in the *Hindustan Times* dated the 2nd October 1950 under the caption "Iraqi Doctor's Bold Scheme";

(b) if the reply to part (a) above be in the affirmative whether Government have formulated or considered any similar scheme of providing cheap skilled medical attention to families of Government servants or any other class or section of people and if so, with what result?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) Families of Central Government servants are entitled to free medical attention in hospitals. As regards other classes a scheme somewhat similar to the one referred to in the news item in question was tried in Delhi by Co-operative Health Centres established under the auspices of the Ministry of Rehabilitation but most of the Centres had to be closed down for want of proper response from the general public.

Shri Raj Kanwar: When do Government hope to be in a position to provide cheap and skilled medical attention to government servants and their families more or less on the lines of the Iraqi doctor?

Rajkumari Amrit Kaur: It is not a question of providing cheap medical attendance. Government provides free medical attendance to everybody in government hospitals and dispensaries.

Shri Raj Kanwar: What about the families of government servants?

Rajkumari Amrit Kaur: They are also entitled to free medical attendance.

Shri R. Velayudhan: The hon. Minister stated about providing free medical aid to government servants. Does it include Ministers also?

Mr. Speaker: Order, order.

CORPORATION TAX

*386. **Shri Jhunjhunwala:** Will the Minister of Finance be pleased to refer to the reply given to the supplementary question raised by Dr. Deshmukh on the 11th August, 1950 on starred question No. 519 to the effect that the change of the tentative rate of Corporation Tax into a permanent one would depend on the reactions of the people who are taxed and state:

(a) what has been the reactions of the people who are taxed;

(b) when do Government propose to change this tentative rate into a permanent one in view of these reactions; and

(c) whether it is a fact that Government have been loser by at least eight to ten crores of rupees per year by abolishing the Super-tax on Sterling and Dollar companies and increasing the Corporation Tax only by one anna?

The Minister of Finance (Shri C. D. Deshmukh): (a) So far no difficulty in levying the rates has been experienced.

(b) Government will not anticipate their budget decisions.

(c) I would refer the hon. Member to my reply to part (b) of his question No. 519 on the 11th August 1950.

Shri M. A. Ayyangar: May I know what is the exact amount that we have lost and whether this Government has been a loser of Rs. 8 or 10 crores. Will the hon. Minister kindly refer and tell us what amount we have lost, if we have lost at all?

Shri C. D. Deshmukh: It is not possible to give an exact answer. It is possible that theoretically what is recoverable might be larger than what we are recovering now. There are certain difficulties in enforcing recovery, and we find that the present plan has great compensatory advantages in the matter of collection.

Shri M. A. Ayyangar: I am not asking the hon. Minister which is more convenient or desirable but as between the amount that is collected and if the arrangement has not been modified, the amount that would have been collected, the difference between the two. Whether it is a loss or profit, it is immaterial.

Shri C. D. Deshmukh: As I said the latter amount might possibly have been higher.

Shri Jhunjhunwala: Has the Government tried to assess this amount and did the Government take any further steps to consult the lawyers whether any amendment could be made in the Finance Act so that we can revert to imposing that tax and recover this amount?

Shri C. D. Deshmukh: The matter has been examined from time to time and as I said, we found that there were very serious obstacles in the way of collecting the amounts if we were to assess under the old system.

Shri Jhunjhunwala: What was the opinion of the lawyers on this point and was any specific question put to the lawyers to say whether any amendment is possible to recover it or not?

Mr. Speaker: Where is the question of lawyers coming in here and how is the lawyers' opinion to be made public?

Shri Jhunjhunwala: Whether the amendment could be made.

Mr. Speaker: I do not understand how the lawyer can come here and how legal advice given to Government can be made public.

Shri Sondhi: He means the Minister of Law and not the lawyer.

Shri M. A. Ayyangar: My question is quite simple. I would like to know the exact difference or the amount that we would get if the other one is enforceable and the amount which we are getting under the new arrangement that we have made.

Mr. Speaker: I think the hon. Minister has replied it twice. So far as I understand he said that theoretically it is possible and the amount may be bigger, but practically it is so difficult to realize the amount.

Shri M. A. Ayyangar: I agree that it may be difficult to realize, but what exactly is the amount that is due—the difference between the amount that will be due if the other one is enforced and the amount that is realized under the new scheme?

Shri C. D. Deshmukh: No recent calculation has been made.

SALES TAX

*387. **Shri Jhunjhunwala:** (a) Will the Minister of Finance be pleased to refer to the answer given to the supplementary question raised on starred

question No. 512 asked on 11th August 1950 to the effect that Government would advise the States Governments to have a uniform Sales-tax in the States to the extent to which persuasion can be brought to bear upon the States and state to what extent Government have succeeded in persuading the States to have a uniform Sales-tax?

(b) Which States have agreed to have a uniform Sales-tax?

(c) What are the main objections put forward by the States which have not agreed to the principle of uniform rate of Sales-tax?

The Minister of Finance (Shri C. D. Deshmukh): (a) Hon. Member is aware that a certain measure of uniformity is already being achieved through the coming into force of Article 286 of the Constitution. With effect from the 1st April, 1951, States will not also be in a position to levy tax on the sale or purchase of goods where such sale or purchase takes place in the course of inter-State trade or commerce. The question of any further uniformity which can be brought about by persuasion arises in respect of the following:

(i) Rates of sales tax and exemption limits for purposes of taxation;

(ii) Commodities liable to tax; and

(iii) Mode of taxation, namely, whether multiple point or single point. There is already a certain amount of uniformity regarding rates and exemption limits. Some differences exist regarding the list of commodities liable to sales tax, but even here there is some uniformity in that luxuries are charged everywhere at rates higher than ordinary consumer items. A proposal is also under consideration to declare by law under Article 285(3) of the Constitution certain goods as essential for the life of the community and if this is done some further uniformity will be achieved.

As regards the mode of taxation, all Part 'A' States have single point tax except Uttar Pradesh and Madras who have a multiple point tax on the sale of certain goods. The question of achieving uniformity in this matter is inextricably linked up with the effect this would have on the revenue position of the States and the suitable occasion to raise this question would be when the States are in a better position to assess their financial resources after these have been settled on the basis of the recommendations of the Finance Commission proposed to be set up shortly.

(b) and (c). Do not arise.

Shri B. Das: May I ask if the State Governments have agreed to work in conformity with article 286 of the Constitution, and whether the Bihar Government, particularly my hon. friend the questioner's province, have agreed not to tax inter-state export of articles?

Shri C. D. Deshmukh: That is a matter which is governed by the Constitution and for the moment there is an order by the President to the continuation of existing arrangements till the 31st March, 1951.

Shri B. Das: Have they agreed to accept the order of the President and article 286 of the Constitution—I mean the Government of Bihar?

Mr. Speaker: There is no question of agreement. If there is an order from the President, they are bound to obey.

Shri B. Das: It has to be seen yet, Sir.

Shri A. C. Guha: For this purpose may I know whether foodstuffs are subject to multiple taxation in any State?

Shri C. D. Deshmukh: I have no information here, Sir.

Shri Munavalli: Does Government intend to introduce a Bill to bring about further uniformity in sales taxes in different States other than those in which the hon. Minister stated there has been uniformity?

Shri C. D. Deshmukh: There is no possibility of Government bringing in a Bill in view of the considerations which I just mentioned in the course of my answer.

Shri Himatsingka: Is the hon. Minister aware that in spite of section 286 some of the States are charging sales tax on sales outside the province?

Shri C. D. Deshmukh: They are quite legal so far.

Shri A. C. Guha: Am I to understand that the hon. Minister is not aware that foodstuffs are subject to multiple taxation in any province?

Mr. Speaker: He has already said that he is not aware.

Shri A. C. Guha: May I know in what province are textbooks subject to sales tax?

Mr. Speaker: I think that is a question to be put to the provinces.

Shri T. N. Singh: With a view to uniformity do Government propose to impose any sales tax in the Centrally Administered Areas?

Shri C. D. Deshmukh: There is no such proposal at the moment under consideration, Sir.

Shri Himatsingka: Has the Government considered that this proviso giving extension up to March 1951 applies only to inter-state and not to sales outside the State.

Shri C. D. Deshmukh: Only inter-state commerce. That is right.

Mr. Speaker: I think, we will now go to the next question.

ANCIENT MONUMENTS

*388. **Dr. P. S. Singh:** (a) Will the Minister of Education be pleased to state the number of ancient monuments which have been renovated or repaired under the provisions of the Ancient Monument Preservation Act since 15th August, 1947?

(b) Do these monuments include Shri Govind Deva temple of Brindaban (Mathura)?

سلسلو آف پوجوکیشن (مولانا آزاد):
(اے) جن پرانی عمارتوں کی دیکھ بھال کی جاتی ہے انہیں نئے سرے سے بنانا گورنمنٹ کی مانی ہوئی پالیسی کے خلاف ہے۔ بہت ہی خاص طرح کی حالت میں ایسا کیا جا سکتا ہے۔ ورنہ جو کچھ کیا جاتا ہے وہ صرف ان کی مرمت ہے، یہ مرمت کچھ عمارتوں کی برس وار کی جاتی ہے۔ کچھ کی اس وقت کی جاتی ہے جب اس کی ضرورت دکھائی دیتی ہے۔ ان پرانی عمارتوں کی چنگی مرمت کی گئی ہے تھیک تھیک گنتی گنتی ہے یہ بات معلوم کی جا رہی ہے۔ جب معلوم ہو جائے گی تب اس کی تھیل پر رکھ دی جائے گی۔

(بی) بی کا جواب ہاں ہے۔

[The Minister of Education (Maulana Azad): (a) Renovation of protected monuments, save in very exceptional circumstances, is against the accepted policy of the Government. Annual or special repairs as necessary have, however, been carried out to various monuments protected under the Ancient Monuments Preservation Act. As regards the number of such monuments the information is being collected and

will be laid on the Table of the House as soon as it has been collected.

(b) Yes, Sir.]

Shri Jaipal Singh: Is it a fact that the Committee on Archaeology has not been convened for well over a year, and if the answer is in the affirmative, what is the reason?

مولانا آزاد: یہاں تک مجھے معلوم ہے میں سمجھتا ہوں ایسا نہیں ہوا ہے۔ اس کے جلسے ہوئے ہوں۔

[Maulana Azad: So far as I am aware this has not been the case. Its meetings have been held.]

Shri Kamath: क्या इन पुरानी इमारतों में कोई इतनी शीकस्ता हो गई है कि वह मरम्मत के लायक नहीं रही ?

[Shri Kamath: Have any of these old buildings become so dilapidated as to become irreparable?]

مولانا آزاد: پرانی عمارتوں کو چھسی کہ انکی حالت ہے ایسے قائم رکھنا ہے۔ اس لئے پوری کوشش کی جاتی ہے کہ اس طرح کی کوئی مرمت نہ کی جائے جس سے انکا پرانا روپ بگڑ جائے۔ لہکن اگر کہوں ایسی حالت ہوتی ہے کہ مجھوری ہے۔ مثلاً ایک دیوار گر گئی۔ اب جب تک اس کو بدلا نہ جائے دوسری دیوار کھڑی نہیں ہو سکتی۔ ایسی حالت میں دوسری دیوار بنائی جاتی ہے۔ لہکن عام طور پر جو کیا جاتا ہے وہ صرف مرمت ہے اور عام طور پر تمام عمارتیں مرمت کے لائق ہیں۔

[Maulana Azad: With a view to maintain the original form of old buildings, every care is taken not to undertake any such repair as may deform their original shape. But circumstances may arise when such repairs have to be done perforce, for instance if a wall crumbles, then, till a second wall is constructed it cannot be replaced. Under such circumstances a new wall is erected. But generally speaking only the repairs are undertaken and in most cases the buildings stand in need of repairs.]

شہری دیہیں بلدھو کہتا : کیا یہ
پالہسی کہ پرانی عمارتیں جلکی دیکھو
بہال کی جاتی ہے ان کی مرمت نہ
کی جائے یا ان کو کام مہیں لانے کی غرض
سے مرمت نہ کی جائے پرانی گورنمنٹ
کی ہے یا موجودہ گورنمنٹ نے بھی
یہی پالہسی قائم رکھی ہے -

[Shri Deshbandhu Gupta: May I know whether this policy of not repairing these old preserved monuments even to put them to some purpose, is a heritage of the old Government or have the present Government also followed the same?]

مولانا آزاد : پرانی گورنمنٹ کی
بھی یہی پالہسی تھی اور موجودہ
گورنمنٹ کی بھی یہی پالہسی ہے -
اور مہیں سمجھتا ہوں ہر گورنمنٹ کی
یہی پالیسی ہوگی - اس لئے کہ پرانی
عمارتوں کو اگر محفوظ رکھنا ہے تو پرانی
عمارتوں کو محفوظ رکھنا چاہیگا - ابھی
جگہ نئی نہیں بنتی جا رہی تھی -

[Maulana Azad: This was the policy of the old Government and is the policy of the present Government also and, I think, will be the policy of any future Government as well. The reason is that if the old buildings are to be protected, then their original shapes only will be preserved and no new structures would be built in place of them.]

Mr. Speaker: We will go to the next question.

BREAKING OPEN OF POLICE LOCK UP

*389. Shri Kamath: Will the Minister of Defence be pleased to state:

(a) whether it is a fact that on the night of October 9, 1950, some Gorkha Sepoys broke open the Government railway police lock up at Dinapur Railway Station and rescued by force a sepoy and a subedar of their company who had been arrested earlier by the railway police;

(b) if so, whether an inquiry has been held in the matter; and

(c) what further action has been taken, or is proposed to be taken?

The Deputy Minister of Defence (Major General Himatsinghji): (a) No

army personnel were involved in the incident.

(b) and (c). Do not arise.

Shri Kamath: Am I to take it that the report which appeared in some papers about the incident is not correct?

Mr. Speaker: That is what follows; that need not be asked.

Shri Tyagi: Was the Press report contradicted?

Mr. Speaker: Do the hon. Members expect that everything published in the Papers must necessarily be contradicted? It is too much to expect. He has given the information. It must be accepted as true. Next question.

HOUSING SHORTAGE

*390. Shri Kamath: Will the Minister of Health be pleased to state:

(a) the total number of people without a roof over their heads in Part C States;

(b) how many among them are displaced persons; and

(c) the measures under consideration of Government for relieving the housing shortage in the country?

The Minister of Health (Rajkumari Amrit Kaur): (a) The information is not available at present. The All India Census of 1951 is, however, expected to furnish the number of houseless persons, every dwelling, whether a temporary or permanent structure, which has a separate main entrance, being treated as a house for this purpose.

(b) It is estimated that the number of displaced persons in India from West Pakistan who are yet to be provided with roofed shelters is in the neighbourhood of 2,50,000 including those living in tents in camps or as squatters on pavements or in open spaces. Separate figures for such displaced persons in Part C States are not readily available. Nor are any figures available for displaced persons from East Pakistan.

(c) A note on the subject is placed on the Table of the House. [See Appendix III, annexure No. 37.]

Shri Kamath: Just as in the case of food, has Government fixed any target date for providing roofed shelter to all the millions in India?

Rajkumari Amrit Kaur: Naturally, Government is anxious to do it. The responsibility for relieving housing shortage primarily rests with the State Governments. I do not think any special target has been fixed.

Shri Kamath: Is it not a fact that over 18 months ago, the Prime Minister promised displaced persons from West Pakistan that within a month or two all of them would be provided with roofed shelter?

Shri Sondhi: Canvas shelter: not roofed shelter.

Rajkumari Amrit Kaur: I am not aware that the Prime Minister made any such promise. But, all I can say is that all that is possible is being done.

Shri Kamath: In order to relieve housing shortage, what is the estimated number of houses that will be produced per annum in the Government Housing Factory?

Mr. Speaker: Order, order. This has been discussed already.

Shri Tyagi: Has Government noted any slackness in the building activities of the public in the past few years, and if so, is not the Control law responsible for this slackness?

Mr. Speaker: It is a question of opinion and inference.

Shri Tyagi: I want to know if the activities are slack.

Mr. Speaker: That would also be a question of opinion.

Dr. Parmar: Is it a fact that the people in Chini Tehsil in Mahasu, have actually to live in caves on account of shortage of houses? Is it proposed to relieve this shortage, and if so, how?

Mr. Speaker: That is a matter relating to a State.

Shri Sondhi: It is a Part C State.

Rajkumari Amrit Kaur: I know Chini is in Himachal Pradesh. I would have to have notice of the question as to the housing requirements of Chini.

Shri Deshbandhu Gupta: The hon. Minister has replied to Part (c) of the question that a Statement is laid on the Table of the House.

Shri Sondhi: A note: not a statement.

Shri Deshbandhu Gupta: That relates to measures under contemplation. What steps have already been taken by Government so far in Delhi or in any other Part C State to relieve housing shortage?

Rajkumari Amrit Kaur: A great deal has been done in Delhi and other Part C States also. The State

Governments have built houses for displaced persons in every State.

Shri Kamath: Is it not a fact that among the Part C States, the proportion of shelter-less people is the largest in Delhi State itself where the Indian capital is situated?

Rajkumari Amrit Kaur: I am not aware.

Mr. Speaker: Next question.

FOREIGN DENTISTS

*392. **Shri V. K. Reddy:** (a) Will the Minister of Health be pleased to state whether there is any proposal before the Government to recruit foreign dentists into India?

(b) If so, how many of them are to be recruited?

(c) From which country are they to be recruited?

(d) Will these dentists work in the country as doctors or are they to teach dentistry in the Medical colleges?

(e) Is the W. H. O. helping India in the recruitment of these personnel?

The Minister of Health (Rajkumari Amrit Kaur): (a) There is no such proposal before Government.

(b) to (e). Do not arise.

Shri V. K. Reddy: May I know whether medical graduates are being sent to foreign countries, on Government scholarship, for specialising in dentistry?

Rajkumari Amrit Kaur: Yes; some have been sent to specialise in dentistry.

Shri V. K. Reddy: To which country, and how many are being sent?

Rajkumari Amrit Kaur: They have generally been sent to either the U.S.A. or the U.K.

Shri Deshbandhu Gupta: May I know whether it is a fact that the use of *dantan* is being popularised in the U.S.A., and as it is essentially an ailment from the west, whether anything has been done by the Health Ministry to popularise the use of *dantan*?

Dr. M. M. Das: May I know whether any team of foreign experts has been invited to come to this country to improve the condition of teeth in this country?

Rajkumari Amrit Kaur: No, Sir.

SOCIAL EDUCATION

*394. **Shri S. C. Samanta:** Will the Minister of Education be pleased to

lay on the Table of the House a Statement showing:

(a) how many students were sent abroad for training in Social Education in the years 1947-48, 1948-49 and 1949-50 (i) by the Government of India; (ii) by the State Governments; and (iii) by private individuals or organisations?

(b) Do Government propose to send more students abroad this year for the purpose?

مستتر آف ایجوکیشن (مولانا آزاد) :

(اے) ایک اسٹیٹمنٹ ہاؤس کی تہیل

پر رکھ دیا جاتا ہے جس سے وہ باتیں

معلوم ہو جائیں گی جو پوچھی گئی

ہیں۔ [See Appendix III,

annexure No. 38]

(بی) گورنمنٹ کے سامنے آج کل کوئی

ایسا پروپوزل نہیں ہے کہ باہر کے ملکوں

میں ہلدوستانی و دیارتھی سوشل

ایجوکیشن کی تربیلک کے لئے بھیجے

جائیں۔ البتہ امدد کی جاتی ہے کہ

یونائیٹڈ نیشنس کی سوشل ویلفیئر

فیلوشپ اسکیم کے اندر ۲۵ فیلوشپ

سالہ ۱۹۵۱ع میں ہمیں مل سکیں گی۔

[The Minister of Education (Maulana Azad): (a) A statement furnishing the required information is laid on the Table of the House. [See Appendix III, annexure No. 33].

(b) There is no proposal at present under the consideration of the Government of India to send students abroad for training in Social Education. About 25 Fellowships are, however, likely to be available to India under the United Nations Social Welfare Fellowships Scheme for the calendar year 1951.]

Shri S. C. Samanta: May I know whether the Social Education Subcommittee of the Central Advisory Board of Education recommended that educationists one at least from each Province should be sent abroad, especially to the U.K., U.S.A. and U.S.S.R. and Mexico for special training and if so why Government has not taken any steps either Central or Provincial?

مولانا آزاد : اس طرح کی کئی

تجویزیں سنٹرل ایڈوائزی بورڈ اور اس

کی سب کمیٹیوں نے پھیں کی ہیں

لکھن فائنل شہل ڈیکلٹرز کی وجہ سے

ان اسکیموں کے ابھی تک عمل نہیں

کھا گیا۔

[Maulana Azad: Many such suggestions have been made by the Central Advisory Board and its various sub-committees but they could not be given effect to because of financial difficulties.]

Shri S. C. Samanta: May I know how many such students who have returned from abroad with experience in social education have been utilised for the advancement and propagation of social education in India?

مولانا آزاد : یہ میں ابھی نہیں

بتا سکتا۔ اس کے لئے نوٹس کی

ضرورت ہے۔

[Maulana Azad: I am unable to give that information just now. I require notice for this.]

Shri S. C. Samanta: May I know how many of them have been taken into other services?

مولانا آزاد : ظاہر ہے کہ وہ یہ

بھی ابھی نہیں بتا سکتا۔ اس کے لئے

نوٹس کی ضرورت ہے۔

[Maulana Azad: It is clear that I am unable to give this information also just now. I require notice for that.]

EASTERN HIGHER TECHNOLOGICAL
INSTITUTE, HILJI

*395. Shri S. C. Samanta: Will the Minister of Education be pleased to state:

(a) the progress of work done up to September, 1950, for the opening of the Eastern Higher Technological Institute at Hilji; and

(b) how much money has been spent for it up till now?

مستتر آف ایجوکیشن (مولانا آزاد) :

(اے) ایک اسٹیٹمنٹ ہاؤس کے تہیل

پر رقم دیا جاتا ہے - اس سے معلوم ہو جائے گا کہ اس وقت تک یہ کام کہاں تک بڑھایا جا چکا ہے -

[See Appendix III, annexure No. 39]

(بی) 13 لاکھ 89 ہزار روپیہ ستمبر تک خرچ ہو چکا ہے -

[The Minister of Education (Maulana Azad): (a) A statement giving further progress made since June, 1950, as reported to the House in reply to unstarred question No. 119, is laid on the Table of the House [See Appendix III, annexure No. 39.]

(b) Rs. 14,89,000 up to September, 1950.]

Shri S. C. Samanta: May I know the probable date when the classes will commence?

مولانا آزاد: امید کی جاتی ہے کہ جلد شروع ہو جائیگی زیادہ سے زیادہ جولائی تک -

[Maulana Azad: They are expected to commence quite soon, at the most with effect from July.]

Shri S. C. Samanta: May I know what sort of work has been entrusted to Prof. Sommer who has joined the Institute as the Professor of Harbur Engineering?

مولانا آزاد: نہیں - یہ میں ابھی نہیں بتا سکتا -

[Maulana Azad: No, I am unable to give this information just now.]

Shri Sondhi: The hon Minister said that classes will start in July. Is it July next or which July?

مولانا آزاد: نکست جولائی -

[Maulana Azad: July next.]

سری سوانی: میں یہ دیکھنا چاہتا ہوں کہ یہ رقم خرچ کیا گیا ہے اس سے کتنا رقم بھرتی ہوئی ہے اور کتنا رقم ابھی باقی ہے؟

[Shri Tyagi: May I know how much of this expenditure has been incurred on the construction of buildings and how much on other accessories?]

مولانا آزاد: تقریباً 9 لاکھ -

[Maulana Azad: Approximately 8 lakhs of rupees.]

سری سوانی: کیا تالیف دینے والے پروفیسر بگریج کا تقرر ہو چکا ہے یا ہونے والا ہے؟

[Shri Tyagi: Has the teaching staff etc. already been appointed or is about to be appointed?]

مولانا آزاد: ہاں کچھ کا ہوا ہے اور کچھ کا باقی ہے -

[Maulana Azad: Some appointments have been made and others are still to be made.]

سری سوانی: کیا ان میں سے کچھ باہر کے لوگ بھی لیے گئے ہیں؟

[Shri Tyagi: Have any foreigners also been appointed?]

مولانا آزاد: ہاں -

[Maulana Azad: Yes.]

سری سوانی: کتنی تعداد میں؟

[Shri Tyagi: How many?]

مولانا آزاد: سات -

[Maulana Azad: Seven.]

سری سوانی: کیا میں دریافت کر سکتا ہوں کہ اس کا تقرر کب ہوا اور یہ کب سے ابھی کام کے نیکم میں پڑے ہیں؟

[Shri Tyagi: May I know when they were appointed and since how long they have been idle?]

مولانا آزاد: نہیں - تقرر لینے کا ہو

چکا ہے - ان میں سے بعض ہندوستان میں نہیں پہنچے ہیں - بعض پہنچے اور وہیں ابتدائی کام میں لگے ہوئے ہیں -

[Maulana Azad: The appointments have been made but some of them have not yet reached India while some who

have reached are engaged in the preliminary work.]

TUBERCULOSIS INSTITUTE, DELHI

*398. **Dr. M. M. Das:** (a) Will the Minister of Health be pleased to state whether the construction of the Tuberculosis Institute in Delhi has been completed?

(b) Is it a fact that students have already been admitted for Diploma course in Tuberculosis in this Institute?

(c) Are there other Institutions or Universities in India having Post Graduate courses in Tuberculosis?

The Minister of Health (Rajkumari Amrit Kaur): (a) No.

(b) The Institute is expected to begin functioning only by the end of the next year but the Delhi University have been conducting a Diploma course since March, 1947.

(c) Yes, facilities for such studies are available in Madras, Amritsar and Lucknow.

Dr. M. M. Das: May I know the total expenditure that will be incurred by Government on the construction of the building and the total expenditure that will be incurred for teaching and equipment in the hospital?

Rajkumari Amrit Kaur: The capital expenditure is Rs. 10 lakhs and the recurring expenditure Rs. 2 lakhs.

Dr. M. M. Das: May I know whether the experts of the Health Ministry think that sufficiently qualified men will be available in this country to run this institution or whether a team of foreign experts will have to be invited for this work?

Rajkumari Amrit Kaur: No, Sir, I hope such men will be available in our country for running the institution.

Shri Kamath: During the last three years, how many beds have been added in the various government hospitals for the treatment of T. B. in India?

Rajkumari Amrit Kaur: Well, when I took over, we had less than 6000 beds and to-day that number has been doubled.

TUBERCULOSIS

*399. **Sardar Hukam Singh:** (a) Will the Minister of Health be pleased to state whether any doctors have recently been sent to any European countries for advanced studies in Tuberculosis?

(b) If so, what is the number of such doctors and which are the countries where they have been sent?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) Three in 1950, one to the United Kingdom and two to Norway.

Sardar Hukam Singh: Was any batch sent before this one?

Rajkumari Amrit Kaur: I would like to have notice of the question, Sir.

Sardar Hukam Singh: After their training is over, is it contemplated to attach them to present hospitals or to start new hospitals?

Rajkumari Amrit Kaur: Those sent for training are always already in Government employ or are taken into government jobs the moment they return.

Shri Deshbandha Gupta: Is it a fact, Sir, that there are certain doctors who were sent overseas by Government for training and on return they have not been given any employment?

Rajkumari Amrit Kaur: That was so before 1947. But since 1947 nobody has been sent abroad who is not given employment on return.

Shri Kamath: To which European countries are these doctors sent?

Rajkumari Amrit Kaur: As I said, three were sent, one to the United Kingdom and two to Norway. Of these one is under the Railway Ministry, one is working in P.E.P.S.U and the third is Superintendent of the Perundurai sanatorium.

Shri Kamath: May I know if any private practitioners have applied to Government for being sent abroad, for such training?

Rajkumari Amrit Kaur: I am not aware of any private practitioners having made any such application.

PAKISTAN RUPEE

*400. **Sardar Hukam Singh:** (a) Will the Minister of Finance be pleased to state whether the question of Pakistan Rupee was discussed in the Commonwealth Finance Ministers' Conference in London?

(b) Has any decision been taken so far?

(c) What is the estimated loss to India in her trade with Pakistan from April to October, 1950, on account of Pakistan not devaluing her rupee?

The Minister of Finance (Shri C. D. Deshmukh): (a) and (b). No, Sir.

(c) I presume the hon. Member is referring to the reduction in the volume of Indo-Pakistan trade on

account of the non-devaluation of the Pakistan rupee. A rough idea of the reduction in trade may be obtained from the fact that during the period April to September, 1950 the trade between the two countries was of the order of Rs. 45 crores as against a trade of Rs. 63 crores during the corresponding period in 1949. Figures for October, 1950 are not yet available. As trade between India and Pakistan during the period from April to October 1950 was governed by the special trade agreement made in April 1950, it does not give a real measure of the loss in trade caused by non-devaluation of Pakistan rupee.

Sardar Hukam Singh: Did the trade agreement with Pakistan expire in October?

Shri C. D. Deshmukh: End of September.

Sardar Hukam Singh: Has the trade practically ceased or is there some contract or agreement still in force?

Shri C. D. Deshmukh: No, but there is some border trade which has been going on all the time.

Shri Tyagi: Was any attempt made, Sir, to arrive at an agreement with Pakistan with regard to trading with them being based on the barter system?

Shri C. D. Deshmukh: Not since the completion of the last agreement, Sir.

Sardar B. S. Man: If no decision has been taken with respect to the rupee ratio between India and Pakistan, may I know what rupee ratio was observed during the recent transfers of bank deposits between Pakistan and India as regards co-operative banks?

Shri C. D. Deshmukh: I am not aware that any transfers of bank deposits have taken place.

Shri Jajoo: May I know what rupee ratio is observed in this border trade?

Several Hon. Members: Border trade or barter trade?

Shri Tyagi: Have Government taken care to enquire at what rate the border exchanges have taken place?

Shri C. D. Deshmukh: According to the information received from border stations the free exchange rate was generally between Rs. 105 to 112 Indian rupees for one hundred Pakistan rupees except for a short period towards the end of September when the free exchange rate went up to as much as 116 to 118 Indian rupees.

Shri Tyagi: What is the approximate amount of such trade carried on?

Shri C. D. Deshmukh: The figures of exports and imports in the free sector of trade under paragraph 7 of the Agreement were 10.73 and 6.12 crores. There is no precise figure available of the volume of border trade, apart from this free trade.

Dr. M. M. Das: Is it a fact that recently a non-official trade delegation from Pakistan came to Delhi and met some of our Ministers: and if so, what transpired ultimately?

Shri C. D. Deshmukh: That matter is dealt with in the Commerce Ministry: not in the Ministry of Finance.

MILITARY OBSERVERS TO KOREA

*401. **Shri A. B. Gurung:** Will the Minister of Defence be pleased to state whether any military observers have been sent to Korea?

The Deputy Minister of Defence (Major General Himatsinhji): Not yet.

Shri A. B. Gurung: When are they likely to be sent?

Major General Himatsinhji: These are diplomatic appointments. The United Nations' organisation, Korea, our Ambassador in China and our foreign office have to be consulted. Therefore my advice to the hon. Member is to read between the lines of my answer "Not yet".

Shri Kamath: Has any of the other countries which supported the Security Council's resolution on Korea of the 27th June sent any military observers so far to Korea?

Major General Himatsinhji: The hon. Member knows that answer to his question can only be obtained from the foreign countries concerned.

Shri Brajeshwar Prasad: Is the Minister in a position to state the different categories of army personnel included in the Medical Relief Mission sent to Korea?

Mr. Speaker: Order, order. Next question.

Shri Kamath: On a point of order, Sir, if I heard the Deputy Minister aright he said "Go and ask those countries".

Mr. Speaker: He said that it would be better if he asked the other countries. He cannot say which countries have sent observers.

Shri Kamath: Don't we keep in touch with the other countries in the United Nations?

Mr. Speaker: That is an argument.

Shri Kamath: It is no argument: it is a point of fact.

Shri Brajeshwar Prasad: What about my question?

Mr. Speaker: Disallowed.

PENSIONS TO SOLDIERS

*403. **Babu Ramnarayan Singh:** Will the Minister of Defence be pleased to state what is the minimum number of years of service for which a minimum rate of pension is allowed to soldiers and officers (i) when discharged on account of reduction in the strength of the personnel and (ii) when declared unfit for further military service?

The Deputy Minister of Defence (Major General Himatsinhji): (i) (a) *Regular Officers:* 15 years.

(b) *Soldiers on regular engagements:* 10 years if mustering out concessions are specially authorised by Government, otherwise 15 years.

(ii) (a) There is no prescribed period when a soldier or officer is discharged with a disability assessed at 20 per cent. or above, which is accepted as attributable to or aggravated by military service. He is eligible for a disability pension according to the degree of his disability and length of service.

(b) 15 years is, however, the minimum service required for pensionary entitlement when a soldier or officer is declared unfit for military service on account of a "non-attributable" disability, or for other reasons.

Babu Ramnarayan Singh: If an officer or soldier retires or is discharged is the question of his pension automatically settled by the authorities or the officer or soldier concerned has got to apply for it?

Major General Himatsinhji: This question has been replied to on more than one occasion in 1945-46. A pension if it is due to him is automatic but if he considers that the pension granted to him is not what should have been granted to him, then he appeals for a revision.

Shri Frank Anthony: What is the amount paid to a *jawar* by way of a hundred per cent. disability pension?

Mr. Speaker: These are matters provided for in the rules.

Major General Himatsinhji: I require notice of that question.

Shri Tyagi: How much time does it take for a soldier to receive his first month's pension after his discharge?

Major General Himatsinhji: Pensions are generally worked out before a soldier is discharged and he gets it almost in a month's time.

Shri Tyagi: May I know if there are thousands of cases of pension claims pending in the military headquarters as undecided?

Major General Himatsinhji: Yes, it is possible, where it is a question of doubt.

FAMILY PENSION

*404. **Babu Ramnarayan Singh:** Will the Minister of Defence be pleased to state if there is any rule empowering Government to withhold family pension in case father is the sole heir and is of an age below 50 years?

The Deputy Minister of Defence (Major General Himatsinhji): Under Rule 401 (iv), Pension Regulations for the Army in India, Part II (1940), father of a deceased Junior Commissioned Officer or other rank, who is below 50 years of age, is not eligible for family pension unless he is shown to be physically or mentally incapable of earning his living or supporting himself. As normally such an individual is not eligible for pension, the question of withholding it does not arise.

Shri Frank Anthony: When were the rules with regard to pensions or the terms relating to pensions decided with respect to the army personnel?

Major General Himatsinhji: Recently the Government set up a committee for the complete revision of pension of the armed forces personnel. Their recommendations have been sent to the Government and are now under consideration. I would therefore ask the hon. Member to await the finalisation of the report.

Shri Frank Anthony: Is it not a fact that an Indian *jawar* gets 1/10 as compared with the British soldier in respect of his disability pension?

Major General Himatsinhji: I require notice of that question. I am not quite sure what the British pension rules are.

Shri M. A. Ayyangar: May I know why the discrimination is made against the father if he is the sole heir? Is it not a fact that with respect to other sole heirs this pension is allowed?

Major General Himatsinhji: If the father is under 50 years of age and is capable of earning his own living,

he is not entitled to a share of the pension. Hence this discrimination is made.

Babu Ramnarayan Singh: During the British regime pension questions were governed by pension regulations. May I know whether during the present new regime any more regulations had been added on or the old regulations have been subtracted from or the same regulations remain in force?

Major General Himatsinhji: The pension regulations are exactly the same as before. As I said, the revision of the regulations is under the consideration of the Government.

Mr. Speaker: The question hour is now over.

WRITTEN ANSWERS TO
QUESTIONS

SCHOLARSHIPS FOR FOREIGNERS TO
STUDY IN INDIA

*383. **Shri Kesava Rao:** (a) Will the Minister of Education be pleased to state whether it is a fact that Government have sanctioned scholarships for nationals of other countries to study in India?

(b) If so, what is the number of such scholarships and how many such persons are studying in India under this scheme?

The Minister of Education (Maulana Azad): (a) Yes.

(b) 70 scholarships are granted every year. 94 scholars are in India.

M.L.A. BUNGALOWS (THEFTS)

*391. **Shri D. S. Seth:** Will the Minister of Home Affairs be pleased to state:

(a) how many thefts were committed in the M.L.A. bungalows in New Delhi, since the beginning of the year 1950; and

(b) whether any police enquiry was made in these cases and if so, with what result?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Eleven.

(b) Investigation in each case was promptly undertaken by the Police and the results achieved were as under:

(i) investigated and convicted in courts.....Four;

(ii) untraced.....Seven.

QUASI-PERMANENT CADRE

*393. **Shri Kesava Rao:** (a) Will the Minister of Home Affairs be pleased

to state whether the scheme to have a quasi-permanent cadre of officials in the Secretariat has been given effect to?

(b) How many persons have been brought under the scope of this scheme?

(c) Are the tests conducted by the U.P.S.C. insisted in these cases?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Yes. Temporary employees who satisfy certain conditions are declared quasi-permanent in specified posts or grades of posts.

(b) The information is being collected, and will be laid on the Table of the House in due course. I might explain that under the rules quasi-permanent certificates can be issued to all employees who satisfy certain conditions regarding service, etc. and the number of such persons is not limited to the actual number of posts in a grade.

(c) No, except in the case of stenographers who are required merely to qualify in tests held by the Commission.

RETRENCHMENT IN VINDHYA PRADESH

*396. **Shri Dwivedi:** (a) Will the Minister of States be pleased to state how many Government employees have been retrenched in Vindhya Pradesh ever since the integration?

(b) How many of them have been awarded pensions, gratuities or compensation so far?

(c) Do Government propose to give any help to the families of such employees who have already passed away before they could derive any advantage out of these benefits?

The Minister Without Portfolio (Shri Rajagopalachari): (a) to (c). The information is being collected and will be placed on the Table of the House in due course.

NIZAM OF HYDERABAD

*397. **Shri Dwivedi:** Will the Minister of States be pleased to state the amount of allowance paid to H. E. H. the Nizam of Hyderabad in his capacity as the Rajpramukh of Hyderabad?

The Minister Without Portfolio (Shri Rajagopalachari): His Exalted Highness the Nizam does not receive any allowance as Rajpramukh of Hyderabad.

BETTING TAX AND ENTERTAINMENT DUTY

*402. **Dr. Deshmukh:** Will the Minister of Home Affairs be pleased to state:

(a) the expenditure so far incurred on the office for collection of betting tax and entertainment duty in Delhi; and

(b) whether there has been any increase in the revenue from these sources; if so, what the amount and the percentage of increase is?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Rs. 8504 between April and October 1950.

(b) Yes, there has been an increase in 7 months by Rs. 6,41,902 and the percentage of increase is 76.

चिकित्सा महाविद्यालय

* 405. डा० देवी सिंह : (ए) क्या स्वास्थ्य मंत्री यह बतलाने की कृपा करेंगी कि भारत में चिकित्सा महाविद्यालयों की योग संख्या क्या है ?

(बी) उक्त महाविद्यालयों में शिक्षा प्राप्त करने वाले विद्यार्थियों की योग संख्या क्या है ?

MEDICAL COLLEGES

[*405. **Dr. Devi Singh:** (a) Will the Minister of Health be pleased to state the total number of medical colleges in India?

(b) How many students are on the roll of these colleges?]

The Minister of Health (Rajkumari Amrit Kaur): (a) The total number of medical colleges in India is 30 including the Lake Medical College, Calcutta, which trains medical licentiates for the condensed M. B. course.

(b) 12072.

LAND REFORMS IN KASHMIR

*406. **Prof. S. N. Mishra:** Will the Minister of States be pleased to state:

(a) whether the Government of India were consulted in the introduction of Land Reforms by the Kashmir Government; and

(b) whether there has been agreement in regard to compensations to be paid to the landowners?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Yes.

(b) The question of compensation to landowners who will lose their zamindari rights under the new legislation will be settled by the Constituent Assembly of the State. Meanwhile an interim annual payment will be made to the dispossessed landlords.

DIWAKAR COMMITTEE REPORT

*407. **Prof. S. N. Mishra:** Will the Minister of Home Affairs be pleased to state:

(a) whether the Diwakar Committee has submitted its reports on the abolition of caste and communal distinction; and

(b) if so, what action has so far been taken on its recommendations?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Yes.

(b) The report is under consideration.

INCOME-TAX IN SAURASHTRA

*408. **Prof. K. T. Shah:** (a) Will the Minister of Finance be pleased to state whether, in accordance with the Extension of the Indian Income-tax and other Acts to certain merged States any difference in rates has been made or fixed, and procedure adopted, for assessment to Income tax of the tax-payers in Saurashtra in contrast with those in Kutch?

(b) If so, why has such a discrimination been made?

The Minister of Finance (Shri C. D. Deshmukh): (a) Kutch has been given, in common with other Part C States, one kind of treatment, while Saurashtra in common with all other Part B States has been given a different treatment. The differentiation is in accordance with the recommendations of the Indian States Finances Enquiry Committee.

(b) On grounds of political expediency, differentiation has been made in Parts B and C States even in the Constitution.

REHABILITATION CORPORATION

*409. **Shri Chandrika Ram:** (a) Will the Minister of Finance be pleased to state how long the Rehabilitation Corporation will function and with what assets?

(b) Who are the members of the Corporation and how much has been spent over their T.A. and D.A. so far?

(c) Who have been given loans in the year 1950 (up to October 1950) and what is the amount granted to each person?

The Minister of Finance (Shri C. D. Deshmukh): (a) It is not possible at this stage to state precisely how long the Rehabilitation Finance Administration will function. It has been created with a view to giving financial assistance on reasonable terms to displaced persons to enable them to settle in business or industry and will function so long as the necessity for it exists.

The assets of the Administration consist of advances made by the Central Government who are empowered, under the Rehabilitation Finance Administration Act, to advance money for the business of the Administration the aggregate amount of which shall not exceed Rs. 10 crores.

(b) The Rehabilitation Finance Administration is at present composed of the following members:

(1) Shri Ram Gopal, Chief Administrator, Rehabilitation Finance Administration—*Chairman*.

Four Official Members.

(2) Shri S. Ratnam, Joint Secretary, Ministry of Finance.

(3) Shri V. D. Dantyaqi, Joint Secretary, Ministry of Rehabilitation.

(4) Shri P. N. Thapar, I.C.S., Financial Commissioner, Government of Punjab.

(5) Shri U. M. Mirchandani, I.C.S., Commissioner, Government of Bombay.

Four Non-official Members.

(6) Shri Lakshmi Kanta Maitra, M.P.

(7) Shrimati Sucheta Kriplani, M.P.

(8) Gyani Gurmakh Singh Musafir, M.P.

(9) Lala Shri Ram.

The Travelling Allowances and fees paid to the members of the Administration from 1st June, 1948, the date of its inception, to the end of October, 1950 amount to Rs. 72,500 approximately.

(c) The time and expense involved in the preparation of a statement about individual loans will not be commensurate with the result. In 1950 till the end of October the total number of loan applications sanctioned is 1845 and the aggregate amount of the loans sanctioned is Rs. 13,602,200. The average loan sanctioned per person works out to Rs. 10,064.

INDIAN ADMINISTRATIVE SERVICE

*410. **Shri Chandrika Ram:** (a) Will the Minister of Home Affairs be pleased to state how many persons have

been selected for the Indian Administrative Service in the year 1949-50?

(b) How many of them are from Scheduled Caste?

(c) Where are they posted?

The Minister Without Portfolio (Shri Rajagopalachari):

(a) 1949	202
1950	84

Total	286
-------	-----

(b) 14.

(c) Assam	1
Bombay	1
Madras	5
Madhya Pradesh	2
Orissa	2
Uttar Pradesh	2
West Bengal	1

HYDERABAD MINT

*411. **Shri S. V. Naik:** Will the Minister of Finance be pleased to state what the Government of India have decided about the Mint in Hyderabad?

The Minister of Finance (Shri C. D. Deshmukh): The Hyderabad Mint was taken over by the Centre on the 1st April, 1950. For the present it will continue as an Indian Government Mint.

MILITARY ATTACHE TO INDIAN EMBASSY IN CHINA

*412. **Shri Joachim Alva:** (a) Will the Minister of Defence be pleased to state whether there is a Military Attache attached to the Indian Embassy in China?

(b) If the answer to part (a) above be in the negative, is any proposal under consideration to send a Military Attache to China?

The Deputy Minister of Defence (Major General Himatsinghji): (a) Not at present.

(b) Yes.

FIRE IN KIRKEE FACTORY

*413. **Shri Deogirikar:** Will the Minister of Defence be pleased to refer to his reply to starred question No 339 asked on 12th August, 1950 regarding Fire in Kirkee Factory and state:

(a) what disciplinary action was taken against persons suspected of sabotage; and

(b) whether the loss has now been assessed and if so, the amount of the same?

The Deputy Minister of Defence (Major General Himatsinhji): (a) There were insufficient grounds to suspect any person of sabotage.

(b) Approximately Rs. 49 lakhs.

ARSON CASES IN DELHI

*414. Giani G. S. Musafir: Will the Minister of Home Affairs be pleased to state:

(a) the number of arson cases in Delhi and New Delhi during the last year;

(b) the names of localities in which they occurred; and

(c) whether it is a fact that the majority of sufferers in the said arson cases comprised of displaced persons from Pakistan?

The Minister Without Portfolio (Shri Rajagopalachari): (a) and (b). A statement is placed on the Table of the House.

(c) Out of ten cases of arson in Delhi City, the sufferers in nine cases were local persons, while in New Delhi the sufferers in five cases were displaced persons.

STATEMENT

Number of cases of fire during 1949

DELHI CITY

There were 10 cases, the places of occurrence being Pahari Dhira], Quasabpura, Qutab Road, Chitla Darwaza, Lal Kuan, Jit Garh, Sarai Rohilla, Sant Nagar, Manakpura.

NEW DELHI

There were 6 cases, the places of occurrence being No. 45, Reading Road, Military Station Workshop Delhi Cantonment, Tughlak Crescent, Purana Qila, Aurangzeb Road and Lodi Colony Refugee Market.

TEA EXCISE, TEA EXPORT AND JUTE EXPORT DUTIES FROM ASSAM

*415. Maulvi Wajed Ali: Will the Minister of Finance be pleased to state:

(a) the total amount of Tea Excise, Tea Export and Jute Export Duties realised from Assam during the years 1949-50 and 1950-51 till the 30th September, 1950; and

(b) the total excise duties on Petroleum, Kerosene and crude oil realised from Assam during the same period?

The Minister of Finance (Shri C. D. Deshmukh) (a) and (b). A statement showing the information required in

respect of Tea, Petroleum and Jute is placed on the Table of the House. [See Appendix III, annexure No. 40]. Crude Oil is not liable to Central Excise duty.

SCHEDULED TRIBES IN PART A AND PART B STATES

*416. Shri Kamath: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the President by Orders dated the 28th September, 1950 and the 5th October, 1950 has notified the total population of the Scheduled Tribes in Part A and Part B States as about 179 lakhs;

(b) whether it is a fact that the population of the Scheduled Tribes in these States of the Indian Union, according to the census of 1941, is about 248 lakhs; and

(c) the reasons for this discrepancy?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Yes.

(b) The tribal population in all the States of the Union of India was 248 lakhs according to the 1941 Census.

(c) The difference is due to the fact that there are a number of communities which, though enumerated as tribes in the 1941 census are now excluded (wholly or in part) from the list of tribes recently notified under the Constitution (Scheduled Tribes) Order, 1950. The communities thus excluded belong to the following five categories:

(i) those that are neither primitive nor backward and had been excluded from the list of "Primitive Tribes" drawn up on the basis of a special enquiry as early as 1931. The Meos of Rajasthan and the Ahoms of Assam are illustrations of this category.

(ii) those which were not included in the list of 'backward tribes' under the Government of India (Provincial Legislative Assemblies) Order, 1936. The non-indigenous tribes of Assam who have settled there as tea garden labourers are illustrations of this category.

(iii) parts of tribes treated as Scheduled tribes under the Constitution (Scheduled Tribes) Order, 1950, who live outside certain localised areas and have ceased to be primitive or even backward and became largely assimilated to the general population among whom they reside. Instances of such cases are found mainly in Madhya Pradesh and Rajasthan.

(iv) A few communities formerly enumerated as tribes are now classified as Scheduled Castes in some areas.

(v) communities treated as Tribes for 1941 census in Part C States and the Part B State of Jammu and Kashmir. The Constitution (Scheduled Tribes) Order, 1950, does not extend to these States and the tribal population for these States have not been determined though the States are included in the 1941 census total.

REHABILITATION FINANCE ADMINISTRATION (LOANS)

*417. **Shri A. C. Guha:** Will the Minister of Finance be pleased to state:

(a) the amount of loans so far sanctioned to displaced persons from East Bengal by the Rehabilitation Finance Administration;

(b) the total amount so far paid to such displaced persons;

(c) the total amount so far sanctioned and paid to displaced persons from West Pakistan; and

(d) the total amount so far placed by the Government at the disposal of the Rehabilitation Finance Administration to be given as loans to displaced persons?

The Minister of Finance (Shri C. D. Deshmukh): (a) Rs. 93 lakhs approximately, up to the end of October, 1950.

(b) Rs. 30 lakhs approximately.

(c) Rs. 404 lakhs approximately have been sanctioned, out of which Rs. 163 lakhs have been paid.

(d) The Rehabilitation Finance Administration has drawn a sum of Rs. 3.7 crores from Government up to date for the purpose of giving loans to displaced persons.

DISCRIMINATION ON GROUNDS OF CASTE

19. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Madras High Court has recently declared the communal G. O. of the Madras Government, making discrimination on grounds of caste in the matter of admission to educational institutions in that State, as *ultra vires* of the Constitution, and as such, null and void.

(b) whether the aforesaid G. O. is still in force;

(c) whether it is a fact that posters and slogans of "Down with the Constitution" and similar others appeared in parts of Madras subsequent to the judgment of the High Court, referred to in part (a) above; and

(d) whether Government have taken notice of these developments, and what instructions or directives, if any, have been issued?

The Minister Without Portfolio (Shri Rajagopalachari): (a) Yes.

(b) to (d). Information has been asked for from the Madras Government and will be laid on the Table of the House in due course. No instructions or directions have been issued by the Government of India.

IRWIN HOSPITAL, NEW DELHI

20. **Shri Kamath:** Will the Minister of Health be pleased to state:

(a) whether any enquiry has since been made into the allegations against the Irwin Hospital, New Delhi, as was promised by the Finance Minister in answer to a supplementary question raised on my starred question No. 306 asked on the 12th August 1950; and

(b) if so, with what result?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) Enquiry from the Editor of the 'People' and further investigation have not established that there is any truth in the allegation made in the article referred to in the starred question No. 306 replied on 12th August, 1950.

HEREDITARY PENSIONS HYDERABAD

21. **Shri S. V. Naik:** Will the Minister of States be pleased to state:

(a) how many persons and families were entitled to hereditary allowances for hereditary services at the time of integration of Forces of the Hyderabad State; and

(b) what amount the Government of Hyderabad has to bear?

The Minister Without Portfolio (Shri Rajagopalachari): (a) 474.

(b) Halli Sica Rupees 5.56 lakhs per annum.

Monday, 27th November, 1950

Volume VI

No. 1 — 19



सत्यमेव जयते

Par. B. 2. VI. 1. 50.
821

PARLIAMENTARY DEBATES

PARLIAMENT OF INDIA

OFFICIAL REPORT

Part II—Proceedings other than Questions and Answers.

CONTENTS

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

Price Five Annas

PARLIAMENTARY DEBATES

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

OFFICIAL REPORT

651

PARLIAMENT OF INDIA

Monday, 27th November, 1950

The House met at a Quarter to Eleven
of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

PAPERS LAID ON THE TABLE

REPORTS OF THE PUBLIC ACCOUNTS
COMMITTEE

Shri B. Das (Orissa): Sir, I lay on the table a copy of each of the Reports of the Public Accounts Committee on the Accounts of the years 1945-46, 1946-47 and 1947-48 (pre-partition). [Placed in Library. See No. IV O.O(60)].

NOTIFICATIONS IN ACCORDANCE WITH
SECTION 38 OF CENTRAL EXCISES AND
SALT ACT.

The Minister of Finance (Shri C. D. Deshmukh): Sir, I lay on the table a copy of each of the following notifications in accordance with Section 38 of the Central Excises and Salt Act, 1944, namely:

- (1) Central Excises Notification No. 19, dated the 5th August, 1950.
- (2) Central Excises Notification No. 20, dated the 5th August, 1950.
- (3) Central Excises Notification No. 21, dated the 12th August, 1950.
- (4) Central Excises Notification No. 22, dated the 12th August, 1950.
- (5) Central Excises Notification No. 23, dated the 23rd September, 1950.
- (6) Central Excises Notification No. 24, dated the 30th September, 1950.

[Placed in Library. See No. P-117 50.]

652

ELECTION TO COMMITTEES

CENTRAL ADVISORY BOARD OF EDUCATION

مجلس آف ایجوکیشن (مولانا آزاد) :
میں تجویز کرتا ہوں کہ اس طریقہ
سے جو آنریبل اسپیکر تھرا دیں یہ
ہاؤس پانچ ممبروں کو چلنے کی
کاروائی انجام دے۔ یہ ممبر سینٹرل
ایڈوائزری بورڈ آف ایجوکیشن میں
اس ہاؤس کو رپریزینٹ کریں گے۔ ان
کی ممبری کا زمانہ ۴ دسمبر ۱۹۵۰
سے شروع ہوگا۔

[Maulana Azad: I beg to move:

"That this House do proceed to elect, in such manner as the hon. Speaker may direct, five Members to serve on the Central Advisory Board of Education in India constituted by the Government of India, with effect from the 4th December, 1950."]

Mr. Speaker: The question is:

"That this House do proceed to elect, in such manner as the hon. Speaker may direct, five Members to serve on the Central Advisory Board of Education in India constituted by the Government of India, with effect from the 4th December, 1950."

The motion was adopted.

COURT OF THE UNIVERSITY OF DELHI

مولانا آزاد : جناب ! میں تجویز

کرتا ہوں کہ یہ ہاؤس اس طریقہ سے
216PSD.

[مولانا آزاد]

جو آنریبل اسپیکر تھہرا میں دہلی
یونیورسٹی ایکٹ سلہ ۱۹۲۲ کے گلز
۱۴ سوکشن ۱۸ سب سوکشن ۱ کے
مطابق ۱۲ ممبروں کو چلنے کی
کارروائی انجام دے - یہ ممبر دہلی
یونیورسٹی کورٹ کے ممبروں کی
حیثیت سے کام کریں گے - یہ چناؤ
تین برس کے لئے ہو گا اور ۳ دسمبر
سلہ ۱۹۵۰ سے ان کی ممبری شروع
ہو گی -

[Maulana Azad: I beg to move:

"That in pursuance of clause (xiv) of Sub-section (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922) read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to that Act, the Members of this House do proceed to elect, in such manner as the hon. Speaker may direct, twelve persons from among their own numbers to be Members of the Court of the University of Delhi for a period of three years from the 3rd December, 1950."

Mr. Speaker: The question is:

"That in pursuance of clause (xiv) of Sub-section (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922) read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to that Act, the Members of this House do proceed to elect, in such manner as the hon. Speaker may direct, twelve persons from among their own numbers to be Members of the Court of the University of Delhi for a period of three years from the 3rd December, 1950."

The motion was adopted.

EMPLOYEES' STATE INSURANCE
CORPORATION

The Minister of Labour (Shri Jag-
jivan Ram): Sir, I beg to move:

"That in pursuance of clause (i) of section 4 of the Employees' State Insurance Act, 1948, the Members of this House do proceed to elect, in such manner as the hon. Speaker may direct, one Member from among themselves

to be a member of the Employees' State Insurance Corporation vice hon. Shri Ajit Prasad Jain, who has resigned."

Mr. Speaker: The question is:

"That in pursuance of clause (i) of section 4 of the Employees' State Insurance Act, 1948, the Members of this House do proceed to elect, in such manner as the hon. Speaker may direct, one Member from among themselves to be a member of the Employees' State Insurance Corporation vice hon. Shri Ajit Prasad Jain, who has resigned."

The motion was adopted.

Mr. Speaker: I have to inform hon. Members that the following dates have been fixed for receiving nominations and holding elections if necessary, in connection with the following committees, namely:

Date for nomination. Date for election.

- | | |
|---|--------------------|
| (1) The Central Advisory Board of Education. | } 29-11-50 1-12-50 |
| (2) The Court of the University of Delhi. | |
| (3) The Employees' State Insurance Corporation. | |

The nominations for these Committees will be received in the Parliamentary Notice Office up to 12 NOON on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's room No. 21 in the Parliament House between the hours 10-30 A.M. and 1 P.M.

ROAD TRANSPORT CORPORATIONS BILL—contd.

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

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

Along with that there is an amendment by Shri B. K. P. Sinha moved by him on the last day, for re-committal of the Bill to Select Committee.

Shri Kamath (Madhya Pradesh): Before we proceed, Sir, to the other business, may I remind you that on the opening day of the session the

Prime Minister promised to allot a day for a debate on foreign affairs, and that he further promised that we would be given adequate notice of the same. It is already more than two weeks since the House met and there is only another two weeks to go, but we have not been informed when that debate will be held. I would request you to take steps in the matter so that we might be given adequate notice of the debate which is a very important one considering the happenings all around.

Mr. Speaker: I think the Prime Minister said that a day will be set apart or some time given and that it will be given a little later. That is what he said—that is my impression about it. In any case, I am sure the hon. Members will get sufficient notice of the day when it is fixed.

We will now come to the motion before us. Shri Sivan Pillay.

Shri Sivan Pillay (Travancore-Cochin): Sir, I was really amused to hear the hon. Minister of State for Transport develop his thesis that the Parliament is not a superior body to State Legislatures as some people thought, and that as for the Constitution, in respect of matters falling within the State List the State Legislatures had complete freedom to make their own laws. He also said that since road transport was a State subject, the States can make their own arrangements for running them on proper lines, and said that this measure was an enabling one for that purpose. The last part of the Statement of Objects and Reasons reads:

"In order to remove the above-mentioned legal flaw, it is proposed to replace the existing Act, by a Comprehensive Act, enabling such of the Provincial Governments, who may so desire, to set up transport corporations, with the object of providing efficient, adequate, economical and properly co-ordinated system of road transport services."

But, Sir, one who goes through the present Bill will find that the very thesis that the Minister of State propounded has been falsified by the provisions of the Bill themselves. It is said that since incorporation of trading corporations is a Central subject, the States have to be enabled to form corporations by this Bill. But on a thorough study of the Bill it will be seen that instead of being an enabling Bill the Bill rather dictates to the States. It seems as if the Centre has no confidence in the State Governments in so far as at every stage the

Central Government seeks to sit tightly over the autonomy of the States with respect to the business of these corporations. Either the State Government has to submit various reports in regard to certain matters periodically, or it has to do things with the concurrence of the Central Government, or in consultation with the Central Government or with its previous approval. Clause 5 of the Bill says that the State Government shall provide for the representation of the Central Government. That means, Sir, that no State can have a corporation for its own road transport without the Central Government in it. I do not understand why this should be so when road transport is said to be a State subject. It seems as if the Government believes in spoon-feeding the States for eternity. I can understand the Central Government having a hand in the control of these Corporations when a portion of the capital is supplied by it, but wherever the State Governments can run the Corporations without monetary help from the Centre, they should be left free to do so. In such cases, the policy of sitting tight over the State's autonomy should be dispensed with. From the clauses of the Bill, it would seem that for the removal of a member nominated by the Central Government, the concurrence of the Central Government is necessary according to clause 8.

The Minister of State for Transport and Railways (Shri K. Santhanam): May I just point out that it is only for the member appointed by the Central Government. For all the others, the State Governments have got the power.

Shri Sivan Pillay: Clause 5 provides that the State Government shall provide rules for the Central Government to be represented, but what I say is: should not the State Governments have freedom, if they so wish, to have a Corporation by themselves without the Central Government in it? If perhaps the State Government requires monetary help from the Centre and shares are taken by the Centre in the Corporation, the Central Government has got a right to be represented; otherwise, State Governments should be given freedom to have their own Corporations in their own way, taking the shareholders of companies which they have absorbed and also their own Government representatives. On the other hand, the Central Government seeks throughout this Bill to interfere with or impede the formation of Corporations in the States. The terms and conditions of the Corporation shall be determined with the previous approval of the Central Government, according to clause 22. The proportion of shares between various interests in

[Shri Sivan Pillay]

the Corporation can be determined only in consultation with the Central Government. For borrowing capital, previous approval of the Central Government is required, according to clause 25. The rate of interest and dividend can only be decided in consultation with the Central Government, according to clause 27. Then for disposal of profits, accounts and audit, power to order enquiries, power to contract part of the undertaking, power to supersede the Corporation, for liquidation—for everything, the previous approval of the Central Government has to be obtained. Therefore, it seems to me that this legislation is not really an enabling legislation but a piece of Central legislation for interfering with and impeding the transport systems of the States through red-tapism. Therefore, my contention is that the Bill, as it stands, discourages the formation of Corporations in the States. It should be made into a really enabling legislation rather than the type of legislation that it is.

Then, Sir, by the financial integration of the States with the Centre, already much of the revenues that used to go to the States has been cut down, and it is a matter of common knowledge that the motor industry is a large contributor to the general revenues of the States. I have the honour to represent a State which has taken over road transport and has been running it for the last twelve years. Speaking for that State, I may say that it is running the service comparatively efficiently, and this road transport affords a substantial portion of the revenue of the State. According to clause 29 of this Bill, the revenues obtained from the Road Transport Corporation should first be applied to a certain Fund and then the remaining portion should go for road development in the State concerned. What I want to submit is that, when there is clause 28 wherein a Fund can be provided, particularly for road development, the profits from such Road Corporations should be allotted for these Funds including the Road Development Fund and then there should be a balance which would go to the revenues of the State completely. This revenue should not be completely cut out to the States. With these few words, I really support the Bill, but to the extent to which it impedes or rather interferes with the States, the hon. Minister of State will be well advised to reconsider the matter and amend the Bill accordingly.

12 Noon

Shri M. C. Shah (Bombay): I rise to support the motion moved by the hon. Minister of State for Transport

and Railways, I welcome this Bill, as it will enable the State Governments to nationalise the road transport services. I believe that this House, barring somebody here and there, is almost unanimous that all public utility services should be nationalised, and in this category falls the road transport service. We know that in order to offer advantages to the public, trade and industry, road transport services should be nationalised as early as possible. When we accept the principle of nationalising public utility services in this country, we should first nationalise the road transport service. Up till now, the State Governments had powers to run their own bus services but in order to facilitate the work and in order to give the public efficient, economical and if I may say so, cheap bus service, they must be given powers to constitute Road Transport Corporations, so that under those Corporations they can run the bus service in a businesslike way and they may afford amenities to the general public by giving facilities, by giving regular bus service and by giving efficient bus service. Therefore, it is absolutely essential that we should pass this Bill as early as possible.

Sir, I know that there is a feeling in this House in certain quarters that we are depriving the private owners of their livelihood and we are encroaching upon the field of private enterprise. I have some experience in this bus service matter for several years, and I may say that the Ahmedabad Municipal Corporation was the first to municipalise the bus service, and I had the good luck of managing the bus service. I was the head of the administration for over two years. Having thus had experience of private enterprise in the previous years and having had the experience of this municipal bus service, I can say that much progress has been made not only with regard to the amenities offered to the public, but there is regularity of bus service and improvement even with regard to the welfare of the employees. The employees, about whom there is much concern shown in this House, are better off than they were during the private enterprise period. We all know that the eyes of a private owner are towards the profits, and when the State takes over the bus service, or the Municipality takes over the bus service, the eyes of the State or the Municipality are always towards affording more facilities and more amenities to the public and at the same time more facilities for the welfare of the employees.

As a matter of fact, Sir, after the bus services were taken over the lot of these people has very much improved.

As regards the point about compensation and depriving many people of their means of livelihood, I may point out, Sir, that there is no vested interest created in the bus service: there is no monopoly granted. If we refer to sections 47 and 58 of the Motor Vehicles Act, we will find that the Motor Vehicles Act empowers a Transport Authority to grant permits only for a minimum period of three years and for a maximum period of five years. As we all know the life of a bus is considered to be four to five years: so that section was advisedly put in the Motor Vehicles Act of 1939. The maximum period of a licence is for five years and under section 47 it is not obligatory that that licence should be renewed. If a bus owner takes a permit for one or two buses and that permit is issued for five years, he can make profit for those five years and at the same time he can liquidate his assets also at the end of five years without incurring any loss.

Section 47 provides that there are so many factors that should be taken into consideration before a permit is renewed. There is a specific provision there that the renewing authority has to look whether the applicant is going to offer better service to the public, more amenities to the public, whether he will run the buses to schedule, whether he will look after the interests of the employees, etc. After considering all these things they have to renew the licence. In section 58 there is a provision that other things being equal, preference shall be given to the old operator. But that does not mean that a monopoly is created. If we are going to concede a monopoly, then what will be the position? We can never have nationalisation of the road transport service. It will mean that we will have to give them lakhs and lakhs, or even crores and crores of rupees towards capitalisation of the profits. What is urged here is that they may be given compensation. But what compensation? I know, Sir, that whenever a bus service is taken over by a Corporation or by the State, the existing operators are given an alternative to hand over all the buses and all the assets at a price to be fixed by mutual agreement or by arbitration. In Ahmedabad, I have got that experience. We gave them an offer that we were prepared to take over all the buses and all the assets at a price to be fixed by mutual agreement, failing that by arbitration. They refused. They always tried to baffle the administration. They went to the court of law. We also said that we would take over all the employees and all the employees were taken over. They were

given good grades and they are more than satisfied today.

Even in Bombay province I know that whenever a transport service was nationalised an offer was made that all the buses and assets, all the conductors, checkers and drivers would be taken over. So I am not in a position to understand the mathematics of my hon. friend Mr. Gupta when he said that 33,000 men will be thrown out of their jobs and deprived of their livelihood. The Bombay Government is running about 1,500 buses and they are putting many new buses on new routes. All the conductors, all the drivers, all the checkers and all the inspectors, who wanted to come into the service of the Bombay State Transport Corporation were immediately taken over. So, it is not fair to say that no compensation was offered and many people were deprived of their livelihood. A few operators may have lost their profession. But as I have already said sections 47 and 58 of the Motor Vehicles Act do not envisage the creation of vested interests and there was no intention on the part of the Legislature when they enacted the Motor Vehicles Act of 1939 to create a monopoly. So, Sir, the question of compensation should not come in the way of our passing this Bill.

Shri Deshbandhu Gupta (Delhi): May I interrupt the hon. Member to enquire whether, when he says that compensation was paid and people are not unemployed, he refers to Ahmedabad, or Gujerat or the whole of the Bombay Presidency?

Shri M. C. Shah: I am talking of the whole of the Bombay Presidency. I may tell the House, Sir, that when the Road Transport Corporation was constituted, I was offered the Chairmanship of the Corporation. But I preferred to come here and another non-official member, an ex-member of the Legislature has been appointed as non-official Chairman of the Road Transport Corporation. I know from talks with him that all the drivers, and conductors are given preference to come over to the State service if they want to. If they do not want to, they cannot force them. In the case of the Ahmedabad Municipal Committee, we have taken over all the drivers and conductors on a revised grade. As a matter of fact I may tell you that they were paid Rs. 50 only per month and a dearness allowance of Rs. 20-22. We have given them a grade of Rs. 65-110 plus Rs. 35 to 40 as dearness allowance, with the result that they are far better off than when they were in private service.

[Shri M. C. Shah]

Another fact is that the buses are run in an economical way. In Ahmedabad we took over the bus service on the 1st April 1947 and in these last four years we have spent about Rs. 25 lakhs on buses and have put in about Rs. 27 lakhs in the depreciation fund. The buses are run to schedule. If the time is given as 5.25, it will run exactly at 5.25. As a matter of fact the general public is completely satisfied. It has offered a good sum to the municipal finances. In the case of the Bombay State Transport Corporation, they make about 10 per cent. profit on the capital invested. They have invested about Rs. 4 crores; about Rs. 1 crore and 33 lakhs were given by the Central Government; on the whole about Rs. 5 crores 33 lakhs have been sunk in the State Road Transport Corporation. Formerly they were running about 800 to 900 buses; today they are running about 1,500 buses. They expect to run about 3,000 buses in a year or two. In spite of the difficulties of getting buses they approach the remotest corners of the world, to get new buses.

We all know that we have got only about 30,000 miles of railways which in the nature of things cannot serve every village of this vast country. It is only by co-ordinating the rail-road system that we can afford cheap and efficient transport to the public and thus promote trade and industry. Only by starting road transport corporations owned by the States can we provide all the facilities and amenities to the remotest villages in the country.

It is not possible for private enterprise to invest so much as five crores or so. Perhaps they will require eight crores in the Bombay Road Transport Corporation. They have already formulated plans for housing the employees of the State Road Transport Corporation and they have to invest about eight crores. That means about three crores more on the Road Transport Corporation. In spite of that, that is, giving all the facilities and amenities for the welfare of the employees, they are going to make a profit of ten per cent. on the capital invested. I know that. They expect to make a profit of Rs. 50 lakhs this year; so that they will be able to give interest, make provision for the depreciation fund and everything, and then there will be a good sum left with the Road Transport Corporation which will go towards the development of the roads.

As you all know, the condition of the roads in the country is very bad. In our part, that is in Bombay, in certain parts of the Province, the roads are very very bad, and I am sure the

State Government with their crippled finances will not be able to maintain those roads in a very good manner. From these profits of the Road Transport service it will be very easy for the State to maintain those roads and thereby give amenities to the rural population. So I think that in the interests of the public, and particularly in the interests of the rural public, it is absolutely necessary that State Road Transport Corporations should be constituted; and they should be encouraged.

It is said that the Centre must make certain rules for certain things. So they want to make it very hard for the States to have these Road Transport Corporations. The Centre cannot force the States to undertake those projects which are uneconomic and which may mean a loss to them. It must be left to the State Governments to see that they run these undertakings in an efficient and economic way, and we must encourage them to have all these things.

This Bill as it has emerged from the Select Committee is quite all right. I do not agree with the suggestion made by my hon. friend Mr. Gupta that in clause 39 the words "subject to rules made under this Act" should be deleted. I do not think it is necessary to delete those words. I am entirely in favour of retaining them. He also wanted the deletion of items (g) and (h) in clause 44. I think that those words are also absolutely necessary. Suppose an undertaking is taken and suppose a permit has been given for five or three years and the permit-holder has run his bus for a year or two. Then two years still remain. He will certainly get compensation under clause 39. But if the five or three years have expired he has no right to ask for a renewal of service when there is a better service offered by the State or the State Road Transport Corporation. There is no misuse of the Motor Vehicles Act such as has been suggested, because the Motor Vehicles Act makes it specifically clear that the permits are to be given only for the minimum period of three and the maximum period of five years. If an undertaking is taken away in the meanwhile, the permit-holders are certainly entitled to compensation. They must be given compensation and they will be given compensation under clause 39. But they cannot be given compensation of capitalisation of profits. That will mean huge sums without their doing anything and investing anything and getting fattened on the revenues of the general public. I do not think we can advocate such a course. The State Road Transport

Corporations must certainly take over all the assets at a price to be mutually agreed upon, and, if not mutually agreed upon, by an arbitration method which is there in clause 39. So I think there ought not to be any change in clause 39, nor in clause 44.

I submit therefore that the Bill as reported by the Select Committee should be adopted by the House and the States must be given an encouragement to have the State Road Transport Corporations constituted as early as possible. Today in the whole of India there is only one State, that is Bombay, which has formed a Road Transport Corporation. It was then said there that the High Court gave a judgment against the Bombay State. It was not on the merits; it was on the question of law, whether delegation of legislation was there in the Road Transport Corporation Act of 1948. It was not there. Even the Bombay Government were from the beginning very apprehensive about that. They also were apprehensive whether they had got any delegated legislative power under that Act. They were doubtful. Still they went on in order to give amenities, to give transport service to the remotest villages. The Bombay High Court has decided that they had no delegation of legislation, and that was the only reason why the High Court gave the judgment against the Bombay Government. It was not on any other aspect—not compensation or anything of the sort.

So I submit that the States must be encouraged to have these Road Transport Corporations. As a matter of fact we must see that by these Corporations facilities are made available not only for the transport of passengers but for the carriage of goods also, for trade and industry, so that products can be taken to the nearest centre. If we cannot take them by rail let us take them by motor transport service. The same thing applies to distribution too. If we have a co-ordinated system of rail-road transport we will be helping the people, particularly the rural people. In order to give all these amenities to the rural people I strongly urge that we should pass the Road Transport Corporation Bill as it has been reported by the Select Committee without any change whatsoever in the Bill. I submit that the House may take this motion into consideration and pass this Bill as it has emerged from the Select Committee.

Shri R. K. Chaudhuri (Assam): My hon. friend the mover of this Bill has incorporated in this Bill certain principles. One outstanding principle

which one has to remember in applying the principle of nationalisation is whether Government should nationalise those industries and those undertakings which have been smoothly carried on by private enterprise; secondly, whether the Government, or any State Government for the matter of that, should be allowed to nationalise any industry for the gain of the State itself. My hon. friend has said in the course of his speech the other day that some States are in a bad state of finance and therefore this principle of nationalisation ought to be adopted in order to enrich those States.

Sir, in my humble opinion the principle of nationalizing the industry ought to be proceeded with very cautiously and the Government should only step in in those cases where private enterprises have not been able to satisfy the public. In taking that consideration in view, I submit, Sir, that Government ought to come forward and devote their entire energy for a scheme of hydro-electricity. In my State of Assam, there is ample scope for introducing hydro-electricity and we could have electrified almost all the rural areas of that province, if we had only taken care to make a good scheme and pursue it. The American troops during a very short term of their stay in Assam had taken recourse to hydro-electricity in some of the outlying places. Even now a hydro-electric plant which was left behind by them in the Naga Hills is being operated by the authorities themselves. For the greater interest of this country, I should have imagined that the Government instead of wasting their energies over undertakings which are being carried successfully by private enterprise, should bestow their attention to more important schemes of nationalization.

My hon. friend, the mover of this Bill, I am constrained to say, had presented to the House a very poor case and I am glad also that even the tardy advocacy of my hon. friend the Deputy-Speaker has not been able to improve matters. I hope, you still remember that when a lawyer has a bad case, he tries to make it up by abusing his opponent. (*An Hon. Member:* Not necessarily.) My hon. friend has taken to that recourse by pronouncing that all the vehicles which were run by private parties are practically ramshackle vehicles. I would like him to say how the private vehicles were brought to the condition of being called "ramshackle". The Motor Vehicles Act says that the term of a permit ought to be three years and even that in my humble opinion is a very limited term. A good bus nowa-

[Shri R. K. Chaudhuri] days would nearly cost Rs. 20,000 and is it possible for any enterprise to recover the capital within a period of three years? Therefore the private operators who have a limited period at their disposal to raise the money which they have invested in their vehicles have sometimes to carry on by merely repairing their old vehicles. Now the position has been rendered far worse by entire disregard of the principles laid down in the Motor Vehicles Act. The term of the permit should be for three years and any period less than three years should be computed as three years. In recent times the permits issued have been limited to 3 or 4 months and they are not automatically renewed in very many cases. This is against law and still this is being done. A party who has got a permit only for a period of three months cannot be expected to invest large sums of money in purchasing a new vehicle, unless he is assured of a renewal. This condition of being called "Ramshackle" in the case of a vehicle has been brought about by the very action of the Government and it was only adding insult to injury when the hon. Minister chose to dub these vehicles as ramshackle vehicles.

Sir, my hon. friend, the Deputy-Speaker was referring to certain disadvantages which a rider of a private bus sometimes experiences. I am afraid his information is very much out of date. If I remember aright the hon. the Deputy-Speaker goes about in this town in beautiful limousines and private cars and he is not to bother about the present condition of buses nowadays. He moves about in air and does not surely know what actually is the condition of the buses of the private operators nowadays. The circumstances about which he was referring must have been present about 10 or 11 years ago, when the present Motor Vehicles Act was not in force. Under the present Motor Vehicles Act, no permit is allowed to be operated upon unless the vehicle is kept in a tip-top condition. Before a vehicle is put on the road, it has to be examined by a vehicle examiner and unless he gives a certificate, that vehicle will not be put on the road. If any driver while he is travelling on the road is found at any time without the necessary equipment, he will be prosecuted. If he does not carry the extra tyre with him, he cannot ply the vehicle on the road. If my hon. friend thinks that these things have been permitted to go on because these officials are not free from corruption, then I would ask him whether he could trust these very officers to carry on the business of motor transport themselves. He cannot expect that when he does not

possess a sufficient number of honest men to check the motor vehicles which are now going on the road. Is he going to produce or is he going to import a batch of honest people from outside, who will be able to carry on this new business free from corruption?

Then, Sir, another question of principle which comes for consideration is whether the Government should try to stultify the judgment of a court of law. We have heard in the course of this debate that certain provisions of this Motor Vehicles Act were found to be illegal and *ultra vires* by the High Court.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Sir, instead of carrying out the decision of the High Court, the Government has taken recourse to subterfuges; they have not carried out the decision of the High Court; they have preferred appeals and they are trying to forge out new laws so as to defeat the decision of the High Court itself. I ask, is that a position which a respectable and responsible Government ought to take? The other day the hon. the Prime Minister said that if moral principles are not strongly upheld by a nation or even by a Government, then that nation is doomed. I would ask whether this noble pronouncement of the Prime Minister has been kept in mind by the Government which is trying to nullify the decision of a High Court, by taking recourse to various devices in order to make the decision a nullity.

Shri B. Das (Orissa): The High Court may be wrong.

Shri R. K. Chaudhuri: The High Court is wrong and the Ministry is right, that may be so but the judicial decision has to be carried out by the executive Government and if it is not so carried out, that Government is not worth being called a Government at all.

Sir, I am really disappointed to find in the Bill which has come out from the Select Committee that the expression in clause 3 in the Bill, which, if I remember aright, said that the business should be carried on as economically as possible, has been deleted. What is the effect of this deletion? The effect of this deletion is that the Corporation may invest any amount it likes, may spend any amount as it likes, in order to make their business attractive. I know what has happened in my own province. A private limited company was carrying on motor transport service quite satisfactorily bet-

ween Pandu and Shillong. There was no complaint from any quarter, from the public or from the Government that they had failed to carry on their business properly. Still, Government thought it fit to nationalise that route and have introduced their own vehicles. What was the immediate result? The immediate result was, that the third-class fare—I am not speaking on the fares of the other classes which have been raised proportionately in a lesser degree—which was Rs. 2-4-0 has been raised to Rs. 3, whereas the First class fare which was Rs. 17 has been raised only by one rupee. What is more, the return tickets system which was formerly allowed by the private company has been stopped by Government. Are the public going to be benefited by this? Is it necessary or proper for Government to nationalise a business which is carried on properly, in order to get additional income? And now on account of the expenditure which they have to incur, they find it uneconomical, for which reason, they generally raise fares and freight?

Shri B. Das: Did you ask your Government about it?

Shri R. K. Chaudhuri: I am not to take any explanation from any one. I am telling you that this is the result of nationalisation. This result will follow in other provinces also. Therefore, my advice to the Government would be not to fritter away their energies by nationalising such small concerns which can be very easily taken care of by private enterprise. My hon. friend from Bombay, who was speaking just before me, was referring to the great advantages and also the profits they were making in the motor transport business. I say it is yet too early to come to such a conclusion. You must wait for the night to brace the fair day. It is all very well now to speak of profits and efficient running. You have only recently purchased your vehicles. The time has not yet come.

Shri M. C. Shah: They have been run for four years.

Shri R. K. Chaudhuri: In Bombay, it may be so. I do not know the conditions in Bombay. You might easily earn a good profit because you are being placed in a certain advantageous position. The first thing is, you are getting a monopoly; then, you are not paying the transport licence fee which any private enterprise has to pay; thirdly,—I am not quite sure about it—you have not got to pay any Income-tax. If you add the income that the Government derives from the licence fees, which in the case of one vehicle,

for 63 miles in my State, comes to Rs. 4,000 a year, and the Income-tax, I submit, in the end, it may be found that the Government has not earned much of a profit.

Shri M. C. Shah: We have to pay this licence fee and Income-tax.

Shri R. K. Chaudhuri: You can just imagine the wastage which takes place in all undertakings which are nationalised. The driver cannot repair on the road even a tyre that gets punctured; even for a small adjustment, the vehicle is left on the road and it has to go to the workshops for repairs. How frequently and how unnecessarily these spare parts are changed in the vehicles run by the Government, can only be known to those who are actually in this business. In the case of private enterprise, it takes all possible steps to prevent wastage so that it may earn a profit. I warn those who are laying great hopes on making a profit for their States by nationalising this motor transport business. They may have to rue the day in the end. The time has not yet come to congratulate ourselves in respect of this matter.

So far as nationalisation is concerned, nobody can raise any serious objection. This House is somewhat committed to the principle of nationalisation. As our revered friend the hon. Sardar Patel has said, nationalisation is good; but it takes time. It has to be carefully considered before any scheme of nationalisation is put into action. If you do not take all the different aspects of nationalisation into consideration, we may have to regret in the end, and nationalisation, as hon. Sardar Patel has said, may eventually mean a liquidation of the resources of Government. Since you have made up your mind to have this Corporation, you can have it if you like. But, please take into consideration the fate of those people whose places you are going to take and whom you are going to turn out. My hon. friend from Bombay, who spoke before me, has said that every employee was given preference and was taken into service. If that is so, what stands in the way of the hon. Minister putting in a clause to say that in every case, preference will be given to the existing employees.

Shri M. C. Shah: It is there.

Shri R. K. Chaudhuri: If the existing employees are not entirely to be thrown out of their jobs, there should be compensation to those who may be thrown out for the great wrong which is going to be done to them. If I heard my hon. friend the Minister correctly, he said, that they were not going to accept that position because the previ-

[Shri R. K. Chaudhuri]

ous operators have put into the business their sons and sons-in-laws and we cannot take sons and sons-in-laws. Sir, sons and sons-in-laws are not to be neglected in my view. Sons and sons-in-law are not neglected either by my hon. friend the Minister or by the Government or by anyone else. I may also say that in the case of private persons, whenever they put in sons and sons-in-law in their businesses, they do so after due care and caution, and if they find that the business is suffering on account of these sons or sons-in-law, they can remove them from the business far more easily than the Government can hope to. Therefore, the suggestion that I make to the Minister in all humility is that there should be a clear provision in the Bill itself that preference should in each case be given to the existing employees, unless it be that in a particular case the person concerned is found to be thoroughly unfit for the job.

Then, Sir, I wanted to remind the Minister of the suggestion which he was making in the course of his speech, that he will take steps soon to amend the Motor Vehicles Act so that every undertaking could be acquired. I would like to ask him, even after that provision has been enacted into law, what would be the position of those who have been now turned out of the field? Will these permit-holders to whom permits have been refused now on account of nationalisation or on account of the introduction of the Transport Corporations Act be entitled in future for any compensation, or will those persons who were immediately before operating, just before the amendment of the Motor Vehicles Act, will they be entitled to any compensation not only for the price of their vehicles, but also for the loss of their good will and their business? This may also be made clear.

I was also wondering as to why, when the Government was thinking of these corporations for transport work, when they were thinking of this compulsory method of pushing out rivals and becoming the sole monopolists by virtue of this law, they did not think for a moment of co-operative organisations for running this business? Why could they not introduce co-operative motor transport concerns? Why could not the existing transporters be called upon to form into co-operative societies and the entire business to be run by these societies, and the Government would in that case have a greater and better control on the whole business? The House will remember that two years ago there was a proposal in this House that the textile business should

be run on co-operative basis, by co-operative societies. And actually textile permits for some time at least were granted to those who were carrying on the business in a co-operative way. I submit that it is far easier to run transport business on a co-operative system than a textile business. Before the Government thinks of taking this drastic action, they must try to introduce the co-operative system so far as the running of motor vehicles is concerned.

Sir, I have only one more thing to add and it is this. There is no provision in this Bill for the making of rules by the Central Government itself. That being so, I fail to see how justice can be expected to be done when the whole question of compensation is left to the mercy of the person or the State which has got to pay the compensation? Any State Government which wants to take up this business will have to pay compensation. That is the direction in the law itself, and if they have to give the compensation, they cannot be expected to give reasonable and fair compensation. So I would suggest that certain model rules should be framed by the Government at the Centre and the States should be asked to follow them as far as is consistent with the conditions prevailing in the particular State itself.

I would also respectfully submit, Sir, that the question whether this Bill has not infringed the Constitution, in not having provided in the Bill itself for the payment of compensation, is one of a point of order, and that question is not to be decided by a vote of this House. That has to be decided by the Speaker, whether this Bill is *ultra vires* or not by reason of the fact that here is a clear infringement of the Constitution in so far as this Bill leaves it free to the State or to the Government at the Centre to acquire any undertaking, to acquire any number of vehicles, without paying any compensation at all. That, I submit, Sir, is a point which should be decided by the hon. Speaker or the Chair, and it should not be left to the vote of this House. I say this because you cannot decide legal questions by votes. You have to do it on their own merits and the constitutional question which has been raised by Mr. Sinha I submit, should be decided by the Chair.

Sir, I have done.

STATEMENT BY PRIME MINISTER
RE. HIS SPEECH AT JAMSHED-
PUR.

The Prime Minister (Shri Jawaharlal Nehru): I am grateful to you, Sir,

for this opportunity, and I apologise to the House for intervening in the middle of a debate.

A little over an hour I reached Delhi, getting back here from Jamshedpur. And I was greatly surprised to see the newspapers here and the big headlines in those newspapers in regard to what I am reported to have said last evening at Jamshedpur at a public meeting. Well, that report is in parts completely incorrect, and indeed it would have been exceedingly wrong if I am to make any such statement when the House is sitting, at a public meeting at Jamshedpur. What I stated there was simply this, and I think I briefly referred to it in a minute or two in the course of an hour's speech, that Bihar in common with others, and more so Bihar than India as a whole, must necessarily be greatly interested over the developments in Nepal. We were naturally very much interested in them. Nepal was an independent country, and Nepal, so far as we were concerned, must continue to be independent, and we have no desire to interfere. Nevertheless our relations were intimate and we cannot get away from the facts of geography as well as other facts, and we were greatly interested. We were giving a good deal of thought to this matter, and for a long time past, naturally, we had been interested in the desirability of reforms in Nepal; and the questions raised now are being considered by us. They are deep questions and raise international issues as well as national issues, and when the matter has been decided by Government, naturally a statement will be made. When the papers say that I said something about recognition or non-recognition, it is completely incorrect.

One thing more I may inform the House. Today two representatives of the Prime Minister of Nepal are coming to Delhi for consultations with us, and presumably after their arrival, there will be talks with them about the situation in Nepal and we shall discuss it frankly amongst ourselves.

I must express my regret to the House that any such statement should have appeared in the Press. I do not think it is my fault, but unfortunately this must naturally have caused some pain to Members of the House that I should have made such a statement in such a way. There is one difficulty that some of us sometimes have to face—at any rate, certainly I have to. I speak, naturally, in Hindi and the reporters often do not know Hindi. They may be very good reporters but do not understand Hindi properly. So they guess here or hear a word there

and make it up for themselves and if they think that it is possibly a matter of great interest to the public, immediately they give prominence to what they have themselves pieced together with added words, having heard a few.

Shri Kamath (Madhya Pradesh): May I remind the hon. Leader of the House about the promise that he made on the opening day of the Session regarding the allotment of a day for a debate on foreign affairs in this House? May I ask him whether he has considered this matter and whether a day will be allotted this week or next week or when it will be?

Shri Jawaharlal Nehru: I remember my promise very well and even apart from the promise it is but right and fitting that the House should consider the question of foreign affairs. But when I made that promise I thought I had hinted the fact that it would be desirable to have such a debate not immediately but a little later. I shall give full notice to the House: I will not suddenly announce a date to the House without previous notice.

ROAD TRANSPORT CORPORATIONS BILL—contd.

श्री ऐस० ऐन० बास : सभापति जी, रोड्स ट्रान्स्पॉर्ट कार्पोरेशन्स बिल (Roads Transport Corporations Bill) जिस पर सभा में वादविवाद हो रहा है जिस के सिद्धान्त पर यह कहा जा रहा है कि ऐसे व्यवसायों का राष्ट्रीयकरण करना आज की स्थिति में जनता के लाभ के लिये नहीं है और जो व्यवसाय आज व्यक्तिगत ढंग से या पब्लिक कम्पनी बना कर चलाये जा रहे हैं वे राष्ट्रीयकरण किये हुये व्यवसाय से कहीं अच्छे हैं। मेरा ख्याल है कि हिन्दुस्तान की आज की अवस्था में जो भी व्यवसाय है ज्यादातर व्यक्तिगत ढंग से और व्यक्तिगत पूँजी से ही चलाये जाते हैं। इस के सम्झने में किसी को कठिनाई नहीं होगी कि व्यक्तिगत रूप से चलाये जाने वाले व्यवसाय या कम्पनी के द्वारा चलाये जाने वाले व्यवसाय नफ़े के लिये ही किये जाते हैं। जिस समय कोई व्यक्ति या कोई कम्पनी कोई कारोबार शुरू करती है उस समय उस के सामने यह

[श्री एस० ऐन० दास]

ख्याल नहीं रहता है कि वह समाज की भलाई के लिये या उस व्यवसाय में भाग लेने वाले लोगों के हित के लिये है। बल्कि वे उन्हें व्यक्तिगत नफ़ा, सुख और सुविधा के लिये करते हैं। जहाँ तक आज कल के व्यवसाय का ताल्लुक है उनमें लोगों की नफ़े की ही प्रवृत्ति प्रधान होती है और वे नफ़े के लिये ही व्यवसाय करते हैं। उनका ख्याल यह रहता है कि ज्यादा से ज्यादा नफ़ा वे अपनी पूँजी से उठावें। इस सम्बन्ध में यह आसानी से समझा जा सकता है कि आज की हिन्दुस्तान की बदली हुई परिस्थिति में, जब हम चाहते हैं कि हिन्दुस्तान के अन्दर हर एक व्यक्ति को समान अधिकार मिले और समाज के काम के जितने व्यवसाय हैं, जितने पब्लिक यूटिलिटी (Public utility) के काम हैं उन में जनता के प्रतिनिधियों का या सरकार के प्रतिनिधियों का हाथ हो—ऐसे समय में बराबर व्यक्तिगत व्यवसाय पर जोर देना, मैं समझता हूँ, कि हमने जो विधान बनाया है—उस विधान के ही खिलाफ़ जाता है। इस लिये जहाँ तक इस बिल का ताल्लुक है मैं समझता हूँ कि यह बिल ठीक समय पर आया है। मेरा तो ख्याल है कि इस से पहले ही उसको आना चाहिये था।

जहाँ तक ट्रान्सपोर्ट का सवाल है उस का मैं केवल यात्रियों से ताल्लुक हूँ, वरन् देश के प्रत्येक व्यवसाय, देश के उद्योग धन्धे और देश के व्यापार सब से उसका ताल्लुक है। इस व्यवसाय का अगर केवल व्यक्तियों से ताल्लुक होता तो कोई इतनी बड़ी बात न होती, यद्यपि यह भी बहुत बड़ी चीज़ है लेकिन देश की आर्थिक अवस्था में जो आज कल उद्योग और व्यवसाय या दूसरे-दूसरे धन्धे चलते हैं, या ट्रान्सपोर्ट के जो दूसरे तरीके हैं उन सब के ख्याल से यह जरूरी है कि आज यह व्यवसाय व्यक्तिगत या कम्पनी के हाथों में न छोड़ उसका

राष्ट्रीयकरण किया जाये, समाजीकरण किया जाये। यह बात सही है कि देश की आज की स्थिति में हम यकायक सभी उद्योग धन्धों, सभी व्यवसायों का राष्ट्रीयकरण नहीं कर सकते हैं। यद्यपि हमारा सिद्धान्त वही है, और हम उसी गन्तव्य स्थान पर जाना चाहते हैं जहाँ हमें जाना चाहिये और जहाँ पर जाने के लिये हम ने अपना विधान तैयार किया है और सरकार ने उस के अनुसार काम करने की लम्बी योजना बनायी है। इस लिये मेरा ख्याल है कि यह ट्रान्सपोर्ट का व्यवसाय जो आज कल प्राइवेट कारबार के रूप में चल रहा है, व्यक्तिगत लोगों के हाथों में न छोड़ कर इस का राष्ट्रीयकरण किया जाये। अथवा जैसा कि एक माननीय सदस्य ने कहा है कि जितने लोग आज व्यवसाय में लगे हुए हैं उन को कोओपरेटिव कारपोरेशन (Co-operative Corporation) बना कर उन व्यवसायों को चलाया जाये। मेरा ख्याल है कि यह एक ऐसा प्रश्न है जिस पर विचार किया जा सकता है। लेकिन साथ ही जहाँ तक यात्रियों के आने जाने का सवाल है या ऐसे व्यवसाय और उद्योग धन्धे जिनका यातायात से सम्बन्ध है, उन को मद्दे नज़र रखते हुए मैं समझता हूँ कि आज के समय में यह आवश्यक है कि उसे व्यक्तिगत लोगों के हाथ में, चाहे वह कोओपरेटिव ढंग से ही क्यों न किया जाये, न छोड़ कर उस का समाजीकरण करना चाहिये। इस लिये माननीय मन्त्री ने जो यह बिल पेश किया है उस के सम्बन्ध में उसका समर्थन करते हुए दो चार बातें पेश करना चाहता हूँ।

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

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

[MR. SPEAKER in the Chair.]

श्री एस० ऐन० दास : अध्यक्ष महोदय, पूर्वाह्न में मैं रोड ट्रान्सपोर्ट कारपोरेशन

के सम्बन्ध में राष्ट्रीयकरण को लेकर कई माननीय सदस्यों ने जो विरोध किया था, उसके विषय में कह रहा था। मैं कहता हूँ कि किसी भी दृष्टि से देखा जाय—चाहे जनता की भलाई की दृष्टि से, या यात्रियों की सुविधा व आराम की दृष्टि से, अथवा व्यापार और व्यवसाय को अच्छे ढंग से चलाने की दृष्टि से, हर एक दृष्टि से आज की अवस्था में पब्लिक यूटिलिटी सर्विस को व्यक्ति के हाथ में या व्यक्तियों द्वारा कायम लिमिटेड कम्पनी के हाथ में रहने देना अच्छा नहीं है। जैसा कि मैं ने उस समय में कहा था, व्यवसाय को चलाने वाले जो व्यक्ति विशेष होते हैं या कम्पनियाँ होती हैं उनका मुख्य उद्देश्य नफ़ा कमाना रहता है। सर्वसाधारण की सुविधा और आराम की दृष्टि से व्यवसाय या उद्योगों का संचालन उनकी नज़र में गौण रहता है। इसलिये ऐसे व्यवसाय यदि व्यक्ति या कम्पनी के हाथ में छोड़ दिये जायें तो देश का हर तरह से अहित है। साथ ही यह भी ख्याल रखना चाहिये कि रोड ट्रान्सपोर्ट और ट्रान्सपोर्ट के जो दूसरे साधन हैं जैसे रेलवे इत्यादि, अगर एक साधन एक व्यक्ति विशेष या कम्पनी के हाथ में रहे और दूसरे का राष्ट्रीयकरण हो, जैसा कि रेलवे की हालत में है, तो मैं समझता हूँ कि दोनों का संचालन ठीक तरह से नहीं हो सकता। ऐसा होने से व्यक्ति विशेष और सरकार द्वारा संचालित यातायात के साधनों में आपस में प्रतियोगिता हो जायेगी, जिसका नतीजा यह होगा कि कोई भी ट्रान्सपोर्ट का व्यवसाय न सरकार के लिये लाभदायक होगा और मेरा जहाँ तक ख्याल है व्यक्ति और कम्पनी को भी नुक़सान उठाना पड़ेगा। साथ ही आज कल की हालत में जिस में हर तरह की स्पलाई की कमी होती है और जिस के कारण सरकार को नियंत्रण करना पड़ता है, जहाँ तक अन्न के मूवमेंट (movement) का

सवाल है, एक प्रान्त से दूसरे प्रान्त में लाने ले जाने का सवाल है, अगर इस तरह का यातायात का साधन सरकार के हाथ में रहेगा तो अन्न का आना जाना ठीक तरह से नियन्त्रित किया जा सकेगा, लेकिन व्यक्ति विशेष के हाथ में रहने से चाहे सरकार कितना भी इन्तिज़ाम करे, कितनी भी पुलिस और वाच एण्ड वार्ड (Watch and Ward) और दूसरे साधनों का उपयोग करे, अन्न का यातायात जनता के हित के विरुद्ध चला जाता है। और इसका नतीजा यह होता है कि उस जगह जहाँ अभाव नहीं होना चाहिये अभाव हो जाता है। इस दृष्टि से इस व्यवसाय का समाजीकरण बहुत ज़रूरी है और समाजीकरण हो जाना चाहिये। लेकिन जहाँ तक समाजीकरण का सवाल है इस बिल में यह राज्यों की सरकारों पर छोड़ा गया है। अगर वहाँ की जनता या जनता के प्रतिनिधि यह समझेंगे कि इस व्यवसाय को व्यक्ति विशेष के हाथ में या लिमिटेड कम्पनी के हाथ में छोड़ा जाये तो वह ऐसा कर सकते हैं, और अगर वह चाहेंगे कि इस व्यवसाय को को-ऑपरेटिव कारपोरेशन के जरिये चलाना चाहिये तो वह यह भी कर सकेंगे। इस बिल का मक़सद यही है कि अगर किसी राज्य की सरकार इस व्यवसाय को संगठित रूप से कारपोरेशन के तौर पर चलाना चाहे तो उस के लिये इस बिल में व्यवस्था की गई है। और मेरा ख्याल है कि आज की अवस्था में यह ज़रूरी है।

दूसरा विषय जो मैं माननीय मन्त्री के सामने रखना चाहूँगा वह यह है कि यद्यपि ऐसे कारपोरेशन—जिनका संगठन करने के लिये यह बिल उपस्थित किया गया है की नीति नाजायज़ नफ़ा कमाने की नहीं रहेगी जैसा कि व्यक्ति विशेष का या कम्पनी

[श्री एस० एन० दास]

की रहा करती है। तथापि यह कहना पड़ता है कि चाहे कोई सरकार हो या कोई दूसरा कारपोरेशन हो उसमें कुछ न कुछ नफ़े की प्रवृत्ति आ ही जाती है। नतीजा इसका यह होता है कि जो उस व्यवसाय में काम करने वाले हैं, जो उस व्यवसाय को शारीरिक रूप से मेहनत कर के चलाते हैं उनके आराम और सुविधा का ख्याल कम किया जाता है। देखा यह जाता है कि व्यवसाय में जो पूंजी लगाई गई है उस पर नफ़ा होता है या नहीं या रुपये का कम से कम सूद आता है या नहीं। उस समय कारपोरेशन में भी, चाहे वह राज्य के द्वारा चलाया जाये या आधा राज्य और आधा पब्लिक के द्वारा चलाया जाये, नफ़े का ख्याल आ ही जाता है। मैं माननीय मन्त्री से कहूंगा कि वहां के सेवकों के स्वार्थों की रक्षा के लिये यह जरूरी है कि कारपोरेशन के संगठन में कार्यकर्ताओं का प्रतिनिधित्व रहना चाहिये। जहां मेम्बरों की तादाद दस हो तो कम से कम दो प्रतिनिधि उन लोगों के रहने चाहियें जो उस व्यवसाय को शारीरिक रूप से, मेहनत कर के अपने परिश्रम से चलाते हैं। यदि उनके प्रतिनिधि उस में न रहेंगे तो इस बात का पूरा अन्देशा है और इस बात की पूरी आशंका है कि उन के स्वार्थों की रक्षा वह कारपोरेशन पूरे तौर पर नहीं कर सकेगा चाहे उस पर सरकार द्वारा ही नियंत्रण क्यों न किया जाये। इसलिये मेरा सुझाव है कि माननीय मन्त्री इस बात का ख्याल रखेंगे कि जहां उस कारपोरेशन में प्रान्तीय और केन्द्रीय सरकारों के प्रतिनिधि रहेंगे और यदि कारपोरेशन हिस्से बेचेगा तो हिस्सेदारों के प्रतिनिधि भी रहेंगे, उस जगह पर इस व्यवसाय को चलाने वाले कार्यकर्ताओं एवं व्यवसाय के लिये परिश्रम करने वाले लोगों के प्रतिनिधियों की भी गुंजाइश

होनी चाहिये। यह तो मानना पड़ेगा कि सिर्फ पूंजी से ही कारोबार नहीं चल सकता है। पूंजी जरूरी है लेकिन साथ ही साथ श्रम भी जरूरी है। और यह भी मानना पड़ेगा कि जो कारपोरेशन होगा उस में जो कार्यकर्ताओं की तरफ से नुमाइन्दे होंगे वे उनके हितों की ज्यादा रक्षा कर सकेंगे उन नुमाइन्दों से जिनको चाहे प्रान्तीय सरकार चुने या केन्द्रीय सरकार चुने। इसलिये मेरा सुझाव है कि इसमें संशोधन किया जाये कि कारपोरेशन में जो सदस्य रखे जायें उन में कम से कम एक, और अगर ज्यादा हो सके तो ज्यादा, सदस्य उन कार्यकर्ताओं का प्रतिनिधि रहना चाहिये जो उस व्यवसाय को चलाने वाले होंगे।

दूसरी बात जो मैं उनके सामने रखना चाहता हूं वह यह है कि इस बिल में एक धारा है जिस में कहा गया है कि जो पूंजी लगाई गई है या जो व्यवसाय का तरीका है उस व्यवसाय को चलाने में आमद और खर्च को देख कर और रिजर्व फण्ड वगैरह को हटा कर जो नफ़ा होगा उस के बारे में सरकार इस बात का ख्याल रखेगी कि यात्रियों की सुविधा के लिये, यात्रियों के आराम के लिये और जो काम करने वाले सेवक हैं उनकी सुविधा के लिये भी इन्तिजाम किया जायेगा। मैं समझता हूं कि उस धारा में भी यह बात निश्चित रूप से स्पष्ट कर देनी चाहिये कि जो नेट प्राफिट (net profit) हो उस में निश्चित प्रति शत नफ़ा यात्रियों की सुविधा के लिये और निश्चित प्रति शत नफ़ा नौकरों के आराम और उन की तरक्की के लिये रहना चाहिये। यदि आप इसमें ऐसा संशोधन नहीं करेंगे तो इस बात का पूरा अन्देशा रहेगा कि सरकार को जब रुपये की कमी होगी, सरकार जब बजट (Budget) बनायेगी, चाहे वह प्रान्तीय सरकार हो या केन्द्रीय

सरकार हो, तो वह दोनों मुहों को मिलाने के लिये इस बात की कोशिश करेगी कि खर्च कम किया जाये। नतीजा यह होगा कि जिनकी मेहनत से नफ़ा होता है उन की मेहनत का भाग सरकार ले लेगी। सरकार को इस बात का हक है कि उसे जब ज़रूरत हो तो वह जनता में से जिस के पास धन हो ले ले। लेकिन किसी खास व्यवसाय में जिन लोगों के परिश्रम से फ़ायदा होता है उस के फ़ायदे का ज्यादा से ज्यादा अंश उन्हीं लोगों को देना चाहिये जिनके परिश्रम से यह फ़ायदा होता है। इस दृष्टि से इस धारा में इस बात का समावेश होना चाहिये कि जो असली प्राफ़िट (Profit) हो उसमें से यात्रियों की और कार्यकर्ताओं की सुविधा के लिये निश्चित प्रतिशत खर्च किया जायेगा। ऐसा इस बिल में लिख देना चाहिये नहीं तो इस बात का अन्देशा रहेगा कि उनकी सुविधा और आराम का ख्याल कम किया जायेगा। कारपोरेशन नफ़ा की तरफ़ ज्यादा झुक जायेगा।

तीसरी बात यह कही गयी है कि यह बिल विधान की धारा के प्रतिकूल है। जहां तक हमने उस धारा को समझा है उस में यह है कि यदि किसी की जायदाद लेने के सम्बन्ध में जब कोई क़ानून बनाया जायेगा तो उसमें मुआवज़े की रक़म तै कर दी जायेगी और यदि ऐसा नहीं किया जायेगा तो कम से कम मुआवज़ा देने का जो सिद्धान्त होगा या मुआवज़ा तै करने का जो तरीक़ा होगा उसे क़ानून में ही तय कर दिया जायगा। जहां तक इस बिल को हमने पढ़ा है और जहां तक हमारी नज़र गई है, हम ने इस को देखने की कोशिश की है। बिल में मुआविज़ा देने का तरीक़ा तो तय किया गया है कि किस तरह से मुआवज़ा दिया जायगा। लेकिन मुआवज़ा देने का सिद्धान्त इस में तय नहीं

किया गया है। इस बुनियाद पर हो सकता है जैसे कि बिहार में जो भूमि सुधार क़ानून अथवा ज़मींदारी के प्रबन्ध को सरकार द्वारा चलाने का क़ानून जो बनाया गया था उस पर इसी बात की आपत्ति की गयी है कि मुआवज़ा देने के निश्चित सिद्धान्त उसमें तय नहीं किये गये हैं—उसी तरह इस क़ानून के खिलाफ़ भी—इस बात का अन्देशा हो सकता है—कि जो व्यवसाय में लगे हुए लोग हैं वे आपत्ति उठावें। जो व्यवसाय में पहले से लगे हुए लोग हैं उन का एक संगठन है और वह इस क़ानून को भी कोर्ट में ले जा सकते हैं। इस लिये मैं माननीय मन्त्री जी का ध्यान और अध्यक्ष महोदय का ध्यान भी इस तरफ़ खींचूंगा कि पूरे सोच विचार कर गौर के साथ इस बात को देखा जाये और अगर इस बात की बिल में कमी हो तो उस को दूर करने की कोशिश की जाये।

इन्हीं दो तीन बातों को कह कर मैं फिर मन्त्री महोदय का ध्यान आकर्षित करूंगा कि जिन दो बातों का जिक़र मैंने किया है अर्थात् यात्रियों और कार्यकर्ताओं को सुविधा देने के सवाल को ध्यान में रखा जाये। इसका आधार इस बिल में तय हो जाना चाहिये ताकि इस बात का आगे अन्देशा न हो कि कारपोरेशन भी व्यक्ति विशेष की तरह ज़्यादा मुनाफ़े की तरफ़ न चला जाये। और जो लोग परिश्रम से व्यवसाय चलावे उनकी सुविधा का ख्याल न किया जाये। उन्हीं शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

(English translation of the above speech)

Shri S. N. Das (Bihar): Sir, in the course of the Debate now going on on the principles of the Road Transport Corporations Bill it has been said that the nationalisation of such trades is not in public interest under the existing conditions and that the trades which are at present being carried on indivi-

[Shri S. N. Das]

dually or through the agency of public companies are better run than they could ever be under a system of nationalisation. I think most of the trades in India are at this time being conducted by private enterprise and with the help of private capital. Nobody should find it difficult to concede that trades run privately or by means of companies are prompted by the profit motive alone. When some private individual or a company starts some business it is never present to their minds that it is going to benefit society or serve the interests of those who associate themselves in its working. On the other hand they engage in it for their personal gain and profit. So far as the present day trade goes people are prompted mainly by the profit motive and it is for profit alone that they engage in it. Their ruling motive is to derive the maximum gain out of their investment. It is easily understandable that in the changed conditions of India we want equal rights for all its inhabitants and also that representatives of the people or of the Government should have a hand in all such trades as are intended for the benefit of the society as also all public utility services. At such a time, persistent emphasis on private enterprise is, in my opinion, contrary to the very Constitution framed by us. Hence so far as this Bill is concerned I feel that it has come up at the most opportune time. I am of the opinion that it should have come up even earlier.

The problem of transport is a problem which concerns not the travelling public alone but each and every trade of the country, its industries as also its commerce. Had it affected individuals only it might not have been such a serious matter,—although even that should make it serious enough—but on a collective consideration of trade, commerce and industry that comprise the economic set-up of the country as also the other modes of transport it is found essential that this trade should not be left in the hands of private persons or companies but should be nationalised, socialised. It is true that, in the present state of the country, we cannot, straightaway, nationalise all our trades and industries, although we do subscribe to that doctrine and intend getting to that destination and attaining the objective we have set before ourselves in framing our Constitution and in pursuance whereof the Government has chalked out a lengthy plan of work. Hence, I am of the opinion that the transport trade which is, at present, being run as private business, should not be allowed to continue as such but should be nationalised. Or, as suggested by

an hon. Member, all the persons who are at this time engaged in any particular trade should be formed into a co-operative corporation and the trade carried on that way. I think that is an aspect of the question which might be considered. But, at the same time, so far as transport or such trades and industries as are linked with transport are concerned I feel that it is imperative for us not to leave it in private hands—even when the work is conducted on a co-operative basis—but to socialise it. Hence, while lending my support to the Bill introduced by the hon. Minister I wish to make a few observations.

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 S. N. Das: Earlier today I was speaking about the opposition that certain Members have led against the idea of nationalisation as envisaged by the Road Transport Corporations Bill. I would submit, however, that from whichever angle of view we look at it, whether it be from the viewpoint of public good or of the convenience and comfort of the travelling public or of the efficient conduct of trade and commerce, it is not proper, in the present set-up, to leave a public utility service in the hands of private individuals or a limited company formed of private individuals. As I have already stated the particular individuals or companies responsible for the conduct of a trade have profit as their main objective. Comfort and convenience of the public are to them a secondary consideration in the running of a trade or industry. It is, therefore, in no way in the interest of the country to leave these trades in the hands of private individuals or companies. It must also be considered that if any one means of transport out of those extant, such as road transport and the railways etc., continues in the hands of private individuals while another is nationalised as, for instance, is the case with the railways, this is bound to hamper the efficient working of both of them. This would result in mutual competition between the means of transport organised by private individuals and those managed by the Government. The result would be that not only would the transport trade bring no profit to the Government but the private individual or the company would also have to suffer loss. In the present state of things when commodities are in short supply and the Government have to apply the con-

trols, the problem of the movement of foodgrains from one State to another could be solved and such movement could be controlled if the means of transport come into the hands of the Government. On the other hand, so long as they are in the hands of private individuals, notwithstanding the police, the watch and ward and other arrangements, movement of foodgrains against public interest is bound to take place, with the result that scarcity occurs in places where there should be none. For that reason the socialisation of this trade is an urgent necessity and should be carried through. This Bill, however, leaves the question of socialisation to State Governments. If the people there, or the popular representatives, are of the opinion that this trade should be allowed to be carried on by private individuals or limited companies they will be at liberty to let it so continue. If, on the other hand, they think that it should be run by means of co-operative corporations they would also be able to have it that way. This Bill is simply an enabling measure which provides that if some State Government wishes to run this trade in an organised manner, on a co-operative basis, it may do so. In my opinion, this is essential in the present situation.

There is another point to which I wish to draw the hon. Minister's attention. Although the corporations, for the organisation of which this Bill has been brought forward, will not have the securing of undue profits as their policy as is the case with a private individual or a company it must be said, all the same, that whether it be some State Government or a corporation it is bound to acquire a tendency for profit-making with the result that little regard is shown for the comfort and well-being of the real workers, that is, those who run that trade with their labour in the physical sense. They are moved by the consideration as to whether or not the capital invested in the trade is bringing any profit or, at any rate, is interest being earned thereon. Then even a corporation,—whether it be run by the Government or partly by the Government and partly by the public—, comes to think in terms of profit. I would urge upon the hon. Minister that it is essential in the interests of the workers that they should be represented in the composition of a corporation. Where the number of Members is ten there should be at least two representatives of those who run the trade in the physical sense, by means of their bodily labour. In case they are not so represented there is a strong apprehension and a real fear that that corporation may not be in a position to

fully safeguard their interests even though it might be controlled by the Government. Hence I suggest that the hon. Minister should look to it that along with the representatives of the Provincial and Central Governments and of the shareholders,—in case a corporation sells its shares—, there should also be provision for the representation of the workers who contribute to the conduct of the trade in the form of physical labour. It will have to be conceded that capital alone cannot run a business. Capital is essential but then, at the same time, labour is equally essential. It will also have to be conceded that the workers' own representatives on the corporation would be in a better position to guard their interests than those selected by the Provincial or the Central Government. I therefore suggest that the Bill should be so amended as to provide that among the members of the corporation there should be at least one,—more if possible—, representative of the workers who actually run the trade.

There is yet another matter I wish to refer to. There is a clause in this Bill that the Government shall see to it that after making provision for payment of interest on the capital and the dividend and for reserve and other funds the net profits are utilised *inter alia* for the provision of amenities to the passengers and welfare of labour employed. I think it should be positively and explicitly set down in the clause itself that a certain definite percentage of the net profit is to be set apart for providing amenities for the passengers and a similarly definite percentage for the welfare and good of the workers. If you do not make that amendment there will be a real apprehension that whenever the Government might be facing financial stringency, whether it be a State Government or the Central Government, it would, while framing the budget, try to reduce the expenditure in order to make both ends meet. The result will be that the share of those from whose labours the profit is earned, will be taken over by the Government. The Government, of course, has the right, in time of need, to take over wealth from the people who have it, but then the largest share of the profit accruing from a trade is due to those from whose labours the profit results. In view of this, it should be provided in this clause that a definite percentage of the net profit shall be utilised for the provision of amenities for the travelling public and the workers. This should be put down in so many words for otherwise there is the apprehension that a corporation may pay scant regard to the welfare-

[Shri S. N. Das]

and comforts of those people and have a stronger predilection for profits.

It has also been urged that this Bill is opposed to some Article of the Constitution. So far as I have been able to comprehend the meaning of that particular Article it only provides that whenever a law pertaining to the acquisition of the property of someone is made the amount of compensation shall be determined therein and that, if this is not done, at least the principle governing the award of compensation or the mode of assessment in that particular case shall be settled and incorporated within the framework of that law. So far as I have read and studied this Bill I have found that it does lay down the mode of awarding the compensation but the principle for the assessment thereof is not given. Hence, just as objection has been taken in regard to the Bihar law relating to land reform or the law providing for State management of estates that it does not specifically lay down the principles for the award of compensation it may also be apprehended in the case of the present measure that the people engaged in this trade might raise that objection. The people engaged in this trade have their organisation and they too might call this law in question in a court of law. Hence, I should draw your attention and the attention of the hon. Minister to this fact and submit that this point should be studied closely and if this Bill be found to have any lacuna of that kind it ought to be made good.

In the end, once again, I should ask the hon. Minister to keep in view the two considerations mentioned by me, viz., grant of amenities to the passengers and the provision for the welfare of the workers. The basis thereof should be settled within the framework of this Bill so as to eliminate the fear of a possible leaning of the corporations, like the private individual, towards undue profit-making, ignoring the well-being of those who run the trade with their physical labour. With these words I lend my support to this Bill.

Shri Alagesan (Madras): I congratulate the hon. the Mover of this Bill on the advice that he gave to this House regarding the delimitation of the functions of Parliament and the State Legislatures, and for his having drawn the attention of this House to the fact that the relationship between the two is not that of the Supreme Court and the High Courts. I am not, Sir, one of those who believe in decrying the State Governments from here; nor do I believe in reforming them by

indulging in outbursts on the floor of this House. Nobody will claim that all wisdom is centralised and concentrated in Delhi and is not to be found elsewhere. If at all there is any difference, it may be that it costs the nation a little more here than elsewhere. The hon. Minister, having made these observations, went on to make further observations which, I am constrained to say, do not give credit either to the intelligence or the sense of fairplay of the State Governments. Sir, he says that if restrictions are placed in the way of road transport undertakings in the shape of Corporations, then the State Governments may not take advantage of it. He says further that if principles of compensation are laid down in this Bill applicable only to State transport undertakings run by a Corporation, then the State Governments will think of nationalising road transport by other means and not try to establish a Corporation.

Now, let us examine whether the assumptions on which such a line of argument is based are correct. Let me, at the outset, tell the House that I am not at all opposed to nationalisation. I say this lest I should be misunderstood because of the remarks that I am just now going to make. Firstly, I want to know whether the Minister wants to give a sort of inducement—throw a sort of bait—to the State Governments by making this measure as acceptable as possible to them and by removing all that he considers to be objectionable features from their point of view. If that is the reason, then why should he take the trouble? It has been said on several occasions,—even when the old Bill was introduced in the Assembly and discussed in 1948,—that this is only an enabling Bill. If the States are going to take advantage of it, they will certainly take advantage of it; otherwise, why should the Government of India bother? Or does the Minister think that this method of running the road transport by forming a Corporation is the best method? If that is so, he should frankly say so and impose his opinion on the State Governments. If he is not willing to do either, then the best course would be to make the law as reasonable as possible according to our lights and leave the State Governments to take advantage of it or not.

Secondly, he seems to assume that he is willing to be fair and reasonable but the State Governments may not be so. I should like to know whether there is any basis for such a misgiving. Do facts or past experience warrant such an assumption? Here, I should like to cite only one instance. Some

time ago, the Madras Government thought of nationalising electricity undertakings. They brought forward a Bill for that purpose. In the Bill they elaborated the principles and manner of paying compensation. They laid down as many as four bases of paying compensation and the owners of electricity undertakings were left with the choice that they could choose either one or the other of the bases that were mentioned in the Bill. Even the owners of the electricity undertakings felt that they could not have got a fairer deal and naturally they were satisfied with it. When that is so, I should like to know whether there is any reason for assuming that the State Governments would not be willing to pay reasonable compensation when they take over transport undertakings. I believe not.

Thirdly, I should like to know whether the State Governments will be scared away only if principles of compensation are laid down in a detailed fashion. As it is, except Bombay the other States who are now running these transport undertakings run them as departmental concerns. They do not even ask the Centre for financial aid. They are able to get all the finance they need themselves. But, Sir, if they are going to take advantage of this Bill and run their transport services by this Corporation method, then as my hon. friend Mr. Sivan Pillay pointed out, they will have to consult the Central Government on each and every matter. They will have to take the permission of the Central Government on various matters. Is this a pleasant prospect for them? Is this not sufficient to discourage them from taking advantage of this Act? So, where is the point in assuming that only if you lay down the principles of compensation the States would not like to take advantage of it and would run away from this Bill? Hence, Sir, I beg to submit that it is no use taking shelter behind the State Governments and trying to evade this very important question. We cannot make the State Governments an excuse for having failed to do a thing or for our unwillingness to do a thing. The best thing would be to lay down the principles of compensation as even the State Governments have done in several instances.

Now, Sir, I should like to remind the House of one thing. Many of the provisions of this Bill have been bodily taken from the Delhi Transport Authority Act which this House passed some time ago, and the clause relating to

compensation has also been reproduced here by the Select Committee. Sir, in that Act the manner and method of paying compensation and the principles of paying it have been left to be determined under the rules that are going to be made under the Act. I think by now the Central Government should have made those rules. I do not know whether they have actually made them or not. But if they have made the rules already, where is the objection in incorporating them in this Act. After all they have had time after the Act was passed to think over the matter and they should have framed these rules after mature consideration. If that is so, why not incorporate those rules here. What is contemplated in that Act is contemplated here also. Hence, it should be very easy for us to take advantage of the previous Act and to incorporate the rules that might have been made under the previous Act in the body of this Bill itself. Sir, I am quite sure that if the hon. Mover of this Bill had been a mere member of the Select Committee he would have certainly drawn the attention of the Select Committee to this and seen to it that the rules made under the previous Act are incorporated in this Bill.

I am glad, Sir, that the hon. Minister has promised that he is going to bring in a separate piece of legislation covering all kinds of road transport undertakings for the purpose of paying compensation to them. But I still think that when we are considering a particular measure, when we are thinking of nationalisation in a particular way, it is better we think about it and lay down the principles about it. Sir, referring to the arbitrary refusal of permits to private parties as an effective method of ousting them from the field and bringing about nationalisation and the various abuses that are indulged in, the hon. the Mover has said that he is going to bring in a separate Bill to amend the Motor Vehicles Act. That statement is a very welcome one. I also find that the Select Committee has omitted the original clause 40, on the ground that they want to have all these things considered when a separate amending Bill to the Motor Vehicles Act is brought forward. Sir, in this connection I should like to say a few words. In clauses 17 and 18 we find that they have omitted a reference to the provisions of any existing law in the States. I do not understand why they did it. But in the same section you find sub-section (4) that says that nothing in the foregoing provisions shall be construed as authorising the corporation to disregard any law for the time being in force. Having con-

[Shri Alagesan] ceded the point in sub-section (4) I do not know why the Select Committee should have thought fit to omit the words "subject to the provisions of any law for the time being in force in a State". They have omitted those words which find a place in the original Bill. Is it the intention, Sir, that these Corporations should act away from the Motor Vehicles Act and they should be a law unto themselves? I do not think that is the intention, because sub-section (4) clearly concedes that these corporations should work subject to the limitations of other Acts. Is it the intention that these Corporations should not pay even taxation and be subject to other liabilities that the general Act imposes?

Shri Santhanam: May I inform the hon. Member that unless there is a specific exemption, other laws which are not inconsistent with this Act will apply. That is why it was omitted.

Shri Alagesan: I am glad for the assurance, Sir. Since he has promised to the House that he is going to bring in an Amending Bill to the Motor Vehicles Act, I should like to point out one or two practices that are at present being indulged in by State Governments which run motor transport services, so that he may take them into consideration when he brings forward the amending Bill.

The refusal to grant permits was referred to by previous speakers, and I do not want to go into it. But there are still other practices, Sir. What will not be ordinarily permitted in the case of private operators, the State Governments are indulging in. On special occasions and special days Government run their transport services on a particular route where they are not usually running their buses. They raid, so to say, the road for a profitable occasion and later leave it. Even when they run their vehicles along with other private vehicles, they are not subject to the same regulations as to the number of trips, as to timings, etc. They are a law unto themselves. Again, Sir, they do not carry out very many of the healthy restrictions that are found in the Motor Vehicles Act and nobody questions them. These things, I hope, the hon. Minister will take note of, and remedy them when he brings forward his amending Bill.

Sir, this Bill gives exemption to the Corporation by making it a local authority within the meaning of the Motor Vehicles Act. I think that is a very good provision which has been made and thereby it gives exemption from insurance against third party

risks. Though I should congratulate the Select Committee on the many good changes they have made, I am only sorry that they have failed to take advantage of the previous Act and omitted to incorporate in this Bill the principles of compensation and the manner of paying it.

Dr. V. Subramaniam (Madras): I support the Bill whole-heartedly for the following reasons: firstly for better amenities to passengers, secondly for security of service to employees, and thirdly for fulfilling the national aspirations of the people that certain services must be nationalised in the country.

Sir, I have been very closely listening to the debate so far. Many agreed, at least by way of lip sympathy, about nationalisation. Some approved of the Bill. But for me there has been no one to voice the views of the passengers. If the history of the plight of the passengers under private-owned bus services is to be read, it would be awful. The passengers were overcrowded and the private bus owners were charging their own rates. Then there was no security of service for the drivers, conductors and the other staff. On the whole the service was not good at all.

By adopting the method envisaged in the Bill, uniformity can be brought about and the State will in a way be taking some responsibility for these services. Previously, the Railways were run on the basis of private enterprise more or less. Now we have made the Railways a cent. per cent. State service. We have to view the question of these bus services in the same light. There are at present, so far as I have been able to get information, nearly two lakhs of buses on the roads. This is not a transport system of a small magnitude: it is a huge concern. Unless it is organized on proper lines and put under a well-organized system, this road transport service also will in due course get a bad name. The public have more or less lost their confidence in the private enterprise, at least on certain lines. I therefore feel that it is at the right moment that the State has taken the responsibility of bringing this measure.

Sir, as regards compensation much was talked about. I would like to say that this transport system or the motor vehicle will come under a special category of property. This is not a property like a house or a building or land. To me, Sir, it is a running property. If a bus runs twenty or twenty-five thousand miles, its life is finished. So, if the State wants to take it over, the compensation can be

fixed only on the basis of the mileage which has been run by the bus. This matter is to be decided by the States according to the circumstances by agreement or by arbitration. And that has been already provided for in clause 39 of the Bill. Clause 39, when it is put into operation, will work well and we need not bother very much about the question of compensation. Equally so I do not want to say that the present bus-owners should be put to heavy losses. No doubt the compensation will be arrived at by agreement or by arbitration, and it will be arrived at very easily on the basis of mileage already run.

The other good aspect in this Bill is about the development of a fund, by setting apart a portion of the profits, for the maintenance of roads. So far we are getting under the Petrol Tax some six or seven crores of rupees. The condition of the roads has to be cared for first. Unless a specific fund is also created from the profits that will accrue out of this, the condition of the roads will be very bad. A good portion is to be set apart, but no definite portion has been set apart in this Bill for the improvement of roads. I would advise that for every thousand miles of running of these buses or transport services, a definite amount must be set apart as a first priority charge for the Road Fund. Unless a separate Road Fund is specifically kept, the roads cannot be developed or improved. There are so many thousands of miles of roads in the country, particularly village roads, where improvements are needed, bridges have to be constructed and so on and they are otherwise to be cared for. So the first charge on the profit which these buses make should be for this purpose, so that a large amount may be set apart for the maintenance of roads. Though there is some reference about the fund for roads it is not very definite as to how much of the fund will be set apart for the maintenance of roads.

Since there is great scope in this country for road development and transport development, there is no use in quarrelling over small matters as the question of compensation and so on and so forth. The State Governments should without further delay establish these Corporations. There is plenty of space for development. They can at once bring them into being. If they find it very difficult to enforce this system throughout the State, they can divide the State into several districts and for each district a small separate Corporation can be created, so that the road transport service can be made a permanent service just like the Railway service. Sir, with these words I support the Bill.

گیانی جی - ایس - مسافر : سہاوتی

جی - یہ بل جو اس وقت ہاؤس

کے سامنے پیش ہے اس میں جب

تک کچھ مناسب ایمنڈمنٹس

(amendments) نہ کیے جائیں اس

وقت تک میں سمجھتا ہوں کہ یہ

بل فائدہ نہیں دے سکتا - بھٹ میں

زیادہ تر تھیں باتیں لٹی گئی ہیں -

نیشنلائزیشن - (nationalization)

کمپنیشن (compensation) اور

تیسری بات جن کے بارے میں

زیادہ چرچا ہوا ہے وہ یہ ہے کہ اس

کے متعلق کوئی رولس (rules) وضع

آیا یہ پارلیمینٹ بلانے یا اسٹیٹ

گورنمنٹس (State governments)

اس کی طرف زیادہ دھیان دیں

اور رولس وضع کرنا چاہئے۔

سب سے پہلے میں نیشنلائزیشن

کے سوال پر آنا چاہتا ہوں - نیشنل

نیشن کے سپورٹ (support) میں

جو صاحب بولے ہیں انہوں نے دو

باتیں کہی تھیں - انہوں نے کہا ہے

کہ نیشنلائزیشن سے سرکار کو مالی

فائدہ زیادہ ہوتا ہے اور دوسرے انہوں

نے کہا ہے کہ اس طرح سروس میں

کچھ ایمنڈمنٹس (efficiency) آگئی

ہے - میں سمجھتا ہوں اور اپنی

واقفیت کی بنا پر کہتا ہوں کہ

نئی ایصال دو باتیں ہی اہمیت کی

مانی جاتیں تو پہلے تو قطعی طور

پر نیشنلائزیشن نہیں ہونا چاہئے -

فائدہ کی کہیں گئی ہے - مگر میں

[گہانی جی - ایس - مسافر -]
 سمجھتا ہوں کہ عام لوگوں کو ایک
 فلفط فہمی ہو گئی ہے - اور ہماری
 سرکار کو اور کنسرنڈ ملسٹرز (concerned
 Minister) صاحب کو بھی فلفط فہمی
 ہو گئی ہے - فائدہ کا اندازہ ہم صرف
 ایک طرف سے لگاتے ہیں - اور وہ یہ
 کہ کتنا روپیہ اتنے مہینوں میں
 آگیا - مگر یہ نہیں دیکھتے کہ دوسری
 باتیں کیا ہیں - مجھے پتہ ہے کہ
 پنجاب میں جب کانگریس کی ملسٹری
 بلی تو ہمارے پاپولر (popular)
 ملسٹرز آئے - ہم میں سے کئی ورکرز
 (workers) نے جب ادھڑ ادھڑ سے یہ
 باتیں سنیں کہ موٹر ٹرانسپورٹ
 میں بڑا فائدہ ہے - پبلک کیریئر ٹرکس
 (public carrier trucks) میں بڑا
 فائدہ ہے تو لوگوں کو خیال آیا کہ
 ہم بھی اس کا پرمفٹ لیکر ٹرانسپورٹ
 کا کام شروع کر دیں - پاپولر ملسٹرز نے
 ان کو پرمٹس دئے اور انہوں نے کام
 شروع کر دیا - انہوں نے کام تو شروع کر دیا
 مگر جو ڈیپریسیشن (depreciation)
 ہوتا ہے اس کا خیال نہیں کیا اس
 کا نتیجہ یہ نکلا کہ ان کے ٹرکس
 اسی طرح ٹوٹ پھوٹ کر کھڑے ہیں
 اور وہ پشیمان ہو رہے ہیں کہ ان کو
 کیا کریں -
 مجھے ایک مثال یہاں دینی
 ہے - ۱۹ مارچ ۱۹۴۹ کو سدھوا صاحب
 نے پارلیمنٹ میں ایک سوال کیا
 اس کے جواب میں ہمارے ماسٹرز

صاحب شری ساتھام جی نے دینی
 ٹرانسپورٹ کمپنی کے متعلق جواب
 دیا تھا کہ ہمیں دس مہینوں میں
 دس لاکھ روپیہ کا فائدہ ہوا ہے اور
 انویسٹمنٹ (investment) انہوں
 نے بتلایا کہ ۶۳ لاکھ کے قریب آیا ہے
 اور اس سے دس مہینوں میں دس
 لاکھ فائدہ ہوا ہے - یہ تھیک ہے
 کہ ویسے دیکھنے میں دس لاکھ کا بڑا
 فائدہ نظر آتا ہے مگر اس میں
 ڈیپریسیشن کا خیال نہیں کیا گیا -
 ایک بس کی ایوریج عمر پانچ سال سے
 زیادہ نہیں ہوتی مگر گورنمنٹ کے کام
 میں تو چار سال کا انداز لگانا چاہیئے
 اب اس رقم میں نہ تو سود شامل ہے
 نہ پروانشل ٹیکس شامل ہے - تو صرف
 اگر وہ گھسائی جو بسیز کی ہو گئی
 ہے اسے دیکھ لیا جائے تو یہ بارہ
 لاکھ سے زیادہ روپیہ بنتے ہیں جو
 دس لاکھ فائدہ نظر آتا ہے وہ ایسی
 حالت میں جو بسیز (buses)
 بھکڑ ہو گئی ہیں ان میں چلا جاتا
 ہے -

مجھ سے پہلے بولنے والے ہمارے
 بھائی سائڈ کے ایک ممبر نے کہا ہے
 کہ بھئی گورنمنٹ کو اس سے بہت
 فائدہ ہوا ہے - اگر وہ احمدآباد کی
 بات کہتے جو کہ ایک چھوٹی سی
 مہونسپل کمپنی ہے تو میں مان
 سکتا تھا - مگر جب بھئی گورنمنٹ
 جاری باتوں کا اندازہ لگائے گی تو

اسے معاوم ہو جائیگا کہ یہ جو فائدہ ظاہراً طور پر نظر آ رہا ہے اس میں لگژری ساری باتیں شامل کر لی جائیں گی تو یہ کوئی زیادہ فائدے مند چیز نہیں ہے۔

دوسری بات اس سلسلہ میں یہ ہے کہ نیشنلائزیشن سے سروس میں اینڈسٹریسی آجائیکی - یہ بھی آپ دیکھ سکتے ہیں - یہ جو دلی ٹرانسپورٹ بس سروس ہے اس کی اینڈسٹریسی ہمارے سامنے ہے - اس وقت دلی میں نئی روٹس (routes) تو ایسی ہیں کہ روٹس تو بنی ہوئی ہیں مگر ان پر کوئی بس نہیں چلتی ہے - یہ آپ کسی سے پوچھ لیں - یا کوئی ممبر صاحب چاہیں تو خود تجربہ کر لیں - اگر بس میں کہیں آپ کو جانا ہے تو آدھے دن سے زیادہ آپکو ایک جگہ سے دوسری جگہ جانے میں لگ جائیگا - اگر ایسا نہ ہو تو وہ بے شک کہیں کہ جو بات میں کہتا ہوں وہ غلط ہے - تو یہ دلی کی بس سروس کی مثال ہمارے سامنے ہے اور مہرا خیال ہے اب اور زیادہ مثالیں دینے کی ضرورت نہیں ہے - اس وقت موجودہ حالات میں جو اینڈسٹریسی کا سوال ہے وہ کہاں تک ٹھوک ہے - ہمیں اس میں فائدہ ضرور معلوم ہوتا ہے مگر ایک بات کا خیال نہیں کیا گیا ہے کہ ۹ پائی فی میل سے کرایہ ۱۲ پائی اور کہیں کہیں ۱۳ پائی

فی میل لیا جاتا ہے - مگر جیسا کہ میں نے کہا یہ ہونے پر بھی جب بعد میں اندازہ لگایا جائیگا تو معاوم ہوگا کہ اس نیشنلائزیشن سے کتنا کچھ فائدہ اٹھایا جاسکتا ہے۔

جن ممبر صاحبان نے اس بل میں امپلمینٹ کروانے چاہے ہیں انہوں نے بھی یہ بات صاف کر دی ہے کہ نیشنلائزیشن کے پرنسپل کو تو سب مانتے ہیں - اسکو آپریٹرز (operators) ہی مانتے ہیں اور ٹرانسپورٹ والے بھی مانتے ہیں - ابوی جو دو چار روز ہرنے دہلی میں ڈنڈس ہوئی تھی وہاں سب پرائنسیپل پرتھلدھی آئے تھے - انہوں نے بھی کہا تھا کہ نیشنلائزیشن کا پرنسپل (principle) ہم مانتے ہیں وہ سب یہ چاہتے تھے اور مہری رائے بھی یہی ہے کہ موٹر ٹرانسپورٹ کا نمبر ابھی دیر میں آیا جاہوئے - اس میں بہت چھوٹے چھوٹے آپریٹرز ہیں - کسی کسی کے ایک ہی بس ہے اور وہ اس سے اپنا کام چلاتے ہیں - اس کا اثر بہت لوگوں پر پرتا ہے - اس سے بہت لوگ بھکار ہو جاتے ہیں - اس لئے میں کہتا ہوں کہ ان چیزوں کو نیشنلائزیشن کے لئے جانا چاہئے جن کا اثر جلتا پر بہت کم پرتا ہو - مہری رائے یہ ہے کہ موٹر ٹرانسپورٹ کی نیشنلائزیشن کی طرف جو قدم ہماری سرکار اٹھائے وہ آہستہ آہستہ

[گیانی جی - ایس - مسافر-]
 اٹھائے کیونکہ اس کا اثر بہت لوگوں
 پر ہونے والا ہے - جس کا الٹا اثر
 بہت لوگوں پر ہو اسے آہستہ آہستہ
 اور سوچ سمجھ کر کرنا چاہیئے - اس
 کے متعلق مجھے اتمام سے سردار پتیل
 جن کی تقریر میں سے ایک فقرہ ملا
 ہے کہ جو مہری تائید کے لئے ہوا کافی
 ہے - وہ ہتے ہیں -

"To accept the principle of
 nationalisation is one thing, but to
 straightaway put it into operation
 without considering the consequ-
 ences is not nationalisation but
 liquidation of Government re-
 sources."

تو میرے کہنے کا مطلب یہ ہے
 کہ اگر اس طرف قدم بڑھانا ہے تو
 اسے آہستہ آہستہ بڑھانا چاہیئے -
 اور دوسری بات جس کا ذکر میں
 کرنا چاہتا ہوں وہ کمیونسیشن ہے -
 اس کا ضرور خیال کیا جانا چاہیئے
 جب تک اس کا خیال نہیں کیا
 جائے گا تب تک میں سمجھتا ہوں
 یہ ہمارے لئے کوئی خاص مفید بات
 نہیں ہو گی -

[SHRIMATI DURGABAI in the Chair]

بمبئی سائڈ (side) اور احداہاد
 کا حوالہ دیتے ہوئے ایک میمبر کی
 طرف سے یہ بتایا گیا ہے کہ جو
 پرمٹس دئے گئے ہیں ان سے وہ تین
 سال تک اپنا کام کر چکے ہیں اب
 کمیونسیشن کا کوئی سوال پیدا نہیں
 ہوتا - تو اس قسم کے خیال کا اظہار
 کرتے ہوئے ہمیں تھورا سا موقع

تزاز - پورٹ کی ہسٹری (history)
 میں جانا چاہیئے - یہ پرمٹ کی
 بات تو سنہ ۳۹ اور ۴۰ میں چلی
 تھی - مگر یہ ٹرانسپورٹ سروس تو
 سنہ ۲۰ میں بلکہ اس سے بھی پہلے
 یلڈائی گئی تھی - اس وقت لوگوں نے
 اپنے زہور اور ذمہ داری بھج کر اس کام
 میں لگائی اور اپنا تن من اس
 میں دیا اور اس پر خرچ کیا - تو
 اس وقت صرف پرمٹ کا ہی سوال
 نہیں ہے - دیکھنا تو یہ ہے کہ کب سے
 یہ کام شروع ہوا اور کیسے بڑھایا گیا -
 برٹش سرکار کے سامنے بھی جب یہ
 سوال پیش ہوا تھا تو اس وقت سرکار
 کی طرف سے کہا گیا تھا - سنہ ۳۹
 کا ایکٹ پاس کرتے ہوئے یہ جو
 پرمٹس کا سسٹم ہم جاری کر رہے
 ہیں یہ سروس کو ریگولیت (regulate)
 کرنے کے لئے کر رہے ہیں - اس میں
 ہمارا مقصد کسی سے چھیلنے کا نہیں
 ہے - بلکہ ایک طرح سے تمام کام کو
 ریگولیت کرنا ہے اور اسی لئے اس وقت
 ہمارے جو پبلک ۽ پرائیویٹ تھے
 انہوں نے اس بات کو مانا تھا - اس
 وقت یہ اعتراض اٹھایا گیا تھا کہ یہ
 ریلوے کمپنی کو فائدہ پہنچانے کے
 لئے کیا جا رہا ہے - اس وقت جواب
 میں یہ کہا گیا تھا کہ یہ ریلوے کو
 فائدہ پہنچانے کے لئے نہیں بلکہ
 سسٹم کو ریگولیت کرنے کے لئے ہے -
 تاکہ پبلک کو بھی فائدہ ہو اور
 آپریٹرس کو بھی ہو - اس کے بعد

۱۹۴۶ کا جو سلنگرل سرکار کی طرف سے ومانٹ پیپر (white paper) چھپا تھا اس میں یہ کہا گیا کہ جو کارپوریشن بلوں کے انہیں حصہ جات کی تقسیم اس طرح رہے گی - اس میں دو مدیں رہیں گی - ایک سرکار کی مد اور دوسری آپریٹرز کی مد - سرکار کی مد میں دو ایجنسیز (agencies) تھیں - ایک ریلوے کی تھی اور ایک سرکار کی تھی کہا گیا تھا کہ اس میں ۵۱ پرسنٹ (per cent) حصہ ریلوے اور سرکار من کر لگی اور ۴۹ پرسنٹ جا ہوں گے وہ آپریٹرز کے ہوں گے - مگر اب جو یہ سوال پیش ہوا ہے اس میں میں دیکھتا ہوں کہ آپریٹرز کا خیال بالکل ہی نہیں کیا جا رہا ہے - کہ ان کا بھی اس میں کچھ حصہ ہے - انہوں نے بھی اس میں اپنا کچھ تن من دھن لگایا ہے - اس لئے ان کا بھی اس میں کچھ حصہ ہونا چاہئے - پر اس طرف کچھ خیال نہیں کیا گیا ہے -

ہمارے اس بل کے متعلق سلوٹ کی کمی کی جو رپورٹ ہے اس میں بھی یونانیمسلی (unanimously) یہ کہا گیا ہے کہ کمیٹی میں کسی بھی حالت میں نہیں بھولنا چاہئے - اور اسٹیٹس کی سوکاروں کے لئے یہ بھی کہا گیا ہے کہ سنہ ۳۹ کے موٹر وہیکلز ایکٹ

(Motor Vehicles Act) کے آدھار پر ان کو ناجائز فائدہ نہیں اٹھانا چاہئے - جس سے کہ عوام کو اور لوگوں کو تکلیف ہو -

تیسری بات یہ ہے کہ اگر کوئی کمیٹی میں شامل ہوں تو اس کو صوبوں کی سوکاروں پر چھوڑا جائے یا پارلیامنٹ میں اس پر ہماری سلنگرل گورنمنٹ وچار کریگی -

تو میں اس بات کا ہوا زبردستی حاسی ہوں کہ ہماری سوکار کو پارلیامنٹ میں ہی اس کمیٹی میں کے سوال کے متعلق رولس بنانے چاہئیں - اسٹیٹس گورنمنٹس کے بارے میں ایک بات میں اسٹیٹس کہتا ہوں - اس وقت ہمارے صوبوں میں مختلف قسم کی حالت ہیں ہوئی ہے - تین تین سال کے لئے پرمٹس دئے جائیں ایسا آرڈر ہوا تھا - لیکن ساتھ ہی پھر کہیں کہیں ایک سرکولر (circular) کے ذریعے یہ کہہ دیا گیا ہے کہ چار چار مہینے کے تمہورری (temporary) پرمٹ ہی ہم ان کو دیں گے - تو موٹر والوں نے یہ شکیف کی کہ یہ بات ٹھیک نہیں ہے - جب سرکار کا فیصلہ تین تین سال کے پرمٹ دینے کا ہے تو پھر ہم کو تین سال کے لئے تو بے فکر ہو جانا چاہئے - لیکن جب دوسرا سرکولر چلا جاتا ہے تو پھر وہی چار مہینے

[کہانی جی - ایس - مسافر]

کے ٹیمپورری پرمٹس ملتے ہیں -
مجھے پتہ ہے کہ پنجاب میں
آپریمٹس نے روپڑ میں ایک کانفرنس
کو کے کہا کہ سڑکار ہمیں تین سال
کے لئے جھسا کہ وہ کہتی ہے، تین
سال کے لئے ہمیں تسلی دے دے
کہ تین سال کے پہلے ہمارے پرمٹ
میں سوخ نہیں کئے جائیں گے - اس
کے بعد جب سوال اٹھ گیا تب دیکھا
جائے گا - انہوں نے اس پر بڑا زور
دیا اور یہ ایک معمولی سی بات
تھی کہ جب تین سال کے لئے اجازت
دے دی تھی تو پھر بعد میں چار
مہینے کیوں کیا گیا - پہلے کہا کہ ہم
تین سال کے لئے دیتے ہیں مگر پھر
ان کے پرمٹس ٹیمپورری چار چار
مہینے کے لئے دینا شروع کیا - کہیں
پرمٹس ری نیو (renew) کئے کہیں
نہیں کئے - اب اس طرح کسی پرائس
کی کچھ حالت ہے اور کسی کی
کچھ - بس آپریمٹس کو پتہ نہیں
لگتا اور کچھ کام نہیں ہو سکتا -

اب اگر اس کا کچھ حل ہو سکتا
ہے تو مہرا خہال ہے کہ پارلیمنٹ
میں ہی یہ بات طے کر دی جائے
اور سنہ ۱۹۳۹ع کا جو موٹر وہیکل
ایکٹ (Act) ہے اسے ایسے ایسے پورنٹ
(appropriate) ڈھلگ سے املد کر
دیا جائے کہ جس سے کسی کو کوئی
ک نہیں رہے - تو یہی سب سے
پہلا قدم ہونا چاہئے اور اس کے بعد

سڑکار نیشنلائزیشن کرنے کے لئے کسی
ڈھلگ سے چلیگی اس بارے میں
کسی کو کوئی شک نہیں رہے گا کیونکہ
اس طرح مناسب کارروائی ہو جائے
گی - تو میں سمجھتا ہوں کہ برٹش
پارلیمنٹ کے روڈ ٹرانسپورٹ ایکٹ
۱۹۳۷ کی دفعہ ۲۷ کے مطابق اس
سڑکار ہلد کے سنہ ۳۹ کے ویہیکل ایکٹ
(Vehicles Act) کو بھی ترمیم کیا
جائے - اس سے بہت کچھ تسلی ہو
سکتی ہے -

اس سلسلہ میں ایک بات بالکل
صاف ہے کہ اگر سڑکار کو موٹر ٹرانسپورٹ
کو نیشنلائز کرنا ہے تو سڑکار کے لئے تو
بڑا کام ہے - ہمارا یہ ایک بڑا وشال
دیش ہے - اس دیش کی ابھی جو
یہ روٹس ہیں اور ان کا جو انتظام ہے
تو اس میں روٹس بنانے کا سلسلہ
اتنا کمزور ہے کہ ہم دیکھتے ہیں کہ
بڑے بڑے شہروں میں ہلدوستان میں
کئی شہر آپ کو ایسے ملوں گے کہ
جو دسترکت ہیڈ کوارٹرس ہیں مگر
وہاں تک پہنچنے کا بھی روڈ پر بندھ
اچھا نہیں - تحصیل ہیڈ کوارٹرس
میں یا بڑے قصبے میں جن میں
اسکول ہیں کالج ہیں - جن میں
ڈاک ٹھر اور تار ٹھر ہیں - سب
چیزیں مہیا ہیں - مگر وہ شہر
اچھی سڑک کے ساتھ اپروچبل
(approachable) نہیں ہیں - وہاں
اچھی اور پکی سڑکیں ہی نہیں
ہیں آسانی سے پہنچا جا سکے -

تو مہوری سمجھ میں سرکار کے سامنے یہ بڑا سوال ہے کہ اگر وہ اپنا تجربہ کرنا چاہتی ہے - اپنی بسوں چلانا چاہتی ہے - ٹرانسپورٹ کا کام اپنے ہاتھ میں لہنا چاہتی ہے تو کہوں وہ انہیں روتس پر تجربہ حاصل کرے جن پر کہ کام ہو رہا ہے اور جہاں پر کہ لوگ کچھ نہ کچھ کمائی کر کے اپنا گذر کر رہے ہیں یہ ضرور نہیں ہے کہ وہ پہلے انہیں سڑکوں کو لے - نئی سڑکیں بنا کر سرکار نئے راستے ٹرانسپورٹ کے لئے پیدا کر سکتی ہے - اس سے سرکار کو تجربہ بھی ہو جائے گا کہ یہ کتنا فائدہ مند کام ہے اور کس تھلگ سے اس کو آگے چلانا چاہئے - اس سے آپریٹرز کی بھی تسلی ہو جائے گی اور سرکار کا وچار بھی پورا ہو جائے گا - پھر جب کمپنیشن کی باتوں طے ہو جائیں تو سرکار اس طرح قدم اٹھا سکتی ہے اور آگے چل سکتی ہے -

تو جو کچھ میں کہنا چاہتا تھا انہیں ادھار میں ہی کہتا ہوں کہ اس بل کو ایسے تھلگ سے ترمیم کر کے منظور کیا جائے کہ جو سب کے لئے اچھا تھلگ ہو - جو سب کے لئے مفید ہو اور اس میں جلدی کرنا تھیک نہیں ہے - بہتر اور جلد توجہ دینے کے لئے سرکار کے پاس دیہے میں کئی کام ہیں اور اگر اس پر توجہ دینا ہے تو وہ اس تھلگ سے دے جسے کہ میں نے گذارش کی ہے -

(English translation of the above speech)

Giani G. S. Musafir (Punjab): Sir, the Bill now before the House cannot be of much use unless some suitable amendments are made therein. The three main points brought out in the debate are nationalisation, compensation and the question whether the rules should be made by the Central Government or this should be left to be done by the State Governments.

First of all I shall take up the question of nationalisation. Those who have spoken in support of nationalisation have stressed two points. They have urged that it brings material gain to the Government and, secondly that the service tends to become efficient. I think and submit on the strength of my information that if, just at present, these two alone were to be taken as the moving considerations then nationalisation should in no case be resorted to. They have mentioned profit. I feel, however, that the people generally suffer from a misapprehension on that score and our Government and the Minister concerned are also labouring under a misconception. We have only one method of estimating profit, viz., the amount of money made in a certain number of months. But we do not take into account the other factors. I remember how, when the Congress Ministry came to be formed in the Punjab and we had our popular ministers, many amongst us, the workers, who had heard people say that the motor transport was a greatly paying business and that the public carrier trucks were a great source of profit, thought to themselves that they too might obtain permits and start transport business. The popular ministers granted them the permits and they started the work. They set to work but they did not consider the depreciation factor with the result that their trucks have since broken down and are lying idle and they know not what to do with them.

Here I should cite an example. A question was asked here in the Parliament on the 19th March, 1949, by Shri Sidhva in reply to which our Minister, Shri Santhanam, stated that in the case of the Delhi Transport Company a profit of ten lakhs had accrued in ten months. The amount of investment was put by him at about 63 lakhs, which had yielded a profit of ten lakhs in ten months. Apparently ten lakhs sounds as good profit but it does not take into account the depreciation factor. The average age of a bus does

[Giani G. S. Musafir]
not exceed five years which should be taken as four years in the case of the Government buses. Besides, this amount includes neither interest nor the Provincial Tax. If the depreciation alone of the buses were to be estimated it would amount to more than 12 lakhs of rupees. Thus the apparent gain of ten lakhs disappears in the form of the buses that go out of order and become useless. An hon. Member from Bombay side, who spoke before me, stated that the Bombay Government had made a lot of profit thereby. Had he said it about Ahmedabad, which is a small Municipal Committee, I might have conceded that assertion. When, however, the Bombay Government comes to consider all the factors they would discover that what looks like a profit would cease to be so when all the factors are taken into consideration.

The other argument is that nationalisation would bring efficiency in service. Let us examine that aspect of the question. We have before us the efficiency of the Delhi Transport Bus Service. There are many routes in Delhi which are just routes in name for no bus piles on them. This may be asked from anybody or let any hon. Member, if he so likes, see for himself. If you have to go somewhere by bus the journey from one place to the other is likely to take you half the day. If this is not so let them contradict me by all means. Thus we have the example of the Delhi Bus Service before us and I do not think one need cite any more examples to show how far this claim of efficiency holds good in the present conditions. In the case of Bombay it does look like being a profitable business but then it has not been considered that instead of 9 pies per mile the fare charged is 12 pies per mile and in places 13 pies per mile. But, as I have stated, in spite of that, when calculations are made later on it will be disclosed how far nationalisation can be a profitable proposition. Those of the hon. Members who want to have this Bill amended have also made it clear that everybody is in favour of nationalisation in principle. The operators and the transport people too admit it. The Conference which took place in Delhi only a few days back was attended by representatives from all the States. They too stated that they were in favour of the principle underlying nationalisation. They all wanted—and I am also inclined to agree with them—that the turn of motor transport should come at a later stage. It is run by operators with scanty means; some have just one bus with the help of

which they manage to eke out a living. Nationalisation of this trade would affect a very large number of people. Lots of people would go out of work. I would urge that we might choose for nationalisation only such trades as do not affect the people at large. I am of the opinion that whatever steps our Government may take in the direction of nationalisation of road transport should be taken slowly because it is going to affect a large number of people. Any action which is likely to affect adversely a large number of people should be taken gradually and after due deliberation. In this connection I have by chance come upon a sentence in a speech of Sardar Patel which amply bears me out. He observed:

“To accept the principle of nationalisation is one thing, but to straightaway put it into operation without considering the consequences is not nationalisation but liquidation of Government resources.”

What I mean to say is that if we have to proceed in that direction we should do so gradually.

The second point I wish to refer to is compensation. This is a question which must be considered for unless this is done we shall not be achieving anything useful.

[SHRIMATI DURGABAI in the Chair]

Referring to Bombay and Ahmedabad an hon. Member has stated that since the transport people have already utilized their permits for three years the question of compensation does not arise. In view of such expressions of opinion we should go a little into the history of motor transport. This permit system came to be introduced in 1939 and 1940 but these transport services came into vogue in 1920 or even earlier. At that time people sold off their ornaments and their land and invested the sale proceeds in this business. They devoted themselves wholeheartedly to this business and spent large sums on it. At this time it is not a question of permits alone. What we have to see is when was this work started and how was it developed. When the question came up during the British regime it was stated on behalf of the Government, at the time of the passage of the 1939 Act, that the permit system that was being introduced was simply aimed at regulating the service, that there was no intention of depriving anyone of anything but that the intention was, in a way, to regulate the whole affair. Accordingly the then representatives

of the people agreed to it. An objection had been raised then that it was being done to benefit the railways. To this they replied that the measure was not intended to benefit the railways but simply to regulate the system, to the mutual benefit of both the public and the operators. Thereafter, when a white paper was published by the Central Government in 1946 it was laid down therein that the shares of the proposed corporations would be divided into two categories, viz., one category for the Government and the other for the operators. The Government category consisted of two agencies, one that of the railway and the other that of the Government. It was stated that 51 per cent. of the shares were to be taken by the railway and the Government jointly while 49 per cent. would belong to the operators. In the present case, however, I find that the operators are not at all being considered. No regard is being shown for the fact that they too have a hand in it, that they too have devoted their time, energy and money to it. They have just been ignored.

The Report of the Select Committee with regard to this Bill also recommends unanimously that the question of compensation should not in any case be lost sight of. They have also stated in regard to the State Governments that they must not take undue advantage of the provisions of the Motor Vehicles Act of 1939 and thereby cause inconvenience to the public.

The third point is whether the rules relating to the award of compensation should be left to be framed by the State Governments or should be considered here in the Parliament and promulgated by the Central Government. I, for one, am strongly of the opinion that the rules relating to compensation should be framed by the Central Government. So far as the State Governments are concerned I wish to state explicitly that at the present moment various systems hold the field there. An order had been issued that permits should be given for three years at a stretch but then a circular was issued later on at places which laid down that temporary permits valid for four months only would be issued. The motor transport people represented that that was not proper and that when once the Government had decided to give permits for three years they were entitled to rest in peace for that long. But with the issuing of the second circular temporary permits holding good for four months only began to be issued. The operators in the Punjab met in a Conference at Rupar and demanded that the Government should, as already decided, give

them a three years' guarantee and the assurance that their permits would not be cancelled before the expiry of three years and that if and when the question arose again they would see to it. They laid great emphasis on that point and after all it was an ordinary affair for when once they had decided that permits be issued for three years why should they change the period to four months later on. At first they said they would be giving permits for three years but later on started issuing them for four months at a time. And then the permits were renewed in some places but not in others. Thus, different conditions are obtaining in different States. The bus operators cannot be sure about the exact position and cannot work properly.

The only solution in my opinion is this that the whole thing should be decided within the Parliament itself and the Motor Vehicles Act of 1939 should be amended appropriately so that there should be no room left for doubt. This should be the very first step the Government should take. Thereafter nobody would be left in doubt as to in what manner the Government proposes to proceed in the matter of nationalisation. That would be the proper procedure. Hence, I feel that the Motor Vehicles Act of 1939 should also be amended on the lines of Section 47 of the British Parliament's Road Transport Act of 1947 for this is bound to be of great help.

In this connection one thing is quite obvious. If the Government wishes to nationalise motor transport it has a big job to do. Ours is a vast country where the roads as also the system of road-making are so poor that we find that even some of our fairly big towns, even those which form district headquarters, are inaccessible by road. There are also tehsil headquarters or big towns which are provided with schools and colleges, post and telegraph offices and all other amenities but are not approachable by means of a good road. You cannot have access to them for want of good, metalled roads. Here is a big problem confronting the Government. I think, if they want to make the experiment to run their own buses and to take the transport trade into their own hands why should they do this experimentation on roads which already have that work going on on them and where people are already earning something and maintaining themselves thereby. It is not essential for them to take over these very roads to make a start with. They can construct new roads and create new avenues for

[Giani G. S. Musafir]

transport. Thereby they would know by experience how far it is a profitable trade and in what manner it should be pushed forth. This would satisfy the operators and also help in the realization of the Government's intention. Later on when the question of compensation is decided the Government can take the other steps and proceed further.

What I mean to say is that this Bill should be so amended and passed that it should be good and useful for everybody. It should not be hurried through. There are many other things in this country which call for greater and more urgent attention. If at all they wish to attend to this subject they should do so on the lines suggested by me.

श्री हेडा : सभानेत्री जी, इस बिल (Bill) के तहत जो सब से बड़ा प्रश्न है वह राष्ट्रीयकरण का प्रश्न है और राष्ट्रीयकरण के विरुद्ध जो सब से बड़ी दलील दी गयी है वह यह है कि राष्ट्रीयकरण के परिणामस्वरूप मोनोपली (monopoly) पैदा हो जाती है और मोनोपली पैदा हो जाने के बाद कीमतें धीरे-धीरे बढ़ जाती हैं और वह सरविस (service) जितनी अच्छी तरह से काम करना चाहिये उतनी अच्छी तरह से काम नहीं करती। यह सब से बड़ी दलील है और तात्विक दृष्टि से जब हम देखते हैं तो इसमें हमें बहुत कुछ ठोसपन दिखाई देता है। लेकिन जब हम तफ़्तील में जाते हैं और व्यावहारिक पहलू पर पहुँचते हैं तो हमें पता चलता है कि हमारे पास यह गुंजाइश नहीं है कि हम मोनोपली और फ्री एंटरप्राइज (free enterprise) या प्राइवेट एंटरप्राइज (private enterprise) इन दोनों में से किसी एक को क़बूल करें। बल्कि आज प्राइवेट एंटरप्राइज जिस प्रकार विद्यमान है, जिस प्रकार वह प्रगति कर रहा है, उस को देखने के बाद यह मालूम होता है कि प्राइवेट एंटरप्राइज केवल नाम के लिये प्राइवेट है, फ्री एंटरप्राइज

केवल नाम के लिये फ्री है, अन्त में यह भी एक मोनोपली पैदा कर लेता है।

सभानेत्री जी, व्योपार ने गत २५ वर्षों में काफी प्रगति की है। इस के पहले काम्पीटीशन (competition) फ्री एंटरप्राइज का एक बड़ा प्रेरक हेतु माना जाता था लेकिन अब वह नहीं है। कार्निंग दी मार्केट (cornering the market) सब चीजों को अपने पास इकट्ठा कर लेना और फिर मुंह मांगे दाम मांगना यह नया तत्व अब हमें सब जगह दिखाई देता है और गत दस बारह वर्षों से हमारा देश इस आपत्त का बहुत बड़ा शिकार हो गया है। और यही कारण है कि हम सब इस बात को अच्छी तरह मानते हैं कि हमारे देश का नेशनल एनीमी नम्बर वन (National enemy No. 1) सब से बड़ा जो दुश्मन है वह मुनाफ़ा कमाने का यह ढंग है, और विशेष कर देश का उस से फ़ायदा होता है या नहीं देश जह्नुम में जाता है या और कहीं, इस बात पर ध्यान न देते हुये, मुनाफ़ा कमाने का यह प्रवृत्ति है जिस से ब्लैक मार्केटिंग (Black marketing) धीरे-धीरे सब दोष पैदा हो गये हैं। तो जब हम फ्री या प्राइवेट एंटरप्राइज कहते हैं तो हमें यह समझ लेना चाहिये कि यह न फ्री रहता है और न प्राइवेट बल्कि यह सब व्योपारी आपस में एक हो जाते हैं, वह सब संगठित हो जाते हैं और संगठित हो कर इस तरह से ऊँची कीमत फ़िक्स (fix) कर देते हैं कि जिस से उनको ज्यादा से ज्यादा नफ़ा हासिल हो सके और ज्यादा से ज्यादा नफ़ा हासिल करने के लिये वह यह सब काम करते हैं।

मुझे यह बताने की जरूरत नहीं कि व्योपारी के दिल नहीं होता, उसके पास बुद्धि होती है। और जहाँ सिर्फ बुद्धि होती है वहाँ

देश का या लोगों का फ़ायदा होता है या नहीं, देश की सेवा होती है या नहीं, यह कोई नहीं देखता, बल्कि खुद को कितना लाभ मिलता है, कितने हज़ारों में उसको नफ़ा मिलता है यही देखा जाता है। प्राइवेट एण्टर-प्राइज़ के सम्बन्ध में जो बातें कही जाती हैं वह २५ या ३० वर्षों के पहले ठीक हो सकती हों, लेकिन आजकल जो व्योपार की हालत है जिसमें कार्पोरेशन की मार्केट की समस्या सामने आई है उस हालत में यह ठीक नहीं जंचती।

इसके अलावा एक साइकोलॉजिकल (psychological) पहलू भी है। उस का मानसिक पहलू यह है कि आज जब हम वन वर्ल्ड (One World) की चर्चा करते हैं, राष्ट्र-कुटुम्ब की भावना को मानते हैं, तब हम चाहते हैं कि हमारे व्योपार, हमारी इण्डस्ट्री यानी उद्योग और सरविसेज (services), सब इस प्रकार की हों कि जिसकी वजह से हर एक को यह महसूस हो कि यह सब चीज मेरी है। अगर उस में कोई दोष है तो मैं उसको दुरुस्त करने के वास्ते कुछ न कुछ कर सकता हूँ। साथ ही हर एक को यह महसूस होना चाहिये कि उस के साथ बरताव एक अच्छे आदमी की तरह हो और अगर अच्छी तरह बरताव नहीं होता है तो वह उस बुरे बरताव को चुपचाप बरदाश्त न करे, अथवा खामोश बैठ कर न रहे अपने अधिकार को समझे। यह चीज प्राइवेट एण्टरप्राइज़ में नहीं होती यह चीज पब्लिक एण्टरप्राइज़ या नैशनल-लाइज़ेशन (nationalization) में होती है। आज जो बसेज (buses) के बारे में इतनी सारी शिकायतें हो रही हैं और विशेषकर दिल्ली की बसों के बारे में—मुझे सौभाग्य से या दुर्भाग्य से उनका परिचय नहीं है—उस का एक बड़ा कारण यह

है कि उस पर टीका करने वाले समझते हैं कि यह चीज हमारी है और हमारी टीका करने के परिणामस्वरूप यह चीज अवश्य सुधरेगी। जब यह व्यवस्था होती है तो मनुष्य अपने अधिकार के तौर पर भी और अपने फ़ायदे के लिये भी उस की अवश्य टीका करता है। इस के विरुद्ध प्राइवेट एण्टरप्राइज़ में जब कोई दोष होता है, कोई खराबियां होती हैं तो उन पर हम टीका नहीं करते। एक कारण तो यह है कि हमें टीका करने का अधिकार है यह बात महसूस ही नहीं होती और दूसरे उस टीका से कोई फ़ायदा भी नहीं होता। अतः आज जो यह टीका हो रही है यह भी एक स्वास्थ्य का लक्षण है। यह हमारी कमजोरी का लक्षण है यह चीज में नहीं मानता।

इसके अलावा मेरा ख्याल यह है कि क्रीमों कम होती हैं या बढ़ती हैं यह देखने के बजाय यह देखना भी आवश्यक है कि जो सुविधायें दी जा रही हैं, जो सफ़ाई दी जा रही है, जो सरविसेज मिलती है वह योग्य प्रकार की है या नहीं। जिस स्टैण्डर्ड पर हम अपना काम करना चाहते हैं वह किस प्रकार का है यह भी देखना आवश्यक है।

बहुत सारे मित्रों ने यहां पर बहुत सारी जगहों की बसों के सम्बन्ध में बहुत सारी बातें कही हैं। मैं थूँ कि हैदराबाद से आता हूँ, सभानेत्री जी, मैं समझता हूँ कि यहां सब लोग जानते हैं कि वहां गत पन्द्रह वर्ष के लगभग बसेज (Buses) को एक डिपार्ट-मेण्ट (Department) की तौर पर चलाया जा रहा है। मैं समझता हूँ कि जितना माईलेज (Mileage) वहां कवर (cover) किया जाता है गवर्नमेण्ट बसेज (Government Buses) के जरिये से, उतना माईलेज शायद और किसी राज्य के अन्दर कवर किया जाता हो। कोई बड़ा शिला या

[श्री हेबा]

सड़के ऐसी नहीं हैं जहां पर सरकारी बसें न चलती हों। इन्हीं दिनों में हैदराबाद और सिकन्दराबाद में एक छोटा सा भाग था जो प्राइवेट इन्टरप्राइज (Private enterprise) के लिये सरकारी बसों के साथ रक्खा था वहां पर भी यह हालत हो गई कि प्राइवेट बस दो चार मिनट जल्दी आने पर भी लोग उनमें जाना पसन्द नहीं करते थे, क्योंकि उन का कोई ठिकाना नहीं कि वह कहां खड़ी होंगी, कहां रुकेंगी और उन में कितने पैसेन्जर्स (Passengers) लिये जायेंगे और उन के साथ कैसा बर्ताव किया जायेगा। मुसाफिर २-४ मिनट बाद में आने वाली सरकारी बस के वास्ते इन्तजार करना पसन्द करते थे, क्योंकि वहां वह जानते थे कि उन के साथ बिल्कुल अच्छा बर्ताव होगा। यह भावना उन के अन्दर गत पन्नाह साल से है और इस का तजुर्बा भी उन को है गत पन्नाह साल के तजुर्बे ने वहां यह बतलाया है कि बसों को एक डिपार्टमेंट की तौर पर नफ़े पर चलाया जा सकता है और इसको काफ़ी फ़ैलाया जा सकता है। इस लिये यहां पर जो यह संकल्प प्रकट की गई है कि देहली के अन्दर जो पिछले १० महीने में १० लाख रुपये का मुनाफ़ा हुआ, वह आगे चल कर मुनाफ़ा साबित न होगा, क्योंकि वह सब बसों में ही खत्म हुआ दिखाई देगा, क्योंकि बसों की जो—डिप्रीसियेशन कोस्ट (Depreciation cost) लगाई गई है वह बहुत कम लगाई गई है और इस लिये मुनाफ़ा उस में आगे चल कर नहीं होगा। ऐसी संकल्पों जो यहां पर प्रदर्शित की जा रही हैं वह बिल्कुल गलत की जा रही हैं और ऐसी संकल्पों के लिये कोई कारण नहीं है। इस के अलम्बा नेशनलाइजेशन (Nationalisation), राष्ट्रीयकरण के लिये एक और भी बड़ा कारण जो है वह यह है

कि हमारी इस ट्रान्सपोर्ट (Transport) की समस्या के चार पहलू माने जाते हैं। रोड याने रास्ता, रेल का विभाग, हवा का रास्ता और पानी का रास्ता है। यह चार प्रकार के जो रास्ते हैं इन के अन्दर एक सामंजस्य हारमनी (Harmony) पैदा होनी चाहिये। यहां तो बात ऐसी है कि अगर एक डिपार्टमेंट एक रास्ता पूर्णतया सरकार के हाथ में है तो दूसरा रास्ता सरकार के हाथ में नहीं है और इस कारण सामंजस्य एक दूसरे से कायम नहीं हो पाता और एक दूसरे के कार्यों की पूर्ति करने के बजाये एक दूसरे के प्रति स्पर्धा होती है और गड़बड़ पैदा होती है। वास्तव में मेरे क्याल से इस बिल के ऊपर वैसी चर्चा करने की यहाँ पर जरूरत ही नहीं थी।

जैसा कि माननीय मन्त्री महोदय ने कहाया कि यह एक एनबेल्डिंग बिल (Enabling Bill) है और मन्त्र एक इतिहासक है कि इस प्रकार का क़ानून हम ही बना सकते हैं, राज्य की सरकारें नहीं बना सकती हैं। इस लिये हम उन का रास्ता साफ़ कर दे रहे हैं और उन के सामने जो एक रोड़ा है, उस को दूर कर रहे हैं। यह उनकी इच्छा पर है कि अगर वह कॉर्पोरेशन (Corporation) नहीं बनाना चाहते तो न बनायें, लेकिन जो राज्य कॉर्पोरेशन बनाना चाहते हैं, उस को बनाने देने से हम कैसे रोक सकते हैं, उन की योजना की पूर्ति के बीच में हम कैसे आ सकते हैं। हफ़ इस कार्य में उन के बीच में बाधा उपस्थित नहीं कर सकते।

एक प्रश्न है जिस की हमें सफ़ाया है और जिस की तरफ़ में यहां पर मेरे मित्रों का ध्यान खींचना चाहता हूँ, साथ ही साथ सारे हाउस (House) का और वह यह है कि आज जो देश भर में परिस्थिति है वह एक विशेष परिस्थिति है

वह परिस्थिति यह है कि सारी राज्य सरकारों और केन्द्रीय सरकारों के अन्दर बहुत ही अच्छा सम्बन्ध, पूरी मंत्री का सम्बन्ध मौजूद है। और इस का कारण यह है कि राज्य सरकारों और यहां पर भी एक पार्टी (Party) बहुत बड़े बहुमत में है। परन्तु यह परिस्थिति हमेशा कायम रहेगी, ऐसा हमें समझने की जरूरत नहीं है। डेमोक्रेसी (Democracy) के अन्दर हुकूमतें बदलती रहती हैं और कायापलट हो जाती है। तो यह हो सकता है कि कभी कोई एक ऐसी राज्य सरकार आये जो अपने अधिकारों के लिये केन्द्रीय सरकार से लड़ना उचित समझे। लड़ने का उसे अधिकार है और उस अधिकार का उसे इस्तेमाल करना चाहिये। इस बारे में, अर्थात् केन्द्रीय और राज्य सरकारों में कैसा सम्बन्ध हो, इसके बारे में अभी से सावधान रहना चाहिये और उस सावधानी को हमें सामने रख कर आगे बढ़ना चाहिये। उस को देखते हुये माननीय मन्त्री महोदय ने जैसा फ़रमाया, मैं इस बात को मानता हूँ कि जिसे हम सावरण्टी (Sovereignty) कहते हैं, वह न हमारे हाथ में है और न पूर्णतया राज्य की सरकारों के हाथ में है। आज सावरण्टी—पूर्णसत्ता—कहीं भी नहीं होती है। परस्पर विश्वासपूर्ण निर्धारण—एक दूसरे पर अवलम्बित होना—यही आज की सब से बड़ी स्पिरिट (Spirit) है और यही आज की सब से बड़ी समस्या है इस को देखते हुये आज जो चीजें राज्यों के अधिकारों में हैं, उन चीजों के अन्दर हस्तक्षेप हम न करें, उसमें हमें उन को फुल स्कोप (Full scope) देना चाहिये। इस दृष्टि से इस को देखना चाहिये। जब मैं यह देखता हूँ, और कम्पनसेशन के सम्बन्ध में, और दूसरी चीजों के सम्बन्ध में भी जो हम ने सारी चीजें रख दी हैं, तो मुझे ऐसा लगता है कि हम राज्य की सरकारों को परेक्षण

करते हैं। अगर उन के सम्बन्ध में ऐसा कहा जाय कि वहां के जो कन्डक्टर्स (Conductors) और ड्राइवरर्स (Drivers) हैं उन को वह सरकारी नौकरियों से बंचित रखें, तो यह उचित नहीं होगा। वह कौरपोरेशन में इन लोगों के बजाये किन्हीं दूसरे लोगों को क्यों लेना चाहेंगे? और अगर लेना भी चाहें तो उनका दुःख, दर्द, सुख और सन्तोष उन के लिये पहली चीज है, हमारे लिये दूसरी चीज है। इस को हम कैसे भुला सकते हैं? हम बिना वजह राज्य सरकारों के सम्बन्ध में एक विचित्र प्रकार की कल्पना रखते हैं, दुर्भाव रखते हैं, हीन-भाव रखते हैं और उन शंकाओं के कारण यहां बहुत सारी चीजें आ गई हैं, और मैं समझता हूँ कि उन सारी चीजों की यहां आवश्यकता नहीं थी। अगर मैं किसी राज्य सरकार का सदस्य होता तो मैं वहां पर इस बात का निषेध जाहिर करता कि इस हाउस में हम लोगों के ऊपर और राज्य सरकारों के ऊपर इस प्रकार की सन्देह की दृष्टि से देखा जाता है। ऐसा प्रतीत होता है कि जिस प्रकार मैं अपने बच्चे को हर छोटी से छोटी बात में आदेश देती है, हर चीज का आदेश देने की जरूरत नहीं है, वह खुद समझदार है और उन्हें हम से ज्यादा अनुभव है। यहां केन्द्रीय सरकार जो हमारी आई है उस के पहले से हमारी सरकारें वहां मौजूद हैं। जनता के प्रतिनिधि पहले से वहां काम करते आये हैं। इस लिये उनके सम्बन्ध में इस प्रकार का सन्देह करना मेरे ख्याल में उचित नहीं है।

उस के बाद कुछ और चीजें कही गयी हैं, उनके सम्बन्ध में मैं कुछ विशेष कहना नहीं चाहता। मेरे मित्र श्री देशबन्धु गुप्ता ने कहा कि एक आध दूसरी घटना होती है, उस पर कोई जनरेलाईजेशन (Gene-

[श्री हेडा]

realisation) नतीजा नहीं निकालना चाहिये और मैं इस को मानता हूँ और इसको मानते हुये जैसी घटना का उन्होंने उल्लेख किया उस घटना के सम्बन्ध में मैं यह कहना चाहता हूँ कि वह सरकारी बस थी, इसलिये वह लड़की शायद घर वापिस आई, अगर प्राइवेट बस होती तो शायद घर भी वापिस न आ पाती। ऐंश्टी सोशियल (Anti-Social) लोगों की वजह से इस तरह की घटनायें हो जाती हैं, लेकिन प्राइवेट बसों के मुकाबिले में सरकारी बसों में बहुत कम होती है, क्योंकि इन में इस्लालाक और शिक्षा निजी बस वालों की अपेक्षा ज्यादा होती है और सरकारी बस में काम करने वाले अपनी जिम्मेदारी को ज्यादा महसूस करते हैं। इस लिये हमारे भीतर जो राष्ट्रीयकरण के सम्बन्ध में शंकायें हैं उन को निकालें, राज्य की सरकारों पर पूरा विश्वास करें, उनको समझदार समझें और जैसा वे अपने हित में ठीक समझें, वैसा करने का पूरा पूरा उन को हम मौका दें। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

(English translation of the above Speech)

Shri Heda (Hyderabad): Sir, the most important point covered by the Bill now under discussion relates to the nationalization and the most powerful argument advanced in opposition to nationalization is that it creates a monopoly which means rise in prices and comparatively less efficiency in the working of the service than may reasonably be expected of it. This is the most important argument and, taking a realistic point of view, one feels much soundness about it. But a probe into the details and practicability of the logic convinces us that we have no justification to adopt either the monopoly, or the free or the so-called private enterprise systems to the exclusion of one another. But looking at the present state of this private enterprise and the way it is progressing one comes to the conclusion that this sort of enterprise is private merely in name only. Ultimately this too sets up a sort of monopoly system.

Sir, trade has made considerable progress during the past 25 years. Before this competition used to provide much of the incentive for free enterprise. But this is no more the case now. Cornering the market—that is to say to hoard all things and then demand exorbitant prices is a new reality one comes across everywhere and our country has been suffering grievously for the last ten or twelve years. That is why we are all agreed to consider this craze for profiteering our National Enemy No. 1, particularly when it is regardless of the overall interests of the country and is unmindful of the Nation going to the dogs. A tendency of this sort is responsible for black-marketing and such other evils. So we must be clear all along that the so-called free or private enterprise is a mere shame. It remains neither free nor private. The businessmen become organized whereafter they fix the prices so high as to bring them large and maximum profits. To earn huge profits they can do all these things.

I need not explain that a businessman possesses no heart, he is all and all intelligence and where there is only intelligence, none cares for others' interests nor one cares to see whether the country is served or not. The sole object in that case is to think of huge profits for ones own self. All that is said of private or free enterprise might be true for the last 25 or 30 years before but in the modern context of business conditions when we are confronted with the 'cornering the market' doctrine, they simply do not fit.

There is also a psychological aspect to this issue. It is with this feeling that we think of one world or the world brotherhood. We wish that our commerce, industry and services should all be so managed as to make one feel his indisputable claim to them all and give one the confidence to be competent to set things right to some extent where they may be going wrong. Along with this one should feel that the treatment meted out to him is that of a gentleman and in case of its absence, he is not constrained to suffer silently but should have implicit faith and realize the existence of his rights. This state of affairs cannot be brought about in a private enterprise but it exists in a public or nationalized enterprise. These days we hear so many complaints about buses and in particular regarding the Delhi buses. Fortunately or unfortunately I am not acquainted with them. Anyway the main reason responsible for these complaints is that those who travel by these buses realize that the buses belong to them and any criticism that is made regarding their working, therefore is bound to improve their working. When arrangements are

of this type then a person in order to assert his right or in his own interests is bound to criticize. No such criticism is made when any defect or shortcoming happens to exist in a private enterprise. Firstly it is so because one fails to realize whether he has any right to criticize and secondly it results in nothing good. I, therefore, even consider the criticism being made here as a sign of health. I do not regard it as a sign of our weakness.

Alongwith this instead of showing our concern whether the prices rise or fall we should also be watchful to see whether the amenities or service being rendered to us are adequate and worthwhile. We must also see that the accomplishment is of the requisite standard or not.

Many friends have spoken on the existing motor transport system prevailing in different parts of the country. Sir, I come from Hyderabad and I think most of the Members are aware of the fact that buses are being run there for the last fifteen years by a Government Department. I think, in no other State so much road mileage is covered by Government buses as is done in that State. There is not a single big district in which Government buses are not plying. A certain small part of Secundrabad was left for private enterprise for running buses along with the Government buses. There the people did not like to board a private bus even if it came two or four minutes earlier, because they were not sure where the bus would stop or how many passengers would be taken in or how they would be treated. People liked to wait for Government buses because they were sure of getting good treatment. This kind of feeling is there in the people for the last fifteen years and they have experience of that. The experience of last fifteen years had shown that buses could be run like a State department with profit and could be sufficiently extended. Doubts have been expressed that the profit of ten lakhs in ten months which has accrued to the Delhi Transport Service is illusory, because the depreciation cost has been calculated much less and therefore, there will not be any profit in future. There are no reasons to apprehend such doubts.

There is another important reason for nationalisation. There are four aspects of this transport problem. Roads, railways, air and water Transport. There should be harmony among these four modes of transport. But here if one mode is controlled by Government the other is not and therefore there is no harmony between them. Instead of

helping each other in the completion of work, they begin to compete with each other and thus confusion arises. In fact, there was no need of discussing it in that manner.

The Hon. Minister has said that this is an enabling Bill and it is merely a co-incident that only we can make legislation to that effect while State Governments are not empowered to do so. Therefore, we are making their task easy and removing a hindrance from their way. It depends on them whether they want to form corporation or not, but we cannot stop those States who want to form corporations. How can we interfere in their work?

There is a problem towards which I would like to draw the attention of my friends and the whole House. The conditions prevailing in the country are such that there is complete accord between the Central and the States' Governments. It might be due to the overwhelming majority of a single party both in the Centre and the States. But we should not think that these circumstances will last for ever. In democracy, Governments change very often and sometimes there are metamorphic changes. It is possible that a State Government may come into power which would like to fight with the Central Government for its rights. The State Government has a right to fight and it should make use of that. We should be cautious from now as to what methods should be adopted to achieve complete accord between the Central and the States' Governments. Bearing this in mind we should forge ahead. Taking that into consideration, I agree with the Hon. Minister that the thing which we call sovereignty neither vests in us nor vests in the States' Governments. Now-a-days, there exists no complete sovereignty. The prevailing spirit is of mutual confidence and interdependence and this is the biggest problem of the day. Taking into consideration all this, we should not encroach upon the existing rights of the States' Governments. We should not interfere into their work and should allow them full scope to do it. We should take this view into consideration. When I look into the question of compensation and other things that have been laid down I feel that we are unnecessarily putting States' Governments into trouble. It shall be unfair on our part to think that the States' Governments would not absorb those conductors and drivers into service. Why would they like to appoint persons other than them in the corporations? Moreover if they want to appoint others then their sufferings and welfare are the States' Government's

[Shri Heda]

primary consideration which may be secondary for us. How can we forget it? We have no real ground to harbour low opinion, ill-will or peculiar feeling towards the Governments of States. Many things have cropped up due to those doubts, and all this is not fair. If I would have been a Member of a State Government, I would have protested against this and declared that the State Governments and we are being looked down with suspicion in this House. We should not issue orders to States' Governments for everything as a mother instructs her child for even petty things. There is no necessity of issuing orders for everything, they are themselves prudent and possess more experience than us. Our Governments are there since a long time and people's representatives have been working there when this Central Government was not here. Therefore it is not proper for us to apprehend such doubts against them.

Some other things have been said and I do not want to say specially anything regarding them. My friend, Shri Deshbandhu Gupta has suggested that such incidents do sometimes take place but we should not draw any generalization from these only. I agree with him, and taking into consideration the incident mentioned by him I would like to say that the girl could reach her home only due to the fact that the bus was a Government one otherwise had it been a private one, she would not have reached at all. These incidents occur due to anti-social elements. But in comparison to private buses the number is less in Government ones because the morals and the standard of education of the employees of the Government buses are higher than those of the private ones. The employees of the Government buses feel more responsibility than those of the private ones. Therefore, we should give up our doubts regarding nationalization. We should trust States' Governments and give them full latitude to work according to their plans which they consider best. With these words I support the Bill.

Fandit Munishwar Datt Upadhyay (Uttar Pradesh): I rise to support this Road Transport Corporation Bill that has been introduced in the House. In fact the necessity for such a Bill has been felt for a long time. The road transport services are carrying on an unhealthy competition with the railways and there has been a clear loss of revenue to the Government. The services that are running are so inefficient that they really require to be replaced. The road transport services that we have at present have neither regularity nor punctuality. Even the fixity of rates is not being maintained. As re-

gards comfort in travelling we find that these buses are badly overcrowded and it is very uncomfortable to travel in them. The rates are generally regulated by the supply and demand. Although the rates are fixed they are seldom observed. Although the number of seats are fixed in the buses yet generally that rule is not observed. The services that we have at present on the roads are so unsatisfactory that they require to be either improved or replaced.

It is well that the Bill is now before the House and I am sure when the services are undertaken by the corporations under the direction of the Government these drawbacks and the prevailing inefficiency will be removed. Therefore I support this Bill.

But there is another aspect of the question and that is a very serious aspect. By introducing this measure we shall be replacing a large number of private bus-owners. We shall be throwing out of employment a number of employees on the services running on the roads and we shall also be throwing out of use the machinery and the material worth crores of rupees that private owners have invested in motor transport services. So the question of compensating them is a very serious problem. Although it was argued by some hon. friends here that most of these employees will be re-employed by the corporations, I do not think it is practicable. Some of them are of course bound to be taken in but many of them may be rejected. So by taking over these services we shall be throwing out of employment a number of persons, probably the number might be in lakhs, who are at present working in these services.

Then the private owners whose means of livelihood has been the transport service for the last so many years will also be put out of employment. Having served the public for so many years through these services I do not think they have got now the initiative to have any other occupation. Unless their experience is utilised in some manner or other it will be lost.

Then there is the investment of crores of rupees that these people have made in the transport services. Most of that will be wasted, because when the corporation takes up the services they will surely have brand new vehicles from foreign countries, which they will put on the roads. It is natural that the present buses and lorries having been on the roads for a number of years will not be fit for use under the corporations and shall be left to rot on the roadside, because most of them are old, rickety uncomfortable and even

unsafe for use now. As a matter of fact this loss to the private owners cannot be easily compensated. Therefore though as a passenger or customer we might think that bringing the transport services under corporations which will be under the direction of the Government is a very welcome measure and will give efficient service, still that aspect of the question should not be neglected.

Therefore I would make certain suggestions. In case these corporations are constituted under this Act by the State Governments, if on those corporations they have the representation of the private owners and they try to employ as many of the displaced employees as are fit for work and also if they try to take over the machinery and material as are fit for use, then these people might be compensated to a certain extent. Even then the compensation would be very poor.

One more thing I would suggest as regards the constitution of these corporations. Along with the representatives of the private owners who are on the road at present the representatives of the local boards should also be on these corporations, because most of the roads of the local boards will be made use of by these services. So if the corporations are constituted in this manner we might compensate the persons who are being ousted. The capital that is being rendered useless, the property that will become utterly useless after the services are taken over by the corporations will be compensated and thereby we shall provide efficient service, which is really the object of every body. We also welcome this measure, because there will be considerable difference between the efficiency that we find at present and the efficiency that we expect when the services are taken over by corporations under the direction of the Government.

One point was talked about in the House, viz. nationalisation of these services. Technically nationalisation ousts all other competition in the field. As a matter of fact in this Bill I find no such provision which might oust other private owners from such service. The roads used by the corporations will of course be under these services. Other roads not made use by the Corporations' transport services can be made use of by private owners. I do not think there is anything in the Bill that is before the House to prevent such private services on the roads that will not be covered by these corporations. So this word 'nationalisation' I do not think is the proper word to be used. In my opinion the measure is very

desirable provided compensation is also given to those persons who are being displaced by this measure. I have made some suggestions. If they are accepted, they might help to compensate the displaced persons to a certain extent.

Sardar Hukam Singh (Punjab): I was a Member of the Select Committee, and I have appended a note of dissent to the report of the Select Committee. I owe an explanation about my minute, as to why I differed from the other Members.

My note has three points where I differ from the other Members. The objects of this Bill, as put down in the original Bill, were to provide an efficient, adequate and economical service. These words "about economy,"—"as economical as possible"—have been taken out. I thought that when the object was to provide an economical service, they should be retained there. This was my first objection. I do not know what complications the hon. Minister of State feared when he said that it might involve certain complications if these words were there, but I feel that if really we are going to provide our masses with economical road transport services, then there is no reason why these words should not be there. I am sure, from the experience that we have gained so far, that the service by the State Governments would neither be efficient nor economical, but it is too late now for me to argue that nationalisation should not be adopted because this House is committed to that policy and we have to proceed on it.

The second objection that I took in my minute of dissent was that the provisions of other laws should also be adhered to. The corporations should also be subject to all the provisions of other laws that relate to this subject because otherwise it would not be possible to measure and assess whether really the service is being run on a commercial basis, whether it is profitable, whether it is giving any revenue to the State exchequer or not. Experience shows that in certain States the profits claimed were not even as much as the State would have received by way of taxes and other recoveries. It has been argued here by certain friends that we should not doubt the honesty, the faithfulness of the State Governments, that they would look after the interest of the operators, and that the fears that we express about the compensation clauses are baseless. What we have learnt from past experience certainly shows that the fears of the operators are justified. The present system of transport which is there, under which the services are being run, is regulated by that Municipality are adhered to,

[Sardar Hukam Singh]

by the Act of 1939 and the rules made thereunder. There were two kinds of permits provided thereunder. One was the regular permit and the other the temporary permit. The duration of the regular permit was three to five years, and that of the temporary permit only four months. Originally these permits were granted for three years but subsequently they were renewed for another three years and there was no trouble up to 1946. But as war had ended by that time and there were very large schemes of reconstruction in the hands of State Governments, they looked round to every corner for any source of fresh income. And the road transport was the first unfortunate victim that was thought to be the most tempting source. Every State Government thought that it could get a good sum out of these services. In 1946, the first evolution that was intended to be brought about was contained in an announcement that tripartite companies, as has been referred to by a friend, would be constituted and those persons already having interests in the business would have 49 per cent of the shares which would enable them to carry on. The operators were glad. They thought they would have something as a permanent source of income, that they would continue in the business which they had started with so much labour and so much industry.

Then again, when partition came the whole economy of the country was upset and it also affected the State Governments, some directly, others indirectly. Now the State Governments were not content with the old rationalisation scheme, but thought that the whole business might be taken over as soon as possible. It was then that every State proceeded to find out ways to nationalise or provincialise the transport services. And because the Centre did not interfere in any way, the methods adopted and the measures taken were very different and each State Government proceeded as it liked. The West Bengal Government put two hundred buses on the road in Calcutta City alone, but it simultaneously allowed the private owners to continue their services. Therefore, there was no complaint there. Bihar has not interfered so far. Orissa has formed companies in which there would be four parties: one would be the State Government, the other would be the Railways, the third would be the operators, and the fourth party would be employees. Of course, this is a wholesome arrangement. If this arrangement can be adopted by the State Governments, certainly it would give relief to the operators to a certain extent. But in U.P. a very different method was

adopted. Sixty-six per cent. of the total number of buses have been started to be run by the State and the most valuable and select routes have been chosen and taken away from the operators who had worked on them for a long period. There was provision that at the first displacement the operators would be given compensation. They were also provided with alternate routes; though those routes were less profitable or were *kutchas* in certain cases, even then there was some consolation that the displaced operator had got something to fall back upon. But ultimately when he was displaced twice or for the third time, the provision of compensation did not apply. The result was that because it had been accepted that the operators were displaced twice or thrice from certain routes, therefore, on the second and third displacement they did not get any compensation. The result is that on the Delhi-Meerut route alone 92 buses are lying idle. Sixty of them are 1948 and 1949 models and each one of them is worth about Rs. 20,000. Government has bought new buses and thus wasted foreign exchange from dollar areas. It has not utilised these buses that could be easily acceptable if only it dealt with the matter with a certain amount of sympathy.

4 P.M.

In Himachal Pradesh they have proceeded with complete nationalisation. The buses have not been taken from the operators; nor has the staff been absorbed, except a very small number out of them. In Bihar, barring a few routes, permits have been renewed and it is gratifying to note that they have tried to make experiments with fresh routes besides taking a few old ones as well. They have renewed the other permits for three years. Madhya Pradesh was the first to run buses under a public limited company and ultimately, because it incurred heavy losses, it had to take over all the assets of other persons and the operators were left only with less important or *kutchas* routes. Bombay was the only State which utilised the provisions of the Corporation Act, 1948, but at the same time 80 per cent. of those operators were ousted from business. Buses were not taken and no compensation was given. I am laying stress on this, because my hon. friend from Ahmedabad laid great emphasis that in Ahmedabad all buses have been taken. Operators and workers had been absorbed; compensation had been given and service became cheap and efficient and buses were running quite to the satisfaction of the passengers. That is very good. This is what the operators want and what we want. If those principles which have been followed

there is no danger and people would be glad and would support the Government in this measure. If all those principles which have been laid down here and are alleged to have been followed by the Ahmedabad municipality were adopted and if every State Government was to follow them, certainly there would not be any objection. As I said, the position today is the reverse. Because operators were not absorbed in the case I mentioned, they went to the High Court and the High Court has recently held that the Corporation is *ultra vires*, because they have stated that this was delegated legislation. What has happened now? The Government has issued fresh notices and invited the old operators to file applications for permits. The Corporation has also applied for permits in those routes and we find that before those applications are decided and a conclusion is reached as to whether permits should be given to them or not, a fresh clause is being added here in this Bill—Clause 46-A—to cover those defects. About Hyderabad, we have been told just now that all buses were running departmentally and only one route had been given to private operators. The service may have been satisfactory, as has been disclosed by my hon. friend, but what has happened recently is that the permits of those private operators expired in May and they were not renewed. Even on the one route which they were running, the permits have not been renewed. When the Government refused to renew, the operators applied to the High Court and continued to run. They were chaled and fined about Rs. 1 lakhs. The operators went to the High Court again and the court stayed proceedings regarding the prosecution. The result is that because the old laws, yet in force in Hyderabad State, empower the State Government to seize all lorries, all lorries have been seized and that has finished the whole business. The High Court of Hyderabad has observed that Government is precipitating decisions of judicial courts. Of course, Delhi is the only exception. The Central Government is to be congratulated in that it took over the G.N.I.T. with all its assets and liabilities. The buses were taken over and the operators were also absorbed. If this procedure is followed everywhere, nobody would object to nationalisation. But the State Governments are reluctant to renew the permits and the method which they have been following has made this clear. As some of my friends pointed out, they have been issuing temporary permits for four months. The complaint is that these operators are not giving efficient service. If they are not certain as to how long they will continue, can they ever improve their service?

[MR. DEPUTY-SPEAKER in the Chair.]

They would not invest anything in a business for which there is no certainty. Now, some of these temporary permits were renewed eight times. It has been held by the Madras, Calcutta and recently by the Allahabad High Court that these permits should be made regular, because there was no temporary need: if they could be renewed four, five or six times, certainly there was no reason why they should not be considered as regular permits. In U.P., after the decision of the Allahabad High Court, the Government has invited them to put in applications for regular permits. 69 persons applied and 63 out of these 69 have been rejected on account of grounds which are very flimsy ones. In one case, they said that the man had been fined two years before for some offence under the Motor Vehicles Act. There is another interesting case. It is that of Ram Singh. He was chained some two years ago for running without the rear lights in order and fined Rs. 2 or 3. On this score, he was refused the permit. These are instances.

Then again, it has been alleged here that this is an enabling Act and that we cannot compel State Governments to constitute these Corporations, and they might proceed with their own ways of nationalisation and might not adopt the measure that we are providing for them. Quite right. That is the complaint exactly, namely, that they would try to avoid this Act by every means possible and deny justice to these poor operators. If these people are really being displaced, is it not for this Government to help them? It was given out in the case of other industries that they would not be interfered with for the next ten years. Of course, this is also an industry and it should have been treated in the same way. But that is gone. The only complaint now is that if the Corporation decides to take over the undertaking, then it must take over all the assets that are there. My hon. friend from Ahmedabad says that the normal life of a vehicle is five years. If they have given him a permit for five years, the life of the vehicle at the end of that period is extinct and therefore he is not entitled to any compensation. A question was put in the Uttar Pradesh Assembly as to whether refusal to renew a permit and taking over the buses is not taking over of property, and as such are not the bus-owners entitled to compensation? The reply came that it was not property at all, and as such they were not entitled to any compensation. This is an instance of the attitude of the State Governments. It is, therefore, for the Central Government to safeguard the in-

[Sardar Hukam Singh] terests of these poor people. After all they are your citizens. I am told by a friend of mine to my left that they are rich people. If this principle is applied to other industries as well, I would not have any objection, but if it is particularly applied to this industry alone, certainly I have a right to submit that it is not correct. Therefore, I submit that it is time that the Central Government interfered. The provisions of section 39 are not sufficient. It says: "Whenever a Corporation decides to take over an undertaking." It may not decide; or it may decide to take over the route, but not the vehicles. In that case those vehicles cannot be run, unless there is a route for them. Even on other routes they would not be given permits. It has been presumed by a friend of mine that this arrangement does not contain any provision whereby they would be prohibited from running on other routes. But he is not right in that respect, because unless he gets a permit to run on a particular route, he would not be entitled to take his vehicle through any route. Therefore, the State Governments are throwing these operators out of employment. It was contended that the drivers, cleaners and all other employees would be absorbed by the Corporation. Theoretically it is correct. I am not casting aspersions on any particular body or State Government; but it is natural that when fresh chances for patronage arise, certainly the old people will not be absorbed and new ones will be recruited in their stead. My amendment seeks to provide that Government should make ample provision that these persons who would be displaced should get compensation. That is our only complaint. Otherwise, we are not opposed to nationalisation and every well-wisher of the country would wish for its success.

شری ٹی - حسین : میں چاہتا ہوں کہ ہندی میں تقریر کروں - لیکن اگر جناب وزیر صاحب کو ہندی سمجھنے میں کوئی دقت ہو تو میں انگریزی میں تقریر کروں -

[Shri T. Husain (Bihar): Sir, I wish to speak in Hindi but in case the hon. Minister feels some difficulty in understanding Hindi, I may speak in English.]

The hon. Minister wishes me to speak in the language which I do not speak as well as my mother tongue. However, I have to say a few words in connection with this Bill which he has

introduced. This Bill, Sir, is meant for the guidance of the States to form Corporations. It is a very good idea and there can be no objection to it. I find that there will be a Tribunal consisting of three persons: one will be a representative of the operators, another will be a representative of Government and the third will be a nominee of the Chief Justice of the State. Sir, as regards the representative of the Government, no doubt, he will support the case of his Government and the representative of the operators will support the case of the operators. So, the most important person on the Tribunal will be the nominee of the Chief Justice. Now, it is nowhere mentioned in the Bill whom the Chief Justice would nominate. He may nominate anybody he likes. This is not right, Sir. Since the third person on the Tribunal is the most important man and his decision will be the binding decision, since there is no appeal against the decision of the Tribunal, the nominee of the Chief Justice must be a Judge of the High Court—not a person who is entitled to be a High Court Judge, because any pleader, any advocate of five years' standing is entitled to be a High Court Judge.

Shri K. Santhanam: May I point out to the hon. Member that an appeal has been provided for?

Shri T. Husain: I am thankful to the hon. Minister: that is the reason why I wanted to speak in my own language so that the Minister may not understand defects in my speech. However, I am thankful to him. In future I shall read his Bills more carefully.

My point is that the person to be nominated by the Chief Justice should be a Judge of the High Court. If the hon. Minister in reply to my suggestion would say that there is a shortage of Judges, in that case I would say that let us have his nominee as a retired Judge of the High Court. Then the people will have more confidence. I have no doubt the Chief Justice will nominate according to his opinion the best man, but he can appoint anybody he likes. Since we have got a Government nominee and a nominee of the operators, let the nominee of the Chief Justice be a man with judicial experience. Therefore, I hope the hon. Minister of State will accept my suggestion.

It is said that Government will pay compensation to the operators, or bus-owners on the award of this Tribunal. It is not mentioned in the Bill on what basis this compensation will be paid. If the basis is going to be the price of the bus at the time of acquisition, then

I think, Sir, it will be a great hardship on the bus-owner. I submit that the compensation should be on the basis of the income of the bus owner. This is a well recognised principle. Now, Sir, in this particular case we all know that the net income that a bus owner gets from a bus is about a thousand rupees a month, which means twelve thousand rupees a year. I am putting it at Rs. 10,000—I am making it lower. If I am earning as a bus owner Rs. 10,000 a year and you give me twenty times that amount, you have to give me Rs. 2 lakhs. But I am sure our Governments cannot pay that. Let it be ten times, half of that, a lakh of rupees. Even that they cannot pay. Let it be five years' income, Rs. 50,000. They cannot pay. Let it be two and a half years' income. I will tell you the reason why I am saying this. Although I am not a bus-owner I am interested in a bus-owner in one manner. In the State of Bihar you will find that the poor zamindars who were very rich and whose property is going to be taken away by the State—and our tenants have heard that it is going to be taken away and they have stopped paying the rents—we have become pauper before the acquisition, we have to do something to live and the majority of zamindars have become bus-owners and operators! The whole trouble is this.

An Hon. Member: That is not correct.

Shri T. Husain: I hear a voice "It is not correct" and I am sure that it is not the voice of a zamindar. There are zamindars from Bihar present here in this House. They would never say that my statement is incorrect. My statement is correct. What has actually happened in Bihar? We are not going to get twenty times of our annual income. Suppose my income is a lakh of rupees a year. I am not going to get Rs. 20 lakhs, which is the real, reasonable and equitable price which should be paid by Government or any person or any institution to a person whose property is being taken away or purchased.

Mr. Deputy-Speaker: But the bus will disappear in three years.

Shri T. Husain: Then give us three years income. What I am trying to impress on the hon. Minister of State through you is this. I am talking of Bihar, but it may apply to the whole of India with the zamindari being abolished from every State. We are taking the initiative in Bihar. If my annual income is one lakh of rupees I am not going to get Rs. 20 lakhs. What the Government is going to do

if they are going to pay three times the net income. They reduce our income to half and then they give three years' net income. It will be Rs. 3 lakhs—and not in cash, but only in bond, and 2½ per cent. Out of that we poor people have to purchase buses. If you are going to pay us only on the basis of the price of the bus, then we are absolutely ruined. Under these circumstances I appeal to the hon. Minister of State to see to this that these bus-owners who now depend only on the income from the bus are not finished thereby. Your Government in the States has already finished us, and you want to finish us in other ways.

An Hon. Member: What do you mean by "your Government"?

Shri T. Husain: "Yours" means "our" I am entirely for nationalisation. Since zamindari is going to be nationalised, let every thing be nationalised. One cannot help becoming a Socialist these days.

Mr. Deputy-Speaker: What is the next step?

Shri T. Husain: The next step? So far as you are concerned, if you are a rich man I am a socialist and I am going to share your property with you.

Shri Sondhi (Punjab): You want to be nationalised including yourself.

Shri T. Husain: I am a poor man. The hon. the Commerce Minister had a very good opportunity to nationalise a German Insurance Company. There would have been no interference, no objection, nobody would have said anything, because it was a foreign company. But now they are going to nationalise a thing which belongs to poor Indians and therefore there is agitation and we appeal the hon. Minister of State to take care of the poor bus-owners and not to be too harsh on them.

Sir, with these words I resume my seat.

श्री भट्ट : माननीय अध्यक्ष महोदय, हमारे सामने विशिष्ट कमेटी की ओर से जो रिपोर्ट सड़क यातायात कारपोरेशन के सम्बन्ध में आई है उस पर हम सोच विचार कर रहे हैं। मैं उन विषयों को नहीं—छेड़ूंगा जिनके मुताल्लिक बहुत से हमारे मित्रों ने कई बातें कही हैं। इस बिल का

[श्री भट्ट]

विषय नया नहीं है। इस का विषय सन् १९४६ में जब से व्हाइट पेपर (White Paper) निकला है तभी से हमारे दिमागों में है। और जो बस सर्विस चलाने वाले हैं उन के दिमागों में भी है। उस के बाद सन् १९४८ में जब कारपोरेशन बिल (Corporation Bill) लया गया और वह ऐक्ट बनाया गया तब भी हम लोगों को मालूम था कि धीरे धीरे हम कहां जा रहे हैं। यातायात का सबाल मामूली नहीं है। दूसरे उद्योगों का राष्ट्रीयकरण करना मुश्किल है और उस में समय भी काफी लगने वाला है। हमारे माननीय सरदार साहब ने जो कुछ कहा वह जिन को हम आम तौर से ओवर आल (over all) राष्ट्रीयकरण कहते हैं उस के मुतालिक कहा है लेकिन धीरे धीरे हम लोग क्रम बढ़ाते जायें उस में उन्होंने कोई रुकावट डालने की बात नहीं कही है। मैंने अपने दो तीन विद्वान दोस्तों के मुंह से सुना कि सरदार साहब ने नेशनलाइजेशन (Nationalisation) के बारे में यह कहा है कि वह अभी नहीं करना चाहिये लिक्विडेशन (liquidation) हो जायगा। बड़े आदमियों के शब्दों का अर्थ बड़े २ आदमी बलग २ तरह से लगाते हैं। मुझ में जो थोड़ी सी बुद्धि है उस से मैं यह अर्थ लगाता हूँ कि अगर आप सारे मिल उद्योग को, या तमाम आयरन स्टील उद्योग को, दूसरे नौपरिवहन के उद्योग को या ऐसे और उद्योगों को हाथ में लेना चाहते हैं तो आप में बड़ी शक्ति चाहिये और उस ओर खामोशी से जाना चाहिये। लेकिन जब हम ने रेलवे को अपने हाथ में ले लिया है तो रेलवे से सीधा ताल्लुक रखने वाली चीजें हैं, जो मुसाफ़िरों को यहां से वहां ले जाने वाली चीजें हैं, और सिर्फ़ रेलों से नहीं लेकिन हमारे सात लाख गांवों से।

उन में इस रीति का इन्तजाम करना चाहते हैं जिस से रेलों से उतरते ही आदमी अपने घर पर अगर बहुत दूर है तो भी जल्दी से जल्दी पहुंच जाये ऐसा प्रबन्ध करना है। यह मुश्किल काम है। इसका हम आज नये सिरे से विचार नहीं कर रहे हैं, मैंने आपसे अर्ज किया कि यह १९४६ के पहले की बात है लेकिन अगर बहुत लम्बे न जायें तो सन् १९४६ और १९४८ के समय से हम इस बात पर सोच विचार कर रहे हैं और हम ने यह तय कर लिया है कि आहिस्ता आहिस्ता हमें उस मंजिल पर पहुंचना है जब कि रेलों को छोड़ हम सड़कों द्वारा, मोटरों द्वारा, मुसाफ़िरों को ले जाने की जो तजवीज है उस को भी मुकम्मिल तौर से पूरा कर लें। लेकिन हम अपने हाथ में ले लें इस के माने क्या हैं? कोई केन्द्र तो सब चीजें नहीं ले रहा है। जो कुछ लेना है और जो प्रबन्ध करवाना है वह प्रान्तों की सरकारों के जरिये होने वाला है लेकिन क्या बात है? आप १९४६ को छोड़ दीजिये, १९४८ से इस चीज को देखते हैं, यह नई बात नहीं है। सन् १९४८ से हमारे पास यह चीज है, और दूसरे सूबों की बात तो हमारे हुक्म सिंह साहब वगैरह ने बतलाई है, मैं जिस सूबे की जानकारी कर पाया हूँ और जिस की कुछ जानकारी मुझे जरूर है उस सूबे के बारे में बतला रहा हूँ और वह है बम्बई का सूबा। मैं अहमदाबाद शहर की बात नहीं कर रहा हूँ न बम्बई शहर की बात कर रहा हूँ, मैं सारे बम्बई सूबे की बात कर रहा हूँ। वहां यह प्रयोग सन् १९४८ से अमल में आने लगा हालांकि इस की तजवीज १९४७ में ही हो गई थी, तभी से उन्होंने क्रमानुसार अपनी योजना को जिस प्रकार हमारे सामने रखा है वह सारे हिन्दुस्तान के लिये एक मिसाल बन गई है वह चीज मैं आपके सामने रखना चाहता हूँ। लेकिन उस चीज को आप के

सामने रखने के पहले मैं अपने उन दोस्तों को जबाब देना चाहता हूँ कि जो यह कहते हैं कि राष्ट्रीयकरण को धीरे धीरे किया जाये। लेकिन कौन जल्दी कर रहा है? कौन यह कह रहा है कि यह जो प्रान्त और केन्द्र का सम्मिलित विषय है इस को केन्द्र ही अपने हाथ में ले लेना चाहता है और प्रान्तों की सत्ता को वह दबा देना चाहता है? यह तो केन्द्र ने कभी नहीं कहा है। मेरे दोस्त ने कहा कि इस बिल में केन्द्र का ही दबाव ज्यादा है। जहाँ देखो, एप्रूवल आफ़ दी सेण्ट्रल गवर्नमेण्ट (Approval of the Central Government) विद दी कानकरेन्स आफ़ दी सेण्ट्रल गवर्नमेण्ट (with the concurrence of the Central Government) नामीनेटेड मेम्बर्स आफ़ दी सेण्ट्रल गवर्नमेण्ट कैननाट बी रिमूव्ड बाई दी प्राविन्सियल गवर्नमेण्ट, (nominated members of the Central Government cannot be removed by the Provincial Government) वगैरह सब बातें हैं। परन्तु इस की जरूरत भी है। एक तरफ़ तो हम कहते हैं कि जो स्टेट वाले हैं वह अच्छी तरह से काम नहीं करते हैं, इस लिये उस काम को अच्छी तरह से करवाना चाहिये। आप कहते हैं कि स्टेट वाले बस ओनर्स (Bus owners) पर अन्याय कर रहे हैं और आप यह चाहते हो कि सेण्टर की तरफ़ से ऐसा नियम बनाया जाये कि जिस से मुआवजा अच्छी तरह से मिल सके। तो आज हालत यह है कि न तो केन्द्र और न प्रान्त अलग अलग चीज हैं। सब हमारे ही हैं और हम सब साथ मिल कर काम कर रहे हैं एक दूसरे की सहूलियत के लिये। इसी लिये इस में आप सेण्टर का इतना दबाव देखते हैं। फिर आप देखें कि वैसे कहाँ से आता है। जो पूंजी है वह सेण्टर

और प्रान्त मिल कर लगाते हैं और इस बिल में यह गुंजाइश और रखी गई है कि अगर इस रीति से पूंजी न आ सके तो तीसरा तरीका भी उसमें सुझाया गया है कि जनता में से भी उस में आ सकते हैं और जो जनता में से शेयर होल्डर (Shareholder) होना चाहे वह भी हो सकता है। वह कितने परसेण्ट होंगे यह तो स्टेटों की सरकारों को देखना चाहिये और सेण्ट्रल गवर्नमेण्ट को देखना चाहिये। तो मेरा कहना यही था कि सेण्टर की बहुत कुछ हुकूमत इस में है। वह इसी लिये है कि सेण्टर और स्टेट्स को एक ही नीति से एक ही जगह पहुँचना है। इस लिये हमारी जो योजनाएँ हैं वह एक सी ही होनी चाहियें।

मैं अर्ज यह कर रहा था कि हमदर्दी रखते हुये भी मैं यह कहना चाहता हूँ कि जो बस सर्विस वाले हैं वह यह भी सोचें कि क्या वह यह पसन्द करेंगे कि प्रान्त अपना काम अपने डिपार्टमेण्ट के जरिये करने लग जायें? क्या इस से उन को तसल्ली होगी? क्या इस में उन लोमों को मुआवजा ज्यादा मिलेगा और क्या इस से उन को संतोष होने वाला है? या आप इस तरह प्रबन्ध करवाना चाहते हैं जैसा कि इस बिल में एक स्टेट्यूटरी बाडी (Statutory Body) के द्वारा किया जाना है। आप सोच लीजिये। अगर आप कहते हैं कि हम डिपार्टमेण्ट से काम करवाना चाहते हैं, उस से हमारा काम अच्छा चलेगा और वह जिस तरह से हमारा गला घोटें हम घुटवाते रहेंगे तो आप वैसे कीजिये। इस बिल के अन्दर तो आप पार्लियामेण्ट (Parliament) के सामने अपनी चीज पेश कर सकते हैं। अगर डिपार्टमेण्ट ने काम शुरू कर दिया तो आप को यह अधि-कार नहीं रहता है। वह चाहेँगे वैसे मोटर

[श्री मट्ट]

विहिकल्स ऐक्ट (Motor Vehicles Act)

बना देंगे और फिर आप कहोगे कि हमारी सत्ता ली जाती है और हमारी जेब काटी जाती है और फिर आप चिल्लाओगे। तो चिल्लाने का जो अच्छा जरिया है वह धारा सभा है। अलबार और प्लेटफार्म (Platform) पर कहने से कुछ ज्यादा काम नहीं चलता। तो मैं यह कहना चाहता हूँ कि इस बिल के जरिये से आप को सब मौक़े मिल जाते हैं। अपने दुःख दर्द को रफ़ा करने को आप सब चीज करवा सकते हो। चाहे हमारे देशबन्धु गुन्ता इस चीज को प्रमुख हो कर रखें या और तरीक़े से रखें लेकिन वह रख सकते हैं।

हमारे दोस्त ने कहा कि उन की कान्फ़ेस १८, १९ को हुई थी। मैंने उसकी रिपोर्ट पढ़ी है। मैं भी उसमें जाने वाला था क्योंकि मैं सब के साथ हमदर्दी रखता हूँ। मैं यह देखना चाहता था कि उन के पेट पर पैर पड़ता है तो कैसा पैर पड़ता है। यह पैर शरीर नले को सीधा करने के लिये रखा जाता है या पेट को कुचलने के लिये रखा जाता है। मैंने उन के रिजोल्यूशन (Resolution) देखे और मुझे उन को देख कर आश्चर्य हुआ। शायद आप ने भी उन को देखा होगा। उन्होंने हिमायत की है कि यह जो मोटर रिक्शा और छोटी छोटी टक्सी चल रही है उन को बन्द कर दिया जाये और हमारी बसों को दिल्ली ट्रान्सपोर्ट सरविस (Delhi Transport Service) के साथ साथ चलने दें। उन्होंने अपने स्वार्थ के लिये अलग अलग सुझाव रखे हैं। उन को यह नहीं मालूम कि वह बेचारे छोटे छोटे आदमी जो दो हजार में एक ओटो रिक्शा (auto Rickshaw) लाये होंगे वह क्या करेंगे। वह भी हमारे भाई हैं। यह जो छोटी टक्सी चलाने वाले हैं वह क्या करेंगे

उन्होंने यह नहीं सोचा क्या? वह तो बड़ी बस वालों को ही फ़ायदा पहुंचाना चाहते हैं। वह कहते हैं कि सरकार हमारी रोटी छीन रही है। लेकिन सरकार छीन कर कहां ले जा रही है। वह भण्डार तो सब का है। सरकार कोई निजी जब तो नहीं है। वह रुपयार ऐसे आदमी के पास नहीं जा रहा है जो उस को विलायत ले जाने वाला है। आखिर यह हमारे सब के भण्डार में ही आने वाला है। अपने स्वार्थों को पूरा करने के लिये हम किसी को दोष नहीं देना चाहते। अगर यह पेट का खड्डा नहीं होता तो यह बात नहीं होती। लेकिन जैसा कुछ है उस पर हम आज बैठ कर सोच विचार कर रहे हैं।

एक और बात की तरफ़ में ध्यान आकषित करना चाहता हूँ। शायद आप लोग हंसोगे, लेकिन आप को हंसना भी चाहिये। आप यह कहोगे कि यह पुराना आदमी कहां से आ गया जो बैलगाड़ी की बात कहता है। लेकिन मैं आपका ध्यान इस तरफ़ दिलाना चाहता हूँ। जिन प्रान्तों में मोटरों के जरिये मुसाफ़िर पहुंचाये जा रहे हैं वहां मैं प्रबन्ध करने वालों से यह कहना चाहता हूँ कि इसका भी खयाल रखें कि यद्यपि सहुलियत की दृष्टि से मोटर रखी जायें मगर मैं यह नहीं चाहता कि दो चार और पांच मील के लिये भी मोटर सरविस रखी जाये। क्यों? मैं यह मानता हूँ कि इतना सफ़र तो हमें बैलगाड़ियों या घोड़ा गाड़ियों या तांगों से करना चाहिये। आज कल हिन्दुस्तान में बेकारी बहुत बढ़ रही है और अगर हम इस धुन के पीछे लगे रहे और इन बैलगाड़ियों आदि से काम न लिया तो मैं कहता हूँ कि लाखों आदमी मर जायेंगे। आज भी वह चिल्लाते हैं मगर उन की कोई परिषद् नहीं होती है इस लिये उन की सुनने वाला कोई नहीं है। सन् १९४६ के व्हाइट पेपर

के १५ वें पैराग्राफ में लिखा है कि जो बेलगाड़ियों को नुकसान हो रहा है इस से देश की अर्थ नीति पर कुठाराघात हो रहा है। उस तरफ भी ध्यान देना चाहिये। मैंने तो इस की तरफ केवल एक इशारा किया है लेकिन इसका आप को ध्यान रखना चाहिये और जो प्रान्त इन चीजों को चला रहे हैं उनको चाहिये कि वे इस प्रकार से अपनी नीति बनायें कि वह पांच सात मील के अन्दर कोई मोटर सरविस न रखें लेकिन तांगे, बैलगाड़ियों, अंटों, घोड़ों वगैरह का उपयोग करवायें। इस से हमारी अर्थ नीति पर अच्छा प्रभाव पड़ेगा और हमारी जो बेकारी बढ़ती जा रही है वह कम होगी।

इन बातों के साथ साथ अब मैं उस बात पर आता हूँ जिस के बारे में मैं कहना चाहता था, वह है बम्बई की बात।

श्री सौधी : दिल्ली की बात करिये।

We have lost 20 lakhs on account of nationalisation.

श्री भट्ट : दिल्ली की क्या बात है या राजस्थान की क्या बात है। सिर्फ जहाँ की पूरी जानकारी हासिल कर पाया हूँ उसी को कहूंगा। श्रीयुत देशबन्धु जी ने कहा और दूसरे मित्रों ने कहा और मेरे भाई मणिकभाई चतुरभाई ने कहा कि जहाँ जहाँ प्रान्तों की तरफ से यह प्रबन्ध किया जाता है वह सुन्दर होता है। हो सकता है कि तुलनात्मक दृष्टि से बम्बई में यह प्रबन्ध ज्यादा अच्छा हो, शायद यू० पी० और और जगह जैसे मध्यप्रदेश में अच्छा न हो। यह हो सकता है। लेकिन यह सब नयी नयी चीजें हैं। रेलगाड़ियां भी जब हम ने अपने हाथ में लीं उस समय भी हमारा प्रबन्ध एक दम अच्छा नहीं हो गया था। धीरे धीरे अब अच्छा हो रहा है। लेकिन जो उसूल है उसे देखिये कि वह क्या है, हमारे हाथ में वह चीज लानी चाहिये या नहीं

लानी चाहिये। प्रबन्ध अच्छा है या बुरा, कितना अच्छा है और कितना बुरा है, कितना नुकसान होता है या कितना नफ़ा होता है, कितने साल के बाद क्या होता है, यह तो हर एक व्योपारी समझता है, हर एक मोटर चलाने वाला समझता है। हर एक व्योपार और व्यवसाय चलाने वाला समझता है कि कितने साल तक उसे नुकसान उठाना पड़ता है। मैं ऐसा आदमी हूँ कि जो जाती-अनुभव लेने के लिये अलग अलग जगहें अलग अलग रीति से जाता हूँ। तो दिल्ली की ट्रान्सपोर्ट सरविस का भी मुझे काफी अनुभव है। अहमदाबाद में भी मुझे करीब पौन पौन घण्टे तक ठहरना पड़ा है। बम्बई बड़ा सुन्दर शहर है उस में भी कई रास्तों पर दोपहर के १२ बजे से तीन बजे तक तो करीब ४० मिनट तक ठहरना पड़ता है। यह सब चीजें हैं। ऐसा भी हो सकता है कि हमारे सन्धानम, साहब अगर बस में जायें और दूसरे मित्र जायें तो आध आध और पौन पौन घण्टा क्यू में उन को खड़ा रहना पड़ेगा। मगर सन्धानम साहब क्यों जायें।

श्री त्यागी : इन को भी देखना चाहिये, इनको भी क्यू में खड़े होना चाहिये।

श्री भट्ट : तो वह तो हमारे माननीय मिनिस्टर साहब जिस रंग ढंग से रहते हैं उस से जा कर तजुर्बा करना चाहें तो कर सकते हैं और इनको बहुत लोग पहचान भी नहीं लेंगे यह भी बात है। तो यह तो होना चाहिये। लेकिन मैं तो सिर्फ एक मिसाल दे रहा था कि कई मर्तबा मैं ने बसें दौड़ती देखी हैं तो वह खाली दौड़ती हैं और उन पर लिखा हुआ होता है डिपो (Depot) और डिपो में आराम करने के लिये सब बसें जाती हैं। अब यह बसें जहाँ से आती हैं और डिपो तक पहुँचती हैं उस में काई मील और

[श्री भट्ट]

तीन मील तक का अन्तर होता है। तो इन व्यवस्थापकों को ख्याल नहीं होता है कि जहां जहां से यह बसें चलती हैं और डिपो तक जाती हैं वहां वहां तक तो उन में मुसाफ़िरों को बिठा लें। यह खाली जाती हैं और पेट्रोल खर्च होता ही है पैसा खर्च होता है। उस के लिये कुछ तो ये लोग कमा लें। उस में बैसे तीन आदमी होते हैं, एक ड्राइवर, एक कण्डक्टर (Conductor) और एक क्लीनर (Cleaner), लेकिन मुसाफ़िरों को वह नहीं बिठाते।

श्री सोंधी: अपने दोस्तों को बिठा लेते हैं।

श्री भट्ट: नहीं, यह तो मैं ने नहीं देखा।

श्री सोंधी: हम ने देखा है।

श्री त्यागी: कर्मचारियों को बिठा लेते हैं।

श्री भट्ट: खैर जो कर्मचारी हैं उन को बिठा लेते होंगे। उन को बिठाने में तो हर्ज नहीं है जैसे कि हमारे सोंधी साहब भी अपनी गाड़ी को टैक्सी मान लेते हैं। तो जब गाड़ियां डिपो को जाती हैं तो डिपो तक भी मुसाफ़िरों को नहीं लिया जाता। तो मैं यह एक बहुत छोटी बात कह रहा हूँ। लेकिन ऐसी छोटी छोटी बातें लोगों को अख़रती हैं और लोग कहते हैं कि दिल्ली ट्रान्सपोर्ट का इन्तजाम देखो। लोग मुझे पहचानते नहीं हैं, और कहते हैं कि गवर्नमेण्ट का इन्तजाम देखो और सन्यानम साहब को भी गालियां देते हैं और आयांगर साहब को भी देते हैं क्योंकि वह वहां का उद्घाटन करने गये थे इस लिये वह उनका नाम जानते हैं।

کہانی جی - ایس - مسافر : ان کی سجدہ میں کچھ نہیں آنا - کہونکہ انگریزی میں کوئی گالی دیتا

نہیں اور واشٹر بہاشا دو وہ سمجھتے ہیں -

श्री भट्ट: वह जितना चाहिये उतना समझ लेते हैं और जिसका जितना जवाब देना चाहिये उतना ही देते हैं।

तो बम्बई का जो व्यवसाय शुरू हुआ उस का सन् १९४७ में बीज बोया गया था और बम्बई वालों ने, मैं अपनी जानकारी के अनुसार कह रहा हूँ उस में कोई गलती हो तो माफ़ कीजिये, किसी ऐसे बस ओनर (Bus owner) से जिस के पांच साल पूरे नहीं हुये ये बस नहीं लीं। जिन के ५ साल पूरे हो गये उन की बस को और जो सामान वगैरह बस आदि का था वह लेने के लिये उन को पहली पसन्दगी दी गई कि आप हम का यह दीजिये। लेकिन उन में से कई लोगों ने, और जैसा कि श्री हुकम सिंह जी ने कहा था कि ८० फ्री सदी लोगों की बसें नहीं ली गई, तो नहीं तो ऐसा नहीं है बल्कि उन्होंने नहीं दी क्योंकि वह उनका उपयोग अलग रीति से करना चाहते थे। उन से वे ज्यादा आमदनी करना चाहते थे और इस लिये उन्होंने बम्बई स्टेट कारपोरेशन (Bombay State Corporation) को वे बसें नहीं दीं। यह चीज आप को ख़ास ख्याल में रखनी चाहिये।

Sardar Hukam Singh: Could I interrupt the hon. Member, Sir?

सरदार हुकम सिंह: अभी गवर्नमेण्ट की चिट्ठी मेरे पास है कि हम लेने के लिये तैयार नहीं है। यह पूना की लिखी हुई है और अगर आप देखना चाहें तो बम्बई गवर्नमेण्ट की चिट्ठी आप देख सकते हैं।

श्री भट्ट: वह कब की लिखी हुई है ?

Shri Sondhi: He wants the date of the letter.

Sardar Hukam Singh: 1949.

श्री भट्ट: १९४९, यही तो मैं कहना चाहता था कि जिस समय यह चीज गवर्न-

मेण्ट लेना चाहती थी उस वक्त उन्होंने देने से इनकार किया। वह उस वक्त देने को तैयार नहीं थे और जब जब शहर में आदमी लेने वाले नहीं मिलते तो कहते हैं कि ले लो। तो सरकार कैसे ले सकती है।

बाबू रामनारायण सिंह : तो भी लेना चाहिये।

श्री भट्ट : भाई, ठीक है, लेना चाहिये। लेकिन आप अपना व्योपार करेंगे तब मालूम हो जायेगा।

दूसरी बात यह है कि उन्होंने किसी भी अनएक्सपायर्ड लायसेन्स (unexpired Licence) को खत्म नहीं किया। मैं वहां की विशेष विशेष बातें आप को बतला रहा हूँ। फिर उन्होंने जो कैंसिल्ड लायसेन्स (Cancelled Licences) थे उन को रिन्यू (Renew) नहीं किया यह अलग बात है और उन का फिर से रिन्यूअल (Renewal) नहीं हुआ तो इस में कोई हर्ज नहीं है। उन की ५ साल की मिआद जो थी वह खत्म हो गयी, उन को बन्द होना था और वह वैसे भी बन्द हो गये।

इन बसों के मालिकों ने क्यों उस समय बसें नहीं दीं इस का एक कारण यह बतलाया जाता है कि वह कहते थे कि देखिये अभी इनके पास बसें नहीं हैं और इन को बसें नहीं देंगे तो यह लोग हमारे पैर चूमते हुये आवेंगे, पैर पकड़ते हुये आवेंगे। बसें तो मिलती नहीं हैं और ये मोटर ट्रान्सपोर्ट (Motor transport) का इन्तजाम करने चले हैं। न तो बाहर से कोई बसें आती हैं और न यहां मिलती हैं। इस लिये ये पैर पकड़ेंगे और कहेंगे कि आप ही थोड़े दिनों के लिये अपनी बसें चलाइये। ऐसा कहने वाले बहुत से लोग थे। जैसे मजदूरों के नेता

होते हैं वैसे मालिकों के भी नेता होते हैं। तो ऐसे बहुत से बस ओनर्स के नेता थे जो उन्हें चढ़ाये गये और कहा कि आप बसें मत दो। अब आप सन् १९४९ की बात कहते हैं तो...

सरदार हुसम सिंह : जनाब, यह नया रूट (route) है जो इस वक्त लिया जा रहा है। तो सन् १९४९ के पहले वह बस वाले कैसे कह सकते थे कि हमारी बसें ले लो, वह तो अभी ही कह सकते हैं।

श्री सौची : भाई, यह बात इन के इल्म में नहीं है।

श्री भट्ट : इस बिल से जैसा कि बताया गया है कई मित्रों द्वारा कहा गया है कि यह कई लोगों के पेट का सवाल है। मगर बेहोत जो हैं? वे वे आदमी हैं जो रुपये वाले हैं और अधिक रुपया कहां से मिले यह देखने वाले हैं। लेकिन जो काम करने वाले हैं, जो ड्राइवर (driver) हैं, क्लीनर (cleaner) हैं, कर्मचारी हैं, उन के लिये तो एक प्रकार से हमारे यहां एश्योरेन्स (assurance) सा दे दिया गया है कि जहां हो सका वहां तक उन लोगों को लिया जायेगा और बम्बई में भी वैसा ही किया गया है और सबको लिया गया है। बड़े आराम से वे लोग अपना काम कर रहे हैं। बम्बई के मजदूरों की और मुसाफिरों की जो हालत है उस के बारे में आप रिपोर्ट (report) को पढ़ें, जून या जुलाई की, वह प्रकाशित हो गई है। उस से आप को मालूम हो जायेगा कि उन्होंने किस प्रकार का प्रबन्ध किया है और लोग कहते हैं कि जहां जहां नये डिवीजन्स (Divisions) में गवर्नमेण्ट की बसें नहीं चल रही हैं वहां के रहने वाले कहते हैं कि भाई हमारे यहां भी ऐसा प्रबन्ध करवा दीजिये और लोग वहां से अजियां ले कर आते हैं। जिन डिवीजन्स में उन्होंने अभी

[श्री भट्ट]

बसें नहीं चलाई हैं वहां के लोगों की भारी मांग है। तो बम्बई का कारोबार मुसाफिरों की दृष्टि से, कर्मचारियों की दृष्टि से, मैने-जीरियल स्टाफ (Managerial Staff) की दृष्टि से, सब की दृष्टि से अच्छा चल रहा है। उनका इन्तजाम अच्छा है ऐसा मुझे लगता है।

दूसरे जब वहां यात्रायें आती हैं, जैसे पण्डरपुर की यात्रा हो या कोई दूसरी, तो वहां के लोगों को विशेष सुविधा मिलती है, जिस तरह से रेल गाड़ियों वाले कांग्रेस के समय या मेलों के समय अधिक गाड़ियां चलाते हैं, उसी तरह वे भी अधिक बसें चलाते रहते हैं।

एक बात और ध्यान में रखिये कि बम्बई के ट्रान्सपोर्ट (transport) वाले पैरलल सर्विस (parallel service) नहीं चला रहे हैं रेल के साथ (समानान्तर) पैरलल सर्विस नहीं चला रहे हैं, उन का उद्देश्य यह नहीं है। उन का उद्देश्य यह है कि अन्दर के भागों में जितनी सहूलियत पहुंचाई जा सके, वह पहुंचायें और यह खास तौर से रोड और रेल की जो एक लिंक (link) है, एक सुविधा है, वह देनी है। रेल के साथ साथ अगर एक बस भी चलती रहे तो उस में तो कोई ज्यादा फायदा नहीं है, लेकिन अगर यह बसें आदमियों को दूर के गांवों में ३० मील और ४० मील अन्दर पहुंचाती हैं तो इस में लोगों को बहुत सुविधा होती है। यह विशेषतायें हैं और इस प्रकार की विशेषतायें हर एक प्रान्त में हों और इस चीज को देखें कि कितना मुनाफा है। यह सब हुआ। मैं इस सारी रिपोर्ट (Report) की अभी कोई आलोचना नहीं कर रहा हूँ और उस की सिफारिश नहीं करना चाहता हूँ, और न मैंने उस की कोई वकालत की है।

मैं आप से कहना चाहता हूँ कि इस प्रकार का इन्तजाम मौजूद है। बस ओनर्स (Bus owners) का कहना है कि आप एक रास्ता पक्की सड़क वाला ले लेते हैं और जो कच्चा रास्ता साथ में होता है, वह आप नहीं लेते हैं। इस के लिये जरूर हमें ध्यान रखना पड़ेगा कि कच्चा रास्ता भी वह लें। यह ठीक नहीं है कि अच्छा रास्ता ही सिर्फ लें और कच्चा रास्ता खराब रास्ता जहां उन की गाड़ियां खराब होने का डर हो और जहां वह आसानी से चल न सकें और जहां बसों की आमदनी भी कम होती हो, ऐसे खराब और कच्चे रास्ते उन के लिये छोड़ दिये जायें और अच्छी अच्छी जो सड़कें हैं वह प्रान्त अपने कब्जे में ले लें अपने प्रबन्ध में ले लें। यह प्रान्तों को नहीं करना चाहिये। अगर लेना है तो जिस रीति से बम्बई में डिवीजन (Divisions) बनाये हैं, उसी रीति से विभाग बनाना चाहिये और उस विभाग में जैसी जैसी सर्विसेज (services) चलती हैं, वह सारी प्रान्त के अन्दर आनी चाहियें और उन को प्रान्तों को लेना चाहिये। यह बात में जरूर मानता हूँ और इस प्रकार का प्रबन्ध हर एक प्रान्त करेगा, ऐसी मुझे उम्मीद है। मैं यह कह रहा था कि इंग्लैण्ड का १९४७ का जो क़ायदा है, उस क़ायदे में एक बड़ी सहूलियत है और उस का इतिहास आप देखिये तो आपको पता चलेगा कि वहां इंग्लैण्ड में एक ही पार्लियामेण्ट है और एक ही प्रान्त है और उन्होंने अपनी एक नीति तय कर ली कि हमें यातायात का राष्ट्रीयकरण करना है। तो यह नीति तय हो जाने के बाद उन्होंने यह भी जरूर सोचा कि उस के साथ हमें सब की सब चीजें लेनी होंगी। वह भी एक साथ उन्होंने नहीं लीं, धीरे धीरे जितनी लेनी थीं, वह सब ले लीं और वहां अगर कोई रास्ता छोड़ दिया गया हो, जैसा कि खड़गतसला की

तरफ जाता है, लेकिन खड़गवत्सला स्टेशन के दस मील के अन्दर कोई सर्विस चल रही है, कच्चे रास्ते पर चल रही है, तो वहाँ यह कहना कि उसे हम नहीं लेना चाहते हैं, ह्री स्टेट उसके लिये जरूर प्रबन्ध करे। जब जोन (Zone) आप ने पसन्द किया तो उसमें जितनी सर्विसेज चलती हैं, वह सब आपको लेनी होंगी और अगर आप नहीं लेंगे तो जो उस का मालिक है, वह आप को नोटिस देगा कि यह आप को लेनी चाहिये। यह पाबन्दी है वहाँ पर। तो इसी तरीके से हमारे प्रान्त का प्रबन्ध भी चलना चाहिये तभी बस वालों को तसल्ली होगी। वरना उन का यह सोचना और कहना ठीक है कि लड्डू तो यह खुद खाते हैं और चुरमुर जो होती है वह फेंक देते हैं और दूसरों के लिये रख देते हैं। इस लिये उन्हें ऐसा कहने का मौका न दीजिये। अगर लड्डू आप खाते हैं तो साथ में उस के चुरमुर भी खाते रहो। बटनी भी जैसी होती है वह भी खाते हैं चाहे श्री मन्शी जी का शाकाहारी भोजन हो या किसी महाराज का और प्रकार का खाना हो। ऐसा प्रबन्ध जब वह देखेंगे तभी उन के दिल में तसल्ली होगी कि यह प्रबन्ध ठीक है। तो आज यू० के० (U.K.) में जो चीज है उस का अमल वह करवाना चाहते हैं और वह चाहते हैं कि इस रीति से अगर वह चलें तभी ठीक प्रबन्ध होगा। मैं मानता हूँ कि हम ने सेलेक्ट कमेटी (Select Committee) में भी यही कहा कि और इस की मिसाल बम्बई ने दी है और वह आप के सामने है। दूसरे प्रान्तों की बात मैं अभी नहीं कह रहा हूँ। यह कौरपोरेशन (Corporation) के बारे में कहा गया कि इस पर हुकूमत का कण्ट्रोल है क्योंकि यह गोलमाल नहीं कर सकती है। सिर्फ़ एक्वायर (acquire) कर लेने से ही काम ठीक नहीं चलता है। वह उस की जांच

करवायेगी और जांच पड़ताल करवाने के बाद वह अगर जरूरत समझेगी तो अपने हाथ में सारा कारोबार ले लेगी। इसी रीति से उस के ऊपर एक बड़ी हुकूमत प्रान्त की है और प्रान्त के साथ साथ सेप्टरल की है और कितना उस के ऊपर अंकुश है, कितना नियन्त्रण है। ऐसे नियन्त्रण में जो काम होगा, वह सुधरेगा जरूर, अगर आज नहीं सुधरेगा तो कल जरूर सुधरेगा। इस लिये जो मिस्केनियस चैप्टर (Miscellaneous chapter) में ३३वीं धारा से लगा कर जो जो धारायें हैं, वह धारायें बहुत अनुकूल हैं, जरूरी हैं और उपयोगी हैं।

मुआविले के बारे में दो शब्द में नहीं पूरा हुआ तो चार शब्द में कहूंगा कम्पेन्सेशन (Compensation) के बारे में। जब हमारी कमेटी में यह सवाल आया तभी हमने इस का सोच विचार किया था और हम ने चाहा था कि हम इस के लिये खास नियम बना दें, कोई उसूल बना दें और कोई ऐसी सिलसिलेवार टेबुल (table) रख दें कि इस रीति से मुआविले दिया जाये। लेकिन एक तरफ़ से इंग्लैण्ड के ट्रांसपोर्ट ऐक्ट (Transport Act) सन् १९४७ की जिस की हिमायत की जाती है, उस में हमने देखा कि बहुत लम्बी लम्बी चीजें हैं और दूसरी तरफ़ से हमारे भाई श्री अल-गेशन ने या किसी ने कहा कि सन् १९४९ के जो नियम हैं वह रख देते। जो १९४९ के नियमों में हैं और यह आपने शायद देखा होगा। मैं आप को बताऊँ कि दो साल की मियाद जिस की बाक़ी रह गई हो जिस मोटर बिहिकिल (motor vehicle) की तो उस को एक हजार रुपया मिलेगा, जिसकी १२ महीने के ऊपर षी मियाद हो और दो साल से नीचे हो, उस को ७०० रुपये मिलेंगे और जिस की १२ महीने या

[श्री भट्ट]

(English translation of the above speech)

बारह महीने से नीचे और ६ महीने के ऊपर हो उस को ४०० रुपये मिलेंगे। ऐसे हैं यह नियम। आप मानते हों, तो उस चीज को मंजूर कर लें। मेरे लिये तो ऐसा मंजूर करना बहुत मुश्किल था, और शायद दूसरों के लिये भी बहुत मुश्किल था, ऐसा मैं समझता हूँ। अब यू० के० (U.K.) के कानून को देखिये। उसमें है कि एक साल खत्म हुआ तो उस का १/५ हिस्सा खत्म हो गया। मानों बीस हजार की मोटर हुई तो चार साल के बाद या चार साल तक सोलह हजार इस रूल (rule) से चार चार हजार कम होता जाता है। तजमुल हसन साहब ने इस हिसाब से बतलाया कि एक साल छै महीना रहा, उसको क्या मिलेगा। उस को तो भाई मैं ने भी कहा उस को कुछ नहीं मिल सकता है, वह मोटर भी ले लेनी चाहिये और उस को फ़ौरफ़ीट (forfeit) कर लेना चाहिये तो उन्होंने जैसा बतलाया कि नेट प्राफ़िट (net profit) है उस का बंटवारा कर लें कि सालाना उस को कितना हिस्सा दिया जाय। यह जो मुआबजे का सवाल है वह कोई मामूली सवाल नहीं है, या इस सवाल को तै करने का काम दो एक घण्टे में बैठ कर नहीं हो सकता। अगर आप उसूलन सही चीज तय करना चाहते हैं और अगर आपके दिल में है कि उन को न्याय देना है तो इस के लिये जो आप के कुशल आदमी हैं, जो इस बिद्या के विशारद हैं, इस के जानकार आदमी हैं उन लोगों को बैठना पड़ेगा और फिर तय करना होगा कि हम क्या मुआबजा दें। तो यह मुआबजे का सवाल जिसे हम ने इस रूप से रखा है और इस के लिये अगर कोई रूल बनाना है तो उसे जल्दी में नहीं बनाना है। उन मियमों में वह चीज आ जानी चाहिये कि मुआबजा किस तरह देना है।

Shri Bhatt (Bombay): Sir, we are considering the report of the Select Committee on Road Transport Corporations Bill. I shall not touch those subjects on which many of my friends have already spoken a lot. The subject of this Bill is not new and it is in our minds and those of all Bus Service operators since 1946 when a White Paper was issued. In 1948 when the Corporations Bill was presented and was made an Act, we knew what we were gradually heading to. The question of transport is not an ordinary one. Secondly, nationalisation of industries is a difficult thing and it will take a long time too. All that our Honourable Sardar Sahib has said is about what we ordinarily call overall nationalisation. But he has not said anything that places any hindrance in our progress. I have heard from a few learned friends of mine that Sardar Sahib has expressed the view that nationalisation should not be undertaken at this time, otherwise there will be liquidation. The words of important persons are interpreted in different manner by big men. With whatever little commonsense I have, I interpret it that if we want to take over the whole Mill Industry, or the entire Iron and Steel Industry, shipping industry or other similar industries, we require better command and a little patience. But when we have taken over the Railways, the things directly concerning the Railways, concerning the carrying of passengers from one place to another, are to be managed. What to say of Railways we have also to manage our seven lakh villages. We want that a person after alighting from the train should reach his home as early as possible however distant it may be. It is a difficult job. We are not considering it anew. As I told you, it was started before 1946. But if we do not think of an earlier period this matter has been under our consideration since 1946 or 1948, and we have decided that we have to reach the goal gradually when the scheme of carrying passengers by road transport as distinct from the railways is wholly complete. But what does our taking over mean? The Centre is not taking over everything. It will be through State Governments if something is taken over and managed. Then what is the matter? If we do not take into account 1946 yet since 1948 this is before us. It is nothing new. We have this since 1948. My friend Shri Hukam Singh and others have told you about other provinces. I am telling you about the province to which I belong and about which I do have

some information and that province is Bombay. I am not talking about the cities of Ahmedabad and Bombay, but about the province of Bombay as a whole. It was in 1948 that this experiment was put into practice there, although its plan was ready as early as 1947. The way they have been placing their scheme before us systematically has become an example for India, and I wish to put that very thing before you. But before putting the same before you, I want to give a reply to those of my friends who assert that nationalisation should be gradual. But who is in a hurry about it? Who says that Centre wants to take over this subject which is the joint responsibility of the States and the Centre and wants to override the authority of the State? Centre has never said anything like this. My friend said that this Bill provides for excessive control of the Centre—for example there are such things as, 'approval of the Central Government', 'with the concurrence of the Central Government', 'nominated Members of the Central Government cannot be removed by the Provincial Government' etc. But there is a need for this. On the one hand we say that the State people do not work properly, therefore that work should be taken up in a better way. On the other, you say that State people are doing injustice to the bus owners and you want the Centre to enact a law according to which they may get proper compensation. The position today is that Centre and province are not two different things. We are all one and working together to facilitate each other's job. It is therefore that you find a greater control by the Centre. Then where does this capital come from? Along with the Provinces, the Centre also invests capital. The Bill provides that if enough capital is not forthcoming by this method, then the public can also invest and anyone who wants so can be a shareholder. Their percentage will, however, be determined by the State Governments and the Central Government. So what I want to submit is that most of Centre's authority lies here. It is because of this fact that Centre and the States have to go hand in hand to reach a common goal. Therefore our schemes and plans should not differ.

I was submitting that even though being sympathetic towards them, yet I have to say that bus-owners should think whether they would like the province functioning through its department. Will they be satisfied, will they get more compensation, will they be content? Or do they want an arrangement such as the statutory body in the Bill would do? You think over it. If they want the work to be done by the

Department and feel that it will serve their purpose well and if they are prepared to suffer at their hands, then do like that. Through this Bill, you can put the facts and feelings before this Parliament. If the Department starts doing the work, this right of theirs will go away. It will frame a Motor Vehicles Act of its own choice and then they say that their rights are forfeited, their income suffers and then they will raise a hue and cry about it. So the best place of raising this cry is legislature. No useful purpose is served by speaking through newspapers and platforms. So I wish to submit that this Bill provides better opportunities for them. They can get everything done to relieve them of their troubles and difficulties. Our friend, Shri Deshbandhu Gupta can put this thing before the House, though he may lay stress on this point or do it in some other way.

My friend said that their conference took place on the 18th and 19th. I have read its report. I also wanted to attend it because I am sympathetic towards all. I wanted to know how it affects their livelihood. Whether it was in their own interest or it was only to harass them. I was surprised to see their resolutions. You might have also seen them. They have resolved that motor-rikshaws and all small taxis should be stopped and that their buses should be allowed to ply side by side with the Delhi Transport Service. They have put various suggestions for their own interest. They do not realize what these poor persons will do who have bought an auto-rikshaw for no less than two thousand rupees. They are also our brethren. They did not care about those who own small taxis and run them. They want that only big bus-owners should be benefited. They say that the Government is taking away the means of their livelihood. But whereto the Government is taking it? The Government has no private treasure of its own. It is a public treasure. This money is not going to one who may take it abroad. After all it goes to a common pool. We do not want to blame anybody in order to gain our selfish ends. Had this question of one's livelihood not been there, the matter might not have come up at all. But anyway we are considering it today.

I want to draw your attention and of the House to one other fact. Probably you will laugh, and you should laugh. You will say to this old-man here talks about bullock carts. But I want to point out one thing. I wish to submit to the authorities of those provinces,

[Shri Bhatt]

where passengers are carried by motor-buses, that though we should have motor service for our convenience yet it is not desirable to have it for short distances of four or five miles. Why? I say that for these distances we should use bullock carts and *tongas*. Unemployment is rampant in our country these days and if these bullock carts etc. are not used, thousands of people will die. They are crying today but they have no organisation to voice their feelings. Hence nobody cares for them. In the fifteenth paragraph of the White Paper issued in 1946, it is said that the losses suffered by the bullock carts are giving a great blow to country's economy. We must also look to that. I have only pointed it out but you should keep that in your minds. The provinces pursuing such a policy should see that for distances like five or seven miles, there should be no motor service and that only *tongas*, bullock carts, camels, horses, etc. are used. It will have a good effect on our economy and the ever-increasing unemployment will also be checked. With these observations, I now come to my point. It is about Bombay.

Shri Sondhi: Say about Delhi. We have lost 20 lakhs on account of nationalisation.

Shri Bhatt: I cannot say about Delhi or Rajasthan or anywhere else. I can say only about that place of which I have full information. Shri Deshbhandhu, my friend Manikbhai Chaturbha, and other friends have said that the management is good wherever provinces are doing it. It may be that in Bombay it is comparatively better. Perhaps it may not be so good elsewhere in U.P. or Madhya Pradesh etc. But all these are new enterprises. When we took over the Railways, our management was not good from the very beginning. It improved gradually. But we have to see the principle, whether we have to take it over or not. Every businessman and bus-owner understands whether a management is good or bad, how far it is good or bad, how much they are losing or gaining and how much time a certain thing takes. Every businessman knows how long he will run in a loss. I am a man who likes to go in different ways to different places to have some personal experience. I have also a good experience of the Delhi Transport Service. I have kept waiting for buses for nearly three-quarters of an hour in Ahmedabad. Bombay is a beautiful city. Even there one has to wait for nearly forty minutes on certain routes between twelve and three in the noon. So this is same everywhere. It can also happen that

if our Santhanam Sahib and other friends go, they may have to stand in the queue for half an hour or three quarters of an hour. But why should Santhanam Sahib go?

Shri Tyagi (Uttar Pradesh): They must also see. they must also stand in the queue.

Shri Bhatt: With the way our Honourable Minister lives, he can go and have an experience and many persons will not recognise him. So this should be the thing. But I was just giving you an instance that on many occasions I have seen empty buses running. The word 'depot' is written on them and they all go to rest in the depot. It is not less than two and a half to three miles from the depot to the place from where these buses come. So the management does not care to take passengers from that place to the depot. The buses run empty and of course petrol is consumed and money is spent. They should earn something for that at least. There are generally three persons in it at that time, a driver, a conductor and a cleaner but they will not allow the passengers.

Shri Sondhi: They allow their friends.

Shri Bhatt: No, I have not seen that.

Shri Sondhi: We have seen it.

Shri Tyagi: They allow their staff.

Shri Bhatt: Well, they may allow their staff. There is no harm in it as sometimes our Sondhi Sahib also takes his car as a taxi. So when the buses go to the depot, passengers are not taken even up to the depot. I am telling you a very small thing. But such small things are objected to by the public and they raise a hue and cry about this sort of management of the Delhi Transport. People do not recognise me and say how the Government is managing the affairs. They abuse Shri Santhanam and Shri Ayyangar. They know these two because they had gone to inaugurate it.

Giani G. S. Musafir (Punjab): They do not understand anything because people do not abuse them in English and they do not understand the national language.

Shri Bhatt: They understand all that is necessary and give only relevant replies.

So the working of the Transport Corporation in Bombay was initiated in

1947 and—I say according to my knowledge and hope to be excused for any mistakes—they did not buy any buses from the bus owners who had not completed five years. Those who had completed five years' term were given first option to sell their buses along with the material and spare parts etc. But out of these bus owners as Sardar Hukam Singhji has said, buses of 80 per cent. people were not taken. It is not that the bus owners refused to give them but because those people wanted to use their buses in a different way. They wanted to derive more income from them; so they did not sell them to the Bombay State Corporation. You have specially to keep this thing in your mind.

Sardar Hukam Singh: Could I interrupt the hon. Member, Sir? The letter of the Government is just here with me saying that they were not prepared to take those buses. It is written from Poona and if you want to see it, I can produce the letter from the Bombay Government.

Shri Bhatt: When was it written?

Shri Sonjhi: He wants the date of the letter.

Sardar Hukam Singh: 1949.

Shri Bhatt: 1949. This is what I wanted to say that when the Government was prepared to purchase them, the bus owners refused to sell them. They were not prepared to give them at that time; and now when they don't find any market in the city they offer them for sale. Then how would the Government take them.

Babu Ramnarayan Singh (Bihar): Even then they should have been purchased.

Shri Bhatt: My friend, this is true that the Government should have purchased them. But when you will start your own business you will come to know.

Secondly no unexpired licences were cancelled. I tell you some important facts of that place. It is a separate thing that the Government did not renew the cancelled licences and moreover if they were not renewed there was no harm in it. The period of their duration which was five years had lapsed. They were to close down and they closed down of their own accord.

Why these bus owners did not sell their buses at that time? One reason

given for this is that they used to say "Look here, these people haven't got buses at this time and if we do not sell them our buses at this time they will come to us and will fall down at our feet. The buses are not available and they are going to run the motor transport. Neither any bus consignments have arrived from abroad nor are they available here. Therefore they will fall at our feet and would ask us to run our buses for some days more". There were many people who talked like this. As we have trade union leaders in the same manner there are leaders of the owners as well. So there were many such leaders of the owners who advised them not to hand over their buses. Now you say about 1949 affair.

Sardar Hukam Singh: Sir, this is the new route that is being taken now. How could those bus owners insist upon selling their buses before 1949? They can do like that only at present.

Shri Sondhi: Friend, he is not aware of this thing.

Shri Bhatt: As some friends have put it, this Bill concerns the livelihood of several people. But who are they? They are the wealthy people and those who seek ways and means to acquire more and more money. But those who actually work e.g. the driver, the cleaner or the employee, they have in a way been given an assurance that they would be taken as far as possible. The same thing had been done in Bombay as well and all of them would be taken. Now they are doing their work quite comfortably. The condition of passengers as well as employees in Bombay can well be read in the report for the month of June or July, which is already published. You will come to know how they have managed. People ask for the same arrangements in the new Divisions where the Government buses do not ply as yet. They come with applications. Wherever they have not introduced bus service so far, people of those divisions demand it to be introduced. So the service in Bombay functions efficiently and give satisfaction to the passengers, the employees, the managerial staff and the people in general. It seems to me that the arrangements there are satisfactory.

Secondly when there are pilgrimages; for instance that of Pandharpur or of some other place, people get more transport facilities. More buses are run just in the same manner as the Railway Department runs special trains at the time of the Congress Session and other festivals etc.

[Shri Bhatt]

One thing more is to be borne in mind. The Transport Corporation of Bombay is not running a parallel service with the railway. This is not their object. The object is to provide as many facilities as possible in the interior as well as the outer parts, particularly the facility regarding the railroad link. It is not of much use if bus service is also run together with railways, but if these buses carry passengers to the remote villages, 30 or 40 miles in the interior, people are greatly relieved. Such facilities should be made available in every province and profit be found out. I am not commenting on the Report. I am not supporting it or pleading in its favour. I want to tell you that such an arrangement already exists. The bus owners have complained that while a route of *pukka* road is taken over, the *kaccha* road connected with it is not taken over. We shall have to be careful so that *kaccha* routes too are taken over. It is not proper that *kaccha* routes, where there is the likelihood of their vehicles being damaged, where their buses may not ply smoothly and where profit from buses is meagre, are left for them while good roads are taken over by the provinces under their control and management. This should not be done by the provinces. If they have to take them over, it should be done on the lines of Bombay where Divisions have been formed. Zones should be formed in a similar manner and the entire services in each zone should be taken over by the provinces. I favour such arrangement and hope that every province would make such an arrangement. I was referring to an Act passed in 1947 in England. Implementation of this Act there has been greatly facilitated by the fact that England has one Parliament, the country that consists of only one province, and that they have fixed up a uniform policy of nationalisation of transport. After deciding upon this policy the Government there consider which of the transport services it should cover. The Government did not take over the entire service all at once but took them gradually. At the same time no route was left out as has been done in case of the route going to Khadagvatsala. In case of bus service within ten miles of Khadagvatsala Station, running on a *kaccha* route, it would be very improper not to take it over. The State must make its own arrangement. When you have selected the zone, you must take over all the services that ply within it. If that is not done, the owner would serve a notice to the effect that it be taken over. Management in our provinces should be like that;

only then the bus owners would be satisfied. Or else they are justified in thinking and saying that the best routes the provinces chose for themselves and the rest was thrown and left out for others. They should, therefore, not be given occasion for such complaint. While you take up the best, you must also take the rest of it. You take sauce at your meals, whether it be Shri Munshi's vegetarian diet or of any other gentleman then you must also take the crumbs as well. When they will see such arrangement, they would be satisfied. They want it to be done on the lines of the U.K. and believe that if it is done on these lines, it would be all right. I own that I said this very thing before the Select Committee and gave them the living example of Bombay. I am not talking of other provinces at present. It has been said about the Corporation that since it is now under Government control, there could be no mismanagement. But everything cannot be set aright simply by acquiring. The Government will hold an enquiry and after that, if they think it necessary, they would take the entire management in their own hands. There is the control of the province over it together with the control of the Centre. Thus there is sufficient check and control. Work done under such control must improve, sooner or later. Hence the sections 33 and the subsequent ones in the Miscellaneous Chapter are very suitable, necessary and propitious.

I would also submit a few words about compensation. When this question came up in our Committee, we gave due consideration to it and wanted to make particular rules, lay down some principle, and make a regular table according to which compensation could be given. But on one hand we saw lengthy details in the Transport Act of 1947 of England, which is so often quoted, and on the other, our friend Shri Alagesan and some others said that the rules of 1949 may be laid down. I may tell you the rules of 1949. According to these rules Rs. 1,000 would be given for the motor vehicle that has two years left to complete its term, Rs. 700 for one for which is left more than 12 months' but less than two years' term and Rs. 400 for one that has to cover 12 months or less but more than six months. It was difficult for me to agree to this and I believe for others also. According to the Act of U.K., 1/5 portion is deducted after one year's expiry. For example, if the motor vehicle costs Rs. 20,000, Rs. 16,000 would be deducted at the end of four years at the rate of Rs. 4,000 per year. Shri Tajamul Husain calculated the amount a person would get at this rate, if there were

left only 1½ years. I also agreed that he will not get anything, and that his motor vehicle should be taken over and forfeited. Shri Tajamul Husain had also computed what part he will get when the net profit is distributed annually.

The question of compensation is not an ordinary one. It cannot be decided upon in an hour or so. If you want to arrive at a correct decision as a matter of principle, and if you have a desire to give them justice, you shall have to refer the question of compensation to

the experts on this subject. Therefore, about the question of compensation we must not hurry up a decision and formulate rules. The rules formulated must deal fully with the method in which compensation is to be paid.

Mr. Deputy-Speaker: It is 5 o'clock and if the hon. Member wishes to continue, he may do so to-morrow.

The House then adjourned till a Quarter to Eleven of the Clock on Tuesday, the 28th November, 1950.
