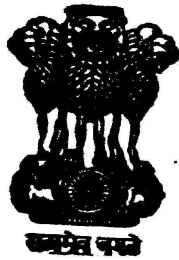


Thursday, 14th December, 1950



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT



THIRD SESSION (FIRST PART)

of the

PARLIAMENT OF INDIA

(1950)

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

887

888

**PARLIAMENT OF INDIA**

Thursday, 14th December, 1950

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

[MR. SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**SALT PRODUCTION**

\*896. **Shri B. K. Das:** Will the Minister of Industry and Supply be pleased to state:

(a) the reasons for the delay in utilizing the Bay of Bengal coast in West Bengal for production of salt about which several surveys had been conducted and reports received; and

(b) the future plan of Government regarding salt production in these areas?

**The Minister of Industry and Supply (Shri Mahtab):** (a) There has been no avoidable delay in the development of the Salt Industry on the West Bengal sea coast. Sufficient progress has now been made in this regard, which includes the grant of financial and technical assistance to the existing salt works and elaborate investigation like Geological survey, Topographical survey and Meteorological survey etc. The previous surveys and reports did not cover any of these points. Government cannot rush into a project without very careful consideration as to whether it will be a commercial success or not.

(b) The scheme as finalised with regard to the Contai sea-board comprises the following:

(i) Expansion of the biggest existing salt concern in the area viz. the Bengal Salt Co. Ltd.

(ii) Establishment of a large scale modern Salt Factory either State-owned or Government-cum-Private enterprise.

(iii) Utilization of the balance of the area, if any, for the production of salt through the medium of Co-operative Societies.

**Shri B. K. Das:** Is it a fact that some French experts were appointed by the State Government of West Bengal for surveying that area and to make a report thereon?

**Shri Mahtab:** Yes; that is a fact. The French experts will submit their report by the end of December 1950.

**Shri B. K. Das:** They have already submitted?

**Shri Mahtab:** They will submit by the end of December.

**Shri B. K. Das:** Does the finalisation of the scheme depend on their report or will it be done on the basis of other reports with the Government?

**Shri Mahtab:** Otherwise, there is no other scheme to be launched by the Government.

**Shri A. C. Guha:** How many factories are working there and what is the annual production?

**Shri Mahtab:** One is the Bengal Salt Co.; another is the Hindustan Salt Works; there is a third one, a smaller one.

**Shri A. C. Guha:** Is there any idea of helping the other two companies to expand their operations?

**Shri Mahtab:** As a matter of fact, the West Bengal Government have given a loan of Rs. 20,000 to the Hindustan Salt Works. They have given suitable land to the third company also.

**Shri B. K. Das:** My information is that the Salt Expert Committee appointed by the Government of India surveyed those areas and submitted a report, which I thought was final. After that, Salt experts from France were appointed by the Government of West Bengal. What is the position. I wanted to know whether the former report will be

substituted by the new report or whether it will be supplementary. What is the position with regard to the two reports?

**Shri Mahtab:** These two reports are with regard to two different subjects. The Salt Expert Committee of 1948 gave their opinion that solar evaporation scheme would succeed in the eastern coast, that is the West Bengal coast. These French experts have been called upon to submit a detailed estimate. The Experts were invited by Dr. B. C. Roy himself and the West Bengal Government have taken the incentive themselves. They have also contacted the neighbouring provincial Governments to join them in this scheme. When I was in Orissa, the Orissa Government were also thinking of joining the West Bengal Government in furtherance of the scheme. That has nothing to do with the Salt Expert Committee report. Assuming that the scheme of the French experts fails, then Government will take up the Salt Expert Committee report and try to do something.

**Shri Gautam:** How much of the spontaneous salt is not allowed to be used in India, and how much money do you spend in preventing people from using the spontaneous salt?

**Mr. Speaker:** I don't think this question can be allowed. The Question is restricted to the utilising of the West Bengal coast in West Bengal.

**Shri Gautam:** How much spontaneous salt in West Bengal on this coast is not allowed by the Government to be used by the people, and how much money do you spend . . . . .

**Mr. Speaker:** Spent by them?

**Shri Gautam:** . . . . . how much money do they spend . . . . .

**Mr. Speaker:** The question is to be addressed to the West Bengal Government.

**Shri Mahtab:** The hon. Member also suggested this some time back. I told him on that occasion that there was no such thing. I cannot really understand this question. This is unintelligible to me. If the hon. Member could kindly give me a note as to how Government do not allow spontaneous salt to be utilised by the people, I shall certainly look into the matter and inform the hon. Member of the steps taken.

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

#### DISPOSALS (ELECTRIC FANS)

\*899. **Shri Sidhva:** (a) Will the Minister of Industry and Supply be pleased to state what is the number of electric

fans, both ceiling and table, that are now available in the various disposals stores in India?

(b) How many of them are serviceable and how many unserviceable?

**The Minister of Industry and Supply (Shri Mahtab):** (a) and (b). On the 1st of November, 1,102 ceiling and 104 Table Fans were available for disposal. Details of their condition are as follows

	Serviceable	Repairable	Unserviceable	Total
Ceiling Fans	575	87	440	1,102
Table Fans	33	...	71	104

**Shri Sidhva:** May I know why these fans, which were available in the Disposals, were not utilised and new fans were purchased locally or from foreign countries?

**Shri Mahtab:** I have got the import figures. According to the rules, these and other articles in the Disposals have been offered to the priority indentors. As soon as it is ascertained what the priority indentors take, then, it would be open to the public to take the rest.

**Shri Sidhva:** The question is this. These fans were available from the commencement with the Disposals. Government have purchased a very large number locally and from outside. May I know why these good fans were not made use of?

**Shri Mahtab:** A very much larger number of fans were available; only a few are now remaining.

**Shri Sidhva:** 1,100 are still remaining. I want to know how many were purchased by the Government during this period.

**Shri Mahtab:** I suppose the hon. Member wants the figures since the Disposals began. Unfortunately, the figures are not here. I shall supply the figures to him.

**Shri Tyagi:** I want to know why new fans were purchased by hon. Minister.

**Mr. Speaker:** He has already replied to that question that they had to make reference to the priority committee and then as the goods were being released, they were being purchased.

**Shri Soodhi:** Priority of Government is No. 1.

**Mr. Speaker:** Whatever that may be.

**Shri Sondhi:** Government could not have purchased when they had them in stock.

**Shri Mahtab:** 'Government' is such a general term that that term could not be used in this connection.

**Shri Tyagi:** Who was responsible for this purchase?

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

#### PENICILLIN (PRICE)

\*900. **Shri Sidhva:** Will the Minister of Industry and Supply be pleased to state what is the price of penicillin at present prevailing in various towns in India and what was the price as on the 1st January, 1950?

**The Minister of Industry and Supply (Shri Mahtab):** A statement giving information regarding market prices of Glaxo Laboratories' Penicillin Crystalline, 1 lac unit on the 1st January 1950 and 1st November 1950 at Madras, Bombay, Calcutta, Nagpur, and Delhi is as follows:

#### STATEMENT

	1st Jan. 1950	1st Nov. 1950
Madras	The drug was not available in the market.	12 annas per phial.
Bombay.	Rs. 1-7-0 per phial.	13 annas per phial.
Calcutta.	Rs. 1-3-0 per phial.	13 annas per phial.
Nagpur.	Rs. 1-3-0 to 1-7-0 per phial.	13 annas per phial.
Delhi.	Rs. 1-7-0 per phial.	Between annas 11 and 12 per phial.

**Shri Sidhva:** How do the prices compare with the previous years?

**Shri Mahtab:** I am sorry, the figures are not available.

**Shri Sidhva:** May I know whether sufficient stock is available in the different cities in India?

**Shri Mahtab:** There is no complaint that penicillin is not available; I suppose penicillin is available.

**Dr. Deshmukh:** May I know what are the steps taken to see that such a situation does not recur hereafter?

**Shri Mahtab:** I do not think anybody can guarantee that, because we are importing this from abroad. I can give that guarantee when our own penicillin factory is set up.

**Shri Kamath:** Sir, from which country was penicillin imported during the last twelve months and what was the comparative landed cost?

**Shri Mahtab:** Penicillin was brought, so far as I remember, from both hard currency areas and soft currency areas. I do not have the names of the countries from which it was imported; but from wherever it was available it was brought.

**Shri Sidhva:** Sir, may I know if there was any restriction placed on the importing of penicillin, in the granting of licences for this purpose to commercial persons who wanted to import the article, and whether caused the shortage?

**Shri Mahtab:** That was the case for some time.

**Mr. Speaker:** Let us go to the next question.

#### SINDRI FACTORY

\*901. **Shri Sidhva:** (a) Will the Minister of Industry and Supply be pleased to state what is the total cost of Sindri factory upto date and whether the production is to start on the original date given by the Ministry?

(b) Do Government intend to appoint any Committee of Enquiry to look into the management of this factory as the original estimated cost of Rs. 10.5 crores has now increased to Rs. 22 crores?

**The Minister of Industry and Supply (Shri Mahtab):** (a) The total expenditure incurred on the Factory upto the 31st August 1950 is Rs. 16.5 crores approximately. It is expected that the constructional work of the Factory would be completed about the middle of 1951 and that production operations would commence about the same time.

(b) There appears to be nothing unknown about the causes of the rise of the cost of the factory; therefore an enquiry committee appears to be unnecessary.

The original rough estimate of capital investment for the Project framed in 1944 was Rs. 10.79 crores. The total ultimate cost is now expected to be in the neighbourhood of Rs. 23 crores.

The main reasons for the increase are:

(i) Execution of additional works costing nearly Rs. 2 crores not provided for in the original estimate.

(ii) The original estimate framed by the Technical Mission in 1944 was only a very rough estimate and has no relation to the factual situation as regards world costs during the constructional period. Since the Mission prepared the original estimate, prices have risen abnormally, e.g., 100 per cent. increase in the price of steel, 80 per cent. increase in the cost of cement, 300 per cent. increase in the cost of labour, etc.

**Shri Sidhva:** Now that the original cost of Rs. 10 crores has risen to as much as Rs. 23 crores, may I know whether the Finance Minister's sanction was being obtained from time to time for increasing the cost of this project?

**Shri Mahtab:** The hon. Member I think should know that it was not a regular estimate. The Mission gave only a guess estimate at that time; and whatever money has been spent on this project has been spent with the sanction of the Finance Minister.

**Shri Sidhva:** Sir, may I know whether any actual estimate for this work was prepared and whether this estimate for this scheme was sent to the Finance Ministry and the consent of that Ministry obtained?

**Shri Mahtab:** Actually no such estimate was made; that is the unfortunate part of the matter. No estimate was made in 1944.

**Dr. Deshmukh:** Sir, may I know when this revised estimate for Rs. 23 crores was prepared and also whether the hon. Minister is aware of the fact that the price of steel is going up and therefore, is there a likelihood of this estimate being re-revised?

**Shri Mahtab:** The fact of the case is, no estimate was ever prepared for this thing. It was only decided that a fertilizer factory should be set up, and that was in 1944, long before the Nehru Government came into being and even before Pandit Nehru became the Vice-President of the Interim Council.

**Dr. Deshmukh:** But my question is, when was this revised estimate prepared and whether count has been taken of the fact that the price of steel was rising?

**Shri Mahtab:** The Technical Mission submitted its report in 1944 and the agreement with the Chemical Construction Company was made in 1945 and then the whole thing began. Now we are in the midst of this work. We have also to remember that contrary to popular idea, this fertilizer factory is not a single factory; it is a combination of several factories, as several other things are also included in this work. As was pointed out by an hon. Member in this House the other day, there is to be a cement factory; and the addi-

tion of these things increases the cost. There are all these things connected with this question and if the hon. Member wants it, I can explain the whole thing in detail here.

**Mr. Speaker:** It seems that questions are being put without grasping the implication of what the hon. Minister has said. If we are to go further into this question, we shall have to take one full hour, which I do not propose to do. The Minister's reply is this: No estimate was originally made, but a contract was entered into some time in 1944 or 1945. Now the point is that that contract has to be put through, and in the midst of the thing, it cannot be given up. So, I think, there is no question of a revised estimate coming. It is a question of the completion of the contract which has already been entered into.

**Shri Sondhi:** But there is no contract, Sir.

**Mr. Speaker:** That is another matter. He said there is a contract for some parts.

**Shri Mahtab:** The contract with the Chemical Construction Company was made on 8th February, 1946.

**Shri Sondhi:** For what amount?

**Shri Mahtab:** It is not a contract for a particular amount, as in the case of a P.W.D. contract. The contract was to construct the thing; they were entrusted with the work of setting up the thing.

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

#### OVERSEAS SHIPPING

\*903. **Shri S. C. Samanta:** (a) Will the Minister of Commerce be pleased to state what steps Government have taken for the development of our overseas shipping?

(b) How many Indian Companies are operating for overseas shipping and what is their total tonnage?

(c) On which lines are these companies operating?

**The Minister of Commerce (Shri Sri Prakasa):** (a) Government have helped Indian Shipping Companies to become full members of the Shipping Conference controlling the India/U.K./Continent, India/North America, India/Australia and India/Malaya trades. In order to facilitate the entry of Indian shipping into all the important overseas trades and to assist in solving the difficulty experienced by Indian shipping companies in raising the necessary capital, Government have announced their scheme for the setting up of Shipping Corporations on a state-cum-

private ownership basis. The first Shipping Corporation, viz., the Eastern Shipping Corporation, was registered in March 1950 with an initial capital of Rs. 2 crores and has been functioning since then. Necessary assistance is also being given to Indian shipping companies for acquisition of additional tonnage, by furnishing information regarding availabilities and arranging liberal release of foreign exchange. The Services of our diplomatic representatives abroad are also freely made available to Indian shipping companies interested in acquiring fresh tonnage. Government are also using their good offices to ensure that Indian companies operating in the overseas trades get their fair share of cargoes.

(b) Two Indian shipping companies, viz., Scindias and the India Steamship Company apart from the Eastern Shipping Corporation, are at present operating in the overseas trades, with a total of about 1.76,000 gross registered tons of shipping.

(c) The Scindia Steam Navigation Company Ltd., Bombay and the India Steamship Company Limited, Calcutta, are operating in the India/U.K./Continent trades, and the former also in the India/North America trade. The Eastern Shipping Corporation is operating in the India/Australia and India/Malaya trades.

**Shri S. C. Samanta:** Sir, may I know what steps the Government have taken to expand the Vizag Port in order to facilitate the building of more ships for overseas shipping?

**Shri Sri Prakasa:** This question can best be answered by my hon. colleague the Minister of Industry and Supply.

**The Minister of Industry and Supply (Shri Mahtab):** Government have already decided to place orders for three more ships with the company.

**Prof. Ranga:** What about constructing a dry dock at Vizag?

**Shri Mahtab:** Pending examination of that question, this order has been placed.

**Shri S. C. Samanta:** Sir, is it a fact that those countries who are not members of the International Chamber of Shipping insist on 50 per cent. of the trade should be carried in their national ships?

**Shri Sri Prakasa:** So far as we are concerned, there are conferences consisting of all the various shipping companies that ply on a particular line and these settle the rates among themselves. The question of any other ships does not arise.

**Shri S. C. Samanta:** May I know if the definition of Flag Discrimination of the International Chamber of Shipping is detrimental to the oversea shipping of under-developed countries like India and if so what steps have Government taken in the matter?

**Shri Sri Prakasa:** The whole question of flag discrimination is under the examination of the Ministry.

**Shri A. C. Guha:** May I know how the Eastern Shipping Corporation has been floated? What is the Government contribution and what are the terms on which Government is participating?

**Shri Sri Prakasa:** The authorised capital was Rs. 10 crores but the initial capital subscribed was Rs. 2 crores. The proportion of Government contribution is 74 per cent. and that of the Scindia Steam Navigation Co., who are the managing agents, is 26 per cent.

I might add that the original idea of Government was to offer 23 per cent. to the public and keep 51 per cent. themselves but that was not found feasible and on the advice of the Reserve Bank we contributed the whole of 74 per cent. ourselves.

**Shri A. C. Guha:** What are the terms offered to the Managing Agents and what is their remuneration?

**Shri Sri Prakasa:** I have not got the terms here. If the hon. Member would like to know the terms I shall be in a position to supply them later.

**Shri R. K. Chaudhuri:** May I know if the passenger fares and cargo freights of Indian shipping companies are the same or equal to those of foreign shipping companies?

**Shri Sri Prakasa:** Is the hon. Member referring to coastal or general shipping?

**Mr. Speaker:** I think he means general shipping.

**Shri Sri Prakasa:** There is a difference and we are always on the lookout to see that as far as possible equitable rates are fixed.

**Shri Gautam:** What percentage of the goods imported and exported by Governments, both Central and State, is carried by Indian ships and what percentage by foreign ships?

**Shri Sri Prakasa:** I am afraid I have not got the detailed information at hand.

**Shri Syamnandan Sahaya:** Is there any proposal for the reservation of coastal shipping to Indian companies?



**Shri Sri Prakasa:** We issued a press note on the 15th August saying that we are going to reserve the whole of the coastal shipping to ourselves by the 15th August 1951.

#### COAL (EXPORT)

\*904. **Shri S. C. Samanta:** (a) Will the Minister of Commerce be pleased to state the amount of coal exported from India in the years 1948-49 and 1949-50?

(b) What are the principal countries to which coal is exported?

(c) What was the percentage of export to the production in these two years?

**The Deputy Minister of Commerce (Shri Karmarkar):** (a) The amount of coal exported from India in the years 1948-49 and 1949-50 was 2,709,704 tons and 2,599,599 tons respectively.

(b) The principal countries to which coal is exported from India at present are Ceylon, Australia, Burma, Japan, Hongkong and Malaya.

(c) The percentage of export to the production in the years 1948-49 and 1949-50 was 10.49 and 9.33 respectively.

**Shri S. C. Samanta:** May I know whether it is a fact that the export of coal during the last four months has decreased?

**The Minister of Commerce (Shri Sri Prakasa):** That is so, because of our stopping our export to Pakistan.

**Shri Munavalli:** What was the value of coal exported during 1948-49 and 1949-50?

**Shri Karmarkar:** The value of the coal exported in 1948-49 was Rs. 3,77,02,469 and during 1949-50 Rs. 4,03,28,076.

**Shri R. L. Malviya:** What was the rate per ton at which coal was supplied to different countries?

**Shri Karmarkar:** I am sorry I cannot give the figures offhand.

**Pandit Munishwar Datt Upadhyay:** What is the percentage of coal that is consumed in our own country?

**Shri Sri Prakasa:** 10 per cent. of our coal is exported and the rest is consumed in our own country.

**Shri T. N. Singh:** What was the value of coal exported during 1948-49 and 1949-50 to Pakistan?

**Shri Karmarkar:** During 1948-49 the total coal exported was 11,95,229 tons and during 1949-50 it was 10,75,968 tons

**Shri T. N. Singh:** What was the price charged for this coal?

**Shri Sri Prakasa:** In 1948-49 the cost was Rs. 3,45,94,212.

**Shri T. N. Singh:** I was referring to Pakistan.

**Shri Sri Prakasa:** I am also referring to Pakistan. Would the hon. Member like to have the figures separately for West and East Pakistan? I have got the figures with me.

#### CONTRIBUTIONS TO U.N. ORGANISATIONS

\*905. **Dr. M. M. Das:** (a) Will the Prime Minister be pleased to state India's contribution to the different branches of the U.N.O. under different heads for the year 1950?

(b) What are the main benefits, political, cultural, medical or any other, received so far by India from the different branches of the U.N.O.?

(c) For what particular department of the U.N.O. has India to spend most?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) to (c). The information required by the hon. Member is being placed on the Table of the House. [See Appendix VII, annexure No. 17.]

**Dr. M. M. Das:** May I know whether the contribution of India to U.N.O. is made in hard or soft currency?

**Shri Jawaharlal Nehru:** A large part of it is in hard currency and a small part in soft currency.

**Dr. M. M. Das:** May I know whether it is optional or compulsory for India to join the different branches of the U.N.O. such as the WHO, UNESCO, etc.?

**Shri Jawaharlal Nehru:** I do not think there is any compulsion in the matter.

**Dr. M. M. Das:** May I know how far the security of India as an independent country has been achieved by India joining the U.N.O.?

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

**Shri Rathnaswamy:** May I know what is the extent of India's contribution in the promotion of world peace which is also the ideal of U.N.O.?

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

**Shri Kamath:** Since India became a full-fledged member of the U.N.O. and its ancillary bodies have the contributions of India to these various organisations been progressively increasing during the last four years?

**Shri Jawaharlal Nehru:** The exact figures are given in the statement which I have laid on the Table. I believe they have increased: not only India's but the contributions of other countries also.

**Dr. Deshmukh:** Is it a fact that India pays the share of Pakistan's contribution also and if so, has that contribution been recovered from Pakistan?

**Shri Jawaharlal Nehru:** I am not aware of that so-called fact.

**Dr. M. M. Das:** In view of the present financial difficulty is there any proposal before the Government to come away from some of the branches of the U.N.O. to which we have to contribute large sums of money?

**Shri Jawaharlal Nehru:** No, Sir, there is no such proposal. We do not think it will be right for us to leave any of the subsidiary organisations of the U.N.O., because they are obliged to help us in various ways.

**Shri Joachim Alva:** In proportion to the financial contribution made by India to the U.N.O. are the appointments of Indians made proportionately in the U.N.O. Secretariat, at any rate *vis-a-vis* the other Member States?

**Shri Jawaharlal Nehru:** No, I do not think they are in proportion to our contribution. I may add . . .

**Mr. Speaker:** Next question.

#### TOWNSHIP FOR DISPLACED PERSONS

\*906. **Dr. M. M. Das:** (a) Will the Minister of Rehabilitation be pleased to state how far the scheme of setting up a refugee township and polytechnic in Fulia in West Bengal has materialised?

(b) What is the total estimated expenditure of the scheme?

(c) What is the total number of displaced persons who will be rehabilitated by this scheme?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) The scheme for the construction and development of the townships at Fulia is being implemented according to the schedule. The progress made so far is as follows:

(i) Eight industrial sheds, five sheds for administrative and community purpose and 20 sheds for housing the displaced families have been completed. A 6" tube well is under construction.

(ii) Raw materials are arriving at site.

(iii) Carpentry, Blacksmithy, Weaving and Bidi-making industries have been started.

(iv) The Polytechnic at Fulia has about 250 trainees on its roll in various trades and crafts.

(b) The total estimated expenditure for the Fulia Scheme is 40 lakhs:

Township and Rehabilitation Scheme  
—Rs. 37.5 lakhs.

Polytechnic—Rs. 2.5 lakhs.

(c) The township is designed to rehabilitate 5,000 displaced persons and to encompass in its economy a surrounding rural population of 15,000 persons.

**Dr. M. M. Das:** May I know whether the implementation of this scheme is being executed by a special officer under the Central Government or under the West Bengal Government, or by a development board like that of the Andamans?

**Shri A. P. Jain:** Implementation is directly under the Central Government, through an officer appointed by the Central Government.

**Dr. M. M. Das:** May I know the total acreage of land acquired for this project?

**Shri A. P. Jain:** One thousand acres.

**Shri A. C. Guha:** May I know how many townships have so far been established for East Bengal refugees?

**Shri A. P. Jain:** This is one of the model townships which have been established. As regards the other townships like Kanchrapara, I have made statements more than once in this House.

**Shri A. C. Guha:** Is there any polytechnic or any other arrangement for vocational training of these refugees in the so-called townships?

**Shri A. P. Jain:** In some there is. I gave exact figures of the vocational training centres the other day when a question about it was asked.

#### OIL DRIVEN PUMPS

\*907. **Dr. M. M. Das:** (a) Will the Minister of Industry and Supply be pleased to state the number of industrial concerns in India that manufacture pumps driven by oil?

(b) What is their total production annually?

(c) What is the annual demand of such machines in India?

(d) What are the reasons for restricting the import of such machines?

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

(b) 1949—14,333. 1950 (Jan.—Aug.)—19,557.

(c) About 40,000.

(d) For balance of payment considerations, imports of the types made in India are allowed to the extent necessary to fill the gap between demand and local production. In other cases, a liberal import policy is followed.

**Dr. M. M. Das:** May I know whether Government is prepared to consider the proposition that the import of these machines be placed on the O.G.L. list?

**Shri Mahtab:** That will virtually kill the local industry here. As a matter of fact, this import policy was decided upon in a small committee which was convened for the purpose. In fact, two types of pumps are required. Only one type is manufactured in India and there is restriction on that type. With regard to the import of the other type, there is practically no restriction at the present moment.

**Dr. M. M. Das:** May I know whether the hon. Minister means by "restriction" a complete ban?

**Shri Mahtab:** No. "No restriction" means that applications for licences are dealt with liberally.

**Shri Deogirikar:** May I know how many oil pumps were imported last year?

**Shri Mahtab:** I am sorry the figures are not here.

**Shri S. C. Samanta:** May I know whether one Gbatak and Company has submitted a scheme to the Ministry for manufacturing these pumps?

**Shri Mahtab:** Many firms have approached the Ministry for setting up these factories. They want financial help from Government. Under the existing rules it is the State Governments who can render financial assistance to the industries there. There is no provision for the Government of India to render any financial assistance. But there is the Industrial Finance Corporation which grants loans to industrial concerns.

**Dr. M. M. Das:** May I know whether the Ministry of Industry and Supply has received any complaint from the Ministry of Agriculture that their 'grow-more-food' campaign is suffering for want of proper pumps?

**Shri Mahtab:** The Committee which I referred to was attended by the hon. Minister of Agriculture and myself, and all of us came to this decision.

#### PRICE AND QUALITY MARKED ON CLOTH BALES

**\*908. Shri S. C. Samanta:** Will the Minister of Industry and Supply be pleased to state:

(a) whether it is a fact that bales of cloth are packed and the price, quality and quantity of cloth, etc. are printed on the pack in the presence of Government officers in cotton mills before they are delivered to agents appointed by Government for sale; and

(b) whether Government are aware that in most cases, when these bales of cloth are opened by retailers for sale, the quality and price of cloth inside do not tally with imprimings on the back of the bales?

**The Minister of Industry and Supply (Shri Mahtab):** (a) No, it is not a fact. The fact, however, is that only the month and year of packing, text-mark number, category of the cloth packed in the bales (i.e. superfine, fine, medium or coarse, the words 'grey', 'bleached' or 'coloured' according to the contents of the bales), are to be stamped on each bale. No price-stamping is to be effected on the outer cover of the bale; nor the yardage actually packed in the bales is required to be stamped thereon. The hon. Member is referred to notification No. T.C.(6) 1/44, dated 19th February 1944 and 80-Tex. 1/48(iii), dated 2nd April 1950. The quantities packed in each bale are not checked by any Government Officers nor is packing done in their presence.

(b) No such complaints have been received. The only complaints received so far in this connection are in regard to shortages found, at times, in bales as against the quantity actually invoiced by the Mills. These have been received generally from dealers in the various States receiving cloth from the State importers.

**Shri Ghule:** What action has been taken by the Government in regard to the complaints which have been received by the hon. Minister about the quantity?

**Shri Mahtab:** This is a complaint against the State nominees whose duty it is to check the supply from the mills, and for that a notification was issued as to how their complaints could be properly dealt with.

**Pandit Krishna Chandra Sharma:** Has the Government received a complaint that some inferior cloth has been priced highly and it is not saleable in the market?

**Shri Mahtab:** Although it does not arise out of this, I may say that a complaint was received and investigated and it was found that that complaint had no basis.

**Shri Deogirikar:** May I know whether Government is aware that retail cloth dealers do not get cloth at the prices printed on it?

**Shri Mahtab:** If that is the complaint, it should be brought to the notice of the State Governments concerned who are entitled to take the necessary action.

#### PENICILLIN AND SULPHA DRUGS

**\*909. Shri R. L. Malviya:** Will the Minister of Industry and Supply be pleased to state the quantity and value of penicillin and Sulpha and anti-malarial drugs annually imported and their requirement in the country?

**The Minister of Industry and Supply (Shri Mahtab):** Information regarding the quantity and value of Penicillin, Sulpha and Antimalarial Drugs annually imported is not available as these items are not specifically recorded in the Indian Sea-Borne Trade Accounts. The Directorate General of Health Services has, however, been collecting from the beginning of this year statistics regarding the monthly imports of essential drugs through the Assistant Drugs Controllers at the ports. The information available from this source for the period 1st January, 1950 to 30th September, 1950 is as follows:

Item	Quantity	Value Rs.
Penicillin (Ex cluding tablets, Mega Units ointments etc.)	32,05,705	1,63,22,157
Sulpha Drugs.	1,11,032 lbs.	24,29,463
Antimalarials (Paludrine);	64,782 lbs.	15,65,291

The estimated annual requirements of these drugs are as follows:

Penicillin—5.3 million Mega Units  
(1 Mega Unit=1,000,000 International Units)

Sulpha Drugs—240 tons.

Antimalarials—2,77,000 lbs.

**Shri R. L. Malviya:** Is there any proposal to manufacture penicillin and sulpha drugs in the country?

**Shri Mahtab:** There is a proposal. It is well known.

**Mr. Speaker:** This question has been answered a number of times.

**Shri Kamath:** How much penicillin has been imported, if at all, from Japan, and is it a fact that Japanese penicillin is cheaper than European and American penicillin?

**Shri Mahtab:** I have heard that Japanese penicillin is cheaper, but I do not know exactly how much of it has been imported into India.

**Shri Sonavane:** How is the penicillin that is imported sold to the consumers by the different States except Bombay?

**Mr. Speaker:** It is a question for the States.

**Dr. M. M. Das:** By malarial drugs, does the hon. Minister mean only paludrine or does that include quinine also?

**Shri Mahtab:** Quinine also. One lakh pounds of it has been imported.

#### JUTE OFFER BY PAKISTAN

**\*912. Prof. S. N. Mishra:** Will the Minister of Commerce be pleased to state:

(a) whether the Government of Pakistan have offered an additional quantity of Jute on a barter basis after the expiry of the April agreement; and

(b) whether Government have accepted the offer?

**The Minister of Commerce (Shri Sri Prakasa):** (a) No, Sir, but just before the termination of the April agreement, an offer was received from the Pakistan Government for making additional supplies of rejections available against goods of equivalent value.

(b) No, the offer was not ultimately pursued.

**Prof. S. N. Mishra:** May I know whether it was Pakistan that did not pursue the matter or whether the Government of India did not pursue it for any particular reasons?

**Shri Sri Prakasa:** The Pakistan Government—or their officer on their behalf—did telegraph to us asking us if we would extend the date and take these rejections in exchange for certain goods that they wanted. Among the goods that they wanted was brick burning coal, which was a new item and which we were not prepared to supply.

With your permission, Sir, I should like to read out the final telegram that was sent to them which closed the nego-

tiation. The telegram is dated 28th September, 1950 and reads as follows:

"Your telegram dated the twenty-sixth. Brick burning coal is not included in current trade agreement and the demand therefore is a new one which requires consideration. Moreover our experience in regard to the working of current limited trade agreement has not been satisfactory with particular reference to punctuality in despatch of Jute and settlement of disputes over quality, weightment etc. In these circumstances would not best course be to allow present agreement to expire on thirtieth of September and consider question of revival of trade between two countries to which we attach great importance on fresh basis?"

We got a reply to this agreeing to let the Agreement expire and adding:

"We reciprocate your desire for trade between the two countries".

**Prof. S. N. Mishra:** May I know whether Government took care to see that all consignments of jute for which price had been paid in advance duly arrived in India?

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

**Shri B. K. Das:** What was the quantity offered by Pakistan?

**Shri Sri Prakasa:** 4 lakh maunds.

#### JAPANESE PEACE TREATY

\*914. **Shri Kamath:** Will the Prime Minister be pleased to state:

(a) the steps taken by India so far towards the conclusion of the Japanese Peace Treaty;

(b) which Governments have had consultations with India on the subject up till now;

(c) whether any difficulties have arisen in connection with the Japanese settlement; and

(d) if so, what are they?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) to (d). The Government of India have continuously urged the desirability of an early peace with Japan. This matter rests with a number of Powers and it is not possible for India to take any effective step by herself. There had been consultations on this subject with other members of the Commonwealth on various occasions, and a Commonwealth Working Party considered it in London last May. Consultations have also taken place between our Ambassador and the U.S. representatives in Washington.

Difficulties have arisen between different Powers owing to differences of opinion on certain matters of procedure and of substance. There is no agreement yet as to which countries should participate in the drafting of the Peace Treaty and what should be the voting procedure. Among other controversial issues are (1) disposal of territories belonging to Japan and (2) what arrangements should be made for the defence of Japan against external aggression and internal subversion.

**Shri Kamath:** What further progress has been made in this matter since the appointment of the Commonwealth Working Party at the Colombo Conference in May?

**Shri Jawaharlal Nehru:** A lot of talk has taken place without anything being committed to paper.

**Shri Kamath:** Has this matter been raised subsequently either at the Commonwealth Conference in London or at the Pacific Relations Conference in Lucknow or at any meeting of the U.N. General Assembly?

**Shri Jawaharlal Nehru:** At the Colombo Conference, a Working Party—a Commonwealth Working Party—was suggested to consider this matter. This Commonwealth Working Party met in London in May last and made some progress in the sense of putting down various viewpoints which were circulated and which are being considered.

So far as the Pacific Relations Conference is concerned, I can give the hon. Member no information. It was a private non-official Conference which discussed the issue privately and informally.

**Shri Kamath:** Is it a fact that any of the Big Powers—either the U.S.A. or the U.S.S.R.—has expressed any reluctance to conclude an early Japanese Treaty?

**Shri Jawaharlal Nehru:** I do not know whether anyone has expressed any reluctance. The main difficulty all this time has been that the U.S.S.R. has been of opinion that four Powers should draft the Treaty—the original draft—the four Powers being the four Big Powers concerned, while the U.S.A. point of view has been—as well as that of other countries—that nine Powers should do it. Therefore, nothing has been done except separately by separate groups.

**Shri Kamath:** Is it a fact that India has made it clear to the other Big Powers concerned that she looks upon this matter as part of the general settlement in Asia and South East Asia?

**Shri Jawaharlal Nehru:** I do not think India has said any such thing, and there would have been not much point if she had said it. I do not understand the exact point of it, except that everything is a part of the general settlement.

**Shri Raj Bahadur:** May I know whether the procrastination in the conclusion of the Peace Treaty with Japan is being viewed by China with suspicion that India is obstructing world peace?

**Shri Jawaharlal Nehru:** This is a question which may be addressed to China.

**Shri T. N. Singh:** Is there any truth in the report that U.S.A. and certain allied nations propose to proceed with the treaty with Japan keeping out certain Asiatic countries, namely, China, Soviet Russia and others?

**Shri Jawaharlal Nehru:** I have just said that there have been two approaches—one the four-Power approach and the other the nine-Power approach. The nine-Power approach—which is the U.S.A. approach—includes the following countries: China, the Netherlands, Canada, Australia, New Zealand, India, Burma, Pakistan and the Philippines—i.e., all the Powers that somehow or other were in the picture at the major stages of the war with Japan. When I say 'China' here, of course as to who should represent China is another point.

#### IRON ORE (EXPORT)

\*915. **Shri Jnani Ram:** Will the Minister of Industry and Supply be pleased to state:

(a) the total export of iron ore from India in 1949 and 1950; and

(b) the circumstances under which iron ore is being exported?

**The Minister of Industry and Supply (Shri Mahtab):** (a) 1949—4,300 tons.

1950 (January to September 50)—36,665 tons.

(b) In exchange for steel, industrial machinery and other commodities.

**Shri Jnani Ram:** May I know the countries to which iron ore has been exported?

**Shri Mahtab:** Japan and Czechoslovakia.

**Shri Jnani Ram:** Has it affected the steel factories in India?

**Shri Mahtab:** Not at all. Steel factories in India consume only 1.5 million tons, whereas the existing iron ore, according to present estimates, is 10,000 million tons.

#### LABOUR DISPUTES

\*916. **Shri Kishorimohan Tripathi:**

(a) Will the Minister of Labour be pleased to state the number of labour disputes concerning "Central Sphere" undertakings which came up for disposal in 1950 before Labour Tribunals under the Central Industrial Disputes Act, 1947?

(b) What was the maximum and minimum period taken by the said tribunals for disposing of the disputes?

**The Minister of Labour (Shri Jagjivan Ram):** (a) The number of labour disputes which the Central Government have referred to Industrial Tribunals during the year 1950 is 16. Of these, 4 have been disposed of.

(b) The maximum and the minimum period taken by the Tribunals for giving the awards is 7 months 15 days and 2 months 3 days respectively.

**Shri Kishorimohan Tripathi:** May I know, Sir, how many of these disputes were connected with industries producing consumer goods and the extent of damage done to production as a result of the disputes?

**Shri Jagjivan Ram:** How does it arise, Sir? This does not relate to strikes. Even in cases where a strike is threatened and the workers have not actually gone on strike, the dispute is referred to a Tribunal. So, the loss to production does not arise.

**Shri Kishorimohan Tripathi:** Out of the cases which have been disposed of, how many were disposed of in favour of the labourers?

**Shri Jagjivan Ram:** In most cases the labourers gained certain advantages. I may say that in all the cases they were in favour of the labourers in one respect or the other.

#### INDUSTRIAL LABOUR (LIVING COSTS AND WAGES)

\*917. **Shri Kishorimohan Tripathi:** Will the Minister of Labour be pleased to state the average cost of living as also the average real wage, both per capita, in case of labour engaged in the following industries:

(i) Coal-mining; (ii) Jute; (iii) Textile and (iv) Iron and steel?

**The Minister of Labour (Shri Jagjivan Ram):** Cost of living figures are computed not for workers in specific industries but for important industrial centres. They are published in the press and in certain official publications including the Indian Labour Gazette and vary from month to month.

As regards "per capita average real wage", the factors governing wages in the different industries and even in the different sectors of the same industry vary from centre to centre and computation of an all-India average of wages would be statistically unsound and even misleading. However, a statement showing the average earnings of workers worked out on a rough basis is laid on the Table of the House. [See Appendix VII, annexure No. 18.] In the absence of a reliable series of all-India Cost of Living Indices, it is difficult to calculate the corresponding real wages. It is, of course, possible to calculate the real wages at any particular centre, as both the current wages and the Cost of Living Index for that centre are ascertainable.

**Shri Kishorimohan Tripathi:** Could the hon. Minister indicate, Sir, for Calcutta at least the rise since 1939 of the real wage and the cost of living, in the case of workers connected with the jute industry?

**Shri Jagjivan Ram:** It is very easy for my hon. friend to calculate that. I have not got the figures here. The index number for Calcutta for the base year 1939 is well known and the present index number is published every month in the Indian Labour Gazette. As far as the wages in the jute industry are concerned, they are given in the statement that I have laid on the Table of the House.

**Shri Kishorimohan Tripathi:** What further steps do Government propose to take in order to reduce the cost of living in the case of industrial workers?

**Shri Jagjivan Ram:** That is a very wide question. Government's attention is already concentrated on the question of stabilising or reducing prices and we are making all possible efforts to stabilise or reduce prices in those centres.

**Shri T. N. Singh:** Could the hon. Minister give an idea of the extent to which wages have lagged behind prices in principal towns like Bombay, Kanpur and Calcutta?

**Shri Jagjivan Ram:** In most cases it is obvious. When there is a race between wages and prices, wages generally lagged behind. This has happened in most of the Centres.

#### REPRESENTATION FROM CEYLON INDIANS

\*918. **Shri Sivan Pillay:** (a) Will the Prime Minister be pleased to state whether the Indian High Commissioner in Ceylon has received any representation from "The Ceylon Temporary Residents' Association" regarding the hardships and difficulties

to which they are subjected due to discriminating laws against them by the Ceylon Government?

(b) If so, has any action been taken in that matter?

\* **The Prime Minister (Shri Jawaharlal Nehru):** (a) and (b). The hon. Member's attention is drawn to the reply given by me on 23rd November, 1950, to Starred Question No. 297 asked by Shri Iyyunni on the same subject.

**Shri Sivan Pillay:** May I know, Sir, whether, recently there was a talk between representatives of the Ceylon Indian Congress and a Minister of the Ceylon Government regarding the problems of Indians in Ceylon and whether the same has resulted in any understanding?

**Shri Jawaharlal Nehru:** I suppose there have been talks from time to time. I do not know what particular talk the hon. Member refers to. But there has been no understanding, so far as I am aware of on the general question. Individual cases are, of course, taken up and some understanding might be arrived at in regard to individual cases.

**Shri Sivan Pillay:** Has the Prime Minister seen a news-item in today's papers that a Ceylon Indian M.P. has been suspended from the House of Representatives for his repeated insistence for priority discussion on certain problems connected with Indians in Ceylon?

**Shri Jawaharlal Nehru:** No, Sir. I have not seen it. I am, however, interested in the hon. Member's information.

#### TRADE MARKS REGISTRATION OFFICES

\*919. **Shri Sivan Pillay:** Will the Minister of Commerce be pleased to state:

(a) the total number of Trade Marks Registration Offices in India;

(b) the cities where they are located; and

(c) the total number of Trade Marks registered in the Trades Marks Registration Office at Bangalore in the year 1949-50?

**The Minister of Commerce (Shri Sri Prakasa):** (a) Three.

(b) Bombay, Calcutta and Bangalore.

(c) 124.

**Shri Sivan Pillay:** Is there a proposal to close the Trade Marks Registration Office in Bangalore?

**Shri Sri Prakasa:** No, Sir. We had these Trade Marks Registration Offices

formerly in Hyderabad, Mysore, Travancore and Cochin. It was certainly originally proposed to close down all these registries and to arrange that all trade marks work should be done at the Trade Mark Registry at Bombay and the branch registry at Calcutta. In view, however, of the very strong representations received from the Mysore Government, Chambers of Commerce and others, it has since been decided to continue the Trade Marks Registry at Bangalore as a branch registry with a reduced staff.

#### BURMA EVACUEES

\*920. **Prof. Ranga:** (a) Will the Prime Minister be pleased to state whether it is a fact that several representations were made to Government by the Burma Evacuees Association in regard to the rehabilitation of the Burma evacuees?

(b) If so, what steps have Government taken in this matter?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) Government has received some representations from certain Associations regarding rehabilitation of Burma evacuees.

(b) The Central Government has not initiated any schemes for rehabilitation of evacuees from Burma and the responsibility in this matter rests with the State Governments. The Government of Madras, where a large number of these evacuees are living, are understood to have offered certain employment and other facilities to them.

**Prof. Ranga:** Is it not a fact that the recovery of some of the advances made to these people during and soon after the war are being insisted upon today, on top of their unemployment?

**Shri Jawaharlal Nehru:** Yes, Sir. It has continually been insisted upon without the slightest result.

**Prof. Ranga:** Is it also a fact, Sir, that even ration cards are not being issued to these people and that the Madras Government has not made any progress in providing any employment to these people?

**Shri Jawaharlal Nehru:** I could not give any answer about how far the Madras Government have succeeded in finding employment for these people. This problem was not approached from the point of view, let us say, of the refugees from Pakistan. No organised scheme for offering them employment was ever undertaken. They were afforded facilities to reach their villages and some odd help was given in such cases. I understand that the Madras

Government has given help to a number of them, but I am quite sure that the hon. Member is right when he says that most of them have not been provided for by the Government.

**Prof. Ranga:** Do the Government of India propose to do something in the matter in order to rehabilitate these tens of thousands of people who have been suffering for want of employment for several months?

**Shri Jawaharlal Nehru:** I do not think the Government of India can do anything in the matter, apart from the fact that the Government of India can hardly convert itself into an organisation for giving employment to a very large section of the Indian population. It just cannot be done.

#### TEXTILES FOR GOVERNMENT USE

\*921. **Shri Lakshmanan:** Will the Minister of Industry and Supply be pleased to state:

(a) the quantity of textiles purchased for Government use during the current year between the 1st April and the 30th September;

(b) what is the percentage of handloom cloth in the total purchase; and

(c) from what States have handloom goods been purchased during the period and for what price?

**The Minister of Industry and Supply (Shri Mahtab):** (a) and (c). A statement is placed on the Table. [See Appendix VII, annexure No. 19.]

(b) 3.63 per cent.

**Shri Lakshmanan:** Arising out of answer to part (b) of the question, may I enquire why Government did not implement the policy of purchasing handloom cloth to the extent of one-third of their total requirements of textiles?

**Shri Mahtab:** At present, the hon. Member knows, the problem is not that the handloom cloth is not sold. The difficulty is that the handloom people do not get sufficient yarn to manufacture cloth.

**Shri Lakshmanan:** May I know why no purchase has been made in the Travancore-Cochin State?

**Shri Mahtab:** I cannot say off-hand. But I will look into it.

#### WRITTEN ANSWERS TO QUESTIONS

##### PRODUCTION TARGETS

\*897. **Shri Kesava Rao:** (a) Will the Minister of Industry and Supply be pleased to state whether the targets of production fixed by Government for various industries have been achieved?



(b) If not, what are the reasons for the same?

(c) What steps are being taken to see that the target figures are reached?

**The Minister of Industry and Supply (Shri Mahtab):** (a) to (c). On the basis of production figures received for the first nine months of the year, the targets fixed in respect of the Aluminium, Diesel engines, automobile and Cycle tyres and tubes, refractories, glass and paper industries are likely to be achieved.

The reasons for shortfall in other industries, and the measures taken or proposed to be taken to reach the targets are indicated in a statement which is laid on the Table of the House. [See Appendix VII, annexure No. 20.]

#### ADMINISTRATION OF SIKKIM

**\*898. Shri Kesava Rao:** (a) Will the Prime Minister be pleased to state whether any representation has been received for the establishment of popular government in the State of Sikkim?

(b) What action has been taken in the matter?

(c) What improvements have been effected in the State since India took over certain aspects of administration of the State?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) No formal representation on the subject has been made directly to Government, but some organisations in the State have expressed themselves in favour of a popular Government.

(b) A conference of representatives of His Highness the Maharaja of Sikkim and of the political parties was called in Delhi in March 1950. The decisions arrived at were summarised in a press note issued at the end of the conference, a copy of which is laid on the Table of the House. [See Appendix VII, annexure No. 21.]

(c) The administration of the State has not been taken over by the Government of India but for the reasons given in the Press Note a copy of which was laid on the Table of the House in reply to Starred Question No. 198 on the 1st December, 1949, the Government of India lent the State an officer to carry on the administration as Dewan. Since then peace and order have been maintained in the State; arrears of land revenue have been collected and the deficit in the State's finances removed; an administrative machinery has been set up and regulations framed for its functioning; and a land revenue settlement and forest survey are being undertaken with the aid of a financial

contribution from the Government of India and of officers lent from India. Certain functions formerly performed by the *thekadars* or leaseholders, such as criminal, revenue and forest administration, have been taken over by the State; and, pending the completion of the revenue settlement, interim relief has been afforded to the peasants by the remission of some of their dues and the abolition of the house-tax.

Steps are being taken to expedite the formation of Panchayats and thereafter an elected Council.

#### INDIAN COASTAL TRADE

**\*902. Shri Kesava Rao:** (a) Will the Minister of Commerce be pleased to state what percentage of Indian Coastal trade is carried by Indian shippers?

(b) What steps have been taken to see that Indian shippers are not squeezed out of business by rate cutting by foreign concerns?

**The Minister of Commerce (Shri Sri Prakasa):** (a) I presume that the hon. Member refers to Indian shipping companies engaged in the Indian coastal trade. During the period from January to July 1950, Indian Shipping Companies carried 77 per cent. of our coastal trade.

(b) Government have already announced their policy of effecting complete reservation of our coastal trade for Indian shipping within a period of one year. At present the freight rates on the coast are fixed by the Coastal Conference consisting of the British India, Asiatic and Scindia Steam Navigation Companies. All the other Indian companies engaged in this trade adhere to the rates so fixed and there is no rate-cutting by anyone. In cases where Government feel that the rates are not reasonable, they have power under Section 6 of the Control of Shipping Act, 1947, to get them fixed at a reasonable level. The question of substituting the present Coastal Conference by a more suitable machinery is now under consideration in consultation with the Indian shipping companies. There is thus no question of Indian shipping companies being squeezed out by foreign concerns.

#### FOREIGN TRADE

**\*910. Prof. K. T. Shah:** (a) Will the Minister of Commerce be pleased to state how many countries still discriminate, in their local legislation or administrative policy, against Indian citizens, in regard to trade with those countries?

(b) What steps have Government taken to safeguard the rights of Indian citizens in matters of trade with

foreign countries, especially with reference to provisions in Treaties with them regarding trade?

(c) How far and in what instances has the Principle of Reciprocity been adopted in concluding such treaties?

**The Minister of Commerce (Shri Sri Prakasa):** (a) No country discriminates against Indian citizens as such in regard to trade with it.

(b) and (c). In so far as commercial treaties concluded since Partition are concerned, the rights of Indian citizens are safeguarded by suitable provisions on a mutual basis in the Indo-Swiss Treaty of Friendship and Establishment. The only other Commercial treaty concluded during the period is one with Nepal which deals with goods in transit, duties etc.

#### GENERAL AGREEMENT ON TRADE AND TARIFFS

\*911. **Prof. K. T. Shah:** (a) Will the Minister of Commerce be pleased to state how far Government have given effect to the General Agreement on Trade and Tariffs between several nations of which India is one?

(b) What has been the reaction of such agreements on the fiscal policy and industrial development of India?

**The Deputy Minister of Commerce (Shri Karmarkar):** (a) The tariff concessions agreed to by India with countries which participated in the tariff negotiations held at Geneva, were brought into force by means of an enactment, the Indian Tariff (Amendment) Act, 1949, and those at Annexity by means of a notification under Section 23 of the Sea Customs Act, 1878.

(b) Presumably the hon. Member has in mind the effects of the agreement on India's fiscal policy and industrial development. These have been influenced by so many different factors in recent years, e.g., controls, restrictions, bilateral trade agreements, balance of payments difficulties leading to quantitative restrictions on imports and diversion of exports, and the impact of Partition, that it is extremely difficult to isolate the effect of the G.A.T.T. In these circumstances it is not possible to attempt any accurate assessment of the effects of the working of the G.A.T.T. on India's trade and industrial development. The Fiscal Commission which examined this subject at considerable length, also came to a similar conclusion. It will, however, be reasonable to claim that India may have partially succeeded by reason of her participation in the Agreement, to safeguard her trade against the hazards of unilateral tariff action by other countries.

#### ENACTMENTS HELD INVALID BY SUPREME COURT

\*913. **Prof. K. T. Shah:** (a) Will the Minister of Law be pleased to inform the House as to how many enactments of the Union Parliament have been declared by the Supreme Court to be *ultra vires*, since the coming into operation of the Constitution of India?

(b) What action have Government taken to remedy the situation?

**The Minister of Law (Dr. Ambedkar):** (a) One enactment, namely, Section 14 of the Preventive Detention Act, 1950, has been declared by the Supreme Court to be *ultra vires*.

(b) Immediate steps were taken to repeal section 14 of the Preventive Detention Act, 1950, by an Ordinance, and the Ordinance was replaced by an Act of Parliament.

#### DIRECTORATE OF COTTAGE AND SMALL- SCALE INDUSTRIES

\*922. **Shri Krishnanand Rai:** Will the Minister of Industry and Supply be pleased to state what the functions of the Directorate of the Cottage and Small-scale Industries are?

**The Minister of Industry and Supply (Shri Mahtab):** The functions of the Cottage Industries Directorate are to implement such recommendations of the Cottage Industries Board as are accepted by Government and to render necessary assistance to cottage and small-scale industries in respect of raw materials, export of goods, technical advice, demonstration of machinery etc.

#### COTTON FOR COTTAGE INDUSTRIES

\*923. **Shri N. S. Jain:** Will the Minister of Industry and Supply be pleased to state whether Government have earmarked any quantity of cotton for the purpose of cottage industries?

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

#### SEWING MACHINE SPARE PARTS (IMPORT)

\*924. **Shri Tyagi:** (a) Will the Minister of Commerce be pleased to state whether there is a brand of sewing machine in Japan, whose spare parts fit well in the Singer Sewing machine of U.S.A.?

(b) Is it a fact that the parts of the Japanese sewing machines are cheaper than those of the American machine?

(c) Is it a fact that import of sewing machine parts is prohibited from Japan?

(d) What is the total value of parts allowed to be imported from America annually?

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

(b) Yes, Sir.

(c) No, Sir.

(d) Licences for the current period are being issued for parts of sewing machines from America at 100 per cent. of half of best years past imports of spare parts or 20 per cent. of half of best years past imports of complete machines. The licensing policy is reviewed every six months.

### सीमेंट (नियंत्रण)

\*१२५० श्री पन्नालाल बंसीलाल : क्या उद्योग तथा रसद मंत्री यह बतलाने की कृपा करेंगे कि सीमेंट के वितरण तथा भाव पर नियंत्रण कब लगाया गया था एवं उक्त सूचना किस तिथि के सूचनापत्र में प्रकाशित हुई?

### CEMENT (CONTROL)

[\*925. **Shri Pannalal Bansilal:** Will the Minister of **Industry and Supply** be pleased to state when the control on the distribution and price of cement was imposed and on what date it was gazetted?]

**The Minister of Industry and Supply (Shri Mahtab):** Control over distribution and price of cement was first imposed under the Defence of India Rules on 30th September, 1944, published in the Gazette of India of that date. With the lapse of the Defence of India Rules, control is exercised under State Legislation.

### STEEL ROLLING MILLS

\*926. **Shri Kannamwar:** (a) Will the Minister of **Industry and Supply** be pleased to state how many Steel Rolling Mills there are in Madhya Pradesh?

(b) How many Steel Rolling Mills are there in other States?

(c) Are Government aware that the agriculturists of Madhya Pradesh have to pay high prices for articles of steel owing to the non-existence of Steel Rolling Mills in the State?

**The Minister of Industry and Supply (Shri Mahtab):** (a) There is no re-rolling mill in Madhya Pradesh at present. It has already been decided by the Government of India to allot

two re-rolling mills to the State, and the matter is under correspondence with the State authorities.

(b) 92.

(c) No, Sir, since the price of steel materials is controlled and uniform throughout the country.

### INDUSTRIAL POLICY STATEMENT OF APRIL, 1948

\*927. **Shri Kunhiraman:** Will the Minister of **Industry and Supply** be pleased to state the action taken on the Industrial Policy statement of April 1948 relating to the following:

(i) investigation of co-ordination and integration of cottage and small scale industries with large scale industries; and

(ii) investigation so as to find out how far existing centralised industries can be decentralised with advantage?

**The Minister of Industry and Supply (Shri Mahtab):** (i) This question was examined at the first meeting of the Cottage Industries Board held at Cuttack in December 1948, and the Board recommended that steps should be taken to bring about integration between large scale industries and cottage industries, particularly by way of—

(a) reservation of specified fields of production for cottage industries;

(b) manufacture of components for large-scale industries by cottage industry units, and *vice versa*; and

(c) supply of basic materials of standard quality, at reasonable price and in adequate quantity, from large-scale industries to cottage industries.

This recommendation was communicated to the State Governments, who are primarily concerned with the development of cottage industries, for their guidance. Besides this, the Government of India have prohibited all cotton textile mills and organised power-loom factories coming under the Factories Act from manufacturing certain varieties, which have been exclusively reserved for production by the hand-loom industry.

The Planning Commission's Panel on cottage industries at its meeting held on the 26th and 27th October, 1950, recommended that a Technical Committee of the Cottage Industries Board should be set up to examine this question along with others such as Government's stores purchase policy, railway rates etc. The constitution of a Technical Committee is under consideration.

(ii) It is hoped that the Cottage Industries Board and the newly formed Development Committee on Industries will soon suggest practical steps for achieving this.

**RELIEF TO ASSAM EARTHQUAKE VICTIMS**

\*928. **Shri J. N. Hazarika:** Will the Minister of Industry and Supply be pleased to state what quantities of the following goods/commodities have been allotted, if any, for the earthquake victims of Assam and the Tribal Areas for their relief and rehabilitation:

(i) Corrugated Iron Sheets; (ii) Cement; (iii) Clothes; (iv) Blankets; and (v) Other commodities?

**The Minister of Industry and Supply (Shri Mahtab):** The goods and commodities allotted by the Ministry of Industry and Supply are as under:

(i) 3,000 tons of Corrugated Iron Sheets;

(ii) 1,500 tons of Cement;

(iii) 597 bales of cloth, 8,500 Nos. of ready made garments and 560 bales of yarn;

(iv) 22,200 maunds of Salt;

(v) 400 tons of Iron rods.

No allotment of blankets was made.

**TOWNSHIP FOR DISPLACED PERSONS AT FARIDABAD**

\*929. **Shri Ramalingam Chettiar:** (a) Will the Minister of Rehabilitation be pleased to state what progress has been made in the construction of the township for displaced persons at Faridabad?

(b) What part is being played by the displaced persons themselves in the construction of the township and what steps have been taken to provide them with means of livelihood at present and in the future?

(c) Is it a fact that a big power plant from German Reparations has been given to the Faridabad Board free of cost?

(d) If so, how soon will the Power Station go into production and how much power will it be able to supply to Delhi?

(e) What is the total investment on the Faridabad project?

(f) How does the Faridabad Board propose to repay the capital outlay and how does it propose to maintain all the services?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) 2,000 two-roomed houses had been completed before the last rains. Another 1,500 houses are under construction. Four school buildings, four recreation centres and one work centre for 300 unattached women have been completed. Foundations of hospital, five health centres and five out-door dispensaries have been laid. Considerable progress has been made with the construction of a higher technical institute. 20 miles of road have been built out of which 6 have been metalled. Complete water supply system and half of the drainage have been set up. Temporary electricity station of 300 K.W. is supplying street lighting and power for tube wells and carpentry shops, etc.

(b) 3,950 displaced persons are gainfully employed in the construction work. These workers constitute co-operatives for producing bricks, doors and windows, stone quarrying as well as groups engaged in house construction, road building and earth work etc. Simultaneously arrangements for setting up permanent industries such as Bata Shoe Factory are in progress.

(c) Yes.

(d) Half of the plant producing 3,000 K.W. is expected to be ready by March 1951, when Faridabad will supply to Delhi approximately 2,500 K.W. of electricity. The second half is expected to be ready by September 1951.

(e) Rs. 240 lakhs.

(f) By recovering rent and hire-purchase instalments from houses and sites for houses and factories and profits of the power house.

**PILGRIMS TO BIRTH PLACE OF GURU NANAK**

\*930. **Shri Sanjivayya:** Will the Prime Minister be pleased to state:

(a) the number of pilgrims from India who have been permitted to visit the birth place of Guru Nanak after the Delhi Pact;

(b) whether it is a fact that this number is much less than that of last year; and

(c) if so, why?

**The Prime Minister (Shri Jawaharlal Nehru):** (a) to (c). The Punjab (P) Government first intimated that 75 pilgrims could visit Nankana Sahib on the birthday of Guru Nanak this year, falling on November 24, 1950. This number was later raised to 100 at the request of the Punjab (I) Government. Only 56 pilgrims were permitted last year.

COMPENSATION TO RAJASTHAN ON  
ACCOUNT OF SALT MANUFACTURE

\*931. **Shri Jainarain Vyas:** (a) Will the Minister of **Industry and Supply** be pleased to state what amounts were paid to the States which are now integral parts of Rajasthan State, as compensation for the losses they incurred on account of the Government of India monopolising the manufacture of salt in their territories and also on account of keeping salt-producing areas in disuse?

(b) Are these amounts still paid to the State of Rajasthan and if not, why not?

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

(b) From the 1st April 1950, that is the date of the federal financial integration of the States, payments relating to compensation for refraining from levying salt duty have been stopped as the Central Government itself is not levying any salt duty and the States also have been precluded from levying any duty on salt. Also payments for the suppression of salt manufacture in the States have been stopped as the States or Unions have been empowered to develop their own salt resources. Only payments of a commercial character like rent and royalties on the salt sources leased to Government are being continued. A schedule of such annual payments to the Rajasthan State is placed on the Table.

STATEMENT

*Total amounts paid annually upto  
1-4-50 to the States now integrated into  
Rajasthan.*

(1) For refraining from levying duties, etc.	Rs. 8,32,850
2) For suppressing free salt manufacture.	Rs. 4,29,558
(3) Rent for exploiting salt sources.	Rs. 9,74,704
4) Royalty for exploiting salt sources.	Rs. 8,73,000*
Total Rs. 31,10,112	

\*Average for 1947-50.

SCHEDULE

*Total amounts payable annually to the  
Rajasthan Union after 1-4-1950*

(1) Rent	Rs. 9,74,704
(2) Royalty	Rs. 11,00,000*
Total Rs. 20,74,704	

\*Estimate for 1951-52.

POWERS OF CHIEF LABOUR COMMISSIONER

\*932. **Babu Gopinath Singh:** (a) Will the Minister of **Labour** be pleased to state the powers and duties of (i) the Chief Labour Commissioner; (ii) the Regional Labour Commissioners; (iii) Conciliation Officers; and (iv) Labour Inspectors?

(b) Under what notifications or law have these powers been conferred upon the respective Officers?

**The Minister of Labour (Shri Jagjivan Ram):** (a) and (b). A statement giving the required information is placed on the Table of the House. [See Appendix VII, *annexure No. 22.*]

INDIAN KEPT AS SECURITY PRISONER  
IN PAKISTAN

\*933. **Shri S. M. Ghose:** (a) Will the **Prime Minister** be pleased to state whether Government are aware that Sri Hariganga Basak, an Indian citizen and resident of Agartala, Tripura State has been kept as Security Prisoner for more than two years at Dacca Central Jail in East Pakistan?

(b) If so, have Government taken any step to secure his release and return to India and if so, with what effect?

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

(b) Repeated representations were made to the Pakistan Government but they have refused to release him. We are pursuing the matter.

SUGAR PRODUCTS

\*934. **Shri Dwivedi:** (a) Will the Minister of **Industry and Supply** be pleased to state what is the number of industries manufacturing sugar products such as sugar candies, biscuits, and the like which have come into existence since August 1947?

(b) What quantity of sugar is allotted to them annually?

**The Minister of Industry and Supply (Shri Mahtab):** (a) Government is only aware of forty-two such factories established since August 1947 to which a quota of sugar is being allocated by the Central Government. Seventeen of these factories produce confectionery and 25 produce biscuits. In addition to these, there are a number of petty confectionery and biscuit factories getting sugar from the State Governments information in regard to which is not readily available.

(b) About 2,098 tons of sugar is allotted annually to these forty-two factories.

#### VOCATIONAL TRAINING

**\*935. Shri Balmiki:** Will the Minister of Labour be pleased to state how many displaced persons were sent for vocational training during the year 1949 and up to November 1950 and to which centres?

**The Minister of Labour (Shri Jagjivan Ram):** 7,786 displaced persons were admitted for training into the Training Institutes/Centres of the Ministry of Labour during 1949. The number of displaced persons admitted during 1950, up to the end of November was 2,286. A list of Training Institutes/Centres at which displaced persons are now given training is enclosed. [See Appendix VII, annexure No. 23.]

#### FACTORY LABOURERS

**\*936. Shri Sanjivayya:** Will the Minister of Labour be pleased to state:

(a) the total number of factory labourers in India; and

(b) how many of them have been provided with quarters to live in?

**The Minister of Labour (Shri Jagjivan Ram):** (a) The latest figures available are in respect of the year 1948 according to which the Factories in India employed on an average 2,360,201 workers daily. This figure does not include the number of workers employed in Factories in areas previously known as Princely States.

(b) No reliable statistics are available. An analysis of the housing conditions described in the various reports of the Labour Investigation Committee, however, indicates that about 13.4 per cent. of the workers have been provided with houses.

#### TECHNICAL TRAINING CENTRES

**\*937. Thakur Krishna Singh:** (a) Will the Minister of Labour be pleased to state whether there are centres in

Tehri-Garhwal, Garhwal and Himachal Pradesh under the Technical Training Scheme?

(b) If not, do Government propose to start such centres in these backward areas in the near future?

**The Minister of Labour (Shri Jagjivan Ram):** (a) There is no Training Centre at present in Tehri-Garhwal or Garhwal. There is, however, a Training Centre in Almora, where candidates from Garhwal are admitted for training.

As regards Himachal Pradesh, a Training Centre is functioning at the Silver Jubilee Technical Institute, Mandi.

(b) In view of the need for economy, it is not possible to open any new Training Centre at present.

#### HOUSES FOR DISPLACED PERSONS

**\*938. Shri Dwivedi:** (a) Will the Minister of Rehabilitation be pleased to state what is the amount of expenditure (i) actually incurred and (ii) likely to be incurred in housing displaced persons in the Centrally Administered Areas, particularly, those excluding Delhi?

(b) How many houses have been built in such areas and how many families have been rehabilitated?

**The Minister of State for Rehabilitation (Shri A. P. Jain):** (a) (i) Rs. 90 lakhs. This is the amount drawn by the Sindhu Resettlement Corporation for constructing houses for displaced persons in Gandhi Dham, Kutch.

(ii) Rs. 139 lakhs, including expenditure already incurred.

(b) 2,091 houses have been completed and 1,438 are under construction. Besides providing housing accommodation 2,265 persons have been employed on construction work in Gandhi Dham.

#### DRUG INDUSTRY

**48. Shri S. C. Samanta:** (a) Will the Minister of Industry and Supply be pleased to state how far have the Government of India helped the drug industry in India to stand foreign competition?

(b) How many well-organised and successful drug manufacturing concerns are there in India?

(c) What are the obstacles that stand in the way of rapid progress of the drug industry?

**The Minister of Industry and Supply (Shri Mahtab):** (a) The drug industry in India is being helped to stand foreign competition in the following ways:

(i) The drugs manufactured indigenously in sufficient quantities are not allowed to be imported;

(ii) all possible help is given to import necessary equipment from abroad;

(iii) sufficient monetary ceiling is provided for the import of raw materials required by the drug industry;

(iv) Government requirements are purchased from indigenous sources as far as possible; and

(v) the Drugs Act is enforced with a view to effecting an improvement in the quality of the products manufactured in India.

(b) Forty-five.

(c) The major obstacles are:

(i) dependence on imported raw materials;

(ii) non-availability of proper equipment in India; and

(iii) shortage of technical personnel.

#### TRAINING INSTRUCTORS

**49. Shri S. C. Samanta:** (a) Will the Minister of Labour be pleased to state how many instructors came out successful from the Central Institute for Training Instructors since its inception (year by year)?

(b) How many of the successful candidates are displaced persons, and are engaged in (i) training work, (ii) productive business and (iii) otherwise?

(c) What is the classification of those successful candidates according to (i) the States they belong to; and (ii) the trade, occupation etc., in which trained?

**The Minister of Labour (Shri Jagjivan Ram):** (a) The Central Training Institute for Instructors started functioning in May, 1948. Normally there are two sessions in the year which commence on the 15th May and 15th November respectively.

429 Instructors have come out successful so far, as follows:

Year.	No. of persons passed
1948-49	102
1949-50	153
1950-51	204
<b>TOTAL</b>	<b>429</b>

(b) Of the successful candidates, 11 are displaced persons. All of them are employed as Instructors.

(c) Two statements relating to parts (i) and (ii) are placed on the Table of the House. [See Appendix VII, annexure No. 24.]

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# PARLIAMENTARY DEBATES

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PARLIAMENT OF INDIA

OFFICIAL REPORT

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Part II—Proceedings other than Questions and Answers.

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

*Price Five Annas*



**THE**  
**PARLIAMENTARY DEBATES**  
**(Part II—Proceedings other than Questions and Answers)**  
**OFFICIAL REPORT**

1757

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**PARLIAMENT OF INDIA**

*Thursday, 14th December, 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.

**DELHI FIRE SERVICE**

**Mr. Speaker:** During the course of Question Hour on the 22nd November the hon. Member Mr. Kamath put certain supplementary questions regarding the fire that broke out in Sadar Bazar, Delhi, on the 9th October, 1950. In that respect, I said that I was doubtful as to how those questions could be the responsibility of Government and that it was a matter for the Municipal Administration. Later on, Mr. Kamath submitted that the Delhi Fire Service was one of the subjects for which the Home Ministry was responsible and he quoted the Parliament Secretariat circular in support of his statement. I stated thereupon, that I reserve judgment, and thereafter Mr. Kamath asked me whether he would be allowed to bring questions about the Delhi Fire Service, in case I was satisfied that, that was a subject for which the Home Ministry was responsible; and I said I would consider the matter. Thereafter I have made enquiries and I am informed by the Ministry of Home Affairs that the Delhi Fire Service being provincialised on a permanent basis and the United Provinces Fire Service Act being extended to Delhi, the Ministry of Home Affairs have recently taken over the subject. The hon. the Home Minister is therefore responsible to answer all questions relating to the Delhi Fire Service. The position having thus been clarified, it will be open to hon. Members to table questions on the subject, as has been set out in the Question Circular of 16th October, 1950.

**REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL—contd.**

**Mr. Speaker:** The House will now proceed with the further consideration of the following motion moved yesterday by the hon. Dr. Ambedkar, namely:

“That the Bill to amend the Representation of the People Act, 1950, be taken into consideration.”

**Dr. Deshmukh (Madhya Pradesh):** This Bill for the amendment of the Representation of the People Act has been attacked by many Members of this House, and they have voiced their dissatisfaction over various matters. One of the principal complaints made was that Part C States have not been given any Legislature and as a result of that the people of those areas are being deprived of the right of electing members to the Council of States also. I for one sympathise with the difficulties of Government in this regard and yet I believe it was not impossible to tackle the matter in a different way.

There has also been a demand that the Bill be referred to a Select Committee. After the discussion that has been held in the House and the points that have been made, I hope the hon. Minister would be prepared to accept that suggestion. This is not the first Bill which has been placed before the House for consideration in this manner and it has happened more than once that on a Bill as suggested or placed before the House by an hon. Minister there were many points of view expressed in the House and it was necessary to amend and consider the Bill in a smaller Committee and give opportunity to different Members to see if the various provisions could not be modified. I believe, so far as this Bill, at any rate, is concerned, there will be every opportunity that we will come to better understanding and that we will be able to evolve a formula more satisfactory not only to the representatives of those States involved here but also to the residents of those areas.

:240 P.S.

[Dr. Deshmukh]

I would also like to observe that in any matters which are contentious and which are so important as the question of the representation of the people, there should be no hurry and such Bills ought not to be rushed through. We had the same experience last time when this Bill was brought forward. The hon. Minister was absolutely adamant not to refer it to a Select Committee, and the reason for the insistence not only of this hon. Minister but also of other hon. Ministers is that they and their advisers think that they are absolutely infallible, theirs is the last word in wisdom and nobody has brains enough or capacity enough to suggest anything different and that the solution that they have proposed is absolutely the last word in tackling any question or proposition. Fortunately or unfortunately no human being is perfect and it is therefore correct that in all important matters the Members of this House should be given a better opportunity not only of stating their views generally on a motion for consideration but also on the various amendments that they would like to suggest. Therefore I would very humbly but very strongly suggest that in all questions which are of such vital importance there should be no hurry in legislating, and as a rule such Bills ought to be referred to Select Committee. In fact, if the motion were one for reference to Select Committee I am certain that the amount of time spent would have been probably far less.

In this Bill there are very many objectionable things. One of the objectionable things which we have always held objection to almost with a singular unanimity of opinion is the process of nomination. Not that we have no confidence in the individual who is going to be empowered to do so. Not that we have no confidence in the Minister who will advise in the matter. We have the utmost confidence and we are prepared to say so. But yet there are questions in which it is possible to avoid this unsatisfactory mode of representation, and whenever it is possible to do so that course ought to be adopted.

In this Bill there is another curious provision. I do not know how Dr. Ambedkar who had spoken very effectively and correctly against the Resolution brought by my friend Prof. Shah, that there should be no restriction on candidature or on the voter's qualification, should have now made up his mind to choose the so-called matriculates for enfranchisement. I am sure he has no correct information about this question. If he has, I would request him to give it to the House as

to how many people he thinks would get the vote on the score of being matriculates. As a matter of fact, the matriculate, in even the more advanced parts of this country, is a rare commodity. If we take into account the population of India, the matriculates are infinitesimal. That was the reason why most Members of the House felt that the Resolution proposed by my friend Prof. Shah was far from realistic, far from satisfactory and was one which will never be possible to operate. Because, whatever qualification we lay down we perforce limit the numbers unduly, and this is exactly what is going to happen in this. In all probability all those who have found a place in the municipalities and the various bodies which have been stated here as giving the franchise will exhaust all the matriculates that there are in those various areas and there would be very few people who are matriculates and yet not already enfranchised that would be found in those areas. In this particular instance also, it will be possible to evolve a better method and these amendments and suggestions cannot be expected to be made and considered with as much thoroughness as possible in the course of a debate in this House. It is much better that a group of Members of this Parliament sit together and then consider such matters. I, for one, have one definite suggestion to make: instead of trying to get hold of this qualification, it would have been much better if every village was given the authority to elect certain electors. If every village was made into a sort of college and if the people there were authorized to elect a certain number of people, say five or ten, 15 or 20, like the *Panchayat* Boards and *Grama Panchayats*, it would be something. The people on the one hand would have felt that they are having some share in the allocation of the representatives and on the other hand the enfranchisement would not have been restrictive according to the proposal here. So, I do not wish to take much time of the House, but these are some of the considerations, which, I hope will go to persuade my hon. friend the Law Minister to refer the Bill to the Select Committee, where all these things could be thrashed out. In view of the fact that the feeling in the House is so keen and especially because these people say that the measure is more or less autocratical, there is no possibility of their getting in to the State legislatures. If we are not able to do that—that is the basis on which the Bill has been proposed—then there should be some effort made that these representatives, at any rate, would be elected by a wider franchise than has been provided in the Bill.

For these reasons, I hope the suggestion made for reference of the Bill to the Select Committee would be accepted, and if that is done, I am sure, the various objectionable features of the Bill will disappear and we will have a more satisfactory legislation.

**Shri Raj Bahadur** (Rajasthan): At the very outset I should like to say a few words about the constitutional position as it affects the present Bill. In my humble opinion the provisions of article 80(2) and (4) do not empower us to frame the Bill as it has been done. Clause (2) says:

"The allocation of seats in the Council of States to be filled by representatives of the States shall be in accordance with the provisions in that behalf contained in the Fourth Schedule."

So whatever the number of seats for the representatives, it has been given in the Fourth Schedule. This is a constitutional matter and we cannot change it unless the Constitution is amended. There are three sets of States, Himachal Pradesh and Bilaspur, Ajmer and Coorg, and Manipur and Tripura, and all these sets of States have been given one seat each in the Council of States. We can neither diminish nor add to the number of seats given to these particular States. It might be said that under clause (5) the manner in which these representatives shall be chosen can be devised by this Parliament. But if we read the clause fully we will see that it does not empower us to reduce or add to the number of representatives. The Clause says: The representatives of the States specified in Part C of the First Schedule in the Council of States shall be chosen in such manner as Parliament may by law prescribe. What Parliament can do at best is simply to devise the manner in which these representatives can be chosen. We can give to Ajmer one seat when it has been given one to both the States of Ajmer and Coorg, we can give one seat to Bilaspur or Himachal Pradesh or for that matter to Manipur or Tripura but to keep the other States unrepresented is a point which I think will be *ultra vires* of the Constitution. So the entire scheme upon which Bill has been based is in my humble opinion not in accordance with the provisions of the Constitution. This House has not got any authority to deprive either Ajmer for one year or two years or Coorg for one year or two years, or likewise Manipur or Tripura of this right of representation. As such both these clauses do not fit in with the scheme of the Bill.

12 Noon

Secondly, as has been pointed out by my hon. friend, Mr. Kamath, the President at best is empowered only to nominate 12 persons and it is impossible under the Constitution to give him powers to nominate more than 12 persons. All the rest of the 238 Members of the Council of States shall have to be chosen from those persons who fall under the category of clause (3) and hence under both these items the scheme of the Bill is definitely not in accordance with our Constitution.

Coming to the specific point of Ajmer, my hon. friend, Pandit M. B. Bhargava yesterday very rightly said that it was the heart of Rajasthan. It is really a pity that in spite of the repeated demands of the people this anomaly in the distribution of the boundaries of various States still exists. We expected that what the people think should be reflected in the decisions of Parliament and particularly decisions of particular political organizations. It is a well-known fact that the people of Ajmer and the people of Rajasthan wanted that Ajmer should be included in Rajasthan, that it should be a part and parcel of Rajasthan. As such it is obvious that these difficulties in our Constitution have arisen only because the demands of the people in this behalf have not been met. It is opportune that in view of this constitutional difficulty and in view of the fact that we cannot have the scheme of the Bill as it at present exists, the matter shall have to be referred to a Select Committee. There is no other alternative. Apart from that if it involves and if it necessitates making certain changes in the Constitution, we have yet time enough to go through that and in case our Constitution does not allow one particular State, either Ajmer or Coorg one seat and having the other States unrepresented, there is no reason why a fresh Bill should not be brought to meet this difficulty, and which would also redress a sort of grievance which exists in both these matters.

The next point to which I would like to refer is about this Ordinance which is going to be replaced by this Act it is well known that in the electoral lists as they have been prepared in the various States the names of our women-folk who are about 50 per cent. of the population are to be eliminated because they have been described as sisters, mothers, wives, etc. of the person concerned. If that happens then at least 50 per cent. of the voters would be eliminated and the number of voters under the scheme by which the delimitation of constituencies have

[Shri Raj Bahadur]

been done will be greatly diminished. There will have to be redistribution of the constituencies, because the present basis on which these constituencies have been delimited, will not be there and there can be no other way out of this difficulty except to revise all these constituencies, and there shall be consequently delay. Further, I have not been able to comprehend the desirability or expediency or the wisdom of enacting this piece-meal legislation. First of all we got the Representation of the People Act and now there is an amendment and perhaps after some time we shall get some electoral Bill. All these are piece-meal legislations and this House is handicapped and in this way we do not have a co-ordinated consideration at one time of all the provisions relating to conduct of elections. I have had an opportunity of going through the corresponding Act in the U.K. There we find that all these things have been dealt with in one particular Act, from franchise to legislation, from legislation to conduct of elections, from conduct of elections to manner of voting, voting also for local bodies and provisions relating to offences in elections. All these are incorporated in one single Act of the British Parliament. As such, it is only proper that instead of resorting to piece-meal legislation, which, to say the least is a clumsy way of legislation, there should have been one comprehensive Act covering all these points, which would have enabled us to devote our attention at one stretch. I only hope that when the hon. Law Minister comes forward with his next Bill, it would be a comprehensive Bill.

The next point that I would like to make is with regard to the few amendments that I have proposed. Instead of moving the amendments at that time, I would simply invite the attention of the hon. Law Minister to the various points that struck me when I drafted these amendments. I would, first of all invite his attention to clause 4 of the Bill. In the proposed section...

**Mr. Speaker:** Does he propose to go clause by clause?

**Shri Raj Bahadur:** No, no. I am not going clause by clause. I would simply point out the anomalies and vagueness in the provisions to which I would like to invite the attention of the hon. Minister.

**Mr. Speaker:** I may point out that the better and more proper course would be to raise his objections to the various clauses when each clause is put before the House for consideration.

That would enable him to invite the pointed attention of the House to the clause. If he has any general remarks to make, then, it is quite a different thing.

**Shri Raj Bahadur:** I will confine myself to general remarks.

**Shri R. K. Chaudhuri (Assam):** May I point out that there is a motion for reference to the Select Committee, and if that motion is accepted by the House, it would be very useful if hon. Members make suggestions.

**Mr. Speaker:** That would be a good point. I am anticipating the fate of the motion and therefore I am telling as to what the proper stage will be.

**Shri Raj Bahadur:** I do not want to leave it to a mere chance of the acceptance of the motion. The hon. Law Minister has not opened his lips with regard to that point, and unless he has given his word, I am not sure whether the motion for reference to the Select Committee will be carried by the House or not. It is therefore proper for me that I should just make a few general observations with regard to certain points that I would like to be made clear.

In the proposed section 6A, the wording here is, "nominated by the President every second year to represent the State.....". The point is this. Of course, I cannot think that the President or the Executive will go out of its way to nominate anybody who is not a resident of the State, whether it is Manipur, or Himachal Pradesh or Ajmer or Coorg. I perfectly realise that that would not happen. But, when we are legislating, it should be perfect and we should say specifically that the nomination shall be out of *bona fide* residents of the particular State and from nowhere else. It is entirely left vague here. It is obvious that when the President chooses the nominee, he will act on the advice of his Ministers, and if the Executive so chooses, it can nominate a person who does not belong to Manipur or Tripura or Ajmer or Coorg. I may say, in the particular case of the constituency which I represent, before I came to the Constituent Assembly, a gentleman was nominated who did not belong to my constituency at all, who did not come from Rajasthan at all. This thing could happen even in the case of Manipur, Tripura, etc. It should be specifically stated here that the person elected or nominated shall be out of the *bona fide* residents of that State.

Then, regarding clause 7 of the Bill, there are three disqualifications which

render one liable to be eliminated from the electoral roll. Section 16 of the Representation of the People Act runs as follows:

"(1) A person shall be disqualified for registration in an electoral roll if he—

(a) is not a citizen of India; or  
(b) is of unsound mind and stands so declared by a competent court; or

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections."

It is obvious that one who may not be a citizen just a few days before the qualifying date might become a citizen by that time, or he may acquire that right of citizenship on or about the same time. In that case, if that disqualification goes away, why should we confine the provisions of clause 7 as we have done here:

"Provided that the name of any person struck off the electoral roll of a constituency by reason of a disqualification under clause (c) of sub-section (1).....".

Similarly, if one is of unsound mind, and has been so declared, later on, before the qualifying date, happens to be cured of his insanity, this declaration should not stand in the way of his name being reinstated in the electoral roll. To confine it merely to cases of corrupt and illegal practices, and leave out the other categories of people who are disqualified under section 16 of the Representation of the People Act, would be too hard for such people who may be free from the disqualifications on or about the qualifying date.

Then, I would come to clause 8, which runs as follows:

"22A. Special provisions with regard to electoral rolls first prepared under the Act.—(1) Notwithstanding anything contained in the foregoing provisions of this Part, the first electoral rolls under this Act shall be prepared in relation to such areas (referred to in this Act as 'electoral units') in each State as the Election Commission may, in consultation with the Government of that State, direct."

That means that the electoral roll would be prepared in relation to such

areas. It leaves room for interpretation that for some areas, electoral rolls may be prepared and for others it may not be prepared. The wording should be such as would leave no room for doubt. We should make it absolutely clear that the State shall first be divided into such areas known as 'electoral units' and then electoral rolls shall be prepared for those units. Otherwise, vagueness and lack of clarity will be there.

I would like to add a word or two about the question of matriculates, because I come from a constituency where the number of matriculates is alarmingly small. To confine the franchise to matriculates will reduce the representative character of the Council of States to a mere nullity. On the one side you have a few hundred or thousand people electing one representative, and on the other side, you have 7,50,000 people electing a representative to the House of the People. It will be open to question and doubt whether you can call such a person a real representative of the people. There should be some qualification which is not so restricted like this. Let it be literate people. Let there be some standard of literacy. Matriculation is not the standard. The point is that the majority of people...

**Shri Tyagi (Uttar Pradesh):** Why even literate?

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

**Shri Raj Bahadur:** There should be some qualification by which you should constitute the House of Elders. Of course, the Council of States is not going to wield the same powers and authority as the House of the People. It can simply delay a legislation; it cannot defeat a legislation. We should have a method of bringing in thoughtful people; I do not mean to say that the people in the House of the People will not be thoughtful.

**Shri Tyagi:** Illiterate people can elect their wives, elect their friends, purchase bullocks and houses; cannot they elect a Member?

**Mr. Speaker:** Order, order. The hon. Member need not advance arguments. An occasional interruption is all right; but to carry on arguments and try to refute them off and on is really not contributing to the debate. We are conducting a serious debate with earnestness and we are here to hear the arguments of every Member who wishes to address his arguments to the House.

**Shri Tyagi:** I would....

**Mr. Speaker:** Let there be no interruptions.

**Shri Raj Bahadur:** I may point out that the purchasing of bullocks, or the keeping of a cow is not the same thing as passing an Act of Parliament. Therefore Mr. Tyagi may bear this in mind and see that there is no analogy in what he said.

**Mr. Speaker:** The hon. Member is addressing the House and he need not make much of that point.

**Shri Raj Bahadur:** I would conclude by saying that the fixing of the qualification as matriculates would be unduly diminishing the number of voters in the case of the Council of States to a very objectionable minimum. That by itself is a ground why this Bill should be revised in that respect. I support the motion moved by Mr. Kamath.

**Shrimati Renuka Ray (West Bengal):** The hon. the Law Minister has explained the important provisions that are sought to be incorporated in this amendment of the Representation of the People Act. In regard to the provisions relating to Part C States, many of the hon. Members who have spoken and who are much better informed in the matter than myself have explained the position. I have only one point to make and I shall do so as briefly as possible.

My point relates to the second part of the amending Bill, incorporating in it the Ordinance that was promulgated. We find that in sub-section (3) of the proposed section 22A, there is specific reference to certain sections of the original Act, including section 22. I am quite satisfied with the explanation which the hon. Law Minister gave that it was necessary to reverse the procedure and to have a preliminary publication of the electoral rolls by reference to the electoral units instead of the constituencies, first, because of the fact that the elections were to be held in April-May, and there was therefore, not much time. But, now, the position has vastly changed and when the provisions of this Ordinance are being incorporated into this Bill, I do not see any reason why, when references are made to section 20 also, there is no amendment of sub-section (7) of this section 20. The House will remember that in the last session many of us made a suggestion that this sub-section was not fair, as the qualifying date allowed for displaced persons who come from Pakistan was the 25th July 1949, and we pointed out that a very large number of people had come after that date. And we also pleaded with the hon. Law Minister

that this date should be extended to January, 1951 or at least to July 1950. The Law Minister, though he was sympathetic, pointed out to the House that in view of the impending elections in April 1951, it was impracticable to have this date extended. But now the position is changed, since the time even when the Ordinance was promulgated. Now that the elections are postponed, when we incorporate this Ordinance into this Bill, there is no reason whatsoever for leaving out this question of amending the qualifying date. This date should have been postponed, the time should have been extended. I have no doubt that all the hon. Members of this House will agree with me that the displaced persons who have come over from Pakistan have had to undergo lot of hardships and the least we can do for them is to facilitate the conditions under which they can become and fully utilise their rights as citizens of India. I do not want to enter into the details of the various kinds of hardships and miseries that these unfortunate people have undergone as they are well known but I do think that here is something that we can do for them. The elections are now put off to the winter of 1951. Therefore the reason given before being practicable no longer holds good and I would certainly suggest that before the Bill is passed, whether it goes to the Select Committee or not, the Law Minister should change the date in sub-section (7) of Section 20 of the Act and extend the date to at least the 25th July 1950, if it is not possible to extend it to January, 1951. I am convinced that that is something which the House owes to them. The partition of the country was inevitable, but we gave the assurance to those who had to remain behind—many thousands came over, but many willingly made a greater sacrifice—we gave them the assurance that if circumstances compelled them to come over, we would welcome them and treat them as equal citizens. With the best will in the world we are only too conscious of the fact that we have not been able to do all that we should, for them. Of course, it is a very difficult task to rehabilitate such large numbers of people. But, it should be possible for this House to do at least this much for them to extend this qualifying date and give them full rights of citizenship so that they can exercise this right to vote as citizens in the coming elections which are to come off only by the end of next year. I would plead with the hon. Law Minister and also with the House that the date should now be extended. I have nothing more to say, but I do hope

that Government and this House will not at any cost defer this very just and reasonable claim.

**Shri S. N. Shukla** (Vindhya Pradesh): This amending Bill which is before the House has disappointed not only me, but most of the hon. Members of this august House. I know, when the Representation of the People Bill came before the House previously, in the Budget session, we expected that at least something will be done for C class States, if not in that Bill, at least afterwards when the.....

**An Hon. Member:** Not "C class States" but "Part C States".

**Shri S. N. Shukla:** I thank the hon. Member for the suggestion, but I regard them as "C class States". Well, I thought that something will be done at least in the amending Bill. But now I find that nothing has been done here either. I was also expecting that the Bill would be referred to a Select Committee. But that hope is also gone and it is possible that the Bill might be taken in the House for consideration.

This amending Bill is before the House only to give a sort of machinery for representing Part C States in the Upper House. We know that the representation in the Upper House for A class States and B class States is provided in the Constitution and that is the democratic method. In these States the legislatures will elect their representatives and send them to the Upper House. But this democratic way has been denied to Part C States. I do not know why it has been done. The Constitution has provided a way in articles 239 and 240. If that way had been adopted by Government we would have had no complaint to make about the amending Bill and this Bill may not have even been brought before the House. That provision has not been followed. The power was given to Parliament. If private Members were to take an opportunity to pilot some Bill in the House implementing those articles of the Constitution I think they would have no hope of succeeding, because we have seen the fate of private Members' Bills in the House. As regards Government, they do not budge an inch on behalf of these unfortunate States.

If we remember our fight for freedom we will know that the people of the whole country, whether they belonged to Part A, Part B or Part C States took equal share in the fight

with the hope that if freedom came it will come to all, irrespective of caste, creed or territorial differentiation. Even that hope has been belied. In the British days Government, which we called an alien Government used to say that Indians were not fit for democratic institutions but does it become our Government, which we call a National Government or a Congress Government to say that some people of India, I would say about ten millions who inhabit Part C States are unfit for these democratic institutions? If Government were to make that claim it is not correct. Take for instance the case of some Part C States such as Ajmer, Coorg, Vindhya Pradesh, Bhopal and Himachal Pradesh. They are quite advanced States. They are not backward in the sense in which we think that a backward people should not have democratic institutions.

[MR. DEPUTY-SPEAKER in the Chair]

Backwardness is a relative term and it can be applied to all States, whether they belong to Part A, B or C with some degree of difference. No State can be called up to the mark so that we can say that it is fit for democratic institutions. Democracy is on trial and if so, it should be on trial everywhere in India and not only in some parts of India.

So the people of Part C States really feel very disappointed and they urge that they deserve the establishment of democratic institutions. In this Bill there is neither nomination nor election. If there had been nomination it ought to have been nomination everywhere but this electoral college and the qualifications of voters which have been suggested in the Bill are quite disappointing.

I would cite the case of my State, Vindhya Pradesh. In the proposed section 25A (Qualifications for registration) part (a) says:

"if he is on the qualifying date an elected member of any cantonment board.....".

There is no cantonment board in Vindhya Pradesh. Then it says "district board". There is no district board in Vindhya Pradesh. Then "municipal committee". Most of them are nominated: they are not elected in Vindhya Pradesh. Then comes "notified areas". There is no notified area there. Lastly the sub-clause mentions "small town committees or village *panchayats*". An Act has been passed there but there are no village *panchayats*. There are Congress village *panchayats* but I do not know in what sense the word has

[Shri S. N. Shukla]

been used, but in the strict sense there are no village *panchayats*.

Part (b) lays down that the qualification of a voter should be matriculation passed. According to the 1941 Census the population of Vindhya Pradesh was 33 lakhs and on the 1st March 1950 it is reckoned to be about 39 lakhs. If you care to know how many matric-passed there are in Vindhya Pradesh it may be 1,000 or 2,000.....

**Shri Tyagi:** Only adults will vote: A matric may also be a minor.

**Shri S. N. Shukla:** I accept that. If we take out the minor matrics there will be very few matric-passed. Is this the democracy that you are giving to us through this Bill? It means that a handful of persons will come forward and vote for the representative of the Upper House. In Part A and B States only the legislative bodies will elect the representatives for the Upper House. Our legislative body is the House of the People. In Part C States there is no other representative body. Then why not authorise the House of the People to elect representatives for the Upper House from Part C States? They will send about 15 representatives and this House should elect those 15 representatives. That would have been the best method but even that has not been adopted. Only a haphazard method has been adopted. Even during the British days such a clumsy method or unpopular method was never devised and it is now being devised when we say that we are independent and our country is free and is enjoying democratic institutions. You say that this electoral machinery that has been devised is the best. I say that it is not the best. The best machinery would have been to establish legislative bodies in all Part C States. What is the hitch? The electoral rolls are already there. And on the basis of that electoral list, members in the House of People will be elected. Now, that electoral list is there. So we can just elect our own legislative bodies and those legislative bodies will elect representatives for the Upper House. But Government are not thinking in that way. We were thinking that some interim arrangement would be made so that some legislative bodies will be established in Part C States, and those legislative bodies will elect representatives to the Upper House, but during the interim period there is no idea of doing that thing. But even during the general elections that thing is not being promised. Up to this time it has not been done. Who knows, it may be done or may not be done during the Budget Session or

further on. But if it has not been done up to this time, well, I think it will not be done even in future. And this was the opportune time when we could have done it.

As regards Vindhya Pradesh, I don't want to narrate the various difficulties and the woeful tale of Vindhya Pradesh—it was done at length by my friend Capt. A. P. Singh yesterday—but I want to remove certain doubts which, I don't know how, have crept into the minds of some of my friends. Vindhya Pradesh was formerly a Part B State, and then it was turned into a Part C State. In that matter the people were not at fault. The rulers signed the merger deed and then the State was converted into a Part C State, but the people were never consulted. There is a Vindhya Pradesh Provincial Congress Committee. That Provincial Congress Committee has from time to time passed resolutions requesting the Government of India, requesting the Congress High Command, to see that Vindhya Pradesh was not converted from Part B to Part C State. They also said that they would not like their State to be merged in the adjoining States. But there is some belief in the minds of some of our friends that the representatives of Vindhya Pradesh in Parliament have been rather instrumental in bringing the State to this deplorable condition. I would beg of my friends not to be so hard upon us. Really, we never want it and no person in the House or in any State would ever like that his State should be parcelled out or should be merged. That is so in the case of any State, whether small or big. So, Vindhya Pradesh had hoped that its condition would change very soon and at least change at the passage of this People's Representation Bill when they thought that they would be given the right to elect their own legislative bodies through which they will send their representatives to the Upper House. In short, they had hoped for their own popular Government in the State. But I think that aspiration is not going to be realised very soon unless Government, our Government which claim to confer democratic rights and citizenship rights upon the people, think it proper to move in this direction.

I would, therefore, plead with the hon. Dr. Ambedkar to reconsider this Bill if it is possible—and I think it is possible to do so because everything should be possible at least when the question is about giving democratic rights and citizenship rights, to the people. I would plead with him to reconsider the Bill and incorporate such



provisions therein as would give us, the people of Part C States, an opportunity to enjoy democratic rights and to march shoulder to shoulder with the rest of the country towards the cherished goal of independence and maintaining that independence for all.

**Mr. Deputy-Speaker:** Shri Poonacha, I propose giving preference to Members from Part C States, and then call upon other Members.

**Shri Munavalli (Bombay):** But what about those who have had no occasion to speak so far?

**Mr. Deputy-Speaker:** I shall try to give an opportunity to Part C State Members in preference to others.

**Shri J. R. Kapoor (Uttar Pradesh):** May I submit that an opportunity may also be given to express the other point of view, that is regarding the overwhelming representation that Part C States have already got?

**Mr. Deputy-Speaker:** I am only saying "preference" and not "exclusion".

**Shri J. R. Kapoor:** But may I, with your permission, suggest that if the other point of view also is placed before the House, then the remaining Part C States Members who have yet to speak will have an opportunity to controvert that point of view.

**Shri R. K. Chaudhuri:** May I respectfully point out that I practically belong to a Part C State? Manipur, for all practical purposes, is in the State of Assam. So, I submit that as one with knowledge of things obtaining in Manipur I should be given an opportunity to speak.

**Mr. Deputy-Speaker:** Certainly.

**Shri Poonacha (Coorg):** I would try to be very brief. I am more concerned with the implication of this measure rather than the main merits of the Bill. The question to me appears to be as to how a scheme providing for popular representation in the Council of States is going to yield the desired result under a set-up of official rule. That is an important question which we have to consider. As a matter of fact, I think that this measure should have been preceded by some other measure to alter the set-up in Part C States so as to make it possible for the popular representatives of Part C States to come and take their place in the Council of States. But without such a measure which should have preceded this Bill, I am inclined to feel that the purpose, or the main objects, that have been sought to be achieved through this Bill are not going to be achieved at all.

That is my genuine fear. And I am supported in that fear. Because, on looking into the details I find that various kinds of schemes have been prescribed for different areas—some parts to be represented here by nomination, some parts to have their own representatives by rotation, and all other manner of things. This is sure to create more complications and will not, I am sure, meet with the wishes and aspirations of the people of Part C States. The crux of the matter is that the conditions, the atmosphere and the circumstances that obtain in Part C States are not congenial to produce the results desired by this Bill. The conditions in Coorg are not very happy. The official rule is rather intense and the atmosphere is not too happy. In reply to a question of mine a few days ago, the Minister Without Portfolio answering for the Home Minister said that there could be no question of transferring the gazetted officers from these Part C States to other places and that they will have to be there for their life-time.

I crave the indulgence of the House to place before it what is actually happening in Coorg. Any graduate gets himself enlisted as a clerk or as a probationary Revenue Inspector. Next he gets into the Police. Next he becomes a Circle Inspector of Police. After ten or twelve years, he becomes the District Superintendent of Police. He has five or ten years more left, and then he becomes the Assistant Commissioner and District Magistrate, and finally the Chief Commissioner, if that is possible. In this way, the whole circle goes on. If you look into this for the last twenty-five years or so, you will see that these officers are more or less permanent fixtures. They are there for their life-time. The kind of rule that could be expected in a single-district Province where no transfers are possible can well be imagined. At every step there is interference and these are the people who report to the Central Government that there are factions and responsible government cannot be introduced. I was surprised to hear the reply of the Minister Without Portfolio that there are factions in Coorg and it would not be possible to introduce self-government in Coorg for the time being. I was very sorry that such a reply should have come from the Treasury Benches. I want to ask them: what are the Police reports? Have there been any threats to public peace at any time? Was the Police called in at any time? Have you got one single instance? Was there even a minor untoward incident due to these so-called factions in Coorg all these years? There has been difference of opinion, no doubt.

[Shri Poonacha]

Difference of opinion is not a deprecable thing under a system of democratic administration. It is a well-accepted theory that the whip-slash of public opinion is the only corrective on Government and it is always seen in a democratic set-up and for this purpose public opinion will be divided and it should be always so. Difference of opinion cannot make matters worse and in spite of it, it is my opinion that it is the pure personal factor that makes these officers send reports to the Central Government stating that there are serious factions in these areas and they could do no better. There is nobody else to advise Government and our Government is simply guided by these reports, written by officers who are there for their life-time and have their own likes and dislikes. They generally make much of these things, to justify their own commissions and omissions. They always send all sorts of black reports which are always taken for certain by this Government. It is a very unfortunate affair and the atmosphere in which you want to try this scheme of representation is also unfortunate. Let me tell you: it is not going to work. It can never work unless this set-up is changed in some manner. This Bill has very little cheer to the people of Part C States.

Under the Government of India Act, 1935, there existed a provision relating to Coorg which said that the King-in-Council by an order could introduce elements of reform in Coorg whenever he deemed necessary. Under the provisions of the 1935 Act, it was not possible for us in Coorg to influence the authority of the King-in-Council six thousand miles away. After 1947, this provision was changed and the place of the King-in-Council was taken by the Governor-General of India. We felt then that the authority to be moved now was only 1200 miles away and thus was near at hand. But today, our experience has shown that the authority which sat six thousand miles away and the authority which now sits only 1200 miles away are both the same. The same kind of attitude continues. It is rather deplorable that the same thing should continue any more.

Coming to the other aspects of the Bill, I would like to touch in brief the clause relating to qualifications. It has been rightly said that the qualification standard is rather too high. So far as Coorg is concerned, we have a District Board, two Municipalities, and a number of Notified Areas, Panchayat Boards etc. But I was very much surprised that the Coorg Legislative Council is not in the picture at all. The

Coorg Legislative Council was set up in 1924. It discusses the Budget and it is actually the legislative body for this small State. It has passed various enactments from time to time. While even a member of the Panchayat in a village has been mentioned in this scheme of representation, members of the Legislative Council of Coorg who would perhaps, under the new set-up represent about 90,000 voters, have been shown a place which is lower than that of an ordinary village Panchayat. I wonder how this fact was not taken notice of by the Law Minister. This makes me doubt the intentions of Government and feel that they are not sympathetic towards this area, because they do not want even the Coorg Legislative Council to be recognised as the legislature of that Province. That shows that the intention or the purpose of article 240 of the Constitution is buried fathoms deep and is not going to see the light of day and it is only article 239 that is going to continue and the same set-up and status quo, will continue for ever. The misgiving which some of us had is now confirmed and the policy of drift is being pursued.

The very idea of seeking to give representation by nomination, as has already been pointed out by several hon. Members, is rather very confusing. As an eminent constitutionalist said our Constitution is full of 'nots'—knots as well as nots. Here I see a typical example of that. You deny everything and your schemes contain not only knots but also nots, because you have not got the mind to do. Instead of solving problems, instead of facing problems, you seem to shelve them. Here is a measure which actually purports to shelve the question of the solution of the constitutional set-up of Part C States.

Coming to the proposal of giving representation alternately to Coorg and Ajmer, I fully support the point that was made out by my hon. friend Pandit Mukut Biharilal Bhargava. He said that the Fourth Schedule will have to be so amended as to give exclusive representation to each of these areas separately. My hon. friend Pandit Thakur Das Bhargava also quoted the constitutional provision of other countries, particularly America, where every constituency or unit has exclusive representation in the Upper Chamber. That has to be done here as well.

We may perhaps be asked why this point was not pressed when the Constitution was being framed. I am quite aware of that. But at that time we

in good faith believed that the purpose for which article 240 was inserted in the Constitution at a later stage was going to be followed up. As a matter of fact, if that was going to be followed up and if the Constitutional set-up of these areas was going to be democratically changed, then, of course, we said we need not lay much stress about this fact of getting exclusive seats in the Council of States for each of these areas. It was in that spirit that we accepted the whole scheme of things. Now what actually happens is that article 240 is not at all to come into force and some of these States are going to have no representation for some period. According to constitutional and democratic procedure I think this is not fair. For this reason it is absolutely necessary that the Fourth Schedule of the Constitution will have to be so amended now in order to make it possible that all the constituencies or units irrespective of the fact that they are in Part A, B or C States will have due representation and that should not be taken away.

With these words, I support the motion for referring this Bill to a Select Committee.

*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 J. R. Kapoor:** So far as the provisions of this Bill are concerned, they are short and simple and do not call for much comments. The hon. the Law Minister has, however, given us the benefit of a long and detailed explanation on every clause, sub-clause, part or sub-part of this Bill, and the lead given by him has been followed by many other hon. Members of this House who have treated us with long and exhaustive speeches, not so much on the provisions of this Bill but on the subject of the administration in the various Part C States. They have described the sort of administration that exists in Part C States by various expressions—bureaucratic, autocratic, undemocratic and what not. It appears from what they have said that the efficiency in these States is at its lowest. The story that has been narrated with regard to the administration of some of these States, particularly the story that has been narrated with regard to the situation that exists in Vindhya Pradesh, is a very unfortunate story and it presents before us a very sorrowful tale. If all

that has been said, particularly what has been said with regard to the state of affairs in Vindhya Pradesh, is correct—and there is no reason for us to think that it is not correct, because the story has been narrated by no less responsible a person than my hon. friend Capt. Avadesh Pratap Singh who was occupying the position of Chief Minister in that State until the Central Government took it over, so there is no reason to think that whatever he has stated is anything but absolutely true and correct—so, if that story is true, that points to a very sorrowful state of affairs there. The position of law and order that he has pointed out to us as it exists there has assumed alarming proportions and it is time that the Central Government should take serious note of it and make earnest efforts to set things right. It is necessary for the Central Government to take immediate and effective steps before it is too late.

Now, with regard to the second matter that has been taken up by Members coming from Part C States, namely, that they should have a democratic set-up in their States, there cannot be, there should not be at least, two opinions with regard to that matter. I am sure the overwhelming majority of the Members of this House—I am almost inclined to think that the House virtually unanimously—is of the view that there should be a democratic set-up in those States also, because, I do not think that even the Treasury Benches are of the view that at no stage there should be a democratic set-up in those States.....

**An Hon. Member:** Go on, don't be afraid.

**Shri J. R. Kapoor:** I am not afraid. I thought the Prime Minister wanted to say something.

I submit that so far as that viewpoint is concerned there cannot be two opinions on the subject and the whole House.....

**Mr. Speaker:** Is the hon Member likely to take long in his speech?

**Shri J. R. Kapoor:** Yes, Sir, I would take some time; but not very long.

**Mr. Speaker:** Then I would like to make a suggestion if it is acceptable to Government and to hon. Members. Looking to the wide divergence of views expressed and the complexity of having the best means of representation on a popular basis, rather than discussing and talking the subject here in the House, I think it

[Mr. Speaker]

would be better if there is an informal conference as was done last time. We may better put off this matter and take up the next item now, and there could be an informal conference, in which particularly persons from Part C States might be given an opportunity of speaking what they feel. Let us try to come by informal discussion—very frank discussion—to some agreed solution. Otherwise this discussion will go on for a very long time and will ultimately lead us to nothing. If that is acceptable...

Several Hon. Members: Yes, yes:

The Minister of State for Parliamentary affairs (Shri Satya Narayan Sinha): Yes, Sir.

Shri Abul Hasan (Hyderabad): May I make one request? Even the Members from Part B States where there are no Legislatures or local bodies may be allowed to join in this.

Mr. Speaker: I was referring to all the Members, from Part A, Part B and Part C States, because all are interested in a proper democratic set-up. I mentioned particularly those from Part C States because it is only those that are most affected by this Bill. That is why I suggested that they should be given a fuller chance. That was the point. But all should meet. So, if that is acceptable I think I may put off this matter and go to the next item of business. Is that agreeable?

The Minister of Law (Dr. Ambedkar): I am prepared to accept that suggestion.

Shri J. R. Kapoor: May I complete what I wanted to say?

Mr. Speaker: Order, order. He will now have ample opportunity of talking, and more fully, in the informal conference. The hon. the Law Minister will hear him more fully than what he can do now. So we might adjourn this matter. But when shall we take it up? It is an important matter.

An Hon. Member: Day after tomorrow.

Mr. Speaker: The hon. the Law Minister might say when we shall take it up. Hon. Members will see that we intend to finish the session by the 20th.

An Hon. Member: By the 21st.

Mr. Speaker: Well, the 21st. But unless you have the brake from the 20th, it won't be possible.

Shri Sondhi (Punjab): 21st is a standby.

Mr. Speaker: Yes.

Dr. Ambedkar: I suggest Saturday either morning or evening—after the House rises or before it meets.

Mr. Speaker: I am not talking of the time for the conference. They can meet at any time. I was asking as to when we are to take up this business again.

Dr. Ambedkar: On Monday.

Mr. Speaker: I have no objection. Then let us put it off to Monday the 18th by which time we expect something agreed will come up. I am really sorry for interrupting Mr. Kapoor's speech, but then the House will be thankful to him for having agreed to stop his speech.

#### HINDU CODE

Mr. Speaker: That brings us to the next item on the agenda, the motion of Dr. Ambedkar: further consideration of the Bill to amend and codify certain branches of the Hindu Law, as reported by the Select Committee.

Now, with reference to this there are a number of amendments. I will just call upon Members one by one.

Shri Tyagi (Uttar Pradesh): The House has been taken quite unaware on this matter. I feel that some time should be given to the Members.

Mr. Speaker: Order, order. One at a time. Has the hon. Law Minister anything to say?

The Minister of Law (Dr. Ambedkar): It might be taken.

Mr. Speaker: There was some suggestion that Members are being taken by surprise.

Dr. Ambedkar: It cannot be said because the Bill has been on the agenda for the last fortnight.

Shri J. R. Kapoor (Uttar Pradesh): But those who are most interested in taking up the Bill may have a grievance. Mrs. Renuka Ray is not here and many others who are particularly anxious to take it up.

Mr. Speaker: What I was thinking about was, whatever the fate of the various amendments or adjournment motions, the Members who have tabled them are not in their seats. I was

just considering as to whether it will be proper or fair on our part just to call them out when this business is being taken up in an unexpected manner. That is the only point which really worries me. I find that Mr. Rohini Kumar Chaudhuri is present. I also notice that Mr. Naziruddin Ahmad is here.

**Shri R. K. Chaudhuri (Assam):** I would ask you to give us half an hour so that other Members may also be present.

**Mr. Speaker:** Let us proceed. I will call upon Mr. Naziruddin Ahmad.

**Pandit Kunzru (Uttar Pradesh):** May I suggest that the discussion should begin with a statement from the hon. the Law Minister who held a conference with various interests. He has circulated a short report of the discussions that took place in the Conference, but I think all sides of the House will be glad to hear a fuller account of the Conference from him and the resume of the amendments that he has proposed. I think that would be a more proper course and this in a sense will give Members some time.

**Dr. Ambedkar:** I do not know that I have anything more to add. I took particular care to submit a statement to you with a view to its being circulated to Members at the very commencement of this session, so that Members may have a full account of what happened. I am rather sorry that we were not able to take a verbatim record of the proceedings of the Conference on account of the fact that several Members spoke in several different languages. Some spoke in Hindi, some spoke in English, some spoke in Marathi, some spoke in Gujerati and some spoke even in Sanskrit. It was quite impossible to take down a verbatim record, and I think, some also spoke in Tamil language. It was, therefore, quite impossible to have any person as a stenographer to take down the verbatim record. Otherwise, I should have been very glad to do so. Consequently, I myself, according to my memory summarised the points that were put before the Conference for discussion, the points which I found had emerged in the course of the discussion that had taken place in this House, from different stands of the House, they were placed before them and they were invited to address the Conference and I subsequently found out what was 'the largest measure of agreement' among the speakers who took part and in accordance with that, I have suggested certain amendments to the original Bill.

You will also recall, Sir, that in order to help the House, I have prepared two

different texts of the Hindu Code, one in a serial order giving the original section and also the new amendments that I propose to incorporate, so that they may have a complete view. I have also prepared a second text book, so to say, which contains the original text of the Select Committee's sections on the right-hand side and the new Code with the amendments on the left-hand side, so that whenever any amendment is moved not only the Members will be able to find how the old clause reads but what the new clause also says. I think, I have done my level best to help the House to a proper understanding of the provisions of the Hindu Code as modified by the results of the informal committee. If any hon. Member has any question to ask, I shall certainly be very glad to add or supplement whatever information I have given in that statement.

**Shri Jnani Ram (Bihar):** The hon. Law Minister has stated that this Bill will be discussed for a day or two and that it will be postponed.

**Mr. Speaker:** We are not concerned with what happened at the party meeting.

**Shri R. K. Chaudhuri:** The hon. Minister may be pleased to make a statement in connection with what was stated in the Party meeting itself.

**Mr. Speaker:** Order, order. The Party proceedings are not open here.

**Shri Sivan Pillay (Travancore-Cochin):** May I know if the clause by clause discussion is to take place now and that the general discussion on the principles of the Bill is over?

**Mr. Speaker:** The hon. Member has perhaps lost sight of the progress of the Bill. The consideration motion was adopted and now what remains to be done is to take the Bill clause by clause. I would put clause 2 to the House, but before that, there are certain amendments or certain motions urging the adjournment of the debate. These being adjournment motions must have precedence and, therefore, I am calling upon Mr. Naziruddin Ahmad, if he wishes, of course, to move his motion.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** One of the hon. Members put a certain question to me and I think it is fair to the House that I shall answer it, although you, Sir, were good enough to consider it as being not necessary. This Bill is obviously one which will normally take a long time of this House, if we go through it clause by clause. It is a contentious matter in which opinions differ.

[Shri Jawaharlal Nehru]

Nevertheless Government attach great importance to it and we do wish it to be taken up now, but we realize that it is, in the nature of things, not possible to go through it during this session even if we take it from day to day. Therefore, Government propose, subject to your approval, Sir, that we might deal with the intitial stage—there are certain objections and if all those objections can be disposed of this way or that—so that the way may be clear and not otherwise take up the time of the House during the session.

**Mr. Speaker:** Do I understand the position correctly that the amendments or motions by way of postponement should be disposed of first and that clause by clause consideration may be taken up later?

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** Yes. That is so.

**Mr. Speaker:** In light of this, is it necessary to move any adjournment?

**Shri Naziruddin Ahmad:** (West Bengal): No.

**Mr. Speaker:** He may formally move without any speech, so that we may proceed with the other business.

**Shri Naziruddin Ahmad:** I beg to move:

“That the debate on the Hindu Code Bill be adjourned to a special session of Parliament to be called for the purpose to enable Members to fully consider the Bill and the numerous Government amendments to the same.”

I do not wish to move the other alternatives.

**Mr. Speaker:** Is he particular for a special session?

**Shri Naziruddin Ahmad:** I want to place certain views and leave the matter entirely to Government. It is not by way of opposition or obstruction.

**Mr. Speaker:** The point is what should be the form of the motion. He wants postponement to the next session. That is the long and short of it.

**Shri Naziruddin Ahmad:** In that case, I shall, with your permission, move the alternatives also. I beg to move:

“That the debate on the Hindu Code Bill be adjourned till a date during the next Budget session.”

And

“That the debate on the Hindu Code Bill be adjourned to a date after the Budget session is over.”

I am entirely in the hands of Government as to what form the motion should take. The hon. Prime Minister has clarified the situation that we consider certain objections and later on at a suitable time we take up the clause by clause consideration. That entirely satisfies my point of view. It would be for the Government to consider and fix a suitable date or time.

We no doubt technically accepted the principles of the Bill, but subject to a certain understanding. Though not incorporated in the proceedings, the hon. Law Minister gave an undertaking that he will seek representative public opinion conversant with the Hindu Law, and suggest amendments to the Bill. As I have already submitted, though the first reading was passed, it was substantially subject to Government being able to find suitable amending formulae to be placed before the House, and which would be acceptable to both sides. I find, however, that a large number of amendments of a very important character have been tabled by the hon. the Law Minister. I also find that a very large number of amendments have been tabled by the Members. There are 17 lists already before us and from the newspaper reports, I find that Government have decided to hold another final session for clause by clause consideration. There is every reason to suppose that if it were not so, many more amendments would have come and that is a matter for serious consideration.

My point is this. These are very important matters. In clause by clause consideration, we must not lose sight of the fact that the House is very seriously divided in matters of detail. In these circumstances, it would be better, I submit, for Government to give the House sufficient time to consider the amendments, and find out the points of agreement. The hon. Law Minister said that he consulted a number of people; but he did not, so far as I am aware, consult the different sections of the House which were opposed to the principles of the Bill. A number of Members opposed the first Reading who have not been consulted.

**Shri Tyagi:** All of them were not Hindus.

**Shri Naziruddin Ahmad:** At least there was one who was not a Hindu, that is myself. The point is this. All these matters could not properly be discussed and decided upon on the floor of the House. They go to

the fundamentals of the Bill. Each clause is practically a new and important subject. Each clause calls for a detailed consideration. Therefore, my submission is that the Government should give us time and should be willing to sit at a Round Table Conference to straighten out all these differences so that a Bill more acceptable to the House in general may be evolved. These things should not be allowed to be decided on the spur of the moment and on the floor of the House.

Great things have happened meanwhile. The Indian States have been integrated. Their opinions were never taken. I believe agricultural land is now within the purview of the Bill. This creates another new situation. Therefore, in the light of important amendments coming from Government, and in view of the extension of the area geographically as well as to subjects, I think enough time should be given so that full consideration may be given to the Bill by members. There should be good machinery to settle these differences so that some agreed or some largely agreed formulae may be evolved. On a controversial legislation like this, we should be given sufficient time. I submit that the point of view I submitted during the first reading stage was fully justified in view of the fact that at that time, the Hindu community's attention was not sufficiently drawn to it. My objection has again been justified by the fact that Government itself has come forward with a large number of substantial amendments. My task is done. I supposed at that time that I was doing a public duty in drawing attention to certain defects which would have otherwise escaped attention. What kind of law would suit this House, and the Hindu community is really primarily a matter for the Hindus. I am not primarily interested in the exact form and shape in which the Hindu Code is to be passed. My position is merely to indicate certain practical considerations and suggest amendments. From these points of view, I think Government should consider the matter and let us know what they want to do, and I am ready to offer constructive help to the passage of the Bill. The exact shape which the disputed clauses will take is not a matter of much personal interest to me, though not a matter in which I have no concern at all. I submit that these are matters which would induce Government to give us sufficient time and devise a machinery to solve the differences of opinion and adopt a code which would be more or less acceptable generally to the House. That is all I have to submit.

**Shri Sidhva (Madhya Pradesh):** On a point of information, Sir, The hon. Member had two amendments, one for adjournment *sine die* and.....

**Mr. Speaker:** I am not permitting that.

I was just considering as to what would be the best form of the motion. One is for a special session, and the other is still a date during the Budget Session; the third is, sometime after the Budget Session is over. Shall we postpone till the next session?

**Shri Naziruddin Ahmed:** I am entirely in the hands of Government.

**Mr. Speaker:** The usual amendment is of course till the next Session. Shall I say: "That the debate on the Hindu Code Bill be adjourned to a date during or after the next Budget Session?"

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**Dr. Ambedkar:** So far as the objective is concerned, there is, of course, no dispute between Members of Government and others who are in perfect harmony with Government's view on this subject, namely, that more time may be given to Members to study the Bill and to give their considered opinions. As the Prime Minister just now said, it is not the intention of Government to proceed *seriatim* with the consideration of the Bill, clause by clause. Therefore, my submission is this, that it should be left to Government to take up the Hindu Code Bill next session whenever they want to take it. They may have a special session, they may have a larger Budget session, so that part of it may be devoted to the Hindu Code Bill and part to the usual Budget discussion, or it may call for some other session after the Budget session. I do not want Government's hands to be tied down by any particular motion. As I said, I do not propose to carry through this Bill during this session. It is quite impossible. And it might probably be quite unfair. All the same, I want to oppose the motion, because I do not want to postpone the consideration of the Bill as a result of the motion moved by Mr. Naziruddin Ahmad. Government have given an assurance and Government will abide by it.

**Shri Naziruddin Ahmad:** I do not know why I should become the target of these oblique remarks.

**Mr. Speaker:** Therefore I need not seriously consider the form of the motion.

**Dr. Ambedkar:** He may move all the motions and we shall negative them.

**Shri Tayagi:** Or we may move the previous question and this question may be postponed.

**Mr. Speaker:** I do not think that is necessary. Well, supposing I say that the matter is adjourned and we take the next business?

**Dr. Ambedkar:** May I suggest that it would be very good, in my judgment, if you, after disposing of the motion by Mr. Naziruddin Ahmad.....

**Shri Naziruddin Ahmad:** Dispose of me!

**Dr. Ambedkar:** If after disposing of it, you merely say that clause 2 stand part of the Bill. And then I myself will move that the further consideration of the Bill be now postponed. I am prepared to put the Hindu Code Bill at the bottom of Government's agenda.

**Shri R. K. Caudhuri:** I had tabled an amendment, though I cannot say exactly what it is, because I have not got the papers with me now. I was not prepared for this subject. But if I remember aright, my motion was that we may have a special session for the purpose of dealing with the Hindu Code Bill. My grievance against bringing this sort of discussion in the midst of a very busy session is that we cannot get proper opportunity to study the subject. Therefore, I want to have this question considered in a special session.

**Shri M. A. Ayyangar (Madras):** After all, Mr. Naziruddin Ahmad's motion only asks that sufficient time should be allowed to Members. And the Prime Minister has also agreed to this. Therefore, I would request Mr. Naziruddin Ahmad not to press his motion, and now, in view of the Prime Minister's statement, this may be adjourned to some day next session. And it is for Government to fix the date during the next session, or call for a special session immediately thereafter. Now that we agree that we should not take up the clause by clause consideration of the Bill, I think both sides are satisfied. Therefore, let the Prime Minister's statement be accepted and Mr. Naziruddin Ahmad need not press his amendment. Therefore, this may be adjourned to some day next session and it will mean that the Prime Minister or Government will fix the date that is suitable and convenient.

**Dr. Ambedkar:** May I again intervene? I do not want a repetition of what has been taking place in this House. Every time this Bill comes in,

some hon. Member takes it into his head to move a dilatory motion. Now this thing must stop. We have reached a stage when it is proper that the Bill should be taken up clause by clause, and therefore, in token of the fact that the House has consented to the consideration of the Bill, clause by clause, I would request you, that you should put clause 2 to the House; and thereafter we may adjourn the discussion.

**Shri Naziruddin Ahmad:** I think the object of these oblique remarks is my humble self. I can give even a fuller undertaking that I will not bring in any dilatory motion.

**Mr. Speaker:** But there are not only the positions stated by the Law Minister and Mr. Naziruddin Ahmad, but there is also the difficulty of Mr. Chaudhuri. Therefore, I think what I should do is this. I shall place the motions before the House and it can vote upon them.

**Shri R. K. Chaudhuri:** But I have to explain my motion, Sir.

**Mr. Speaker:** The hon. Member has already explained it. I don't think any further time need be taken over this.

**Shri M. A. Ayyangar:** May I tell Mr. Chaudhuri that as the object of his motion is that this question should be adjourned to a special session, we will assume that it is defeated. It is impossible to have a special session. Anyway, let us leave the entire matter in the hands of Government. They may tag it on to the Budget session or fix some convenient time. Why should we commit to have a special session? If Government finds it necessary to have one, they may have one. It does not serve any purpose committing them to have a special session.

**Dr. Pattabhi (Madras):** The attitude of Government has more or less taken a change favourable to a more leisurely consideration of this subject. I do not want to dilate upon the subject at any great length. But I shall certainly object to the hon. the Law Minister saying in a pedagogic manner that this kind of asking for adjournment will not be allowed. It must be allowed. It is the right of every Member of this House to use all legitimate methods of opposition where there is an honest and sincere conviction on the side of opposition. I do not go the length of Balfour who said that it is the duty of the opposition to oppose the Government by all fair means if possible, and by all foul means, if necessary. But I will only say this much that if the Prime Minister in the abundance of his wisdom



admitted that there are two schools of thought, and he has conceded the adjournment of the proposition very generously and very fairly, in view of that, for the Law Minister to assume this professorial, pedagogic and pontifical attitude, is not desirable. It will only alienate attitudes that have almost been reconciled.

**Shri Naziruddin Ahmad:** And perhaps call up an opposition where there is none now!

**Shri Jawaharlal Nehru:** I want to make it perfectly clear that I stand by every word that the Law Minister has said. The position is this. Everyone feels that there should be fuller time for the consideration of this question, and therefore we decided to suggest to the House that the clause by clause consideration might take place later. We should decide clearly the nature of the motion. If it is a dilatory motion and if the hon. Member wants the motion to be considered, let us consider it here and now. We are not going to postpone that motion. I do not want to prevent any motion. If we have a dilatory motion, it must be decided here and now.

**Pandit Malaviya:** (Uttar Pradesh): We know that there are very emphatic differences of opinion on this point; that acute differences of opinion exist between different sections of this House. Our Prime Minister has taken the practical view, and as we have the right to expect always, he has given us a lead in this matter and has said that this is a controversial issue on which a great deal of time has, in the very nature of things, to be given. May I appeal that since the matter is to be postponed, since no practical purpose is going to be served by our continuing this debate today on any motion or on any section; since there is a very keen and definite difference of opinion on this issue; and since the question of the enactment of the Hindu Code itself will not in any way be advanced by its being taken up now, may I respectfully submit that no section, no viewpoint, will lose anything if we leave the matter where it stands, as the item is going to be postponed. If the intention were to take the Bill into consideration and make any real progress I would have nothing to say, because, then, every Member would have the opportunity of expressing his views, and then whatever the House decided in its collective wisdom, would come on the Statute Book. But, since, according to the course suggested, no real progress is going to be made, I suggest that the very great opposition,

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the very great anxiety which prevails in the country should not be worsened, should not be deepened. I know that one view unfortunately is that it does not matter what the country thinks on this matter. But there is the other view that every side of the question should be carefully considered and respected. I do not wish to go into that matter in detail now. But I most earnestly appeal to Government not to do an unnecessary thing which will serve no useful purpose, but which will, on the other hand, create still greater resentment and dissatisfaction in the country. I submit that if we are going to postpone this matter—and I fully approve the proposal—we should do so wholeheartedly instead of saying that we are postponing and yet we are not postponing, we are not taking it up now and yet we are taking it up, we are not going on with it and yet we are going on with it. Therefore, if the matter is to be postponed it should be postponed immediately as it is till such future date as Government may fix for it.

**Pandit M. B. Bhargava (Ajmer):** I have not been able to follow the hon. Law Minister's proposal. Does he want the Chair to rule for all time to come that in this House no adjournment motion shall be brought forward? It is a constitutional issue that is sought to be raised and it is for the Chair to rule. As I understand it, it is an absolute right of every Member of the House to bring forward an adjournment motion at any time. Of course it will be for the Chair to admit it or not. If the Chair thinks that it is a dilatory motion it will not grant permission. Even if the Chair rules that such a motion is admissible, then it will be for the House to discuss it and then accept it or reject it. But so far as the right of a Member is concerned it is an absolute right and he can move an adjournment motion at any stage. If you put clause 2 to the House and say that any time during the progress of the Bill there can be no postponement whatsoever, it is a constitutional issue.

**Shri Naziruddin Ahmad:** That is subject to the Speaker's consent.

**Mr. Speaker:** I do not think I will express any opinion just at present as to whether in future any motion for adjournment can or would be allowed. That will depend upon the circumstances existing at the time such a motion is brought before the House. The hon. Law Minister's point seems to be that the House is—not constitutionally or legally but—morally committed to the position that no dilatory motions just with a view to obtain the

[Mr. Speaker]  
postponement of the Bill should be brought forward.....

**Dr. Ambedkar:** That is all.

**Mr. Speaker:** That seems to be his only point. I do not think that he meant to fetter the constitutional rights of Members. I would, therefore suggest that instead of putting clause 2 to the House and then postponing the matter, let us adjourn straightaway without putting the motion on clause 2 of the Bill, with a declaration about our moral commitment that such a motion will not be brought forward just for the purpose of securing postponement and no other object.

**Some Hon. Members:** No, no.

**Mr. Speaker:** The point is very important one. While the Law Minister was making a statement to that effect, though I could see his point and the force of it, I myself am not expressing a final opinion. I am open to conviction. No one need think that it will be possible to bar each and every Member of this House from bringing an adjournment motion, if one is inclined to do so. The Chair may refuse to put it on the ground that it is a dilatory motion but that will depend upon the circumstances then existing when such a motion is brought forward. From my point of view it really makes no difference whether clause 2 is put and then the matter is adjourned. Therefore, as I said; I would make a declaration about this moral binding on the part of the Members of this House not to have any dilatory motion so far as this Bill is concerned and then adjourn the matter. I would therefore not like to have that constitutional issue raised again nor keep it alive for a second time as to whether such a motion could or could not be brought forward. I will proceed to adjourn the business and Government.....

**Dr. Ambedkar:** Do these motions then stand out?

**Mr. Speaker:** These motions will fall through.

**Dr. Ambedkar:** What is the fate of these motions?

**Mr. Speaker:** The Members do not press the motions. If they had pressed their motions, then I was bound to put them to the House.

**Some Hon. Members:** They have not said so.

**Mr. Speaker:** I have asked them.

**Shri R. K. Chaudhuri:** Because a moral question has been raised I

would rather like to have my motion put to the House and the House will decide whether it is dilatory or not.

**Mr. Speaker:** Then the position is quite clear. I will straightaway put it to the House and then we may proceed further. I am putting Mr. R. K. Chaudhuri's motion to the House now.

**Shri R. K. Chaudhuri:** Sir, on a maturer and second consideration I do not propose to press my motion.

**Mr. Speaker:** So, since the consideration of the matter is now mature, let us proceed to postpone this and Government may fix a date.....

**Some Hon. Members:** He should withdraw by leave of the House.

**Mr. Speaker:** Our rule is when no motion is moved no leave is necessary.

**Shrimati Durgabai (Madras):** I want to know whether this adjournment motion is under consideration.

**Mr. Speaker:** The whole thing falls through. The adjournment motions that they have tabled fall through. Nothing remains now. They have been asked and they do not press them. As regards the others that have tabled similar motions they were not present when they were called upon to move. That is the position. Now the debate is being adjourned. It is not possible to bind all people for all time. If the circumstances arise we shall then meet them.

**Shri Tyagi:** Only such persons who have moved.....

**Mr. Speaker:** Unfortunately the hon. Member does not seem to have followed the discussion. No motion has been placed before the House by me. Unless I place a motion before the House there is no occasion for putting it to the vote of the House or even to withdraw it.

**Shri Tyagi:** There is no moral obligation then?

**Mr. Speaker:** The moral obligation is there.

**Shri Tyagi:** I would rather prefer to be immoral.

**Shrimati Durgabai:** These motions were moved but not pressed.

**Mr. Speaker:** These motions are not moved at all. I have not placed them before the House.

**Shrimati Durgabai:** The hon. Member moved and then did not press his motion.

**Mr. Speaker:** What difference does it make? If he moves the motion and it is voted against, does it mean that no such motion can ever be brought again?

**Shri Tyagi:** Today only we are morally bound.

**Mr. Speaker:** It is a moral binding for all time. Let there be no further discussion. We shall proceed to the next item of business.

**Shrimati Renuka Ray** (West Bengal) rose—

**Mr. Speaker:** The matter is closed and there can be no further discussion.

**ESSENTIAL SUPPLIES (TEMPORARY POWERS) AMENDMENT BILL.**

**The Deputy Minister of Food and Agriculture (Shri Thirumala Rao):** I beg to move:

“That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration.”

This is a simple Bill which need not take much time of the House nor need there be any elaborate discussion about it. Power to make orders under section 3 of the Essential Supplies (Temporary Powers) Act, 1946, in respect of procurement of foodgrains etc. has been delegated to the District Magistrates and Sub-divisional Officers. Every time they go about into the rural parts and effect procurement and carry on other allied activities in connection with procurement, they have to make a Gazette notification. Now, the inordinate delays that are inherent in the process have been a handicap in effectively working the procurement system, and it has been brought to the notice of Government that before all these formalities were gone through the real purpose for which the notifications have to be issued were being defeated by evasion or by sending the goods underground. Therefore, it was found essential that the strict formality of publicising every little, minor detail in the Gazette had to be done away with and in order to meet an emergency, when the House was not in session, an Ordinance was issued that such a formality need not be gone through.

The matter is now brought before the House for its approval. The main operative portion of this Bill lies in clause 2(a) of the Bill, that for the words “notified order” the word “order” shall be substituted. That is the main purpose of this Bill, and I request the House.....

**An Hon. Member:** We are not able to follow you clearly.

**Shri Thirumala Rao:** I will explain it again. Here is the Essential Supplies (Temporary Powers) Act of 1946. In it, powers to control production, supply, distribution, etc. of essential commodities are given. Section 3 of that Act says:

“The Central Government, so far as it appears to it to be necessary or expedient for maintaining or increasing supplies of any essential commodity, or for securing their equitable distribution and availability at fair prices, may be notified order provide for regulating or prohibiting the production, supply and distribution thereof and trade and commerce therein.”

The amendment now proposed is to delete the word “notified”. Under this Bill power is sought to be taken on the lines that it is enough if a notification is issued to the person affected directly. It may be given to him in person, it may be delivered to him by post or, if he is absent from home, it may be pasted to his house, but it need not go through the formality of publication in a Gazette. This is sought to be done in order to avoid all the natural and inherent delays and the ever so many minor details that are involved in publication in the Gazette. In the case of an order affecting an individual person, power is sought now to serve the order on that person by delivering or tendering it to him or by affixing it on the outer door or some other conspicuous part of the premises in which that person lives.

This is the amendment which I ask the House to accept, which is incorporated in this Bill placed before you. There is no need for any strong difference of opinion about the powers taken by Government because they relate essentially to the conduct of individuals by whom these activities of procurement and other allied things have to be carried on.

I commend the Bill for the acceptance of the House.

**Mr. Speaker:** Motion moved:

“That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration.”

**Shri J. R. Kapoor** (Uttar Pradesh): While I appreciate the necessity and the difficulty which have given rise to this Bill, I think that the proposed amendment in its present form is likely to bring a good deal of hardship in some cases. Hitherto, it was obligatory on the part of Government to notify every order which it was neces-

[Shri J. R. Kapoor]

nary to make directing any person to supply goods in his possession to any particular person or persons. I appreciate the difficulty of Government every time having to stick to this particular procedure. As the Statement of Objects and Reasons says, thousands of orders may sometimes be necessary to be passed by District Magistrates and Subordinate Magistrates directing people to tender the goods in their possession to certain persons nominated by Government, and it is too cumbersome, expensive and dilatory a process. Therefore, I agree that it is necessary that an alternative method should be permitted to be adopted, and hence the necessity for amending the old provision is clear.

The amending Bill seeks to do three things. Firstly, it asks that the word "notified" may be deleted. That of course is necessary. The second thing is that such orders may be served, in the case of individual persons, on the particular individual concerned. This is part (b)(i) of the proposed sub-section (1A). This, I think is necessary not only from the point of view of Government but it is also desirable from the point of view of the individual concerned. Because, an individual living somewhere in a village, not literate perhaps, if he is directed by an order to deliver the goods in his possession and that order is published in the Government Gazette which he never cares to read and which he can possibly never read, then he will virtually be in the dark about the order passed in respect of him. It is, therefore, desirable from the point of view of the particular individual affected also that the order should be served on him personally.

But part (b)(ii) of this new sub-section (1A) seeks to vest Government with the power of delivering the order merely by affixing it on the premises in which the person affected lives. This means that there need not be a notification, that the order need not be served on the person affected, but that it may simply be affixed on the premises. This, I think, is likely to lead to some abuses, and in some cases, may be in pretty many cases, it may lead to creating difficulties for the person affected. He may not know that the order has been passed. And knowing the conditions, as we do, in some of the villages where there are factions and local enmities, it may be so manoeuvred that the order may either be not affixed on the premises at all or if it is affixed it may be immediately removed. The process server may be in league with the enemy of the person affected who may grease his palm and induce him not to affix the order at all on the premises.

What will be the result thereafter? That person, not knowing anything about the order, will have no opportunity to comply with it. How can he act according to it, how can he obey it when he is absolutely ignorant of it? He will be hauled up before a court of law and a heavy penalty imposed upon him. Therefore, while not serving the purpose of Government this provision is likely to lead to considerable hardship to the person affected. I would, therefore, submit that the hon. Deputy Minister in charge of this Bill should be pleased to amend his proposed amendment so as to eliminate the possibility of this hardship falling on the person affected.

[MR. DEPUTY-SPEAKER *in the Chair*.]

With this object in view, I have tabled two amendments. I think I may read them out straightaway and say a few words rather than take a second opportunity of speaking when I move them. It is possible that the Deputy Minister may be pleased to accept one of them. The first amendment is:

In part (b) of clause 2, in clause (b) of the proposed sub-section (1A) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946, at the end, add a comma and:

"and publishing the same in at least one issue of any vernacular newspaper circulating in the locality."

If this amendment is accepted, the only little thing that Government will have to do hereafter is that if the order is served on the person physically nothing more need be done; if it is notified, even then nothing further need be done; but if neither of these things are possible and supposing a person is deliberately avoiding the service of the order, the order may be affixed on the premises, but in addition to that something more also may be done. The order may be published in at least one issue of a paper circulated in the locality, so that if the process-server is in collusion with the enemy of a person, at least the newspaper will be there and everybody will read it in that locality and know it and so also the person affected.

Should this amendment not be acceptable, then I have an alternative amendment, which is:

In part (b) of clause 2, in sub-clause (ii) of clause (b) of the proposed sub-section (1A) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946, at the end, add:

"the written report whereof should be witnessed by two persons living in the neighbourhood."

This is the minimum that must be conceded by Government. After affixing the order on the premises of the person affected, it should be necessary for the process-server to obtain the signatures of at least two respectable witnesses living in the neighbourhood so that it may not be possible for the process-server to sit at home and make a service report to the Sub-Divisional Magistrate or Divisional Magistrate as the case may be.

This is a very small suggestion and will cause no expense to Government nor any inconvenience. I would very much prefer that my first suggestion may be accepted, or if Government are so generous they may accept both the amendments. I hope my suggestions will be acceptable to Government, and if this is done, the sting of the proposed amending Bill will disappear.

**Shri Krishnanand Rai** (Uttar Pradesh): When it was possible in war-time to notify orders under this Act, will the hon. Minister be pleased to state what special difficulties have arisen now which make Government to say that these orders are not going to be notified and the word 'notify' is going to be removed from the Act.

**Shri Thirumala Rao**: During war-time, neither the control nor the procurement system was so widespread and effective as it is today. During the last two or three years, rural rationing and procurement have gone to the remotest villages and local officials have to deal with the situation as it arises. During war-time, there was not food control to such an extent as to demand the treatment which it requires today.

**श्री टी० एन० सिंह** : उपाध्यक्ष महोदय, इस बिल पर मेरी ज्यादा बोलने की स्वाहिश तो नहीं थी, लेकिन इस राय को रखते हुए भी कि आजकल के जमाने में हमें इसेंशियल सप्लाई (Essential Supply) के ऊपर जरूरी चीजों पर बहुत कुछ अपना कण्ट्रोल रखना है और रखना चाहिये, अगर हम जिन्दा रहना चाहते हैं। मैं मह जरूरी समझता हूँ कि जो कुछ भी कण्ट्रोल (Control) के नियम बन गये जायें, वह ऐसे बनाये जायें जिस में जनता का सहयोग हो, और वह सहयोग

उनकी खुशी से, रजामन्दी से, हमें हासिल हो। इसलिये मैंने बोलना जरूरी समझा। हम को अफसोस इस बात का है और मैं गवर्नमेंट से दरखास्त करता हूँ कि इस मामले में जब कि कण्ट्रोल की दिक्कतों से, परेशानियों से लोगों में बहुत असन्तोष भी है और उस के और बढ़ने का खतरा है इस वक्त जो कुछ भी किया जाये। वह बहुत सोच समझ कर किया जाये। क्योंकि अगर आप इस तरह से इन कण्ट्रोलों को बढ़ाते जायेंगे, तो एक जमाना वह आ सकता है जब हमें यह जरूरी मालूम होने लगेगा गवर्नमेंट को कण्ट्रोल के दायरे को रोजबरोज बढ़ाते ही जाना चाहिये और कण्ट्रोलों के कारण जीवन असह्य होजाये। इसलिये होशियारी इसी में है कि कहीं पर आप एक हद बना दें उस से ज्यादा अगर आप बढ़ेंगे, तो आप के लिये, हम लोगों के लिये, देश के लिये और जनता के लिये बड़ा भारी खतरा है इसी सिलसिले में मैं आप का इस ओर खास तौर पर ध्यान दिलाना चाहता हूँ कि आप इस विधान में एक डिस्ट्रिक्ट मजिस्ट्रेट (District Magistrate) को इतना भारी अस्तियार देना चाहते हैं कि अगर आज वह चाहे तो एक नोटिस (Notice) चम्पा कर के किसी के मकान पर कब्जा कर ले, उस के सारे रोजगार, उस के सारे कामकाज को बन्द कर दे। और काम बन्द हो जाने की वजह से एक साधारण आदमी को काफी दिक्कतें और परेशानियां पैदा हो जायें। मैं आप से यह पूछना चाहता हूँ कि ऐसी हालत में क्या आप अपनी असाधारण अस्तियार बढ़ाते जायेंगे। इन अस्तियारों को इस तरह से विकसित करना, इवसपेंड (expand) करना कहां तक अच्छा होगा इस नुबतेनजर से, इस दृष्टिकोण से अगर आप इस बिल पर विचार करें तो शायद आप दूसरे

[ श्री टी० एन० सिंह ]

नतीजे पर पहुंचेंगे। मैं आप को अपने कुछ तर्जुबों की दो एक बात बतलाना चाहता हूँ, छोटी मोटी किसानी, खेती बाड़ी हम भी करते हैं अगर बगल के पड़ोसी से कहीं बैर हो गया और मर्नै चाहा कि उस को परेशान करें तो हमारे लिये सिर्फ दो रुपया खर्च कर के बड़ा आसान था कि उस के मकान पर कोई नोटिस चस्पा करवा दें। बहुत से आदमी तो जानते भी नहीं थे कि उस में क्या लिखा हुआ है। इस बिल में यह भी नहीं लिखा है कि नोटिस जो चस्पा होगा, यह अंग्रेजी में होगा, हिन्दी में होगा या किस भाषा में होगा। उस की समझ में ही न आयेगा और नोटिस लग जायेगी और दुकान पर, घर पर पुलिस का धावा हो जायेगा। इन सब खतरों को सोच कर समझ कर ही हमें नियम बनाना चाहिये। मेरी समझ में यह बड़ा खतरा है और कोई वजह नहीं है कि इस बात का ख्याल रख कर आप इस में ज़रूर तरमीम न करें। इस बिल में मैं चाहता था कि ऐसी तरमीम दे दूँ लेकिन ऐसी तरमीम दे देना ज़रा मुश्किल होता है क्योंकि बिना हज़ूर की रजामन्दी के हम कोई तरमीम नहीं कर सकते। इसी वास्ते में ने भी बहुत सोचा कि ऐसी तरमीम दूँ, लेकिन फिर सोचा कि एक तरमीम दे दूँ। लेकिन पहले तरमीम देना तो गलती होती है और फिर उस के बाद उस तरमीम को वापस लेना दूसरी गलती होती। इस तरह दुबारा गलती कौन करे। तो जनाब बज़िरिये अपने उपाध्यक्ष महोदय से मैं अर्ज करना चाहता हूँ कि इस मामले पर फिर से सोचें और उसमें ज़रूरी तरमीम कर लें क्योंकि आखिर कण्ट्रोल को हमें लोकप्रिय बनाना है। नेहरबानी कर के इस मसले को इस

नुक्तेनज़र से देखिये कि आपको शायद आगे और ज्यादा कण्ट्रोल इकानोमी (Control economy) करनी पड़ेगी, इसलिये जो भी कण्ट्रोल का तरीका अस्तियार करें वह पापूलर हो और लोग उस को पसन्द करें उस से कोई ज्यादा परेशान न हो, उस की दिक्कतें ज्यादा बढ़ न जायें।

अगर इस चीज़ का ख्याल रख कर आप कंट्रोल के नियम बनायेंगे तो वह सफल होंगे। नहीं तो वही होंगे। खाली कागज़ पर एक नियम बना देना से और सिर्फ सरकार के कानूनी सलहाकार की सलाह को काफी समझ कर कि उसको इस तरह दिक्कत होगी, अगर आप कानून बनायेंगे तो इस से आप का नुकसान होगा और मुल्क का भी नुकसान होगा। इस वास्ते में यह दरखास्त करूंगा कि आप ऐसा न करें। कण्ट्रोल के कानून को सहृदयता के साथ (With human understanding) बनावें। पर यही नहीं हो रहा है और इसी वास्ते मैं समझता हूँ कि हमारे कण्ट्रोल की स्कीम (Scheme) को जितनी सफलता मिलनी चाहिये उतनी नहीं मिल रही है। इसलिये मैं आपसे दरखास्त करता हूँ कि जो आप ने इसमें डिस्ट्रिक्ट मजिस्ट्रेट को इतने अस्तियार दिये हैं वह न दीजिये। कमी-कमी इस से आप का नुकसान होगा। मुझे याद आता है कि एक बार एक असिस्टेंट रीजनल कंट्रोलर (Assistant Regional Controller) ने बैठे बैठे यह सोचा कि गल्ला यहां से वह नहीं जाना चाहिये और गल्ले का जाना रोक दिया उस गल्ले का आटा बना हुआ था। उन्होंने करीब दो लाख टन आटा इस तरह से रोक दिया। नतीजा यह हुआ कि १५, २० दिन में जब तक कि उस आर्डर (Order) के खिलाफ कोशिश की जाय कि इस आटे का नुकसान हुआ जा रहा है,

तब तक उसमें से आधा आटा ख़राब हो गया। तो ऐसी बातें आप के सामने आयेंगी आपसे भी गलतियाँ होती हैं और अफ़सर भी गलती करते हैं। यदि आप स्वभाविक गलतियों का (Element of errors) ख़्याल कर के और आदमियों की मानसिक वृत्तियों का ख़्याल कर के जिन से आपको सहयोग लेना है इस कानून को ठीक रखेंगे तो आप को सफलता मिलेगी। नहीं तो कोई बात नहीं होगी। इसलिये मैं यह दरखास्त करूंगा कि सेक्शन १ ( ) [Section I (A)] में जो आप ने अख़्तियार दिया है कि नोटिस किसी के दरवाज़े पर लगा दिया जाये वह गलत चीज़ है। ख़ुश के लिये यह न करिये और इस को दूर कर दीजिये क्योंकि आप को लोगों का सहयोग लेना है। अगर आप ऐसा नहीं करेंगे तो कण्ट्रोल सफल नहीं होगा।

इन चन्द लफ़्ज़ों के साथ मुझे जो कहना था समाप्त करता हूँ।

(English translation of the above speech.)

**Shri T. N. Singh** (Uttar Pradesh): Sir, I had no wish to speak much on this Bill. I hold that in order to be able to live during these days we have to and we should rightly exercise sufficient control over the necessary goods coming within the purview of Essential Supplies; still I want that the rules made in this behalf should command utmost co-operation of the public and should be the result of their willing consent. Hence the necessity to speak. I want to request the Government to take note of the fact that much discontent prevails amongst the people as a result of the hardships and harassment which they have to undergo on account of these controls and that the present measure may aggravate the situation. Whatever is done these days, should be the result of the most careful thought for if the Government were to go on increasing the scope of controls, a time may come when the Government may begin to think it quite necessary that they should go on extending their scope and thus ultimate-

ly make our lives miserable and difficult. It is prudent that the Government may fix a limit in respect of controls, otherwise if all limits are exceeded then it would prove much dangerous not only for the Government but for us all as well. That is why I like to draw particular attention to this issue. In this Bill the Government propose to vest such vast power in the District Magistrates that they by pasting a mere notice can take away all means of livelihood from the inmates and thus land any man with ordinary means in all sorts of embarrassments and difficulties. In such circumstances I want to know whether it will be desirable to go on vesting such extraordinary powers in them or whether a limitless expansion of such powers will be a right course to follow. If the Government were to consider this issue from this point of view then probably they will arrive at a conclusion quite different. I may tell a thing or two from my own experience. I am also a bit concerned with agriculture and I know how easy it is to embarrass any neighbour of mine with whom I may have been on unfriendly terms. All that I am to do is to spend only two rupees and get a notice pasted outside his house. Many people even cannot read the contents and there is no mention in this Bill of the language viz., English or Hindi in which the notice has to be written. They will be able to understand nothing but the notice shall be there and the police will simply raid the house or the shop and will take over the same. The Government should take into consideration all these things before they proceed to frame such rules. To my mind the danger is real and great and there is no reason why the Government should not take notice of it and amend the Bill accordingly. I had intended to give notice of an amendment to that effect but the moving of such amendments is always difficult because this is not possible to do so without the consent of Government. The very moving of any such amendment would have been a mistake under these conditions and it would have been a double mistake to have been forced to withdraw it. Nobody wishes to commit such errors. I, therefore, thought it safer to request the Government through the hon. Deputy Speaker to reconsider the issue and incorporate necessary amendments in this Bill. After all we have to make the controls popular. The Government should look at this issue from this point of view because it is probable that the Government may have to take more and more to the controlled economy in future. It is, therefore, necessary that all controls should be popular with the

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people. Nobody should be put to undue harassment and his difficulties should not be unnecessarily increased. The controls can be successful only when the Government proceed with these considerations while framing rules, otherwise they will result in a mere failure. Making of legislations on mere paper and taking into account only the official adviser's difficulty in following a different course will result in harm not only to the Government but also to the country. I, therefore, will like to request the Government to refrain from doing so. Any legislation pertaining to controls should necessarily be based on a human understanding of the matter. This is the very thing that is not happening, and to my mind this is the reason why our scheme of controls is not proving so successful as it deserved to be. I, therefore, make a request not to vest so vast powers in the District Magistrates. At times the Government may have to suffer if they were to do so. Once it so happened that an Assistant Regional Controller all of a sudden came to the conclusion that movements of foodgrains from one place to another should not be allowed and accordingly he stopped these movements. Approximately two lac tons of the foodgrains involved were already grounded into flour. The result was that in the next 15 or 20 days, by which time any attempt to have that order cancelled on grounds of that the flour may result in a total loss could have been made, almost half of that quantity had already deteriorated in quality. If this course is followed many such awkward situations will have to be faced. The Government are likely to commit mistakes and so are the officers. They will achieve success in their measures only if they take care to keep this Bill on the right lines by taking into consideration the element of error and the human psychology whose co-operation you have to seek in the matter. Otherwise nothing will be achieved. I, therefore, plead that it is wrong to vest them with powers as have been done under section 1(A) enabling the authorities to put up a notice outside any house. For God's sake refrain from doing so and do away with that procedure. The Government should keep in view that they have to take the people into confidence. Failing that the controls can never prove a success.

**Shri R. K. Sidhya** (Madhya Pradesh): This is a very simple Bill and it has been brought for the purpose of simplifying the present cumbersome procedure of procurement and distribution system that has been prevailing. In my opinion it is really a very welcome

measure that Government have brought forward.

It was stated by the previous speaker that Government should bring forward measures which should be popular. Among whom should it be popular? Today the question of food-supplies is so intense that it should be really popular among the consumers. I can assure you that the consumers will certainly welcome this measure which seeks to quicken the pace of procurement and distribution of food-stuffs. I, therefore, feel that there could be no objection whatsoever to the procedure that Government now desire to formulate by means of this Bill.

What is the proposal in this Bill? It says that instead of a notification in the Gazette an order may be served; that is to say, there need not be any publication of the order in the official Gazette. The reasons are given in the Statement of Objects and Reasons. Objection has been raised to the provision for the affixing of the order on the outer door of the person affected. It is not possible that every time the individual will not be found. If he is not found, then it means that he is intentionally avoiding the notice. A practice already obtains in the courts by which if the process-server feels that the summons is systematically avoided, or not accepted, he may affix it on the outer door of the individual on whom it is meant to be served. I do not know whether signatures of any witnesses are taken. If that is done, then there should be no objection to follow that procedure. But my information is that no witnesses are taken. The process-server simply makes a statement that he went so many times and could not find the person there; therefore he had affixed the summons. If, however, it is considered that it should be witnessed, by all means have it.

But if we insist on the publication of the order in the official Gazette and wait for objections, then all such formalities would defeat the very purpose of this measure. If you do not have some precaution of the kind mentioned in the Bill everybody would like to avoid receipt of the notices and the very object for which this Bill is designed will be frustrated. I, therefore, do not see any objection to the procedure laid down in the Bill. If, however, my hon. friends want to provide some safeguards in order to prevent fraudulent practices on the part of the process-server, I see no harm in doing it. But in the interests of the consumers, when the food procurement drive suffers from many defects, we should provide all facilities to Government to make it effective. Viewed from this



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angle the Bill which Government have brought forward is to be welcomed.

Publication of the notification in the Gazette, in my opinion, is absolutely superfluous. How many people, I ask, read the official Gazette? Service of the order on the individual concerned is a better method of informing him, instead of expecting him to read the notification in the Gazette. I, therefore, oppose publication in the Bill.

With these words, I support this Bill.

**Pandit Munishwar Datt Upadhyay** (Uttar Pradesh): Sir.....

**Mr. Deputy-Speaker:** There is no principle involved in the Bill. Hon. Members may therefore be brief and short.

**Shri Tyagi** (Uttar Pradesh): Is the hon. Minister prepared to accept this amendment; if so, there is no need for much discussion.

**Pandit Munishwar Datt Upadhyay:** This amending Bill, as Mr. Sidhva has described, is a welcome measure. I do not think that publication in the Gazette is the proper course. Serving of the notice on the individual is more effective and is probably in the interest of the individual himself. It is very likely that a person may not see the notification in the Gazette; but in this case he has a chance of getting the notice and know what is happening. Therefore, he is likely to try to comply with the notice served on him.

Objection has been raised to the substituted service as it is called. When the person is not found in his house the notice is pasted at his door and two witnesses sign it as is the practice in the case of the summons that are sent by the courts. In this case also I am sure if the process-server goes, his duty would be to have two witnesses to prove that he had gone to the spot and that he at least pasted those papers at the door of the person, that he tried to find him first and he was absent and therefore he pasted the paper at the door of the absent person. In these circumstances I think that this change is a change for the better and is in the interest of the person notified. I do not agree with my friend Mr. T. N. Singh who says that this sort of service is full of fraud, that it is likely that the process-server might go or might try to paste some paper but the man concerned may not know it at all, he might take the signatures of certain persons and still the man may not be aware that a certain process is going on against him. I think the publication

in the Gazette was more to his disadvantage than the service of notice on the person. That the process-server may be dishonest and may not perform his duties properly is altogether a different matter. And if he thinks of fraud the chances of fraud are so many in any way that you might adopt for serving such notices on the people.

Of course, I agree with him on the other point that he emphasized, that is, as regards the working of this Department—the procurement and other orders that are passed and given effect to. They really are very unpopular and they are bound to be unpopular, because when you try to procure grain from the producers and you procure the grain at a rate lower than.....

**Mr. Deputy-Speaker:** Are you going into the merits of the original Act? The scope of the Bill before the House, is very limited. The only question here is whether any order ought to be notified in the official Gazette or not. In this Bill it has been divided into two portions. Wherever the order affects the public at large it has to be notified in the official Gazette. Where it affects only an individual and an order is issued to him, the Bill conceives that it is better to serve the notice on him directly, and it says instead of notifying in the Gazette it is delivered to him or affixed on his door. What is the use of going into the details of the original Act? It is not a subject-matter of amendment.

**Pandit Munishwar Datt Upadhyay:** I will try to confine myself to the amendment that has been moved.

**Mr. Deputy-Speaker:** What more is there? Everything has been said.

**Pandit Munishwar Datt Upadhyay:** There is one more point. The last point I want to submit is regarding the proposal which has been made by my hon. friend Mr. Jaspal Roy Kapoor. He says that there should be publication in some local papers and also that there should be two witnesses when the notice is pasted at the door of the person who is found absent. I think the general practice that we have in processes of the courts is that the publication in the local papers is not generally resorted to. But in this case, if that is done I think that would be more fair and helpful. I therefore support that amendment of Mr. Jaspal Roy Kapoor. If that is accepted I think it would be more beneficial to the person in favour of whom this amendment has been brought by the hon. Minister.

**Shri Thirumala Rao:** I wish to explain the purpose of this Bill in the light of the remarks made by my friends. It is a very simple one. This affects individual cultivators. I have followed the remarks made by my friend Mr. Tribhuvan Narayan Singh. The popularity of this Government is as much our lookout as his and we are trying to see that with the minimum dislocation of the aim to be achieved we take powers from this House.

State Governments have complained that by the time they pass through all these formalities of notifying in the Gazette single individuals having surplus and by the time the officers go to him this surplus has disappeared. Therefore we cannot allow much time to elapse before we assess a surplus and notify to him that he has to deliver so much quantity of his surplus. This does not really affect the large number of minor producers. The surplus with the minor producers are automatically calculated in the village by the village headman who calculates the actual production, his requirements according to the rules, and assesses what he has to deliver to the authorities. This trouble comes with regard to the big people. And I can tell you the recent experience in Rajasthan when we wanted to freeze gram. It was so difficult to get at big people who had hoarded thousands of maunds of gram. So also there was great difficulty in Bihar when the Bihar Government wanted to freeze stocks with people owning fifty and hundred acres of land and people who had large quantities of paddy brought from Nepal and stored on either side of the Nepal border. It was so difficult for the Bihar Government to go through all the process of law, notify in the official Gazette and then get at the man. Therefore this is intended as a measure of speedy and effective action to meet the situation. I therefore think that the House will agree with the views expressed by my hon. friend Mr. Sidhva that it is necessary for Government to have this power in order to cope with the situation which is now somewhat extraordinary.

With regard to the amendment of my hon. friend Mr. Jaspal Roy Kapoor, we are not acting as a law court. The law court has got process-servers and there is the other party in a law court. There will be always two parties in a law suit. When you give a process to be served on the party concerned it is also the interest of the party to evade the process-server, and if the notice or summons of the party is to be effectively served the actual complainant also has to pay to the process-server

something before it is served. Here this is an executive act which has to be worked out by our own officials—the village headman, the Tahsildar, the Deputy Collector. When you know that there is such and such a man with foodgrains under his control you must notify that he has got it. How can you do so? You can serve him with a notice. You go to his house and serve it on him or send it by post. I have no objection to issue instructions to officers to see that wherever there is a post office available the notice should be sent by registered post. It will be generally done, I tell you. But in way-side villages it is not possible. In certain villages post is delivered once in a week or twice in a week. Government officials have to see that a notice is served on the individual persons. If he wants to evade it and if he is an influential person he will sit inside the house and tell the Government official that he is not inside. Therefore, under such a contingency we have to allow it to be pasted at his door. Taking signatures from witnesses will be a difficult matter. You know the practical situation. Which villager will come forward and be a witness to the serving of notice with regard to hoarded grain? If they are smaller people they won't come forward for fear of estranging the big man. If they are big people they have a common interest of not helping the man that serves the notice. There is no use incorporating that provision in this Bill that we should have witnesses also. This is not a court summons. Nobody will be coming forward to sign as witness for the fear that he might be victimized afterwards. You understand the practical difficulties, that Government are in an extraordinarily difficult situation. I can at once tell my friend Mr. Tribhuvan Narayan Singh that we are not out to oppress people. An Ordinance had to be issued in the interval because we had to meet an emergency. As long as it continues in the country, Government must have some powers to deal effectively with this matter. Even in surplus areas like Orissa, they experienced some difficulty in mopping out the extra produce and large land-holders were involved. The Orissa Government have asked for some such powers from the Central Government with regard to this Act in order to facilitate the matter.

4 P.M.

With regard to the publication in a newspaper, I may say that this in not like a list of income-tax assesses being published in newspapers. In out of the way places people do not read the newspapers and it will not

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reach them or nobody will tell them about it. If it is published in a newspaper, it will take a long time. Then nobody knows whether it has reached the person concerned. A more effective method is the one when a personal notice is served on him. I am of opinion that it is no use asking this to be published in newspapers in order to reach people in out of the way places.

With regard to the language of the order, my hon. friend, Mr. T. N. Singh says that the language of the order and the execution all rests with the Provincial Governments. With regard to Uttar Pradesh, the state language is Hindustani and as far as his constituency and his province are concerned, there is no difficulty about the notice and all the correspondence that goes from Government is in the language of the State. All these Acts and measures are implemented by the State Governments and they can do it in the usual manner in which they carry out the other administration. There is another amendment by my hon. friend, Mr. Chandrika Ram. He wants that the notice, if it is not delivered to the person, may be delivered to the *mukhiya* of the village. How will it be possible? The village head-man is a part and parcel of the Administration who will be entrusted with the task of serving the notice on the party at times. Therefore, that amendment is not acceptable. I therefore request hon. Members not to press their amendments but accept this simple Bill and expedite the business of this House.

**Mr. Deputy-Speaker:** I will allow hon. Members an opportunity to speak on the clauses. I will put the consideration motion before the House.

**Shri Alagesan (Madras):** I would like to hear the view-point of the hon. Minister on a point.

**Mr. Deputy-Speaker:** I think the hon. Minister has already replied.

**Shri Alagesan:** We understood that the hon. Minister did not give the final reply but intervened in the debate and explained certain matters. We need not take that as his final reply.

**Mr. Deputy-Speaker:** After all, there is only one clause, namely, clause 2. When we take up the clause, I will give an opportunity to hon. Members to speak. Then they may take as much time as they like on the clause as well as on the Bill. I see that there are no other provisions in the Bill.

The question is:

"That the Bill further to amend the Essential Supplies (Temporary Powers) Act, 1946, be taken into consideration."

The motion was adopted.

Clause 2.—(*Amendment of section 3, Act XXIV of 1946*).

**Shri J. R. Kapoor:** I beg to move:

(i) In part (b) of clause 2, in clause (b) of the proposed sub-section (1A) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946 at the end, add a Comma and:

"and publishing the same in at least one issue of any vernacular newspaper circulating in the locality."

and

(ii) In part (b) of clause 2, in sub-clause (ii) of clause (b) of the proposed sub-section (1A) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946, at the end, add:

"the written report whereof should be witnessed by two persons living in the neighbourhood."

I need not say anything more than what I have already said with regard to the subject-matter of these amendments and I think I might leave the advocacy for these two amendments, or at least for the second amendment of mine in abler hands like Mr. Tyagi and so many other hon. Members, who, I am convinced, are anxious to support my second amendment at least, and I hope that ultimately their advocacy—if mine has not prevailed upon the Deputy-Minister—will certainly prevail upon him to accept the second of my amendments, which is not only an innocent one but a very necessary one.

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

In part (b) of clause 2, to clause (b) of the proposed new sub-section (1A) of section 3 of the Essential Supplies (Temporary Powers) Act, 1946, add the proviso:

"Provided that it shall be necessary for the person performing the function prescribed in this clause to get the signatures of at least two residents of that village in testimony of his action."

श्री एस० एन० दास : उपाध्यक्ष महोदय,  
 जो बिल हमारे सामने है, उस का

[ श्री एस० एन० दास ]

मतलब एसएनसीयल सप्लाईज (टेम्पोरेरी पावर्स) कानून सन् १९४६ की धारा में संशोधन करने का है। मेरे ब्याक से यह बहुत जरूरी है। यह काम आर्डिनेंस (Ordinance) निकाल कर किया गया है, यह भी जरूरी था। लेकिन अभी हमारे डिप्टी मिनिस्टर साहब ने बहस का जवाब देते हुए कहा है, उस में यह बात मान ली गई है कि सरकार के लिये जरूरी है कि इस तरह का काम करे और हिन्दुस्तान की जो स्थिति है, उस स्थिति में सरकार के लिये जरूरी भी है। मैं एक बात पहले ही कह देना चाहता हूँ कि यह जो एसएनसीयल सप्लाईज (टेम्पोरेरी पावर्स) एक्ट [ Essential Supplies (Temporary Powers) Act ] है अब वह परमानेंट पावर्स एक्ट (Permanent Powers Act) होने जा रहा है और देश और दुनिया की जो स्थिति है, उस स्थिति में यह जरूरी भी है। इस लिये मैंने यह संशोधन पेश किया है और उस में मैंने सिर्फ इस बात का ब्याल रक्खा है जैसे कि सरकार के लिये

गजेट में किसी बात के प्रकाशित किये हुए, जिस व्यक्ति से जो बात सम्बन्ध रखती है, उस को सूचित किया जाये इस के साथ वहाँ यह बात भी जरूरी है कि जो नोटिस सर्व (Serve) करमे वाले हैं, उन के काम का प्रमाण हो। उनका ऐसा इरादा भी हो सकता है, जैसा इरादा किसी भी नागरिक का हो सकता है कि कानून के खिलाफ काम करें, क्योंकि आखिर नोटिस सर्व करने वाले व्यक्ति कोई देवता तो होते नहीं हैं, नोटिस सर्व करने वाले भी औरों कि तरह इंसान होते हैं। इसलिये हमें कानून बनाते समय इस बात का ब्याल रखना चाहिये कि जिस व्यक्ति के लिये नोटिस जारी किया जाता है, वह नोटिस उस व्यक्ति को पहुंचता भी है

बा नहीं। अगर इस बात का पूरा यकीन हो जाये कि जो नोटिस डिस्ट्रिक्ट मजिस्ट्रेट (District Magistrate) के यहां से या सब डिवीजनल मजिस्ट्रेट (Sub-Divisional Magistrate) के यहां से जारी होगा, वह उस व्यक्ति को मिल जायेगा, तब किसी व्यक्ति को इस में आपत्ति नहीं हो सकती है। हमारे डिप्टी मिनिस्टर साहब ने कहा कि यह किसी कोर्ट का नोटिस नहीं है और इस देश की वदनसीबी कहिये या खुशनसीबी एस० डी० ओ० और डिस्ट्रिक्ट मजिस्ट्रेट दोनों (Executive Officers) इक्जीक्यूटिव ऑफिसर होते हैं, दोनों पावर्स (Powers) उन की होती हैं। नोटिस की सविस्तर चाहे वह फौजदारी अदालत से हो, चाहे वह दीवानी अदालत से हो, दोनों के सर्व करने में बड़ी गड़बड़ होती है। जो व्यक्ति नोटिस सर्व करने के लिये जाते ह, वह उतनी ईमानदारी और सच्चाई से काम नहीं करते हैं, जितनी ईमानदारी और सच्चाई की आशा हम हर सरकारी कर्मचारी से करते हैं।

इसलिये मैंने उचित समझा कि जहां इस बिल में इस बात का निर्देश दिया गया है कि नोटिस व्यक्ति के घर पर लटकाया जा सकता है तो इस का भी प्रमाण होना चाहिये कि वह नोटिस सचमुच उस व्यक्ति के मकान पर लटकाया गया या नहीं। यदि यह सोचा जाये कि नोटिस सर्व करने वाला ठीक ठीक काम कर सकता है, वह झूठ नहीं बोलेगा, तो इसी प्रकार हर नागरिक से यह आशा की जा सकती है कि जब उस को नोटिस दिया जायेगा तो वह नागरिक इस से इनकार नहीं करेगा कि उसे नोटिस नहीं मिला है। इसलिये मैं इस हाउस का ज्यादा समय नहीं लेना चाहता। मेरा ब्याल है कि जो व्यक्ति नोटिस ले कर जाये उस के लिये

यह जरूरी है कि वह गांव के किसी दो व्यक्तियों से इस बात का प्रमाण ले ले कि सचमुच वह नोटिस लटकाया गया है। इस से गांव वालों को भी खबर हो जायगी तो यदि वह आदमी बाहर गया होगा तो वे उसे बता देंगे। मैं समझता हूँ कि जो संशोधन में न पेश किया है उसके असूल को मान लिया जाये तो अच्छा होगा।

इसी सिलसिले में एक बात और कहना चाहता हूँ कि अभी बिहार में जो कार्रवाई हुई है उस में ऐसा हुआ कि सूचना दी गई कि कोई व्यक्ति अपने यहां पच्चीस मन से से या तीस से ज्यादा धान नहीं रख सकते हैं। वह गजेट में भी प्रकाशित कर दिया गया। मगर लोगों को इस की खबर तक नहीं थी उनके यहां पुलिस पहुंच गई और गिरफ्तारी हुई। इसलिये मैंने जो संशोधन पेश किया है वह जरूरी है लेकिन साथ ही साथ यह भी जरूरी है कि जो नोटिस सर्व किया जाये उसका प्रमाण कि नोटिस सर्व किया गया या नहीं लेना निहायत जरूरी है।

इन शब्दों के साथ मैं अपना संशोधन पेश करता हूँ।

(English translation of the above speech)

**Shri S. N. Das (Bihar):** Sir, the Bill before us seeks to make an amendment in the Essential Supplies (Temporary Powers) Act, 1946. I consider the Bill as a very important one. What is sought here has been done by issuing an Ordinance. That too was necessary. But our Deputy Minister in course of his answer to the Debate has held that it had become necessary for the Government to do so. The Essential Supplies (Temporary Powers) Act is going to become a Permanent Powers Act and, I believe that in the existing situation in the country it is indispensable. Therefore in the amendment that I have moved, I have taken care to see that the person concerned may be informed about the matter related to him without its publication in the Government Gazette. With this

it is also necessary to have some proof of the duty performed by the notice-servers. They may, like any other citizen, abuse the law, for after all they are not super-human but are human beings like others. Therefore, while framing the law, we must be very cautious that the notice should reach the person for whom it is issued. No one can have any objection if he is certain that the person concerned would get the notice issued for him by the District Magistrate or by the Sub-Divisional Magistrate. But as the Deputy Minister pointed out, this notice is not that of a law court. Fortunately or unfortunately for the country, the S.D.O. as well as the District Magistrate are both Court and Executive officer—they possess both the powers. Whether the notice is served from the Civil Court or the Criminal Court, there is much irregularity in both the cases. The persons who go to serve notices are not so honest and faithful as we expect every Government servant to be. Therefore, I thought it proper that while the Bill provides for affixing the notice on the house of the person concerned, there must also be some proof that the notice was actually thus affixed. If the idea is that the notice server would work honestly, that he would not be untruthful, it can also be expected from every citizen that he too would not deny receipt of the notice. I would not like to take much time of the House. I think it necessary for the person who goes with the notice to take evidence of two residents of the village that he has actually pasted the notice. The village people will also become aware of it and would inform the person concerned if he is out. It would be in the fitness of things if my amendment is accepted in principle.

I would like to submit one or two things more in this connection. In Bihar there happened an incident. A notification was issued that no person could store more than 25 or 30 maunds of paddy. It was also published in the Gazette. But the people did not know about it. The police reached the villages and arrests were made. Hence my amendment is essential. But together with this the evidence of the fact that the notice has actually been served is also absolutely essential.

With these words I move the amendment.

**Shri Alagesan:** I am sorry that in spite of the double explanation offered by the hon. Deputy Minister, I am not convinced and I am not able to share the viewpoint that he so ably placed

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[Shri Alagesan]

before the House. I wish he had brought forward such a Bill as I would be able to accord my full and hearty support. I am sorry I have to differ from him.

The entire Bill betrays the police approach of Government towards this problem. There is already a lot of discontent in the countryside about the way in which the procurement officials are going about their business harassing our people. The system of procurement, at least as far as my State is concerned, is very efficient and thorough going. It is as efficient as the system of land revenue collection in the British days. It does not disclose a sympathetic understanding of the position obtaining in the country and the feelings of the producers of food grains. The officials, not all of them, but at least some of them, are abusing their position and are doing everything to bring discredit to this Government. It is very well to say that the popularity of this Government is as much the concern of the Treasury Benches as of the other Members here. It is: we do not deny that. At the same time, there is a duty which falls on the other Members of this House to point out where our administration is wooden, and is not showing a proper understanding of the position. It is not showing any imagination in tackling this problem. I should like to place before the House that even now the procurement officials enjoy a lot of powers. They have the power to seal the place where foodgrains are stocked. After sealing, they can issue notice, see that it is properly served on the person concerned and then take action.

**Shri Thirumala Rao:** May I just draw the hon. Member's attention. This is only with regard to a notification. No power is taken away from the officials by this amendment. If he contends that power should be taken away, that is another matter. That is not relevant to the Bill.

**Shri Alagesan:** I do not contend that the powers that the officials enjoy should be taken away. I only say that they are quite sufficient and no additional power need be given to them. That was the point.

The hon. Deputy Minister was slightly clouding the issue when he brought forward the question of small producers versus big producers. In fact, the complaint in the country today is that the burden of procurement and the harassment portion of it falls more on the small producers than on the

big producers. Even if this Bill becomes law, it would be the small producers that would be affected more and it will be they that would be harassed more than the big producers. If the big producers can escape under the present rules and regulations, they can very well do so even after this Bill become law. There is no meaning in saying that we are bringing forward this Bill to help the smaller producers as against the bigger producers.

The provision here is, "by delivering or tendering to that person". That means that two signatures should be taken if it is not personally delivered. This is a practice which everybody knows leads to abuse. Two signatures of persons may be obtained in a place even ten miles from where the notice is intended to be served. Again, the provision is, affixing it on the outer door or some other conspicuous part. All these practices lead to abuse and they take away the right of the person concerned to represent his case properly and have it examined.

I would respectfully submit that the hon. Deputy Minister may accept even the amendment moved by my hon. friend Mr. Jaspat Roy Kapoor, because that would give more publicity to this, and incidentally of course more money to the newspaper man as my hon. friend Goenka puts it. Anyhow, it will give more publicity and the person will have an opportunity to know that he is called upon to give his stock to such and such a person and it will not give a handle to the smaller officials to abuse their powers. Therefore, even if the hon. Deputy Minister is not willing to delete this sub-clause (b) (i) of the proposed sub-section (1A), I would request him to accept the amendment moved by my hon. friend Mr. Jaspat Roy Kapoor.

**Mr. Deputy-Speaker:** May I suggest this to hon. Members. As the hon. Minister himself has brought it to my notice, the order may be served on the individual by delivering or tendering it to that person or by affixing. The second alternative must come in only if the person is not found. The hon. Minister is willing to add the words 'if he is not found'. The second point is, the hon. Minister is agreeable to have this proviso moved by Mr. S. N. Das added. I think, this would cut short the controversy. Whenever a notice is to be served, it is always usual for the village *munsiff* and the *talayari* to go along with them. Otherwise, it is not possible to find out that man.

**The Minister of State for Transport and Railways (Shri Santhanam):** It

may be 'if it is not possible so to deliver' and not 'if he is not to be found'. He may be found in Timbuctoo.

**Shri Alagesan:** My lawyer friend says that 'tendering' means taking of two signatures, and that would be service of the notice. That would lead to abuse.

**Mr. Deputy-Speaker:** There are penal provisions attached to any default committed by a person on whom notice is served and special care has to be taken to see that notice is served on the proper person. A similar provision in the Civil Procedure Code is, where the defendant or his agent or such other person as aforesaid refuses to sign the acknowledgment or where the serving officer after using all due reasonable diligence cannot find the defendant. Therefore, 'cannot be found' means, not in the whole world, but in the usual place where he resides. So long as a person is alive, he can be found. The obligation is to find him in his usual place of residence. In case he is not found or cannot be found: that is the language used in a similar Act.

**Shri Tyagi:** I have tried to see eye to eye with the hon. Minister on the other side, and I really agree with him that in this matter, and especially in these days of food crisis, the formalities of publishing in the Government Gazette through the District Magistrate would mean not only a waste of money, but also of time and it might also make the policy fail. And so I agree that these powers now asked for are necessary. But I have one grievance and it is this. I tried to see eye to eye with Mr. Thirumala Rao, our Deputy Minister. He is a personal friend of mine, and I not only tried to see eye to eye with him, I also stared, mixed my eyes with his and the result has been that mine got moist and his went dry. In fact, what pains me is not that this or that amendment has not been accepted. But what pains me is this and I want to express it now as Shri Rajagopalachari our great leader is also here, and I want to appeal to him to look into this point. It is the total mentality of Government which I object to. I said the other day that there is a feeling of frustration that even small amendments—howsoever small the changes that we may seek to make may be, those small amendments supported by any number of Members from this side—are not paid any heed to by the Government benches. For the protection of the urban people we are willing to give all the powers to our Ministers for the procurement of

grain. But the only thing that we want to see is that the peasant in the villages does not suffer, that he is not harassed. We want to safeguard him and so it had been suggested that two signatures may be taken, to say that the order has been served. But if even this small thing is not going to be accepted then I would respectfully ask, of what use is it that we should come here and express our views? It is useless if a little case like this is to be treated as a vote of no-confidence. If it is the view that nothing shall be accepted, then the position would come to this that we shall have nothing to propose. They can go on in any way they like and take any powers that they like. It is essential that they should take the powers for procuring the grain. But at the same time, care should be taken to see that the villager is not harassed and that is the only care on this side of the House. If the officers in the countryside were to know that even the motion to take the signatures was rejected by the House, then these officers might misuse powers; paste the notice on the door and go away. And it is just possible that we may have things like the grain levies of Russia, and the villagers will be treated like the *Kulaks* of Russia. Are things going to such a pass? I do not know. The villager produces the wealth, he produces the grain for Government to procure. They hand it over to Government. But now things will go further. Force will come to be used and the villagers will be treated like chattels. At the Centre nobody cares for the villager. They say, that is a matter for the Provincial Governments, as if the Centre is for the urban people only and our children, the children of the villagers are mere chattels, are criminals not to be trusted. This is a very undesirable state of things and I appeal to Shri Rajagopalachari kindly to look into this matter and see whether our request is so bad that it should be rejected on sight.

**The Minister Without Portfolio (Shri Rajagopalachari):** I am deeply moved by the very personal appeal made by the hon. Member who last spoke. My natural hesitation not to intervene in a debate without knowing all the facts is the only thing that has prevented me from intervening earlier when I saw such a long discussion over a very small matter. Now that I have intervened, I would appeal to hon. Members as well as to the last speaker to consider one aspect of the matter. It is not an unwillingness to accommodate hon.

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Members who move amendments: It is not a disinclination to accept wisdom from any quarter of the House. But there are practical difficulties arising, if we introduce any factual issue in an emergency procedure of this kind. As Mr. Tyagi said, it is a matter of time that is important in these matters. If we introduce a factual issue by saying that two witnesses should be there, anyone who is interested in prolonging the procurement and in delaying it and in having time for countering the processes of Government, can go to a court to question every fact that we introduce in the procedure and get an injunction also; and we know the very vigilant manner in which courts are protecting the rights of individuals now. If we say that two signatures, or "where it is not possible" or words like that, it becomes a matter for issue and for evidence in court. If hon. friends will read these clauses, they will find that this is just the thing that is avoided. If hon. Members say that nothing shall go to court over this, that again will be contested as taking away the rights of the citizens. Therefore, it is an impractical view, if you want food to be procured. If you want food to be procured, it is not wise to put in all these and give parties litigating rights. As you pointed out, Sir, there is a provision that where any fraud is committed or anything maliciously done, then the man is liable to be punished. I think it is in the main Act that such.....

Mr. Deputy-Speaker: No, on the other hand there is an indemnity clause. It is the other way.

Shri Tyagi: They can commit the fraud.

Shri Rajagopalachari: That is why I pleaded that without being fully acquainted with the facts I did not want to intervene. But as I have pointed out, if we are to have procurement, we will have to trust the officers. If control is abolished that is another way of solving the whole thing. But if you want to have procurement, then you have to give sufficient power and sufficiently quick powers to facilitate quick operation. But if court proceedings are to intervene, there will be likely delay.

Shri Sondhi (Punjab): How many will go to court?

Shri Rajagopalachari: I do not say that everybody will go to court. As has been explained the smaller peasants are not to be affected. But if

the bigger landowners are affected and if there is nothing to prevent it they will go to court. Wherever the opportunity or facility is provided to go to court, it is well known that our people do go to court. Personally I have no objection to any provision being introduced without encouraging delay tactics.

Mr. Deputy-Speaker: I would ask the hon. Minister to consider this point. Clause (b) as it stands at present leaves it open to the man either to tender the notice or to affix it to the door. It may be that the people have gone only to the neighbouring village and may be away for a week. In any case, the party can go to the court and say that no notice has been served on him. Therefore there is the possibility of the people being harassed and they should be protected from such harassment. Any legislation made here must, as far as possible, avoid harassment of the public while safeguarding the interests of the community as a whole. The clause as it stands may mean that it is not necessary at all for him to go and serve the notice on the person, it is enough if he affixes it to the outer door, and this power appears to be a little more than what is necessary.

Shri Hussain Imam (Bihar): May I suggest that we adjourn for a few minutes so that the hon. Ministers may discuss it and come to a decision.

Shri Thirumala Rao: If it meets the desire of the House I would suggest an amendment on the following lines, namely, that after the word "or" in sub-clause (b) (i) and before the words "by affixing" in (ii) the words "if it cannot be delivered, or tendered" be inserted.

When there are two alternatives open to officers they may take refuge under the second one by affixing the order on the door and get away with it. They must try to get the persons and deliver it or tender it. In the event of not getting the person they will affix it on the door. It will be an obligatory injunction on the part of the officials to find the person concerned and serve it personally and in the event of failure to do so they will affix it on the door of the house.

Shri Tyagi: What about attesting?

Shri Ramaswamy Naidu (Madras): He may not be found at the time the person goes there.



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**Mr. Deputy-Speaker:** There is always scope for getting round anything. When service is effected very great difficulty arises with regard to the identity of the person. A man in the *taluk* office or headquarters may not know that he is serving the order on the proper person. He has to take always the village *munstiff* or some other village official with him to identify the person concerned. It is always usual for a person who does not belong to the village to take the aid of the village *patel* while the process is being served. If not two at least one individual can be always found. Instead of two I would suggest the middle course of one. The hon. Minister may accept that. The proviso suggested by Shri S. N. Das is:

"Provided that it shall be necessary for the person performing the function prescribed in this clause to get the signatures of at least two residents of that village in testimony of his action."

**Shri Sondhi:** I do not know if Government is so popular that it cannot get two witnesses.

**Mr. Deputy-Speaker:** The hon. Member himself is a part of Government. It so happens that a prominent or rich man in a village tries to evade the service and sometimes it will be difficult to get even a single man as witness in a village. To avoid this sort of trouble this may be accepted.

**The Minister of State for Parliamentary Affairs (Shri Satya Narayan Sinha):** Yes, Sir.

**Shri T. N. Singh:** Will the subsequent words remain or be deleted after the words "by affixing it on the outer door"?

**Mr. Deputy-Speaker:** "or some other conspicuous part of the premises in which that person lives." will remain.

**Shri T. N. Singh:** Can there be any house which has not got an outer door. Every house has got an outer door: if so, why the alternative?

**Shri Tyagi:** They can affix it in the field.

**Mr. Deputy-Speaker:** It is the language of the Civil Procedure Code with which hon. Members are familiar.

**Shri Thirumala Rao:** I am prepared to accept the wording of Mr. Jaspal Roy Kapoor's amendment:

"the written report whereof should be witnessed by two persons living in the neighbourhood."

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

In part (b) of clause 2, in sub-clause (ii) of clause (b) of the proposed sub-section (1A) of section 3 of the *Essential Supplies (Temporary Powers) Act, 1946*, before "by affixing", insert:

"if it cannot be delivered or tendered".

The motion was adopted.

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

In part (b) of clause 2, in sub-clause (ii) of clause (b) of the proposed sub-section (1A) of section 3 of the *Essential Supplies (Temporary Powers) Act, 1946*, at the end, add:

"the written report whereof should be witnessed by two persons living in the neighbourhood."

The motion was adopted.

**An Hon. Member:** What about the other amendments

**Mr. Deputy-Speaker:** They have not even been placed before the House.

The question is:

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

The motion was adopted.

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

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

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

**Shri Thirumala Rao:** I beg to move:

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

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

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

The motion was adopted.

INDIAN INCOME-TAX (AMENDMENT) BILL.

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to move:

"That the Bill further to amend the *Indian Income-tax Act, 1922*, be taken into consideration."

[Shri C. D. Deshmukh]

Income from house property is chargeable under section 9 of the Indian Income-tax Act, 1922 and the income has to be computed on the basis of the *bona fide* annual letting value of the property, subject to deductions for repairs; insurance premia, interest on mortgage, ground rent, land revenue, cost of collection of rent, remission for vacancies, etc. No deduction for municipal taxes is specifically provided for in the law and they have not been allowed ever since income tax was introduced in India. When the Act was amended in 1939, section 9 was also amended so as to provide for a deduction, from house property income in respect of the following new items: where the property is subject to an annual charge, not being capital charge, the amount of such charge. This amendment was intended to permit the deduction of any compulsory annual payments which were charged on the property under a courts' decree or other binding settlement. But it was never the intention that the amendment should cover municipal taxes which though payable annually are not considered to be a charge on the property. In fact, a specific amendment which was moved in the Assembly at the time for the allowance of municipal taxes was opposed by Government and was therefore withdrawn. Thus, even after the amendment of the Act in 1939, the municipal taxes and the urban immovable property tax levied by the Government of Bombay continued to be disallowed for the purpose of calculating annual rental value. This disallowance was upheld by the Bombay and Madras High Courts, but a year later—this was in 1943—the Allahabad High Court decided against the Department. While Government had appealed against the decision to the Privy Council, another Bombay assessee took the matter to the Bombay High Court which refused to change its earlier decision. The Government's appeal against the Allahabad High Court judgment and the assessee's appeal against the Bombay High Court judgment were recently heard together by the Supreme Court who decided on 26th May, 1950, that municipal taxes are admissible as deduction as they come within the meaning of the expression "annual charge", not being a capital charge.

As I have already stated, it was never the intention that these words should be so construed so far as the tax collection is concerned. So, we took the view that although we have no say against, and indeed we are not competent to say anything against the verdict of the Supreme Court,

since we feel, from the point of view of revenue collection, that that was never the intention, and since that was confirmed in the course of discussions in the House, the only remedy was to change the law and make it clear so that this allowance in respect of municipal taxes will not be made.

Then we considered whether we should wait before we came to the House with a Bill, or whether we should issue an Ordinance.

[SHRI M. C. SHAH *in the Chair.*]

Soon after the Supreme Court judgment was received, we started receiving representations from various bodies and individuals in which it was urged that Government should refund the tax recovered in the past according to the old interpretation which the Supreme Court had pronounced to be incorrect. Even if according to the practice followed by the Income-tax Department both in India and the U. K., no relief had been given in cases in which the assessment became final and conclusive on the date on which the new interpretation was given, the cost to revenue in cases in which appeals or revision applications were pending or filed within the time-limit would have amounted to several crores, and in future, of course there would have been a continuous loss of revenue. Therefore, we thought that the best course to take was to issue an Ordinance only leaving the two assessees who had won in the Court to their triumph and ensuring that the old practice which had been in existence for nearly 64 years was followed.

At the same time we took the occasion to consider the equities of this particular taxation. Now, as you know, municipal taxes are of various kinds. Sometimes they are purely of the nature of property taxes although they include an element of service, sometimes they are property taxes and service taxes, and sometimes service taxes alone. And we felt that so far as service taxes were concerned they were properly a burden which should fall on the tenant and not on the landlord. It is impossible, in view of the lack of uniformity of the system of taxation in municipal bodies, to evolve a very exact formula, and we therefore thought we would sort of cut the Gordian knot by suggesting a percentage, that is, half of the consolidated Municipal or other local tax or 12½ per cent. of the *bona fide* annual value of property, whichever is less. The way in which that calculation is made is

exemplified at the bottom of the note on clause 5.

Since the Bill that I am moving is in accordance with the views that have consistently been taken by the House, and since it is an old practice which extends, as I said, over 64 years, and since we have taken into account some of the equities of the situation, I hope the House will agree to this motion.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Indian Income-tax Act, 1922 be taken into consideration".

**Shri R. K. Chaudhuri (Assam):** I am very grateful to you for giving this opportunity of speaking on a legislative measure which is of some great importance at least to those people who live beyond want. I don't hold any brief for those persons who have to pay income-tax, in this House at least, and I don't want to speak for them unless I am convinced of the injustice to which they are going to be subjected. But what I would like to impress upon Government as well as on this House is to warn Government against the very bad habit which they have recently contracted, of carrying on for a pretty long time with a wrong or imperfect legislation, and when their attention is drawn to their mistakes, instead of thanking the Courts which properly expound the laws, they come forward to deter the justice which the Courts want to give, by bringing a legislation of this sort and carrying it through the House, just to stultify the jurisdiction of the Supreme Court of the realm by inducing the Members of this House to pass a legislation in order to justify or in order to enable Government to carry on in their illegal ways. That is a very bad habit which they have recently contracted. We see that habit whether it is in the case of legislation like the Preventive Detention Act or whether it is in the case of legislation like the Road Transport Corporations Bill, or of any other legislation. Instead of thanking the Supreme Court or the High Court for the pains which they have taken in giving justice to the party aggrieved, instead of doing that they come forward with a small piece of legislation at the far end of the day and try to pass it through so as to place the Courts in a very awkward position.

That is a very bad habit which I should like to warn Government against and the House being a party to.

**Shri Sondai (Punjab):** How are the courts put in the wrong? They only interpret the law.

**Shri R. K. Chaudhuri:** What the next step would be—and that would be a very rational step—I shall tell you. Do away with the court itself. Why not bring forward a legislation abolishing the Supreme Court from such and such a date? Abolish the High Courts which have passed judgments which go against the interests of Government. Or, take recourse to the new Constitution and transfer a Judge of one High Court to another High Court. Supposing the Bombay High Court has passed a judgment against the Bombay Motor Transport Corporation, transfer that Judge to Assam. No punishment can be more effective than this. Next time, the High Court of Bombay will be very careful.

Seriously, I think that this should not be allowed. At any rate, the judgment of the court should be given effect to. The judgment has been passed, because the law was defective. You yourself admit that the law was defective and the Supreme Court has pointed out that the law was defective. In the ordinary course of things, what should a civilised Government do? It should respect the judgment of the court which it had set up and refund the money which it had taken illegally. That should be the first step taken. You are a civilised Government. You have set up a High Court. You have selected the Judges of the High Court. They have now pointed out to you that your law was defective. What is to be done? In my opinion, the money you had collected illegally should be refunded first. If you are not agreeable to that course, then what you should do is to pass some sort of Ordinance abolishing the Supreme Court with retrospective effect, so that you can go on as you are going on. You cannot have it both ways. If you admit the illegality of the action you had taken, then you must certainly not take any more of such exactions—because they are surely exactions—and you should come to a compromise with the persons from whom you had taken this money and refund it to them. After that, you can come to the House with clean hands. At present, you cannot have tax in two different ways—having taken one tax, you want to take another tax. That, I submit, is illegal.

This exemption went to the benefit, not of the richer classes, but of middle-class people who owned small houses. That benefit ought not to be

[Shri R. K. Chaudhuri]

taken away from their hands. If you like, you may have a legislation for people who have palatial buildings and pay municipal tax of not less than a particular amount. But for anybody and everybody who has got a house and pays municipal tax, it should not be done. On merits and on principle, I object to this habit of bringing legislation to cover up a defect and an illegal action. That is wrong. At least, some time ought to be allowed to elapse before you come before the House. You must respect the judgment of the Supreme Court. You must take action according to its judgment and go on with that decision for some time till conditions so alter that you have to come forward with a fresh legislation. You should not do it in this hasty way. You did so in the case of the Road Transport Corporations Bill, the Preventive Detention Bill, etc. Why should you do it in this case also?

Secondly, when you do come forward with such legislation, you should consider what should be the gradation; what are the cases in which you should not allow exemptions to be made and cases in which you should allow them to be made. That is a point which you must consider and the House would then consider the measure and give its decision on merits. You should not do it in this way, just to avoid the decision of the Supreme Court, which you yourself have set up.

**Shri Hussain Imam (Bihar):** I do not wish to detain the House for long, but I would just like to say a few words, as I am leaving tomorrow morning. My initial objection to this measure is that it is not a proper thing to do. On its very merits, municipal tax should be a debitable expense. People know that Government have frozen rents in most parts of the bigger cities, and while the income of other property-owners have increased enormously these house-owners have been penalised in that they cannot charge higher rent in keeping with the cost of living which has gone up by 400 per cent.

**Shri Sidhva (Madhya Pradesh):** That is quite justified. If the Rent Control Act were not there, there would have been calamity.

**Shri Hussain Imam:** That is why I say that if you punish them, punish them once; don't punish them twice.

**Shri Sidhva:** There is no punishment.

**Shri Hussain Imam:** I am surprised to hear from a champion of the local

bodies of the nature of Mr. Sidhva, who has been associated for such a long time with the Karachi Municipality that he has no compassion for the house-owners, who are the very people who sent him to office with his honours.

I endorse the remarks of Mr. Rohini Kumar Chaudhuri that once the Supreme Court had come to a judgment it was proper that that judgment should be honoured and respected. Government would not be a great loser by foregoing this deduction on account of municipal taxes. This is a matter on which in this House people have fought and fought for years and years together and the Congress Benches themselves were the champions for the deduction of the municipal taxes. I wish to stress this point, namely, that it is not so much the question of money as it is one of principle. What is the difference between the old regime and the new Constitution and *Swaraj*? Is the new regime going to be any different? Of course, it is not for us—it is for others to say—those who are not here to reply to you. I feel that we must see that the fundamental rights are not frustrated. It is, I claim, a right and proper thing for us to see that whatever judgment is passed by the Supreme Court is respected. I must give one credit to the hon. the Finance Minister that, unlike his colleague in charge of Transport and Railways, he has shown respect for the judgment of the Supreme Court and he has not brushed it aside. In the case of the Motor Transport Bill the High Court judgment was set aside. I wish, nevertheless, to stress that the concession which has been made is half-hearted. Even the margin that he has left us has been hedged in by the condition that it shall not be more than one-eighth. Now there are municipal corporations which have imposed taxes up to 32 per cent. In my own province I know of at least one City which has imposed a tax of .....

5 P.M.

**Shri Tyagi (Uttar Pradesh):** It is now five o'clock, Sir.

**Shri Hussain Imam:** I am finishing, as I am leaving tonight.

What I was saying was that the least they can do is to leave them untouched by the second proviso.

In conclusion, I would request the hon. the Finance Minister to be more generous and accept some amendments.

*The House then adjourned till a Quarter to Eleven of the Clock on Friday, the 15th December, 1950.*